

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall . Meeting Room #014

April 29, 2014
7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair; Chris Bajdek, Shaw Lively, Jim McGrath, Rebecca Weissman, Commissioners

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

Absent: David Schroder, Commissioner

Allen Rutberg, Chair, opened the meeting at 7:34 PM.

General Business

Informal Discussion - Beaver Management

Last week, Selectman Kevin Conley inquired about beaver dam issues on John Thomasq behalf. Mr. Thomas owns property on a peninsula at the south end of Lake Winthrop and has issues with the beaver dams near/on his property. As members of the Lake Winthrop Revitalization Committee, Dr. Rutberg and Mr. Lively are willing to accompany Mr. Conley on a site visit to view the beaver issues on Mr. Thomasqproperty.

The Agent noted that, in general, complaints regarding beaver dam issues seem to have dropped off. Some of the core areas with beaver dam issues are: Chicken Brook at Avery Dennison, Mission Springs, and the Golf Course; Winthrop Canal/Lake Winthrop; Hopping Brook Culvert; Hopping Brook/Weston Pond; and Brentwood. In Chicken Brook, the Highway Department put a trash rack on the upstream side of a culvert under Route 16. The Highway Department finds that it is easier to clean the beaver debris from a trash rack than from inside the culvert. The Commission believes it is important to allow culverts to remain clear under public roadways.

A copy of the Beaver Management Plan (accepted on April 28, 2009) was reviewed by the Commission. For the ConCom website, Mr. Lively suggested considering a bullet point summary for lay citizens as to what they can or cannot do to manage beaver dam issues. The Chairman agreed that a basic fact sheet for the website would be helpful and he would put a fact sheet together.

1225 Washington Street – Doug Foss and 1201 Washington Street – Justin Brown

Mr. Foss was present to discuss the flooding issues in his backyard. He was able to pump water about 300 yards west of the flooded area this past weekend. His neighbor, Justin Brown (1201 Washington Street), and Mr. Foss spoke on Sunday, and they would like to know what type of solution might be allowed for the flooding situation. A berm had been

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allegedly built by Mr. Brown that is blocking the stream's flow and Mr. Foss inquired if they could bury the stream. The Commission explained that streams are not allowed to be buried with today's regulations. Mr. Foss gave the Agent permission to go on his property for a site inspection tomorrow. The Agent will report back for consideration of options for resolution of the flooding issue.

Public Meetings & Hearings

The following two hearings were considered simultaneously:

Continued Public Hearing – Amendment to Order of Conditions for DEP File # 185-727: Lot 2 Concord Street (previously Lot 5 Squanto Path) (Assessors Map 14, Block 3, Lot 4.5), proposed modifications of property boundaries and lot layout associated with the construction of a single-family house, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *126 Residential ANR Realty LLC*

Continued Public Hearing – Amendment to Order of Conditions for DEP File # 185-729: Lot 6 Concord Street (Assessors Map 14, Block 3, Lot 4.6), proposed modifications of property boundaries and lot layout associated with the grading and site work proposed for the construction of a single-family house, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *126 Residential ANR Realty LLC*

Mr. Lavoie was present. He told the Commission that the ZBA granted the variance necessary to access Lot 6 through Lot 2 (on April 16, 2014) via a common driveway. The applicant has applied for a Special Permit and expects it to be issued by the Planning Board this coming Thursday, May 1, 2014.

Mr. McGrath made a motion to close the hearings for the Amendment to the Order of Conditions for DEP File # 185-727: Lot 2 Concord Street and the Amendment to the Order of Conditions for DEP File # 185-729: Lot 6 Concord Street. Ms. Pilch seconded the motion. Unanimous. (6-0-0)

The Agent felt that it was important to discuss that in the original Order of Conditions, the driveway was outside of the 100-foot buffer zone and with these Amendments, the common driveway is now in the 50-100-foot buffer zone. Mr. Lavoie explained that the subdivision roadway entrance onto Rt. 126/Concord Street was not approved by Mass Highway at the location it was originally proposed (and approved in the subdivision for the Order of Conditions, DEP File # 185-741, for Squanto Path/Indian Trail Subdivision). Mass Highway would only allow curb cuts in two locations on Concord Street that would allow the applicant to stay out of the 50-foot No-Disturb Zone. The applicant has 5 ANR lots approved by the Planning Board on Concord Street instead of the original 6 lots proposed for the Indian Trail Subdivision. Lot 2 and Lot 6 will be accessed by one driveway and the other 3 lots will be accessed by the second common driveway allowed by Mass Highway. Mr. McGrath expressed concern that the Commission is being asked to modify their decision based on road access not being allowed by Mass Highway. Mr. Lively inquired about the long term status of the sixth land-locked lot that is near the wetlands in the rear of the property. Mr. Lavoie did not know what his client proposed for the sixth lot. The Commission asked Mr. Lavoie to investigate the plans for the land-locked lot and to bring the information back with his NOI for the 3 lots and the second common driveway.

