

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall – Meeting Room #014

May 21, 2013
8:00 PM

Present: Allen Rutberg, Chair; Chris Bajdek, Richard Maccagnano, Jim McGrath,
Commissioners

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

Absent: Ann Marie Pilch, Vice-Chair; Shaw Lively, Rebecca Weissman, Commissioners

Allen Rutberg, Chairman, opened the meeting at 8:00 PM.

Public Meetings & Hearings

****New Public Meeting - Request for Determination of Applicability - #D-501: Rail Trail; Church St. to Cross St. - identified as Holliston Assessors Map 1, Block 2, Lot 10,** proposal to resurface existing track bed for use as a public trail *Robert Weidknecht/Beals & Thomas* representing *Holliston trails Committee*

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on May 14, 2013. Mr. Varrell presented plans for the $\pm 7,400'$ section of rail trail proposed between Church Street and Cross Street. The Winthrop Canal and an unnamed stream (often called Austin Brook) are crossed by the rail trail. Drainage ditches along the side of the trail underneath Highland Street are scheduled to be cleaned out by Mass Mosquito Control. MMC only cleaned out the ditches in the tunnel and did not clean out the entire length of the ditches when they came out last year, so the ditches will be further cleaned out this year. The last resource area near Cross Street is a bordering vegetated wetland.

Reprocessed bituminous will be put down and compacted. When funding is available, stone dust will be put down on top of the compacted reprocessed bituminous.

Ms. Weissman was not present, but she went on a site walk with the Rail Trail Committee on May 11th, and stated in writing that she had no issues with the project. Mr. McGrath also attended the site walk on May 11th and did not see any erosion along the sides of the trail bed. Mr. Varrell explained that they will not need to grade the trail bed much, except to possibly fill in a couple of low points.

The Rail Trail Committee is planning to improve two access points at the Arch Street bridge and close the other two access ways that are very steep. There will be decking and hand rails installed on the Arch Street bridge.

The Commission agreed that the only erosion controls that they believe are necessary would be at the east end of the ditches about 900-1,000' east of the Highland Street tunnel. They asked that the Commission be kept informed of any water/sediment drainage issues into the wetlands, since this section of the trail tends to be a very wet area.

Mr. Bajdek made a motion to issue the following Determinations for RFD #D-501, Rail Trail: Church Street to Cross Street:

Positive #2B Determination: the boundaries of the bordering vegetated wetlands, bank, land under waterways, and riverfront area as shown on the plan 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 #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. For this section of the rail trail, the Trails Committee will follow the program of Best Management Practices (BMPs) for use in pre-construction, construction, and post-construction activities in accordance with the MA-DEP's written policy titled "Best Management Practices for Controlling Exposure to Soil during the Development of Rail Trails," as outlined in the April 30, 2013 application.
2. Construction period dust control during trackbed regrading will be followed as outlined in the BMP Program above in Condition #1.
3. The Trails Committee will provide public notice of the estimated commencement of construction, defined as Project Area Signage re: the start of construction (as required in the MA-DEP BMP policy).
4. The Construction Sequence provided in the April 30, 2013 application will be adhered to, unless modified through further consultation with the Conservation Commission.
5. No stockpiling of existing trackbed material will occur within the project area.
6. Erosion control barriers located approximately 900-1,000' east of the Highland Street tunnel must be installed prior to any grading work. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barrier. Erosion controls are to be maintained onsite in functional condition until all areas disturbed for bike path construction are fully restabilized with vegetation.
7. All old railway ties located within 100' buffer zones along the railbed will be removed and disposed of in accordance with all applicable local, state, and federal regulations.

Mr. McGrath seconded the motion. Unanimous. (4-0-0)

****New Public Meeting - Request for Determination of Applicability - #D-502: Elm, Grove and Church Streets - public ways identified on Holliston Assessors Map 8A, Blocks 3 and 4, proposal to resurface roadways and improve sidewalks, Tom Smith, Superintendent, Holliston Highway Department**

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on May 14, 2013. Mr. Smith, the Highway Superintendent, presented plans for the sidewalk and paving improvements for Elm, Grove, and Church Streets. The existing sidewalks and roadways are going to be ground up and replaced with new sidewalks (including granite curbs) and roadways, except for the section next to the Catholic Church on Elm Street (this section is newer).

Erosion controls will be located on Elm Street and Church Street where they cross the Winthrop Canal. New guard rail footings will be installed at both canal crossings. No new drainage structures will be installed. There is one D-box on Elm Street near the canal that they may try to lower the box if possible to install a sump.

Mr. Bajdek made a motion to issue the following Determinations for RFD #D-502: Elm, Grove and Church Streets:

Positive #2B Determination: the boundaries of the Bank, Riverfront Area, and Bordering Land Subject To Flooding as shown on the plan 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);

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, the work does not require a Notice of Intent; 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:

Prior to any land disturbance, erosion control barriers will be installed as shown on the record plans.

Mr. McGrath seconded the motion. Unanimous. (4-0-0)

Continued Public Hearing – Notice of Intent for DEP File # 185-749: Lot 25 Governor Prencce Way, identified as Holliston Assessors Map 14, Block 5, Lot 25, proposed grading and site work associated with the construction of a single family house lot, Peter Lavoie/Guerriere and Halnon, Inc. representing Holliston Residential Realty LLC

Dr. Rutberg submitted an affidavit stating that he had reviewed the public hearing evidence from the hearing dated April 23, 2013 regarding Lot 25 Governor Prencce Way.

