

Holliston Conservation Commission

Meeting Minutes

Town Hall- Meeting Room #014

October 31, 2017

7:30 PM

Present: Rebecca Weissman, Vice Chair, Shaw Lively, Blake M. Mensing, Allen Rutberg, Commissioners; Utah Nickel, Associate Commissioner
Kristin O'Brien, Acting Conservation Agent

Absent: Chris Bajdek, Chair; Jennifer Buttaro, Ann Marie Pilch, Commissioners

Rebecca Weissman, Vice Chair, opened the meeting at 7:30 PM.

General Business

Tree Removal at 55 Whitney Street

- Ms. O'Brien reviewed the request for tree removal.
- Two trees were identified as candidates. One tree was clearly dead and if fell would fall on the fence. The second, large pine showed signs of decay at the bottom, but still alive on top posed the same hazard. The overall condition of the pine tree was evaluated as on its way out. Permission was granted by Ms. O'Brien to cut down the two identified trees.
- Ms. O'Brien directed the owner to cut the trees into 4-6 sections and leave scattered in the vegetative area.
- Ms. O'Brien noted and discussed with the owner some erosion issues and suggested the planting of native shrubs for control of the erosion. A copy of the recommended plant list has been provided. Owner was instructed to contact the Commission in the spring before any plantings happen.

Discussion: Highlands at Holliston Conservation Restriction

- The Oxbow Encroachments onto Open Spaces dated 10/31/2017 was reviewed. Page 2, Table 1 list the disturbances under review.
- Ms. O'Brien pointed out that the original proposal contained a typo (20,318 s.f. rather than 2,318 s.f.) this was pointed out in the email dated 10/18/2017.
- It was noted that following the 10/18/2017 email Ms. O'Brien, Ms. Weissman, Alex Gow and Ms. Wellington, of Guerriere & Halnon, Inc. reviewed the site plan. The changes discussed at the last Commission meeting were reviewed.
- Ms. O'Brien noted the major outstanding issue was the redesign of the swale coming out of Hiawatha to Mohawk Path. A plan for rip-rap swale protection is required.
- Ms. O'Brien recommended that the Commission go out and look at the disturbed Open Space areas.
- Ms. O'Brien had reviewed Ms. Wellington's plant list. Her assessment was it looked good. She noted that Service Berry (25' multi-stemmed tree) was substituted for Mt. Laurel (10' shrub). The Commission was ok with this substitution for R3 alone.
- Ms. O'Brien noted while the list of plants that should be used in revegetating the disturbances is appropriate, the list needed plant size and plant quantity numbers.
- She pointed out that disturbance area D6 may need more natives as many of them did not take.

- Ms. O'Brien ask Mr. Beattie if the soil test had been completed. Mr. Beattie was not aware of the status. It was reiterated that the soil test needed to be done prior to planting.
- Mr. Lively brought noted concerns over protecting the open space area from future encroachments. He noted the pool in D11 and the septic system in D10 as examples for setting a precedent for future encroachments. Ms. Weissman suggested the developer provide an As Built Plan for the pool. The Commission discussed a letter to be issued to all properties about the issue. It was noted that the septic grading encroachment of D10 was a physical issue that would result in significant investment to undo. A potential land swap was discussed as an option particularly for the D11 pool encroachment. The Commission agreed to bring in the land owners for D10 and D11 to discuss further. The Commission suggested March.