The Commission agreed to review and vote on the draft Amended Orders of Conditions for DEP File #185-727: Lot 2 Concord Street and DEP File #185-729: Lot 6 Concord Street at the next meeting.

Continued Public Hearing – Notice of Intent for DEP File # 185-775: “0” Rolling Meadow Drive – Lakefront Property (Assessors Map 5, Block 5, Lot 79) proposed improvements to the existing path from Rolling Meadow Drive to Lake Winthrop, *John Lemoureux/Rolling Morse Inc.*

As a resident of Rolling Meadow Drive, Ms. Weissman recused herself. Mr. McGrath signed an affidavit regarding his review of this public hearing evidence from April 1, 2014, as he was absent at that meeting. Mr. Lemoureux was present and informed the Commission that a determination letter dated April 23, 2014 was received from Natural Heritage. The Commission asked that bioengineering stabilization be added to the access point into Lake Winthrop, because of the potential erosion caused by launching canoes and kayaks, etc. A plan including the construction detail for the stabilization will be provided by the applicant. A draft Order of Conditions will be prepared for the next meeting which will include a preconstruction condition regarding the submission of a plan for the bioengineering stabilization detail.

Mr. McGrath made a motion to close the hearing for DEP File # 185-775: “0” Rolling Meadow Drive – Lakefront Property. Ms. Pilch seconded the motion. Unanimous. (5-0-0)

The following two hearings were considered simultaneously:

Continued Public Hearing – Notice of Intent for DEP File # 185-764: Lots 17 & 18 Kingsbury Drive (Assessors Map 5, Block 3, Lots 54.3 & 54.4), proposed construction of a common driveway to serve two single family dwellings, *Wall Street Development Corporation*

Continued Public Hearing – Notice of Intent for DEP File # 185-763: Lot 18 Kingsbury Drive (Assessors Map 5, Block 3, Lot 54.4), proposed construction of a single family home, *Wall Street Development Corporation*

Mr. Petrozzi, President of Wall Street Development Corporation, made a written request to continue these two hearings to May 13, 2014, while Brian Butler from Oxbow Associates finalizes the migration study report.

Mr. Lively made a motion to continue the hearings for DEP File # 185-764: Lots 17 & 18 Kingsbury Drive and DEP File # 185-763: Lot 18 Kingsbury Drive to April 29, 2014. Ms. Pilch seconded the motion. Unanimous. (6-0-0)

Continued Public Hearing – Amendment to Order of Conditions for DEP File #185-677: 1014 Highland Street (Assessors Map 8.E, Block 1, Lot 8) proposal to revise the boundaries of the areas onsite subject to the Massachusetts Wetlands Protection Act and the Holliston Wetland Bylaw (Article XXX) . *Christopher Malcolm, Esq.* representing *Alan Stone*

Mr. Malcolm submitted a written request for his client, Mr. Stone, to continue this hearing to May 13, 2014.

Ms. Pilch made a motion to continue the hearing for the Amendment to the Order of Conditions for DEP File #185-677: 1014 Highland Street until May 13, 2014. Mr. McGrath seconded the motion. Unanimous. (6-0-0)

General Business Continued

Project Updates

Holliston Wetlands Bylaw Review –

The contract for review of the Bylaw has been signed off by Town Counsel, the Selectmen, and the Town Accountant. and will be sent back to MacGregor and Associates to be reviewed. At the earliest, Nathaniel Stevens of MacGregor and Associates will be able to come in front of the Commission on May 27th to discuss changes to the Bylaw. There was a discussion regarding the importance of reviewing the areas subject to jurisdiction and the public interests protected under the current bylaw. The Commission will review the Bylaw and bring their comments back to discuss with the consultant.

