

Holliston Conservation Commission

APPROVED Meeting Minutes

Town Hall . Meeting Room #014

April 16, 2014

7:30 PM

Present: Allen Rutberg, Chair; Shaw Lively, Jim McGrath, David Schroder, Rebecca Weissman, Commissioners

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

Absent: Ann Marie Pilch, Vice-Chair; Chris Bajdek, Commissioners

Allen Rutberg, Chair, opened the meeting at 7:33 PM.

General Business

Informal Discussion: Proposed Deck and Fence – 267 Adams Street, Nathan & Jill Baillargeon

Nathan Baillargeon was present to discuss a proposed deck and fence within the 50q buffer zone on their property. The deck and fence would be constructed in areas that have already been disturbed. The deck is proposed over existing lawn area. They plan to use two main joists to reduce the # of posts used to support the deck. Synthetic material is planned for the decking. The Commission agreed that they felt that this project could be reviewed under a Request for Determination of Applicability.

Rail Trail - 8-Arch Bridge

Mary Greendale was present as Chair of the Ad Hoc Trestle Committee. In a letter dated April 8, 2014, Ms. Greendale and Robert Weidknecht, Chair of the Trails Committee, submitted a proposed vegetative management plan (VMP) to the Conservation Commission. Ms. Greendale reviewed the letter with the Commission. Barbara Briggs from Tree Specialists has volunteered to develop the VMP and Dave Landry will be volunteering to implement the VMP. They cannot use CPC funds to restore the stonework of bridge due to the fact that this section of the rail trail was %ail banked,+meaning that the property is in a %bank+so that if a train needed to use it in the future, then the rails could be put back in. There has been a quote that restoring the bridge would cost about \$250,000. Ownership still has to be determined for a triangular piece of land between the bridge and the road and Michael Healy's law firm has volunteered to do that title search. They do not envision the land between the 8-Arch bridge and Woodland Street being a formal park, but a naturalized area with historical information for the public. The question arose regarding how much land is owned behind the bridge. According to Mr. Weidknecht, there is a 45q easement from the centerline. The northern portion of the land behind the bridge is owned by Ty-Wood and the southern portion is owned by Boston University. Ms. Greendale will look into trying to get a survey plan from Ty-Wood to find

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out if they can determine the property line more clearly. The VMP will be presented to the Commission for formal review via a Request for Determination of Applicability. Natural Heritage has asked to review the RFDA for priority habitat species.

Dunster Road Boardwalk Eagle Scout Proposal – Peter Goeller

Master Goeller presented photographs of a boardwalk from Easton, MA. His parents, John and Maggie Goeller, were also present. Master Goeller measured the width of the trail/fire road at several locations along the trail area. The smallest current width is 8 feet with a maximum achievable width of 10 feet. Unfortunately, the 10 foot width does not seem like it would be acceptable for the passage of fire trucks on the fire road. The Agent will speak to the Fire Chief about the minimum width he would require. It appears that there will need to be more extensive cutting of large trees in order to fit the boardwalk and the fire road in this area where the trail/road is 8 foot wide. The Agent also explained that with a greater amount of work in the area, a more formal permit process is likely to be necessary for a Conservation Commission approval.

If this boardwalk proposal doesn't work out, there is the potential for Master Goeller to work on a boardwalk at the entrance to the Poitras Conservation Land.

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 made a written request to continue these two hearings to April 29, 2014 as he is waiting for a variance from the ZBA.

Ms. Weissman made a motion to continue 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 until April 29, 2014. Mr. McGrath seconded the motion. Unanimous. (5-0-0)

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.*

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Mr. Goddard made a written request to continue this hearing to the Commission's meeting on May 13, 2014.

Mr. Lively made a motion to continue the hearing for the ANRAD for DEP File #185-771: 65 Kim Place, Underwood Street, and Walnut Road – aka “Katie’s Way” to May 13, 2014. Mr. McGrath 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 April 29, 2014, while Brian Butler from Oxbow Associates performs a migration study.

