

Holliston Conservation Commission

Meeting Minutes

Town Hall . Meeting Room #014

October 18, 2016

7:30 PM

Present: Chris Bajdek, Chair; Emily Kingston, Vice-Chair; Jennifer Buttarro, Shaw Lively, Ann Marie Pilch (Arrived 7:33 P.M.), Allen Rutberg, Commissioners; Sheri O'Brien, Conservation Agent; Kristin O'Brien, Conservation Assistant

Absent: Rebecca Weissman, Commissioner

Mr. Bajdek, Chair, opened the meeting at 7:31 PM.

General Business

8 Kingsbury Drive – Tree Cutting – Pothulas

- Mr. and Mrs. Pothula would like to remove/trim 6-7 trees which are leaning towards the house. The trees are along or inside the 50-foot-no-disturb buffer zone line.
- In addition, Mr. and Mrs. Pothula would like to remove 7 trees in the back yard to increase its usability, regrade the lawn, and build a retention wall.
- After discussion, the Commission agrees they can cut down the two oak trees on the that are leaning towards the west side of the house and trim the small trees along the retaining wall on the west side of the house (leaving cuttings in the 50-foot-no-disturb buffer zone). However, to remove more trees in the back yard, build up/regrade the lawn, and build a retention wall, they will have to submit a Request for Determination of Applicability (RFD).

Poitras Conservation Land Entrance – Eagle Scout Proposal – Jeff Meyers

- For next spring, Master Meyers proposed to open up the Poitras Conservation Land entrance near the Historical Society on Washington Street. Flooding has been an issue in this area in the past.
- Working with Ms. S. O'Brien and Marc Connelly, he designed a plan to mitigate flooding by laying weed prevention fabric under gravel/recycled asphalt starting at the entrance near the kiosk and extending 60 ft. into the entrance area.
- Tom Smith, Highway Department, agreed to trim the brush/small trees impeding the trail in the area past the first 60 feet.
- Master Meyers also plans to remove invasive plants along the trail and create split log stepping stones+to replace the random logs in the overgrown wet area.
- After discussion of alternate methods, the Commission approved the Eagle Scout proposal and Mr. Bajdek signed it.

Notice of Violation for DEP File # 185-725: 36 Kingsbury Drive – Conservation Restriction Review – Jonathan Gerber

- Mr. Gerber asked for clarification as to why he was being asked to do a Conservation Restriction vs. a Deed Restriction.
- The Commission was concerned for the long term care of the property and wanted to ensure the plan would remain in perpetuity, which a Deed Restriction would not do, but a Conservation Restriction (CR) would.
- There was discussion of creating a CR and Mr. Gerber proposed possibly donating the land to the town instead of doing a CR.
- The Commission discusses the legality and feasibility of this and asked for a plot plan and more information regarding the surrounding area.
- Ms. S. O'Brien will meet with Mr. Gerber before the November 1st meeting, where the Commission will review the information.

Public Meetings & Hearings

**** New Public Meeting- Request for Determination of Applicability for #D-583: Lot A adjacent to 89 Rockland Street (Assessors Map 1-2-4) - CIVILized Solutions representing Susan Longmoore**

Present for the applicant: Paul Saulnier, CIVILized Solutions

- The reading of the legal notice advertised in the *MetroWest Daily News* on October 11, 2016 was waived by Mr. Saulnier.
- Mr. Saulnier presented a plan dated September 18, 2016
- In 2005, Mr. Saulnier had the wetlands flagged and designed a plan to construct a home on Lot A. It was approved by the town in 2005, but the property owner decided to wait to build the home.
- The septic system is within 100qof the wetlands, due to a Water Department easement along the side of the property.
- Ms. S. O'Brien recommended Mr. Saulnier confirm with the Planning Board that the lot is large enough for this type of construction.
- There will be: No Stockpiling within 100qof wetlands; no overnight parking or vehicle maintenance; no dumping in 50qno-disturb buffer zone; 3 concrete bounds with plaques will be added to the plan.
- Mr. Saulnier will bring in a new plan with the locations of 3 concrete bounds and plaques.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-583: Lot A adjacent to 89 Rockland Street, with conditions as discussed:

Positive #2B Determination: the boundaries of the 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 (with 8 conditions).