FY2015 Budget

Due to non-union salary adjustments, the Agent informed the Commission that the FinCom Annual Report for FY15, (which will be presented at the May 5, 2014 town meeting) proposed a 10.67% increase to the Commission's budget. The staff appreciates the Commission's support at Town Meeting when the budget will be voted upon. (Article 14 . Omnibus Budget)

Town Meeting Articles

The following Town Meeting Articles presented in the Annual Report of the Finance Committee (FY15) were also discussed due to relevance to the Conservation Commission:

Town Meeting Article 16 . Community Preservation Committee (CPC) Funding

The Commission discussed the importance of supporting the funding for the CPC for FY2015.

Town Meeting Article 25 - Chamberlain Street, Map 7- Block 7- Lot 366.2

This article proposes that this parcel of land be transferred from the Board of Selectmen to the Housing Authority for the purpose of constructing low and moderate income housing. This lot has wetlands that bisect the property and will constrain most development plans. The Agent plans to do a site walk before Town Meeting. The Commission discussed the need to make sure that the Housing Authority is aware of the wetland constraints, so that the Commission's jurisdiction does not become an issue to future development.

Town Meeting Article 31: Amend Zoning Bylaws to Include FEMA Floodplain

The Agent encouraged the Commission to consider supporting the amendment to the Zoning Bylaws to include the most recent FEMA Floodplain revisions (effective July 7, 2014). The language requires compliance with the Wetlands Protection Act, which the Commission administers.

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DEP File #185-748: 1025 Highland Street - Order of Conditions Signature Page

The Order of Conditions for DEP File # 185-748 has not been picked up by Mr. Kiley. Therefore, the Order of Conditions was re-signed to possibly be re-issued on April 30, 2014. The new issue (dated April 30, 2014) will be mailed by Certified Mail to Mr. Kiley if he does not pick up the Order of Conditions.

Open Space Updates –

Donation of Lots on Gretchen Lane

The Agent spoke with Jim Moore, the owner of these two lots, today. Mr. Katuska will draft a deed for the donation of the land to the town (to be in the care and custody of the Conservation Commission) and send it to Mr. Moore for review.

CPC Sign Funding

Mr. Bajdek inquired if any progress had been made on signage to be used for CPC-funded properties. A discussion about the possibility of an Eagle Scout candidate using the funding to add signage took place. Unfortunately, the Fairbanks/Adams Street properties already have a fair amount of signage, so the funding would need to be used for special signs/projects.

Bullard Farm Conservation Restriction

After an initial rejection by the state, the Open Space Committee received a nice surprise from the state yesterday, and \$400,000 was awarded for the Conservation Restriction (CR) at Bullard Farm. The application for reimbursement has to be approved and get back to the state by June 30th. The ConCom, the BoS, and the Bullard Memorial Farm Association (BMFA) have to sign off on the CR. The BMFA has to have ¾ of membership vote to approve the CR, so there are some concerns about getting this number. Jack Hathaway (BMFA President) is hopeful that it will work out.

Lake Winthrop Revitalization

Mr. Lively received approval from Paul LeBeau today to launch the Lake Winthrop Survey. Mr. LeBeau will send the Survey Monkey version out through the town's All Boards e-mail list and paper copies will be left at town hall, library, and senior center. Flyers/posters can also be posted. The Committee will hand out flyers at the Annual Town Meeting next Monday, May 5th.

The Committee is looking into the mussel survey requirements from the Natural Heritage program. Natural Heritage has a list of approved consultants and the Agent will contact a couple of the consultants for estimates regarding the survey cost. According to Carl Nielsen from The ESS Group, the mussel survey should run about \$2,000. Since it is under \$5,000, the RFP process would be necessary.

Mr. Lively asked the Agent if he could please find out (from Carl Nielsen) approximately how much a nutrient survey will cost.

It was noted that the Highway Department has removed vegetation in order to begin roadway and drainage improvements at Stoddard Park for the Park and Rec Department. A Determination of Applicability (#D-513) was issued for this project on November 19, 2013. Mr. Lively noted that quite a bit of erosion has occurred and no further work has

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been completed since the vegetation was removed. The Agent will contact Kristen Hedrick and Tom Smith to determine when the Park project will begin.

DEP File #185-658: Washington Hills-Request for Extension for Order of Conditions

The filing fee for the extension will be 100% of the original fee which was \$4,500. The Commission agreed that this fee is the official fee and should be paid by the applicant requesting the extension.

Review Mail

The mail was reviewed

Vote on Meeting Minutes from 4/16/14

The vote was postponed until the next meeting.

At 9:27 PM, Ms. Pilch made a motion to adjourn the meeting. Mr. McGrath seconded the motion. Unanimous. (6-0-0)

The next Conservation Commission meeting will be on Tuesday, May 13, 2014.