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. Weissman seconded the motion. Unanimous. (5-0-0)

Continued Public Hearing – Amendment to Order of Conditions for DEP File # 185-748: 1025 Highland Street (Assessors Map 8, Block 2, Lot 47.4), installation of an irrigation well, Todd Kiley

Mr. Kiley was present. Mr. Kiley submitted a complete final revised plan (dated April 8, 2014) with the wetland delineation for his entire lot. This plan includes the new information regarding the 100' wetland buffer zone near his private well as was shown on the plan dated March 30, 2014 for 1014 Highland Street at the last meeting (April 1st). As requested at the last meeting, Mr. Kiley submitted his Bylaw Fee payment on April 11th for this Amendment to the Order of Conditions.

Mr. McGrath made a motion to close the hearing for the Amendment to Order of Conditions for DEP File #185-748, 1025 Highland Street. Mr. Lively seconded the motion. Unanimous. (5-0-0)

Ms. Weissman made a motion to approve and issue the Amendment to Order of Conditions for DEP File #185-748, 1025 Highland Street. Mr. McGrath seconded the motion. Unanimous. (5-0-0)

Continued Public Hearing – Notice of Intent for DEP File # 185-773: “0” Concord Street Brooksmont Meadow Open Space Residential Development (Assessors Map 11, Block 8, Lot 347 – located south of 420 Concord Street), proposed construction of a 3 lot open

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space residential development, including 2 open space lots, an extension of a stub road, and associated utilities, drainage, and stormwater management, *Dean Schofield/Schofield Brothers* representing *Dennis Morgan/Brooksmont Realty Trust*

Dennis Morgan was present along with his representatives, Mr. Schofield, Mr. Saulnier, and Angelo Catanzaro, Esq. Mr. Schofield had submitted a letter to the Conservation Commission dated April 8, 2014 with comments regarding the qualification of this project as a %limited project,+and the necessity and amount of construction in the 50qNo-Disturb Zone. There was also discussion of the Planning Board's Certificate of Action, which calls for a %detailed review of the perimeter buffer conditions and a proposal for supplemental planting and/ or vegetative management of the open space and critical buffer areas.+He passed out copies of this letter to the Commission.

The wetland crossing meets the requirements of the Massachusetts Stream Crossing Standards. Mr. Schofield explained that this crossing is not the first of its type in Holliston. There are two projects off of Winter Street (320 Winter Street, which has not been built, and Woodland Crossing), one on Kingsbury Drive, and one serving Piedmont Drive in the %Balancing Rock+housing project. Mr. Schofield explained that they all cross the 50qNo-Disturb Zone and the BVW with a 24qwidth of pavement and sidewalk, so that they are wider than this proposed stream crossing. The amount of disturbance in the 50qNo-Disturb Zone for this proposed project is under 7% of the total 50qNo-Disturb Zone. Mr. Schofield believes that the work in the 50qNo-Disturb Zone has been carefully planned to create minimal impact.

The Commission agreed that it is not bound by past precedents as the proponents have inferred. In addition, the Commission has a fundamental concern about the significant amount of work in the 50qNo-Disturb Zone regardless at the proposed attempts at wetland replication.

Mr. Morgan's attorney, Mr. Catanzaro, believes that the Holliston Wetlands Bylaw Regulations allow the discretion of the Commission when it comes to working in the 50qNo-Disturb Zone if there is minimal impact or no impact.

The Agent explained that this crossing project does not automatically qualify as a %limited project,+because there are other alternatives to reach the upland areas on this property. It is a project with %direct impact+to the bordering vegetated wetlands under the Wetlands Protection Act Performance Standards. The upland area can be reached from Concord Street versus using the crossing to reach the upland area. However, the Agent explained that the Commission does have the discretion, if in their judgment it is not reasonable to downsize or redesign the project, to approve up to 5,000 square feet of direct loss of bordering vegetated wetlands when it is replicated in accordance with the standards.

