

Holliston Conservation Commission

Approved Meeting Minutes
Town Hall . Meeting Room #014

September 16, 2014
7:30 PM

Present: Allen Rutberg, Chair; Chris Bajdek, Jim McGrath, David Schroder, Rebecca Weissman, Commissioners

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

Absent: Ann Marie Pilch, Vice-Chair, Shaw Lively, Commissioner

Allen Rutberg, Chair, opened the meeting at 7:35 PM.

General Business

Notice of Wetland Violation – SOLECT Solar Project/58 Hopping Brook Road - DEP File # 185-774 – Peter Barbieri representing Ken Driscoll/SED Two LLC

Mr. Barbieri addressed the comments outlined in the Notice of Wetlands violations. Mr. Barbieri presented a letter dated September 16, 2014 (attached) from him to the Conservation Commission and the following was discussed:

- **Outfall Pipe** will be cut to the length on the plan.
- **Deposit of Sediment:** The Agent will meet the client in the field to confirm the area that is being referred to for the sediment deposit.
- **Vehicle Storage** -Vehicle Parking on the Plan is on Conservation Land. This will be moved off the town property. An environmental company cleaned up the spillage.
- **Common Drive Amendment** . See attached letter dated September 16, 2014, RE: DEP File # 185-719, Washington Street Common Drive, requesting an Amendment to the Order of Conditions for the elimination of the common driveway's wetland crossing.
- **Notice of Intent** will be filed this week for the proposed commercial buildings.

Detention Basin #3 . The Chairman, Dr. Rutberg had concerns about the outlet control structure being punched through the erosion controls rather than being inside the erosion controls.

Mr. Barbieri will find out what the plans are for the finished construction of all basins and piping, and have GLM submit an As-Built plan.

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Beaver Management – Joe Banish/John Finneran

Inquiries have been received from Mr. Banish (1929 Washington Street) and Mr. Finneran (36 Paul Road) regarding the beaver dam on Hopping Brook just upstream of the Rail Trail bridge.

Mr. Banish claims that the water is high and near flood conditions. The water is backed up on both sides of the driveway behind Paul Road. There is a lot of standing water and it smells. Mr. Banish is having the water/mosquitoes tested for West Nile virus in this area due to his concerns regarding the increased mosquito population.

Mr. Finneran claims that there has been a large increase in snakes that he has never seen. He is concerned that if we get a deluge of rain that Route 16 will flood again.

A portion of the beaver dam closest to the rail trail is on property leased by the town from CSX; therefore, the town can breach the dam at this location. Steven Rogers (56 Paul Road) explained that typically the stream bed dries out for the most part by July, but this year the water is so high, that the average distance of the D-Boxes from the water is 50 to 70 feet.

Mr. Finneran is concerned that if the dam is breached, then the beavers will build it back up if they are not trapped. The Board of Health would need to give the approval to certify trapping the beavers out of trapping season which is November 15th - April 15th.

The Agent will go out to review the backed up water at 1929 Washington Street and Paul Road. Mike Callahan from Beaver Solutions will be contacted to have him review the Rail Trail dam for a possible pond leveler flow device. Mr. Banish is investigating a flow device for the dam on his property behind Paul Road, which he will have installed after the Rail Trail dam situation has been corrected.

Public Meetings & Hearings

Continued Public Hearing – Abbreviated Notice of Resource Area Delineation

(DEP File # 185-771): 65 Kim Place, Underwood Street, and Walnut Road – aka “Katie’s Way” (Assessors Map 4, Block 4, Lot 56.8, Map 4, Block 4, 57.2, and Map 5, Block 3 Lot 31, respectively), verification of the limits of the areas subject to wetlands protection jurisdictions, *Scott Goddard/Goddard Consulting LLC* representing *Steve O’Leary/O’Leary Builders Inc.*

Ms. Weissman submitted a signed affidavit for reviewing the public hearing evidence for the hearing dated September 2, 2014. George Connors from ConnorStone Engineering presented two plans for Land off Kim Place and Underwood Street in Holliston MA, dated September 10, 2014: Exhibit Plan, and Existing Conditions Plan.

A letter regarding the %Isolated Land Subject to Flooding+(ILSF) Calculation, dated September 16, 2014, was received from Vito Colonna at ConnorStone Engineering. The isolated wetland off Kim Place meets the definitions of ISLF under the Wetlands Protection Act. There are no

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further concerns about the wetland delineation. This isolated wetland is not regulated under the Holliston Bylaw, but may be regulated under ACOE regulations.

