

## **Holliston Conservation Commission**

### **Meeting Minutes**

Town Hall . Meeting Room #014

August 4, 2015

7:30 PM

Present: Ann Marie Pilch, Vice-Chair; Chris Bajdek, Shaw Lively, Rebecca Weissman, Commissioners; Emily Kingston, Associate Commissioner

Charles Katuska, Conservation Agent  
Sheri O'Brien, Conservation Assistant

Absent: Allen Rutberg, Chair; Jim McGrath, David Schroder, Commissioners

**Ann Marie Pilch, Acting Chair, opened the meeting at 7:35 PM.**

### **General Business**

#### **Planning Board Review - Brooksmont Farm - Sr. Residential Dev. - Concord St.**

The Agent presented the plans given to the Planning Board (PB) for the proposed Brooksmont Farm, a 66-unit Senior Residential Dwelling Development at 415 Concord Street. The project will have to go through a MEPA (Massachusetts Environmental Policy Act) review. Pare Engineering will be doing a peer review for the Planning Board. The proposed Open Space area also includes the septic system and pump up lines. The Agent notified the Planning Board that if the applicant keeps these components in the Open Space area, then an organization besides the Conservation Commission should be found to hold the Conservation Restriction for the Open Space.

#### **Beaver Blockage on Tributary (behind homes on Arch St.) to Winthrop Canal**

The beaver blockage behind 109 Arch Street is causing flooding. An RFD will probably be necessary to remove this blockage, because there doesn't seem to be a Health issue that would allow a Board of Health Emergency Certificate.

#### **Washington Hills**

A pre-construction review meeting was held for this project last week. Construction began this week. ECo's only need to be installed in those areas that will be worked in.

#### **Wenakeening Woods**

A new trail map was forwarded to us from Paul Saulnier, Upper Charles Conservation Land Trust. The staff will provide a link to the map on the ConCom website.

#### **Adams Street**

A resident let us know that the markings are faded on the trails and hoped that they would be repainted. This item will be kept in mind for a future Eagle Scout project.

### **Review Mail**

The mail was reviewed.

### **Potential Land Donation on Hill Street & Norfolk Street**

Ms. Pilch, Mr. Lively, James Keefe and Lixie Carey took a walk on the Flanagan property. There are power lines running diagonally through the 20 acre property and a lot of wetlands in the northwest corner. There isn't a lot of open space in this part of Holliston except for Stoddard Park. However, the current owner is being offered about \$1 Million by developers and the Commission isn't sure that it is worth this amount. Therefore, the staff will see if an appraisal might be done to determine its potential value. There is another parcel that is separate from this one on the corner of Hill St. and Norfolk St. that would be valued separately from the property under discussion.

### **49 Hill Street**

This property is also in the Flanagan family and it may be foreclosed on, but it may have an open Order of Conditions (DEP 185-570). The staff will look into this issue.

## **Public Meetings and Hearings**

**\*\*New Public Meeting – Request for Determination of Applicability for #D-547: 125 Meadowbrook Lane (Assessors Map 14 Block 1, Lot 21) proposed septic system replacement - Joyce Hastings/GLM Engineering representing William Brown**

### **Supporting Document:**

Plan - Proposed Sewage Disposal System, 125 Meadowbrook Lane, Holliston, Massachusetts, prepared by Joseph Nihill, GLM Engineering Consultants, Inc., dated July 9, 2015

Present: Joyce Hastings, GLM Engineering, representing William Brown

The Agent read the legal notice published in the *MetroWest Daily News* on July 28, 2015.

Ms. Hastings presented a plan for the proposed septic system that will replace a failed system. There are two wetlands areas near the property and the system will be outside the 50-foot disturbance zone. Project access will be from the driveway and around the end of the house. All of the alternative Eljen system will be placed in the existing lawn area. Erosion controls will be installed and there will be no stockpiling.