The Planning Board will not allow access from Concord Street due to their Open Space Residential Development (OSRD) regulations. Mr. Catanzaro explained that there are no reasonable alternatives to access the property, because the Planning Board will not allow it. Therefore, Mr. Catanzaro respectfully disagreed with the Agent, because the WPA regulations state that the construction of a new roadway or driveway can potentially be allowed where reasonable alternative means of access from a public way is unavailable. He believes that since the Planning Board does not feel that access from Concord Street is a reasonable alternative, that this gives the Commission the discretion to consider this under the definition of %limited project.+

The Chairman inquired about the amount of impact the project will have on the resource area. The Agent opined that the 3 house lots do not impact the area significantly. However, the infrastructure of the road through the 50qNo-Disturb Zone is much more significant. At the crossing, the flow of the water is mostly break-out from shallow ground water and is only slightly channelized. With the creation of the crossing, the flow is more channelized than in other locations. The culvert will create a more significant channelization, so that the pattern of flow will be different and be more like the flow of a stream.

Concerns were raised about snow being plowed off of Dodd Drive and into the ninety degree driveway turns at the end of Dodd Drive. The edges of these driveways will be right along the edge of the bordering vegetated wetlands. Mr. Schofield emphasized that there will be an infiltration structure for the driveways. The Commissioners agreed that the site is very constrained, but the idea of balance between the wetlands and the development is important to them.

Mr. Morgan recalled that they came to the Commission in the Fall of 2013 and explained the project to the Commission before they developed the project. He pointed out two positive points: 1) three house lots on 9 acres is not extreme, and 2) 6 acres of Open Space for the town will be beneficial.

Mr. Schofield re-emphasized that the Planning Board's OSRD requirements will not allow the development of the two lots from Dodd Drive and the third lot off of Concord Street and still create the Open Space for the town.

Mr. Lively opined that he is less concerned about the wetland crossing with what seems to be adequate replication, than he is about the access off of Dodd Drive with significant disturbance through the 50qNo-Disturb Zone. In addition, the land that will be turned into Open Space for the town isn't pristine woodlands and is full of invasive species. Mr. Morgan replied that they have presented four precedents where this type of crossing has been allowed and they have put as many mitigation factors as possible into this proposal. The stub road, Dodd Drive, was constructed years ago and happens to go across the 50qNo-Disturb Zone, so this is what they have used to access the property.

There are a lot of invasive species on the site, particularly Russian olive shrubs in the buffer zone. Ms. Weissman and the Commission discussed the possibility of an invasive species control plan for the Open Space area. This might help address the issue of balance between the disturbance of the bordering vegetated wetlands and the 50qNo-Disturb Zone. Mr. Morgan was amenable to considering the development of an invasive species control plan. The Agent suggested that they research how Russian olive is best controlled.

Mr. Morgan agreed to a continuance until May 13, 2014 so that they can develop an invasive species control plan.

Mr. Lively made a motion to continue the hearing for DEP File # 185-773: "0" Concord Street Brooksmont Meadow Open Space Residential Development to May 13, 2014. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

Continued Public Hearing – Notice of Intent for DEP File # 185-774: 58 Hopping Brook Road (Assessors Map 4, Block 6, Lots 10, 12.2, and 19) proposed construction of ground-

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mounted solar photo-voltaic project to generate electricity and a gravel parking lot to be used for access to the Upper Charles Rail Trail, *Robert Truax/GLM Engineering* representing *Ken Driscoll/SED Two LLC*

Mr. McGrath submitted a signed affidavit regarding his review of the public hearing evidence.

Mr. Truax, Attorney Barbieri, and Miguel Linera (engineer for Solect Energy) were present. Barbara Thissell/AP Associates, the peer review consultant for the Stormwater Management report, was also present.

Mr. Truax presented plans dated 4/14/14 that had been revised in response to Ms. Thissell's comments. They did soil testing by digging test pits in each basin and found that the soil was sand and gravel. They moved detention basin #1 (on the southwest side of the property) out of the 100qvernal pool buffer zone and detention basin #2 (on the northeast side of the property) out of the riverfront buffer zone. The parking lot was also made flatter.

Ms. Thissell asked about the construction sequence process and how they will get the Zoysia grass to grow on the 10% slope. The Zoysia grass will be hydro-seeded. There won't be any water on site to water the grass, but Mr. Truax explained that Zoysia grass doesn't need to be watered much and growing it hasn't been a problem on other Solect sites. Ms. Thissell also inquired about what they would be doing with the earth they removed when they site was smoothed out. Mr. Truax explained that it was a relatively balanced site, so that there wouldn't be a lot of excess soil; however, any excess soil would be stored in a stock pile on the southwest side of the site with the appropriate erosion controls surrounding it. The plan is to put a new building at about the same location as the stockpile, so any leftover soil from that project could be removed at that time. They plan to file an application with the Commission for this new building in the future.