Dr. Rutberg made a motion to accept OA's Habitat Management and Restoration Plan dated 10/16/2017, Ms. O'Brien's email of 10/18/2017 and OA's Encroachments onto Open Space report dated 10/31/2017. Mr. Mensing second the motion. Unanimous (4-0-0)

Vote on 9/19/17, 10/3/17, and 10/17/17 Draft Meeting Minutes

Mr. Lively made a motion to accept the 09/19/17 meeting minutes. Dr. Rutberg seconded the motion. None abstained. Vote was unanimous (4-0-0)

Mr. Lively made a motion to accept the 10/03/17 meeting minutes. Dr. Rutberg seconded the motion. None abstained. Vote was unanimous (4-0-0)

Mr. Lively made a motion to accept the 10/17/17 meeting minutes. Dr. Rutberg seconded the motion. None abstained. Vote was unanimous (4-0-0)

Discussion: Office Requirements and Procedures

- Ms. O'Brien turned over her copy of the office and outdoor key to Mr. Lively. It was noted that Ms. Weissman already had copies of the keys.
- Ms. O'Brien set up a time following the Commission meeting to review the office and lock up procedure with both Ms. Weissman and Mr. Lively.
- Ms. O'Brien said per Mr. Talerman, the Commission retains Oxbow for all questions about the Highlands at Holliston. No other firm is needed; the applicant would pay for additional peer review done by Oxbow. It was Ms. O'Brien's understanding the Commission can request a peer review for any substantial change in the plan and that the applicant would pay for it.
- Ms. O'Brien drafted a document for procedures and major organization. She confirmed that downstairs is familiar with the file; they however, are not as familiar with what type of permit needed or submitting paperwork. Commission paperwork will be placed in the inbox or desk area.
- Mr. Bajdek and Ms. Weissman met with Town Hall staff to discuss dividing work during the interim. Open positions will likely be open until 11/20. There have been some applicants. The town has posted for a temporary admin support opens until 11/1. Ms. Weissman suggested Matt Varrell and Chuck Katuska as possible options for support in the interim. Mr. Katuska indicated he would be able to help. The Commission agreed to offer the position to Mr. Katuska. Ms. Weissman will check with Mr. Ritter on the process to move forward.

- The Commission discussed the options of interviewing potential candidates for the open positions. Ms. O'Brien confirmed a special meeting could be called as an option provided an agenda was created and posted 48 hours prior.

Review Correspondence

- The Commission signed invoices for Jay Talerman.
- Ms. O'Brien informed the Commission that Tom Smith from Highway was able to fix the Adams Street parking lot and access road for the Town Forest.
- Mr. Brumber may be selling the Lowland St property. Should the sale go through the lawsuit will be dropped. Ms. Weissman will provide a resume to Ms. Sherman or Mr. Ritter for the lawsuit proceedings.
- Dr. Rutberg will be the Commission point person for the Highland C.R.
- 36 Kingsbury has a Partial Certificate of Compliance. A full Certificate of Compliance cannot be issued until the outstanding tax and water bill are paid. The Commission should confirm with the Treasurer before issuing said certificate. Ms. O'Brien indicated there was also a note in the file to alert any others of this as well. The owner's preferred mode of communication to date has been via email.

PUBLIC HEARINGS/PUBLIC MEETINGS

Continued Public Hearing – Abbreviated Notice of Resource Area Delineation DEP File # 185-830: 185 Cedar Street (Assessors Map 14-3-1) proposed wetland delineation . *Joyce Hastings, GLM, Inc* representing *David Adams, Indian Ridge Realty Trust*

- Ms. Hastings requested a continued hearing. Additional wetland delineation flagging is required onsite. An additional peer review request was sent to Ecotech. There is money in the escrow to pay. Ms. Hastings will do the walk before the next meeting in order to be on the next agenda.

Mr. Lively made a motion to continue the hearing for DEP File # 185-830: 185 Cedar Street until the November 14, 2017 meeting. Mr. Mensing seconded the motion. Unanimous (4-0-0)

Continued Public Hearing–Notice of Intent DEP File # 185-833: 665 Adams Street (Assessors Map 4-1-1) proposed barn, fence, and access drive . *Joyce Hastings, GLM Engineering Consultants, Inc.* representing *Daniel and Carla Bilger*

- The hearing as closed at the last meeting, a DEP# has been issued.
- The conditions were reviewed: A berm on the edge of the drive, removal of the woody debris, and the manure pile will be outside of the buffer.