Ms. Kingston seconded the motion. Unanimous. (6-0-0)

**** New Public Meeting- Request for Determination of Applicability for #D-584: 133 Westfield Drive (Assessors Map 11-8-166) – Ahronian Landscaping and Design Inc., representing Jennifer Vail**

Present for the applicant: David Ahronian, Ahronian Landscaping & Jennifer Vail, Owner

- The reading of the legal notice advertised in the *MetroWest Daily News* on October 11, 2016 was waived by Mr. Ahronian and Ms. Vail.
- Ms. Vail and Mr. Ahronian presented a plan dated September 20, 2016.
- Ms. Vail wants to regrade the front and side yard so they are even with the neighbors yard. She also would like to remove overgrown shrubs along the front and south side of the house, re-seed the yard, and replace the cement garage floor that is severely cracked and causing issues to the driveway and basement.
- The wetlands are behind the home with only a small portion of the plantings and seeding within the 100-foot buffer zone.
- After discussion, the Commission agreed Ms. Vail can remove part of the existing silt fence in the front yard and add straw wattle erosion controls from the back corners of the home out to the edge of the property.

Mr. Rutberg made a motion to issue the following Determinations for RFD #D-584: 133 Westfield Drive:

Positive #2B Determination: the boundaries of the 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 (with 6 conditions).

Ms. Pilch seconded the motion. Unanimous. (6-0-0)

**** New Public Meeting- Request for Determination of Applicability for #D-585: 92 Richard Road (Assessors Map 11-8-245) - CIVILized Solutions representing Bo Lee McAuliffe**

Present for the applicant: Eric Dickinson, CIVILized Solutions

- The reading of the legal notice advertised in the *MetroWest Daily News* on October 11, 2016 was waived by Mr. Dickinson.
- Mr. Dickinson presented a plan dated September 15, 2016.
- Jarr Brook is along the back and right side of the property; one trench system will be within the 100-foot buffer zone.
- The current septic system has failed.
- The Commission discussed the extent of erosion controls.

- Mr. Dickinson will inform homeowners they are not allowed to dump grass clippings in the 50qbuffer zone. There will be a condition in the Determination that dumping in the 50qbuffer zone is prohibited.
- Mr. Dickinson will provide a new plan showing the resource area, buffer zones, and additional erosion controls.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-585: 92 Richard Road:

Positive #2B Determination: the boundaries of the 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 (with 8 conditions).

Ms. Kingston seconded the motion. Unanimous. (6-0-0)

**** New Public Meeting- Request for Determination of Applicability for #D-586: 65 Kim Place (Assessors Map 4-4-56.8) - Stephen O'Leary**

- The reading of the legal notice advertised in the *MetroWest Daily News* on October 11, 2016 was waived by Mr. O'Leary.
- Mr. O'Leary presented a plan dated October 6, 2016.
- Mr. O'Leary would like to extend a portion of his lawn by removing several trees up to the 50qno-disturb line, including a rotting cherry tree (close to the house) and 2 dying hemlocks (in the 50qbuffer zone).
- Mr. O'Leary will install a silt fence and 3 concrete bounds with plaques along the 50qno-disturb line.
- Access will be through Lot 9 (3 Katie Way . adjacent lot)

Ms. Pilch made a motion to issue the following Determinations for RFD #D-586: 65 Kim Place, with conditions as discussed:

Positive #2B Determination: the boundaries of the 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 (with 7 conditions).

