

APPROVED Meeting Minutes

Town Hall- Room #204

November 13, 2018

7:30 PM

Present: Christopher Bajdek, Ann Marie Pilch, Allen Rutberg, and Utah Nickel, Commissioners

Ryan Clapp, Conservation Agent

Absent: Rebecca Weissman, Vice Chair, Jennifer Buttaro, Shaw Lively, Commissioners, Sean Fay, Associate Commissioner

Christopher Bajdek, Chair, opened the meeting at 7:32 PM.

General Business

Public Comment

- No members of the public wished to speak.

Review/Approve Minutes of 9/5/18, 10/9/18, and 10/23/18

- Not enough Commission members present from these meetings to vote on the minutes. Left open until the next meeting scheduled on December 4, 2018.

Request for Administrative Update to Plan of Record - DEP #185-677, #1014 Highland Street

Documents: Plot plan entitled %Septic System Construction, 1014 Highland Street, Holliston,+revision date 9/19/18.

- Michael Brumber, representative for the applicant, Alan Stone, was present to describe the new additions to the proposed project. He noted that all altered work proposed was located outside of the 50qNo Disturbance Buffer Zone designated by the Town.
- Mr. Brumber noted that the proposed amended work included a block wall with a fence near the top. Said wall was to be a maximum of 9 feet tall, and would be engineered and formally designed so as to ensure appropriate construction. He noted that the primary concern for this alteration was for safety. The original approved plan included a 1:1 slope lined with rip rap, and Mr. Brumber and Mr. Stone were concerned that should there be young children around, they could easily fall and hurt themselves. The new wall would create both a visual and physical barrier with a fence to prevent injury.
- Mr. Brumber also noted that this new plan would provide some aesthetic for the yard, slightly increasing the yard size but still keeping out of the 50qBuffer.
- Mr. Clapp had met on site with Mr. Stone and Mr. Brumber to discuss the project. It was noted that the project had significantly more fill than the previously approved plan. At the onsite meeting, it was calculated there would be approximately 440 cubic yards additional fill. However, the calculations were incorrect, and Mr. Brumber noted that there would be a maximum of an additional 240 cubic yards.
- Mr. Clapp also noted that his initial concerns were regarding wildlife habitat and migration. The 9 foot tall would be impervious to wildlife movement, and isolate the wetland. However, it was

noted on site that Highland Street is a busy road, and this may potentially protect wildlife by keeping them away from cars. Ms. Pilch agreed.

- The Commission was in favor of this project as presented, and thanked Mr. Stone and Mr. Brumber for presenting the project well in advance of its implementation. Mr. Clapp will issue a memorandum for a plan change tomorrow.

Ms. Pilch made a motion to accept the revisions of 9/19/18 to the Plan of Record as an Administrative Update. Dr. Rutberg seconded the motion. Vote passes unanimously (4-0-0).

Request for a Certificate of Compliance - DEP #185-702, Lot A Highland Street

Documents: WPA Form 8A; Letter from GLM Engineering Consultants, Inc., dated 10/30/18.

- This item of business was discussed simultaneously with the Notice of Intent for Lot A, Highland Street (DEP #185-846) during the Public Hearing portion of the meeting.

Bond Reduction Request - Highlands Open Space

Documents: Habitat Management and Restoration Plan from Oxbow Associates, Inc., dated 10/16/17; Final Agreement between Holliston Residential Realty, LLC, and the Holliston Conservation Commission, dated September 2017; Letter from Charles Reneau, Consulting Arborist, dated 9/28/18.