Dr. Rutberg made a motion to issue an Order of Conditions for DEP File # 185-833: 665 Adams Street with the conditions as stated. Mr. Mensing seconded the motion. Unanimous (4-0-0)

****New Public Meeting - Request for Determination of Applicability for #D-622: 67 Jarr Brook Road (Assessors Map 11-8-8)** proposed septic system replacement . *Norman Hill, Land Planning, Inc.* representing *William Gates*

- *Insofar as the appropriate legal notice was not properly published in a newspaper of general circulation within the community, this matter was not discussed. The Commission agreed to advertise this matter, at its own expense, for public meeting on the November 14, 2017 agenda.*

****New Public Hearing –Notice of Intent DEP File # 185-832: 256 Hollis Street (Assessors Map 8-6-8)** proposed driveway replacement and drainage swale . *Brian Hassett, Guerriere & Halnon, Inc.* representing *Thomas Howieson*

- Mr. Hassett waived the reading of the legal notice advertised in the *MetroWest Daily News* on October 17, 2017.
- Mr. Hassett described the overall project of adding a new house (4 BR), septic and driveway off an existing common gravel drive; these projects are outside of the buffer zone. The proposed swale and siltation basin to be installed next to the exiting drive will be within the 100qbuffer zone. It was noted the driveway is already in the no disturb zone.
- The limit of work and silt fence will follow the existing tree line, no trees will be removed, and disturbance will be limited to already disturbed land.
- Mr. Hassett confirmed the drive will remain a gravel drive at least up until outside the 100q buffer. Given the site-specific conditions, no markers were advised, and it was determined that the existing ledge will act as a natural deterrent for additional lawn.
- The plan does show a right of way that looks like a cul-de-sac.
- Mr. Lively noted the plan listed open space. Elizabeth Mainini, Guerriere & Halnon, indicated it was protected open space, but at the time was not sure if this will eventually be deeded to the town. It is listed because this development was zoned as open space subdivision.
- Mr. Hassett reviewed the newly created lot and confirmed that Planning has approved, but is waiting on the Commission's approval.
- Ms. Weissman recommended a condition be added that the new lawn will not extend into the 100qbuffer zone.
- Mr. Lively raised concerns regarding snow removal. Ms. O'Brien indicated this is covered within the Commission's standard snow removal condition which includes prohibitions against snow removal into swales and the use of de-icing chemicals.
- It was noted that the original driveway had a %urn around+near the existing house. This %urn around+is being moved over as it is encroaching on the adjacent property line.

Dr. Rutberg made a motion to close the hearing for the Notice of Intent for DEP File # 185-832: 256 Hollis Street. Mr. Lively seconded the motion. Unanimous (4-0-0)

Dr. Rutberg made a motion to issue an Order of Conditions for DEP File #185-832: 256 Hollis Street, with the discussed conditions. Mr. Mensing seconded the motion. Unanimous (4-0-0)

****New Public Hearing –Notice of Intent DEP File # 185-TBD: 245 Washington Street (Assessors Map 11-5-69.1 & 69.2)** proposed 16-house development . *Daniel Carr, Stamski and McNary, Inc.* representing *Peter Conant, Own A Home MA*

- Abutter notification cards were submitted for the hearing.
- Mr. Carr reviewed the scope of the work noting the project would be building 16 single family homes on the 13 acres of property. Access will occur from Washington Street. The property has wetlands and an intermittent stream. An ANRAD was done in January that confirmed the

wetland markers. Markers 1-38 are also considered bank flags; 38 beyond are wetlands. Eleven of the 16 houses are within the buffer zone.