Mr. McGrath made a motion to close the hearing for the Abbreviated Notice of Resource Area Delineation (DEP File # 185-771): 65 Kim Place, Underwood Street, and Walnut Road – aka “Katie’s Way”. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

Mr. Bajdek made a motion to issue and approve the Order of Resource Area Delineation for the Abbreviated Notice of Resource Area Delineation (DEP File # 185-771): 65 Kim Place, Underwood Street, and Walnut Road – aka “Katie’s Way”. Mr. McGrath seconded the motion. Unanimous. (5-0-0)

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 presented a Wetland Location plan dated September 12, 2014 for the wetland delineation at 1014 Highland Street. The engineers added a house on an additional draft plan (not dated), %Conceptual Plan for Determining Soil Testing Area.+ A soil test is scheduled with the Board of Health for September 25, 2014.

Mr. Malcolm referred to the surface run-off area wetland and asked for guidance on whether these are true wetlands. Mr. McGrath pointed out that the proposed house is entirely in between the 50q and 100q buffer lines. Mr. Malcolm and his client, Mr. Stone, would like the Commission to visit the site to help determine good locations for the house.

Mr. Bajdek suggested that they have their engineers think %outside the box+for alternative locations for the house and the driveway, because two corners of the house are touching the 50q no-disturb line. Ms. Weissman and Dr. Rutberg will go to visit the site with the Agent on Friday morning.

Mr. McGrath made a motion to continue the hearing for Amendment to Order of Conditions for DEP File #185-677: 1014 Highland Street to September 30, 2014. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

****New Public Meeting – Request for Determination of Applicability #D-527: 171 South Street (Assessors Map 1, Block 2, Lot 46)** proposed enlargement of a horse riding ring with the addition of a stone dust base - *Robin & Leanne Gossels*

Ms. O'Brien read the legal notice published in the *Metrowest Daily News* on September 9, 2014.

Leanne Gossels and Robin Gossels were present. Leanne Gossels presented a plan for an expanded riding ring area. The new area will be located entirely within existing lawn area and existing paddock area. Ms. Leanne Gossels also presented photographs of the proposed riding ring area. She explained that the new paddock will have a stone dust surface (8+deep) similar to that used for the Rail Trail and will most likely be installed by Herb Brockert who also did the stone dust work on the Rail Trail. The stone dust is non-erodible. The Agent visited the site and

explained that there is a considerable buffer of vegetation between the lawn area and the wetlands.

Mr. Schroder made a motion to issue the following Determinations for RFD #D-527, 171 South Street:

Positive #2A Determination: the boundaries of the wetlands area are 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. Erosion control barriers, as shown on the record plan, must be installed prior to any work. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barriers. Erosion controls are to be maintained onsite in functional condition until all disturbed areas are fully restabilized with vegetation (i.e., when the new lawn has been mowed two times).
2. There will be no stockpiling on site.
3. Access will be from the driveway and the work will stay inside the erosion control barriers on the west side of the house.

Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

****New Public Meeting – Request for Determination of Applicability #D-528: 78 Union Street (Assessors Map 8.F, Block 1, Lot 42) proposed installation of a gas line . Jonathan Sutherland**

Mr. Katuska read the legal notice published in the *Metrowest Daily News* on September 9, 2014.

Jonathan Sutherland presented a sketch plan that illustrated where the proposed gas line is located. It will be located entirely in existing lawn area. The NStar may be able to sleeve the new gas line in the existing gas pipe, in which case this permit would be necessary. However, if not, then Mr. Sutherland was not sure if the gas company will let him dig the trench with a Ditch Witch himself or if NStar will do it. Mr. Katuska does not see any impacts on the public interest with this project.

Ms. Weissman made a motion to issue the following Determinations for RFD #D-528, 78 Union Road:

Positive #2B Determination: the boundaries of the wetlands area 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 #2 Determination: the work is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filling of a Notice of Intent.

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:

Erosion control barriers must be installed prior to any work. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barriers. Erosion controls are to be maintained onsite in functional condition until all disturbed areas are fully restabilized with vegetation (i.e., when the new lawn has been mowed two times).

Mr. McGrath seconded the motion. Unanimous. (5-0-0)

****New Public Hearing – Notice of Intent for DEP File #185-781: Hopping Brook Road Extension (Assessors Map 1, Block 1, Lot 43 and Map 4, Block 6, Lots 15.1, 18, 32, 32.3, 33, and 52) proposed extension of the existing commercial roadway . Brian Butler/Oxbow Associates, Inc. representing Jon Deli-Priscolli/New Hopping Brook Trust**

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on September 9, 2014. Brian Butler, Erin Marshall, and Arthur Borden were present representing Jon Deli-Priscolli who was also present. Mr. Kase, abutting resident, was also present. Mr. Butler submitted the green cards for the abutter notifications.

Mr. Butler presented the plans submitted with the NOI. No buildings are planned at this time and only an extension of Hopping Brook Road is proposed. The road extension proposed is shorter than the original road that was approved in an Order of Conditions (DEP File #185-553) for Hopping Brook Road Phase II issued May 30, 2003. It was in effect until April 2014, when the client decided to shorten the proposed road extension. The proposed plan is scaled down quite a bit from the original proposal.