- Mr. Clapp reported that Dale Mackinnon from Guerriere & Halnon, Inc., had submitted the arborist report that was required as part of the Final Agreement between the Conservation Commission and Fafard Real Estate Inc. The report stated that all work as required by the Habitat Management and Restoration Plan and the Final Agreement was completed. As such, they were requesting that the bond held by the Commission be reduced from \$50,000 to \$5,000, with the remaining amount to be released after a one year monitoring period.
- Mr. Clapp, Dr. Rutberg, Ms. Pilch, Mr. MacKinnon, and Mr. Welinton Pereira from Fafard had met onsite on November 1, 2018, to review the site and determine if the restoration work was satisfactorily completed. On the site visit, it was noted that there was still at least one (1) specimen of autumn olive present that had not been removed, and that the signs on the property bounds were incorrect. Mr. MacKinnon and Mr. Pereira had stated that these items would be completed prior to the meeting on November 13, 2018.
- As of the afternoon of November 13, 2018, these items were still outstanding. Mr. Clapp spoke with Mr. MacKinnon, who requested this item be continued until the next meeting on December 4, 2018.
- Mr. Clapp also noted that Fafard was requesting that the Conservation Commission initiate the final steps for accepting the Conservation Restriction. Mr. Clapp expressed reservations to the Commission, and believed that no motion on the restriction should be made until the one (1) year monitoring period had elapsed with no further issues on the restoration areas. Otherwise, liability could fall to the Commission. He had conferred with Town Counsel, who agreed with Mr. Clapp's sentiments.

Discussion: Chamberlain Pines

Documents: Plot plan entitled %Site Plan of Land, Chamberlain Pines Swim & Tennis Club, 84 Chamberlain Street, Holliston, Massachusetts,+dated 9/16/10; Plot plan entitled %Conceptual Plan, Chamberlain Pines Swim & Tennis Club, 84 Chamberlain Street, Holliston, Massachusetts.+

- Mr. Mike Auen, Mr. Ben Chiro, and Mr. Chuck Joseph were present to discuss a potential project at 84 Chamberlain Street. They presented an existing conditions plan and a proposed conditions plan.
- Currently, the property located at 84 Chamberlain Street is used as a tennis and swim club, and would like to gauge the Commission's opinion on converting it to a residential development.
- They noted that there was no new disturbance with this project, as the club already encroaches well into the 50' No Disturbance Buffer Zone. There is no intention to encroach further, and disturbance area would actually pull away from the wetland line.
- Ms. Pilch expressed her opinion that while the Commission is often somewhat more flexible on encroachment into the 50' Buffer if there is already preexisting disturbance, this was an entirely new use for the property and would involve a substantial amount of new construction.
- Mr. Auen noted that by conversion to residential (55+) from commercial would result in less intensive use than it currently is, given that there is a large amount of impervious surface and swimming pools that are used almost daily.
- Mr. Bajdek noted that the proposed conditions plan had twelve (12) units. He inquired as to the minimum acceptable number of units by the developer.
- Mr. Auen responded that they would consider slightly fewer units than on the plan. However, they need to strike a balance that makes conversion to residential economically viable.
- Mr. Clapp noted that units 1 and 2 were located well within the 50' Buffer Zone, and approval would be unlikely.
- Dr. Rutberg noted that units 9 and 10 were almost completely located outside of the 50' Buffer Zone, and were more likely to be considered.
- Dr. Rutberg suggested mitigation of some sort would likely be required as a condition of approval. He noted that while the proposed conditions do pull back further from the 50' Buffer Zone than the existing conditions, he would like to see an additional layer of protection from encroachment.
- Ms. Pilch seconded Dr. Rutberg's concerns regarding encroachment. She also inquired as to if there would be yards, to which Mr. Auen noted that it would be unlikely.
- Mr. Bajdek asked if duplex-style buildings were the only type of building to be considered. Mr. Auen noted that oftentimes, for example in a triplex, the center residence is difficult to sell and may remain unoccupied. Duplexes are thus much more financially viable.
- Mr. Nickel inquired about the square footage of each duplex, to which Mr. Auen responded they would each be approximately 2,500 square feet.
- It was established that the next steps would be for the applicants to return to planning for input, then hire an engineer to develop more detailed plans. They would then return to the Conservation Commission and request a site walk prior to a formal filing of a Notice of Intent.