Mr. McGrath made a motion to close the hearing for DEP File # 185-774: 58 Hopping Brook Road. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

The draft Order of Conditions for DEP File #185-774 was reviewed. The driveway coming off of Washington Street will not be part of this Order of Conditions. The Order of Conditions for DEP File #185-719 for the common driveway at 2016 Washington Street will be amended so that it will be just for the driveway off of Route 16. The wetlands crossing portion of the driveway will be removed. The shortened driveway off of Route 16 will be used to provide access and support to the commercial development of the plaza previously approved under the Order of Conditions for DEP File #185-736 at 2016 Washington Street.

Mr. McGrath made a motion to approve and issue the Order of Conditions for DEP File # 185-774: 58 Hopping Brook Road. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

****New 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 April 29, 2014.

Ms. Weissman made a motion to continue the hearing for the Amendment to the Order of Conditions for DEP File #185-677: 1014 Highland Street until April 29, 2014. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

General Business Continued

Ms. Shirley Melle was present and let the Commission know that Joseph Cohen will be honored at the Town Hall for his 25 years of service to the Conservation Commission and the Conservation Associates on Wednesday, May 28th, at the town hall.

Open Space Updates – Open Space and Recreation Plan (OSRP)

Karen Sherman, Town Planner, is hoping to finalize the OSRP in the near future.

Lake Winthrop Revitalization

The mussel survey will be completed in the swimming areas at both Stoddard Park and Pleasure Point. This needs to be clarified with the Parks Department, because the Agent spoke to Kristen Hedrick today, and she seemed to be under the impression that the mussel survey would only be completed at Stoddard Park. Liz Newlands is coordinating with the NHESP regarding the Eastern Pond Mussels.

Poitras/Daniels Conservation Land Eagle Scout Project – Carl Berg

Master Berg completed his Eagle Scout Project for the Poitras/Daniels land. This consisted of installing a kiosk, GPS mapping the trail network, creating a new map, and clearing the trail.

Project Updates – Gas Line – Old Cart Path/Whitney Farms

A plan dated April 2, 2014 was received for the retaining wall next to the rip rap slope.

1225 Washington Street and Newfound Farm - 1201 Washington Street – Potential Violation

Doug Foss of 1225 Washington Street was present. He had reported flooding on his property due to the blockage of a stream. The Agent visited Mr. Foss's property today. Mr. Foss explained that he had an agreement with the prior owner of 1201 Washington Street to keep the stream channel clear of debris. The property at 1201 Washington Street has since been sold to Mr. Brown/Newfound Farm.

An earthen berm appears to have been created across the stream channel at 1201 Washington Street/Newfound Farm. The Agent spoke with the owner, Mr. Brown, today, and he suggested that Mr. Brown work with Mr. Foss to remove the berm/dam to restore the flow to the previous stream channel. This would be allowed on an emergency basis only to alleviate the flooding from Mr. Foss's property. Mr. Foss explained that the stream channel has been filled at other locations downstream, so that even if the berm/dam is removed, he is not sure that the water on his property will drain away. The Commission reminded him that clearing the entire stream channel was not being permitted at this time.

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In the meantime, he is going to try to pump the water out of his yard into the woods. The Commission asked him to be cautious about creating flow that will create a new stream channel. For the long term, the activities in the wetlands at 1201 Washington Street will need to be addressed.

Review Mail

An invoice was signed by the Commission for the title search for the donated open space lots at 65 and 75 Gretchen Lane.

FY2015 Budget

The Board of Selectmen made a proposal to the FinCom to raise non-union salaries according to the results of the Stone Salary survey. The FinCom supported the raises.

Vote on Meeting Minutes from April 1, 2014

Mr. McGrath made a motion to approve the minutes dated April 1, 2014 with comments incorporated. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

At 11:03 PM, Ms. McGrath 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, April 29, 2014.