There will be two crossings of wetland resource areas. The pavement will be 30qin width. There will be two box culverts that will be compliant with the gas line regulations.

There are about 2100 ft² of bordering vegetated wetland and 1500 ft² of stream area near the beginning of the road entrance. One isolated wetland is jurisdictional by the ACOE and one isolated wetland is not. The disturbed area was reduced from 18,000 ft² to 3,600 ft².

The isolated wetland that will be replaced by the cul-de-sac does not need a permit according to the ACOE (Programatic General Permit).

Spotted turtles move from the wetland to a certified vernal pool. There are 3 infiltration areas that will have sandy areas for the spotted turtles nesting habitat.

The replication area will be adjacent to an existing wetland area. There is a high water table under the area where the replication area is proposed. Oak, black birch, and Eastern white pine will be planted in the replication area. The mandatory period for the replication area will be extended.

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Arthur Borden presented the stormwater management plan (SMP). The individual lots will have their own storm water management systems. The Agent noted that a Stormwater Management Checklist was not included in the SMP.

The Agent expressed concerns regarding the cul-de-sac being proposed over an isolated wetland. There is also a direct discharge at the crossing that is concerning. There is grading and other structures proposed in the 50qno-disturb zone.

AP Associates, Inc. will be asked to review the Stormwater Management plan. Mr. Katuska has additional questions that he feels would be best to be handled in writing so that the questions can be handled individually. He will forward his concerns in an e-mail

Mr. Deli-Priscolli felt that the Commission would find the greatly reduced project to be better than the past project and was disappointed that there were so many questions, because time is of the essence from a development perspective. Unfortunately, the stormwater regulations have changed quite a bit since 2003 when the original Hopping Brook Road was approved. Mr. Deli-Priscolli told the Commission that the Planning Board is ready to act on their decision at their next meeting.

Mr. Kase asked if the project would channel any additional water onto his property. Mr. Deli-Priscolli explained that the law does not allow them to discharge water onto anyone else's property. That may be the case, but the development could possibly change flow patterns of the water.

Electronic plans and a copy of the NOI will be sent to the Agent to be forwarded to the Commissioners.

Mr. McGrath made a motion to continue the hearing for DEP File #185-781: Hopping Brook Road Extension to September 30, 2014. Ms. Weissman seconded the motion. Unanimous. (5-0-0)

General Business Continued

Open Space Plaques

The Commission signed the NEC Trophies invoice for the plaques for \$1,555. The Commission signed the invoice from Town Counsel for their review of the isolated wetlands decision for \$371.

Axton-Cross Demolition NOI, Robert Wexler

Mr. Wexler was not able to attend tonight's meeting.

Automatic Extension via the Permit Extension Act: Order of Conditions for DEP File #185-666, Lot 15/16 Kingsbury Drive – Wall Street Development Corporation

The extension to the Order of Conditions for DEP File #185-666 was signed by the Commission as required by the Permit Extension Act.

Bylaw (Article XXX) Review – Final Draft

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The Bylaw was forwarded to the Department heads for review. Comments will be incorporated. The Bylaw will be finalized before the Town Meeting in October. The Agent will submit a placeholder for the revised wetlands bylaw for the Warrant to Mr. LeBeau by Friday, September 19, 2014.

Mr. Bajdek made a motion to submit an Article for the revised Holliston Wetlands Bylaw for the Warrant for the Special Town Meeting in October 2014. Mr. McGrath seconded the motion. Unanimous. (5-0-0)

34 Rogers Road – Notice to Sell Land Under Chapter 61A

Ms. O'Brien spoke with Ms. Pilch today and learned that the Open Space Committee (OSC) is interested in the property and they are also going to talk with the Agricultural Commission about their interests. The Housing Authority is not interested in the house on the property for affordable housing. Therefore, the house would need to be demolished. Fortunately, the demolition can be paid for by CPC funds if voted on. There is enough money in the Undesignated Fund to purchase the property for \$550,000. The Open Space Committee (Lexie Carey, Chair of the OSC) will put a placeholder for an Article to be on the October Town Meeting agenda for the potential to purchase the property.

Dr. Rutberg visited the site and said that it is a beautiful and has a lot of potential as Open Space. Mr. Serocki is interested in farming the land and creating community gardens. The Commission agreed that they would support the purchase of this property.

L'il Folk Farm

Dr. Rutberg noted that the paddock was used for a parking lot on Farm Days during a horse show (September 14, 2014). The Agent will start Violation paperwork regarding this issue.

Request for Certificate of Compliance for DEP File #185-605: Hollis Hills Preserve, Hollis Street – John Walsh/Walsh Brothers Inc.

This request was tabled until the next meeting.

At 10:19 PM, Ms. Weissman made a motion to adjourn the meeting. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

The next Conservation Commission meeting will be on Tuesday, September 30, 2014.