Continued Discussion - Donation of Land off of Kingsbury Drive

Documents: Plot plan entitled %Amended Definitive Subdivision Plan, Evergreen Square- Evergreen Street, Holliston, Massachusetts,+last revised 12/14/01.

- Mr. Clapp reported that he had met onsite with Mr. Lou Petrozzi, who was interested in donating a parcel of land off of Kingsbury Drive. At the Commission's previous meeting, the Commission requested Mr. Petrozzi provide a plot plan showing the property. Mr. Petrozzi presented the plan to Mr. Clapp the previous week.
- Mr. Clapp noted that there were two vernal pools on the property. The southerly pool was certified, but he was unsure about the northerly pool. He presented a marked-up copy of the plot plan to the Commission. Said plan noted that there were three lots surrounding the property, but only those to the east and west were likely to be of concern for encroachment. The northerly vernal pool extended into the property to the north, so access and encroachment are unlikely. Additionally, the plan noted that access from the road was difficult either due to steep grade, retaining walls, or fences.
- Mr. Clapp recommended postponing further discussion until the spring in order to determine the activity of the vernal pool. He will continue looking into the northern vernal pool and will certify it if it is not already.

Review Correspondence

- Information regarding MACC dues for Fiscal Year 2020 was circulated.
- An email from Sally Naser from the Trustees of Reservations was read. On November 15, 2018, she and a representative from the Department of Conservation and Recreation will do their annual monitoring visit at the Fairbanks Property. Mr. Clapp will attend and invited the rest of the Commission to attend if they are available.
- Mr. Clapp provided a magazine from the Massachusetts Department of Corrections. A representative had visited him, informing him of a program in which inmates build park benches, kiosks, etc. to learn trade skills. Their prices are roughly half of other contractors. Mr. Clapp asked the Commission to consider if they had any projects they were thinking about.

Public Hearings/Public Meetings

Request for Determination of Applicability File #D-645: #20 Hargrave Avenue (Assessors Map 10-2-8) for proposed drainage improvements via grading - Mainsail Properties, LLC

Documents: WPA Form 1, Untitled Plan submitted by property owner dated 5/23/1963 (revised 9/25/2018)

- This item had been continued from the Commission's previous meeting on October 9, 2018.
- Mr. Marty Doscher and Ms. Debbie Doscher, applicants, were present to discuss their project.
- Mr. Doscher stated that the apartment building at 20 Hargrave Avenue was below grade, and the property itself was relatively flat and surrounded by wetlands. When he purchased the property, he noted that flooding and drainage was a problem in the Board of Health files.
- This project sought to lower the patios outside of the doors and connect the outflow to new pipes to drain water into the backyard and into the wetlands behind his property. He noted that this was an emergency project to prevent flooding and mold, and informed the Commission that the work was already completed. However, he wanted to know if the Commission had any suggestions or alterations to have less impact on the wetlands and buffer zone.
- Several members of the Commission stated concerns regarding erosion at the pipe's outlet.
- Dr. Rutberg asked how much outflow there was from the pipes.

- Mr. Doscher responded that he was unsure, but the pipes are approximately 4+ and 6+, designed for a 100 year storm event. He noted that they had been installed for approximately one (1) month with no visible signs of erosion. He noted that he had installed rocks at the pipe's outlet to slow flow and allow for infiltration.
- Dr. Rutberg asked about the size of the rocks, to which Mr. Doscher responded they were small, approximately 4+.
- Ms. Pilch suggested having larger stones at the pipes outlet. Mr. Clapp will add that in as a condition of approval.

Ms. Pilch made a motion to issue a Negative #3 Determination for #D-645: #20 Hargrave Avenue with conditions as amended. Mr. Nickel seconded the motion. Vote passes unanimously (4-0-0).