Mr. Rutberg seconded the motion. Unanimous. (6-0-0)

Continued Public Meeting - Request for Determination of Applicability for #D-576 and #D-577: 194 Lowland Street (Assessors Map 9-2-57.1) - George F. Connors, Esq. representing Michael Brumber

- Based on Attorney Mark Bobrowski's original recommendation, Ms. S. O'Brien agreed that the Commission wait to issue the Determinations until after the Planning Board has decided what actual use(s) will be allowed for his property.
- The Commission discussed the questions and concerns contained in the Board of Health and Building department letter #194 Lowland Street, Material Removal+dated 10/14/16.
- Ms. S. O'Brien will write a letter to the Planning Board/Karen Sherman with the Commission's questions and concerns about the proposed projects.

Ms. Kingston made a motion to continue the public meetings for RFD #D-576 and #D-577: 194 Lowland Street until November 1, 2016. Mr. Rutberg seconded. Unanimous. (6-0-0)

General Business Continued

Lot 9 – 3 Katie Way – O'Leary Builders

- Mr. O'Leary discussed moving the limit of work on Lot 9 (3 Katie Way) to the 50' no-disturb line. He would also like to remove 2 oak trees in the 0-50' no-disturb buffer zone that are very close to the house. There was a previous Order of Conditions for this property.
- After discussion, the Commission asked Mr. O'Leary to come back with pictures and more information.

Constitution Village Updates

- Mr. Alex Gow, Fafard, provided updates on several properties in Constitution Village.
- Lot 36, Old Cart Path has had Cultex fabric put down on the slope that has been eroding.
- Mr. Gow will have the area at the end of Old Jennings Road/Praying Indian Way re-seeded with a wetland seed mix next week (week of October 24, 2016). Trees were also replaced in this location.
- Lot 75 Old Cart Path . Dead trees have been replaced on this lot and on the berm between Lot 75 and the DeMatos property on Praying Indian Way.

Modifications to Hopping Brook Road Extension – Walter Lewinski/ Engineering Design Consultants representing Jon Delli Priscoli/New Hopping Brook Trust

Present for the applicant: Walter Lewinski, Engineering Design Consultants

- Mr. Lewinski is proposing to eliminate the portion of the road that loops around an isolated wetland and instead have a straight road that will be further from the main wetland area and vernal pool. This eliminates all grading below the proposed loop and combines two small runoff basins into one large basin. However, there is a small basin that proposed right up against the wetlands that the Commission is concerned about.
- The Commission discussed the extent of the alterations and agreed a Request for an

Amended Order of Conditions will be necessary.

Request for Certificate of Compliance for DEP File # 185-807: 1380 Washington Street – Paul Saulnier / Greg Koski

- The Agent visited the property and found the site completely stable.

Ms. Pilch made a motion to issue a Certificate of Compliance for DEP File #185-807: 1380 Washington Street. Ms. Kingston seconded. Unanimous. (6-0-0)

Request for Certificate of Compliance for DEP File # 185-791: 7 Minuteman Circle – Peter Lavoie / Toll Brothers

- The Agent visited the property and found that the side hill had only been seeded yesterday (without hydromulch) and it was not stable. The rest of the yard was hydroseeded, but no grass has grown. There was one bound without a wetland resource area plaque.
- Per Mark McKibben, Toll Bros., a plaque will be added to the concrete bound.
- Per Mr. McKibben, the side hill will be stabilized with jute matting within the next week.

Ms. Pilch made a motion to issue a Partial Certificate of Compliance for DEP File #185-791: 7 Minuteman Circle, with the conditions noted above. Ms. Kingston seconded. Unanimous. (6-0-0)

Proposal for Open Space and Recreation Plan Consultant Review

- The Commission discussed what needs to be done to complete the plan and payment.
Ms. Pilch made a motion to accept the proposal for \$840, but not to exceed \$1,000. Mr. Rutberg seconded. Unanimous. (6-0-0)
- Mr. Bajdek signed the consultant's proposal.

Mr. Rutberg moved to adjourn the meeting at 10:15. Mr. Lively seconded. Unanimous. (6-0-0)