**Mr. Bajdek made a motion to issue the following Determinations for RFD #D-547: 125 Meadowbrook Lane:**

**Positive #2B Determination: the boundaries of the wetlands resource areas are NOT confirmed as accurate;**

**Positive #5 Determination: the work is subject to review by the Holliston Conservation Commission pursuant to the Holliston Wetlands ByLaw (Article XXX); and**

**Negative #3 Determination: the work is within the Buffer Zone, but will not alter an Area subject to protection under the Act, therefore, the work does not require a Notice of Intent.**

**Conditions:**

- 1) **AUTHORIZED WORK.** This Determination of Applicability applies only to work associated with the replacement of the existing failed septic system at 125 Meadowbrook Lane as shown on the project plan referenced in part A.1. Any work not covered by this Determination (i) within 100 feet of any mapped wetland as shown on the plans; (ii) within any area subject to the 100 year flood elevation; or (iii) within 200 feet of a perennial stream or river; will require a separate filing. Any other activity proposed within said areas subject to jurisdiction of the Commission shall require coordination with the Conservation Commission (508-429-0607) and may require the filing of an additional Request for Determination of Applicability or a Notice of Intent prior to the commencement of said activity. Any impacts on wetland resource areas associated with such additional activities will take into consideration the cumulative impacts of such activities as well as those associated with this filing.
- 2) **EROSION CONTROL BARRIER.** The proposed erosion control barrier must be installed prior to any tree removals or land disturbance for septic system replacement work. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barrier. Erosion controls are to be maintained onsite in functional condition until all areas disturbed for septic system reconstruction are fully restabilized with vegetation.
- 3) **STOCKPILING.** There will be No Stockpiling of materials on site during construction as indicated on the record plan.
- 4) **PROJECT ACCESS.** Project access will be from the driveway and around the northeast side of the house as indicated on the record plan.
- 5) **FERTILIZERS/PESTICIDES/HERBICIDES.** Fertilizers utilized for landscaping and lawn care shall be low phosphate content, slow-release variety, and shall be used in moderation. Pesticides and herbicides shall not be used within 100 feet of the wetland resource area. This condition is intended to apply in perpetuity and will survive the expiration of this Determination of Applicability.

**Ms. Weissman seconded the motion. Unanimous. (4-0-0)**

**\*\*New Public Meeting – Request for Determination of Applicability for #D-548: 56 Paul Road (Assessors Map 4 Block 4, Lot 12) proposed addition to home - Stephen Rogers**

**Supporting Document:**

Plan . Annotated 56 Paul Road Plan, Holliston, Massachusetts, prepared by Stephen Rogers, dated July 22, 2015

The Agent read the legal notice published the in the *MetroWest Daily News* on July 28, 2015.

Mr. Rogers presented plans for an addition that is proposed to help his recently handicapped wife. The addition only extends 5' past the current footprint of his garage. A deck will also extend 7' into the existing lawn area. There will be a temporary construction material storage area on the pavement next to his garage. The addition will be approximately 70-80' from Hopping Brook, but is substantially the same footprint as the current garage and house.

Ms. Weissman made a motion to issue the following Determinations for RFD #D-548: 56 Paul Road:

**Positive #2B Determination:** the boundaries of the wetlands resource areas are NOT confirmed as accurate;

**Positive #5 Determination:** the work is subject to review by the Holliston Conservation Commission pursuant to the Holliston Wetlands Administration ByLaw (Article XXX); and

**Negative #3 Determination:** the work is within the Buffer Zone, but will not alter an Area subject to protection under the Act, therefore, the work does not require a Notice of Intent.

**Conditions:**

- 1) **AUTHORIZED WORK.** This Determination of Applicability applies only to work associated with the replacement of the existing failed septic system at 56 Paul Road as shown on the project plan referenced in part A.1. Any work not covered by this Determination (i) within 100 feet of any mapped wetland as shown on the plans; (ii) within any area subject to the 100 year flood elevation; or (iii) within 200 feet of a perennial stream or river; will require a separate filing. Any other activity proposed within said areas subject to jurisdiction of the Commission shall require coordination with the Conservation Commission (508-429-0607) and may require the filing of an additional Request for Determination of Applicability or a Notice of Intent prior to the commencement of said activity. Any impacts on wetland resource areas associated with such additional activities will take into consideration the cumulative impacts of such activities as well as those associated with this filing.
- 2) **EROSION CONTROL BARRIER.** Erosion control barrier must be installed between the construction area and the intermittent stream prior to any tree removals or land disturbance for construction of the addition. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barrier so that it may be inspected prior to the start of work. Erosion controls are to be maintained onsite in functional condition until all areas disturbed for construction are fully restabilized with vegetation.
- 3) **PROJECT ACCESS.** Project access will be from the driveway and around the ends of the house into the back yard.
- 4) **STOCKPILING.** Construction materials will be temporarily stored on the driveway and/or on the asphalt on the north side of the house.
- 5) **FERTILIZERS/PESTICIDES/HERBICIDES.** Fertilizers utilized for landscaping and lawn care shall be low phosphate content, slow-release variety, and shall be used in moderation. Pesticides and herbicides shall not be used within 100 feet of the wetland resource area. This condition is intended to apply in perpetuity and will survive the expiration of this Determination of Applicability.