Request for Determination of Applicability File #D-647: #62 Ashland Street (Assessors Map 11-8-351) for proposed addition - Susan and Scott Mogren

Documents: WPA Form 1, Plot plan entitled "Proposed Site Plan, 62 Ashland Street, Holliston, Mass." dated 10/27/18.

- Susan and Scott Mogren, applicants, waived the reading of the legal notice.
- Mr. Mogren explained that their proposed project was for an attached garage. There was originally an unattached garage that was taken down. There is an intermittent stream to the west, and the property steeply grades approximately 75 feet from the stream.
- Ms. Pilch asked if there was to be a new driveway. Mr. Mogren responded there was not, but they would like to connect the existing driveway to the garage.
- Mr. Nickel asked if the footprint would remain the same, Mr. Mogren responded that it would be slightly larger.
- Ms. Pilch asked where the roof runoff would go. The applicants had not considered this. Ms. Pilch noted that since there was a structure previously build there, it was unlikely that roof runoff was a major issue.
- Ms. Mogren asked Mr. Clapp's opinion on the drainage issue. Mr. Clapp noted that the low point on the property was in the backyard, not towards the wetlands. Drainage would thus likely not go towards the wetlands.
- Ms. Pilch asked if there was to be any stockpiling. Mr. Mogren responded there would not.
- Mr. Mogren asked if there were any specifications on the type of erosion control to be used. Mr. Clapp noted there were specifications on the plan.
- The Commission left the type of erosion control to be used to the discretion of the applicant.
- Mr. Clapp noted that there were six (6) trees to be removed as part of this project. All were cedars and in relatively poor shape, with one already completely uprooted.

Dr. Rutberg made a motion to issue a Negative #3 Determination for #D-647: #62 Ashland Street with conditions as drafted. Ms. Pilch seconded the motion. Vote passes unanimously (4-0-0).

Notice of Intent DEP File #185-845: Lot #12 Deer Run Road (Assessors Map 11-1-8-1) for proposed Single Family Dwelling - GLM Engineering Consultants, Inc., representing Francis Vazza, Four Seasons Homes, LLC.

Documents: WPA Form 3, Plot plan entitled "Proposed Sewage Disposal System, Lot 12 - Deer Run Road, Holliston, Massachusetts," revision date 11/6/2018, Letter from GLM Engineering Consultants, Inc., dated 10/30/18.

- Joyce Hastings, representative for the applicant, waived the reading of the legal notice.
- Ms. Hastings described the site. It is currently undeveloped and very densely vegetated, with wetlands to the southwest of the proposed house.
- Ms. Hastings provided the Commission with a new plan, slightly altered from the initially submitted plan. This plan pulls disturbance further away from the wetlands, using an existing stone wall as the limit of work. She noted that the wall is to be maintained in perpetuity as a visual boundary of the 50-foot No Disturbance Buffer Zone. There are also two permanent wetland bounds along the 50-foot No Disturbance Buffer Zone.
- Mr. Nickel expressed concerns regarding the amount of clearing to be done. He inquired if the amount of disturbed area within the 100-foot Buffer Zone had to be so large.
- Ms. Hastings noted that there is to be no disturbance within the 50-foot Buffer Zone, plus significant deterrents to encroach any further. However, to make the property marketable and buildable, there needed to be some grading to be done and would like a yard on the property.
- Mr. Nickel understood her position, but was still not enthusiastic about the amount of disturbance. However, he agreed that it does improve the property's marketability.

Dr. Rutberg made a motion to close the public hearing for DEP #185-845: Lot #12 Deer Run Road. Ms. Pilch seconded the motion. Vote passes unanimously (4-0-0).

- Mr. Clapp presented a draft Order of Conditions to the Commission. He noted that he would add in conditions for the installation and maintenance of the permanent wetland bounds, as well as for the maintenance of the stone wall in perpetuity.