- Mr. Carr explained they have gone through the ZBA 40B process to waive the Holliston wetland bylaw. They have received the comprehensive permit.
- Mr. Carr explained that the house will have a shared septic system with the field being in the open green space of the tear drop drive; this is outside of the buffer zone.
- Mr. Carr discussed the storm water review that was conducted and peer reviewed by STANTEC. The base of each driveway will have dry wells. Near the teardrop portion of the drive, and catch basins will connect to a CDS unit which will feed into subsurface chambers. The entrance of the property will have catch basins that direct runoff to sediment forebay. It was assessed that there would be less rate and volume of runoff compared to current conditions.
- Mr. Lively asked for clarification of where the water would go; Mr. Carr confirmed it would enter the ground water. Mr. Carr noted that the CDS unit and sediment forebay meet the Massachusetts standard for treating storm water runoff.
- Mr. Carr acknowledged the Commission's memo regarding the project. It was noted that permanent concrete wet land markers will be placed at the edge of the property lines, just in front of a row of native plantings. The landscape plan includes native planting, including all plantings outside of the 100' buffer.
- The nature of the lots was discussed. Mr. Conant explained there will not be lots; rather exclusive use areas. Owners will purchase the house and the land. There will be a condo association formed that will maintain the common ownership areas (road, greens, some landscaping). The condo regulations will stipulate that the owners are responsible for trash collection, snow plowing.
- Dr. Rutberg asked for clarification regarding who would be responsible for maintaining the native plantings along the exclusive use property lines. Following time specified in the comprehensive permit, Mr. Conant was not sure, but thought it would fall to the home owners.
- Mr. Lively asked about the plans for the wetlands and area outside of the exclusive use area. Mr. Conant noted it has been asked put into a Conservation Restriction. Mr. Conant has reached out to Mr. Katuska for help with this project. It was noted for the record by Ms. Weisman that Mr. Katuska has not yet signed an agreement to work this project.
- Mr. Lively raised concern that the slope from the property was towards the wetlands and the potential erosion control. Mr. Carr noted the plan calls for either silt sacks or bales and silt fence. Ms. Weisman indicated the Commission recommends using the appropriate erosion barrier for the site. The Commission agreed to state ~~per~~ in the Order of Condition.
- Mr. Lively asked for clarification on the disturbances. Mr. Carr reviewed areas of fill and areas that would be cut down.
- Ms. O'Brien noted that the revised plant list had been reviewed and looked good. The landscaper has the approved list in case a substitution is needed.
- The Commission agreed an additional bound should be placed on the eastern property line at the 50' buffer to acknowledge the wetlands extend behind and to the side of the unit (Unit 11). The bound near the first unit (Unit 1) will be on the low side of the retaining wall.
- Mr. Lively advised there be a plan for the conservation restriction area and peoples access to that land. Mr. Conant confirmed at this time there is no access and the plan was to leave it alone, but those details have yet to be finalized.
- Ms. O'Brien noted from the memo to the ZBA, the Commission had requested all homeowners within the 100' buffer zone be notified about the wetland. Ms. O'Brien indicated that this notification would include information that the wetlands are within a Conservation Restriction, and passive recreation will be allowed. Ms. O'Brien reviewed highlights from the drafted homeowners letter. It would include many of the standard ~~perpetuity~~ clauses as well as an explanation of the native hedge. The letter is intended to be distributed to new homeowners from the condo association.

- Ms. O'Brien noted that the ZBA did their own storm water review of the project. The Commission did not elect to have a separate peer review conducted.
- Because the DEP File number has not been received to date, the Commission cannot close the public hearing at this meeting.
- The drafted special conditions were discussed. In addition to the Commission's standard conditions, the discussion included a tree inventory and tree trunk armoring. Mr. Conant offered no objections.
- The Commission will look at sending Mr. Conant a good example of a Conservation Restriction for review.

Mr. Lively made a motion to continue the hearing for 245 Washington Street until the November 14, 2017 meeting. Dr. Rutberg seconded the motion. Unanimous (4-0-0)

Mr. Lively made a motion to adjourn the meeting at 9:12 PM. Dr. Rutberg seconded the motion. Unanimous. (4-0-0).