**Mr. Bajdek seconded the motion. Unanimous. (4-0-0)**

**Continued Public Hearing – Notice of Intent for DEP File #185-797: “0” Underwood Street/Katie’s Way (Assessors Map 4 Block 4, Lots 56.8 & 57.2 and Map 5, Block 3, Lot 41) proposal to construct a 6 lot open space residential development (White Pines Estates II) with a cul-de-sac, two common driveways, associated site work, utilities, and stormwater management . Vito Colonna/Connorstone Engineering, Inc. representing Steve O’Leary/O’Leary Builders, Inc.**

Supporting Documents:

Letter - White Pine Estates II+Definitive Subdivision - Review Comments, Katie’s Way, Holliston, To: Town of Holliston Conservation Commission, From: Vito Colonna, P.E., Connorstone Engineering, Inc., dated July 14, 2015

Report - included with the letter above. Stormwater Report for White Pine Estates II, Open Space Residential Development (OSRD), 0 Underwood Street, Holliston, Massachusetts, dated April 1, 2015, Revised July 14, 2015.

Plans - included with the letter above. Definitive Plan, Open Space Residential Development White Pine Estates II+in Holliston, Massachusetts (6 Sheets) prepared by Connorstone Consulting Civil Engineers, Vito Colonna, RPE, Civil No. 47635, dated April 1, 2015 and revised through July 21, 2015.

Response Letter - Engineering Peer Review - Comment Letter #3, White Pine Estates II, To: Charles Katuska, Holliston ConCom, From: Ali M. Parand, AP Associates, Inc.; dated July 20, 2015

Response Letter . White Pine Estates II+Definitive Subdivision, dated July 21, 2015 re: riprap flat bottom apron etc.

E-Mail: dated August 4, 2015 3:01 PM, To: George Connors From: Conservation/C. Katuska RE: 185-797 White Pine Estates II - Questions regarding the NOI

Present: George Connors, Connorstone Engineering (Applicant’s Representative)

Mr. Connors responded to the e-mail comments received from the Agent in the e-mail listed above.

- Test pit logs have been provided
- Underdrain is parallel to drain from stormwater basin
- Grass swale will be added
- Mr. Connors will double-check the plantings for the constructed wetland
- Agrees to seed the rain gardens with wetland seed mix
- It may be constructed in two phases, but that will be a market driven decision.

Mr. Connors will provide new plans to the Conservation Commission tomorrow that will reflect his responses to the Agent’s e-mail comments. There will be a condition regarding the maintenance of the detention basins in the Order of Conditions.

Mr. Connors agreed to a continuation of the hearing to August 18, 2015.

**Mr. Lively made a motion to close the hearing regarding for DEP File #185-797: “0” Underwood Street/Katie’s Way subject to receipt of the revised plans. Mr. Bajdek seconded the motion. Unanimous. (4-0-0)**

**Continued Public Hearing – Notice of Intent for DEP File #185-796: 194 Lowland Street (Assessors Map 9 Block 2, Lots 33.1 and 57.1)** proposal to stabilize a perimeter road and install permanent sedimentation & erosion controls in conjunction with the operation of a composting facility . *Russell E. Waldron/Applied Ecological Sciences* representing *Michael Brumber*

Supporting Documents:

Letter . dated July 31, 2015, To: Anne Berlin Blackman, Acting Chief Regional Counsel, Mass. DEP, CERO, From: Robert D. Cox, Bowditch & Dewey, Attorney for Cold Chain Technologies, RE: 194 Lowland Street, Holliston, MA - Solid Waste Disposal Activities  
Letter . dated August 3, 2015, To: Karen Sherman, Town Planner, From: Christopher L. Malcolm, Attorney, RE: Michael Brumber, 194 Lowland Street, Holliston, Massachusetts, Request for Special Permit

Present for the Applicant: Russ Waldron, AES Engineering, Christopher Malcolm, Attorney

Mr. Lively submitted an Affidavit regarding the Review of Public Hearing Evidence from the meeting on July 7, 2015.