Dr. Rutberg made a motion to issue an Order of Conditions with conditions as amended. Ms. Pilch seconded the motion. Vote passes unanimously (4-0-0).

Notice of Intent DEP File #185-846: Lot A Highland Street (Assessors Map 11-1-8-1) for proposed driveway construction and utility installation - *GLM Engineering Consultants, Inc.*, representing *Daniel Rutowicz*.

Documents: WPA Form 3, Plot plan entitled "Proposed Sewage Disposal System, Lot A Highland Street, Holliston, Massachusetts," dated 12/14/09 (rev. 2/23/10, 11/7/2018), Letter from GLM Engineering Consultants, Inc., dated 10/30/18.

- This item was discussed simultaneously with the Request for a Certificate of Compliance for DEP #185-702: Lot A Highland Street. This Order of Conditions had expired without beginning any work. The applicant was thus entitled to a Certificate of Compliance for an invalid Order of Conditions.

Ms. Pilch made a motion to issue a Certificate of Compliance for DEP #185-702: Lot A Highland Street on the basis of an invalid Order of Conditions. Dr. Rutberg seconded the motion. Vote passes unanimously (4-0-0).

- Joyce Hastings, representative for the applicant, waived the reading of the legal notice.

- Ms. Hastings noted that this project for the construction of a driveway had already received an Order of Conditions in 2010. It had been extended several times, but expired without the commencement of any work.
- There is an existing driveway on site that is proposed to connect to a proposed house in the back of the property. There are only two (2) areas that encroach on the 100qBuffer Zone. Both encroachments are driveway only, with no house or septic proposed in any area under jurisdiction of the Conservation Commission. No work is proposed within the 50qNo Disturbance Buffer Zone.
- Ms. Hastings noted that there were to be stone trenches on either side of the driveway to allow for runoff to infiltrate. She also noted that she added two (2) permanent wetland bounds in a revised plan submitted to the Commission at this meeting. She noted that no work was proposed near the 50qBuffer Zone, but these bounds provide extra insurance that no further encroachment will occur towards the wetlands. Ms. Hastings further noted that portions of the driveway outside of the 100qBuffer Zone were designed to keep as far away as possible to prevent further encroachment.

Ms. Pilch made a motion to close the public hearing for DEP File #185-846: Lot A Highland Street. Mr. Nickel seconded the motion. Vote passes unanimously (4-0-0).

- Mr. Clapp presented a draft Order of Conditions to the Commission. He noted that he will add in conditions regarding the installation and permanent maintenance of the wetland bounds.

Dr. Rutberg made a motion to issue an Order of Conditions for DEP File #185-846: Lot A Highland Street with conditions as amended. Ms. Pilch seconded the motion. Vote passes unanimously (4-0-0).

Notice of Intent for DEP #185-847: Westfield Drive for proposed culvert replacement - *AP Associates*, representing *Town of Holliston Department of Public Works*.

Documents: WPA Form 3, Plans entitled %Holliston, Massachusetts, Westfield Drive Culvert, Plans, Legend, Notes, and Details+(2 pages) dated 6/2018, Letter from AP Associates, Inc., dated 10/30/18.

- Ali Parand, representative for the applicant, waived the reading of the legal notice.
- Mr. Clapp noted that he had received correspondence from AP Associatesqwetlands consultant, Charles Katuska, that he would not be present this evening. Mr. Katuska had the proof of abutter notification and will mail it to Mr. Clapp.
- Mr. Parand gave background on the project. The current culvert on Westfield Drive is over 60 years old and is failing and must be replaced. Mr. Parand noted that the culvert itself will be precast concrete to minimize the amount of time they will be within Jarr Brook. He noted that they will also be taking advantage of the roadwork to replace the existing asbestos cement water main with a ductile iron water main.
- Mr. Bajdek asked how long the project's duration would be. Mr. Parand noted that the project will take place over ten (10) days, with only three (3) days in the stream itself. They will be doing the project during late summer when streamflow is at its lowest.
- Mr. Clapp made a note that there is going to be a bypass pump system to ensure the stream does not back up during the project. He has discussed this matter with Mr. Parand prior to this evening's hearing. Mr. Parand confirmed that the pump will be monitored around-the-clock and there will be two pumps for redundancy.