Mr. Waldron explained that Mr. Brumber will not be using the property for composting. It will primarily be a loam, sand and gravel operation. He would also like to store loam, sand, and gravel materials. New plans dated July 7, 2015 were reviewed. The Planning Board will be reviewing this proposed project on Thursday, August 6<sup>th</sup>.

A stormwater management report still needs to be submitted. The status of the 21(e) process needs to be determined. Mr. Brumber believes that DEP was intending to close it out on August 9, 2015.

According to Mr. Brumber's attorney, Mr. Malcolm, Mr. Brumber is asking the Planning Board for a permit for one year of an ongoing operation for earth removal/storage and a permit for equipment storage.

A new project description has been submitted to the staff for an ongoing operation for earth removal and material storage; this description will be e-mailed to the Commission. Equipment storage is also proposed on the property. Mr. Lively expressed concerns regarding how much equipment would be stored on the property (and for how long it would be stored), because of the potential for oil/fluid leakage/spills that could potentially affect the ground water. It was felt that there should be mitigation plans in the event that there were any of these issues.

Mr. Waldron will clarify the riverfront square footage, because some of the numbers were contradictory. Erosion controls will be necessary in perpetuity, because the site will not be stable as long as it remains in active use as a loam, sand & gravel operation. The perimeter road will be the outer limits of the operation.

Mr. Brumber claimed that the power company cut a lot of trees at the back of his property and the power company told him that it had received permission from the Conservation Commission; however, the Commission is not aware of this activity. Mr. Brumber would like to mix the compost with some loam and then move it off the site.

There will be some work in the 100 year floodplain, Bordering Land Subject to Flooding (BLSF). There is also a fair amount of land in FEMA Zone X. The Commission needs a definition of Zone X (e.g., 100 year floodplain with flooding under 1 foot or 100-500 year storm event).

Mr. Brumber is working with the Fire Chief Cassidy and Michelle Demar from the DEP for spill emergencies and contingency procedures.

A resident inquired if the asphalt road millings on the property are toxic and Mr. Brumber stated that he didn't believe that they were considered toxic, as it has been used for the entire rail trail bed. The asphalt millings will be moved off the site with the PB's permission.

Liz Tyler, 72 Norland Street, pointed out that this entire property is in Zone II for the town's water wells and would like the town to think about protecting the town's water supply. Ms. Tyler is also concerned about issues surrounding equipment/truck storage.

Michael Lannan, Tech Environmental representing the abutter, Cold Chain Technologies, 29 Everett Street. Mr. Lannan wanted to clarify that a Composting General Permit is submitted to DEP to explain what will be done, how the records will be kept, and how material will be tested, etc. Mr. Lannan claims that when the General Permit was submitted none of these things were completed. The Board of Health is also supposed to be involved with the DEP regarding this Composting Permit. According to Mr. Lannan all of this should have been done before any composting began, and it was not done. There also isn't a stormwater plan for the site. The composition of the compost needs to be submitted to the DEP before any of it is moved off the site.

Ellen Troland, 101 Marilyn Street, Ms. Troland was concerned about the hours of the trucks with children waiting for buses and riding their bikes in the area. It was explained that this is a PB issue.

The applicant is hoping to have a Stormwater Management Report available for the meeting on September 1<sup>st</sup>. SCS is supposed to be preparing the report. Mr. Malcolm requested a continuance to the ConCom's meeting on September 1, 2015.

**Ms. Weissman made a motion to continue the hearing for DEP File No. 185-796, 194 Lowland Street to September 1, 2015. Mr. Bajdek seconded the motion. Unanimous. (4-0-0)**

### **General Business Continued**

#### **Temporary Clerks**

The positions will be formally posted on Thursday for two temporary clerks for a maximum of 16 hours per week at a minimum pay of \$10 per hour not to exceed a maximum of \$1,500.

**Mr. Lively made a motion to approve the hiring of a maximum of two temporary clerks for a maximum of 16 hours per week (for each clerk) at a minimum pay of \$10**

**per hour, with the total not to exceed an expenditure \$1,500. Ms. Weissman seconded the motion. Unanimous. (4-0-0)**

**At 9:30 PM, Mr. Lively made a motion to adjourn the meeting. Ms. Weissman seconded the motion. Unanimous. (4-0-0)**

The next Conservation Commission meeting will be on Tuesday, August 18, 2015.