- Mr. Bajdek asked what erosion controls will be used. Mr. Parand noted that there will be a combination of silt fences and straw wattles.
- Mr. Bajdek noted that the project was scheduled for late summer, approximately one year from now, and commended DPW for coming to the Commission this early.
- Sean Reese, DPW director, noted that the project was fully funded by Town meeting.

Ms. Pilch made a motion to close the public hearing for DEP File #185-847: Westfield Drive. Mr. Nickel seconded the motion. Vote passes unanimously (4-0-0).

- Mr. Clapp presented a draft Order of Conditions to the Commission. He noted that there were several conditions related to the timing of the project, emergency response, and monitoring of equipment, particularly the bypass pump system.
- Since no abutter notifications were presented, Mr. Clapp recommended that the Order not be issued until such proof was received.

Ms. Pilch made a motion to issue an Order of Conditions for DEP File #185-847: Westfield Drive with conditions as drafted, pending receipt of proof of abutter notification. Dr. Rutberg seconded the motion. Vote passes unanimously (4-0-0).

Notice of Intent for DEP #185-XXX: #126 Summer Street (Assessors Map 5-1-3) for proposed outdoor storage - GLM Engineering, representing Jonathan Bennett, Bennett Trucking, Inc.

Documents: WPA Form 3, Plot Plan Entitled %Proposed Site Plan, 126 Summer Street, Holliston, Massachusetts, dated 10/30/18 (rev. 11/8/18, 11/9/18), Letter from GLM Engineering Consultants, Inc., dated 10/30/18.

- Joyce Hastings, representative for the applicant, waived the reading of the legal notice.
- Ms. Hastings introduced the applicants present, Alex Bennett and Linda Sutfenfield. Ms. Hastings described the nature of the business that will be operating on the site, Bennett Trucking, Inc. This company rents out dumpsters and trucks them to the project site. They are then filled and emptied, and will be returned to 126 Summer Street empty.
- Ms. Hastings noted that the proposed project will create a parking area and dumpster storage area within 100qf the BVW and within 200qf Chicken Brook. Ms. Hastings presented a new plan that what had been submitted. She noted that this plan reduced the number of maximum onsite dumpsters from 32 to 16, increased the encroachment of the parking area into the 100q buffer zone, added a sedimentation pond between the storage area and Chicken Brook, and added a restoration area in the 50qNo Disturbance Buffer Zone. Ms. Hastings noted that there will be no filling of floodplain.
- Mr. Bajdek noted that, while outside of the jurisdiction of the Conservation Commission, there was a driveway outside of the buffer zone encroaching on the adjacent property. Ms. Hastings noted that the driveway was long-existing and is not up for approval.
- Ms. Hastings noted that the new sediment basin does not create a point-source discharge.
- Ms. Hastings noted that she had sent DEP the new plan, but no number had been issued.
- Mr. Clapp noted that there was a lot of debris on site. Ms. Hastings responded that the previous owner ran a construction business and left a lot of materials. The applicants have begun to clear and remove the debris, but wanted to come to the Conservation Commission prior to moving forward.
- As there was no DEP number, the public hearing could not be closed.

Dr. Rutberg made a motion to continue the public hearing for DEP File #185-XXX: 126 Summer Street to the next meeting on December 4, 2018. Ms. Pilch seconded the motion. Vote passes unanimously (4-0-0).

Ms. Pilch made a motion to adjourn the meeting at 9:51 PM. Dr. Rutberg seconded the motion. Vote passes unanimously (4-0-0).

*****All documents shall be kept in the Conservation Commission Office files*****