Mr. Lavoie presented new plans dated May 8, 2013 for Lot 25, Governor Prencce Way. The vernal pool that was located by Mr. Katuska was added to the plan. At this point in time, the vernal pool is dry. The erosion control location was moved to accommodate the septic system that has been moved 5' further from the wetlands. The toe of the house was also moved 10 feet further from the wetlands. The end of the leach field is 68' from the bordering vegetated wetlands. The ANR (Approval Not Required) for this lot was signed by the Planning Board on

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May 16, 2013. As requested by the Commission, the rooftop recharge detail will be added to the plan.

Mr. Maccagnano made a motion to close the hearing for DEP File # 185-749: Lot 25 Governor Prence Way subject to the receipt of a plan showing the addition of the rooftop drainage detail. Mr. Bajdek seconded the motion. Unanimous. (4-0-0)

****New Public Hearing - Request for Amendment to Order of Conditions for DEP File #185-738: Lot 3.5B Old Cart Path - identified as Holliston Assessors Map 14, Block 5, Lot 3.5 (portion B),** proposed modification to the property boundaries and the lot layout associated with single-family house construction, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Holliston Residential Realty LLC*

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on May 14, 2013.

Mr. Lavoie presented a new plan for Lot 3.5 B Old Cart Path. The property boundaries and the lot layout have been modified since the original Order of Conditions was issued in October 2012. The Planning Board issued an ANR (Approval Not Required) for this new lot division on May 16, 2013. This ANR subdivided Lot 3.5, so that this Order only applies to the section now labeled as Lot 3.5B. A second NOI (DEP File No. 185-756) was submitted for Lot 3.5C Old Cart Path. See the hearing for Lot 3.5C below.

The house and septic system are outside the 100' buffer zone. The grading and part of the driveway are in the 100' buffer zone. The rip rap slope detail is the same as in the original Order of Conditions. The Commission requested that a foundation drain be added to the plan.

Mr. Maccagnano made a motion to close the hearing for the Amendment to Order of Conditions for DEP File #185-738: Lot 3.5B Old Cart Path subject to receipt of a plan with the addition of a foundation drain. Mr. Bajdek seconded the motion. Unanimous. (4-0-0)

****New Public Hearing – Notice of Intent for DEP File # 185-756: Lot 3.5C Old Cart Path - identified as Holliston Assessors Map 14, Block 5, Lot 3.5 (portion C),** proposed construction of a single-family house and the associated grading and site work, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Holliston Residential Realty LLC*

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on May 14, 2013.

Mr. Lavoie presented a plan for Lot 3.5 C Old Cart Path. This lot is the other part of Lot 3.5 Old Cart Path that had received a signed ANR (Approval Not Required) at the Planning Board meeting on May 16, 2013. A letter from Natural Heritage was received stating there were no adverse impacts to endangered species.

A portion of the house and the driveway are in the 100' buffer zone. The Commission requested that four precast concrete bounds be put along the 50' no-disturbance line with metal plaques on top stating no disturbance is allowed. The staff will send the wording for the plaques to Mr. Lavoie. A foundation drain will be added to the plan that will drain into the 1' deep swale on the east side of the property.

Mr. McGrath made a motion to continue the hearing for DEP File # 185-756: Lot 3.5C Old Cart Path to May 28, 2013. Mr. Maccagnano seconded the motion. Unanimous. (4-0-0)

****New Public Hearing – Notice of Intent for DEP File # 185-755: Lot 3.3B Old Cart Path - identified as Holliston Assessors Map 14, Block 5, Lot 3.3 (portion B),** proposed construction of a single-family house and the associated grading and site work, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Holliston Residential Realty LLC*

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on May 14, 2013.

Mr. Lavoie presented a plan for Lot 3.3B Old Cart Path. A letter from Natural Heritage was received stating there were no adverse impacts to endangered species. A portion of the house and the driveway are in the 100' buffer zone. A rip rap slope with a 6' retaining wall at the top of the slope is in the 100' buffer zone. A fence is located at the top of the retaining wall. A foundation drain and guard rail will be added to the plans. The Commission asked that the house and the driveway be moved away from the 50' buffer zone about 10'. This will also add more space between the house and the fence.

Mr. McGrath made a motion to continue the hearing for DEP File # 185-755: Lot 3.3B Old Cart Path to May 28, 2013. Mr. Maccagnano seconded the motion. Unanimous. (4-0-0)

****New Public Hearing – Notice of Intent for DEP File # 185-754: Lot 3.3C Old Cart Path - identified as Holliston Assessors Map 14, Block 5, Lot 3.3 (portion C),** proposed construction of a single-family house and the associated grading and site work, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Holliston Residential Realty LLC*

Mr. Lavoie waived the reading of the legal notice published in the *MetroWest Daily News* on May 14, 2013. A letter from Natural Heritage was received stating there were no adverse impacts to endangered species. A rip rap slope with a 6' retaining wall at the top of the slope is in the 100' buffer zone. Half of a rip rap swale is located in the 100' buffer zone. A foundation drain and guard rail will be added to the plans.

Mr. McGrath made a motion to close the hearing for DEP File # 185-754: Lot 3.3C Old Cart Path subject to the receipt of a plan with the addition of a foundation drain. Mr. Bajdek seconded the motion. Unanimous. (4-0-0)

****New Public Meeting - Request for Determination of Applicability - #D-500: 47 Francine Drive - identified as Holliston Assessors Map 11, Block 8, Lot 26,** proposal to install a replacement septic system, *Joyce Hastings/GLM Engineering, Inc.* representing *Michael Cochrane*

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on May 14, 2013.

Ms. Hastings presented a plan for a replacement septic system at 47 Francine Drive. The leaching field is being moved from the backyard to the front yard and away from the bordering vegetated wetlands. A new septic tank and new pump chamber will be installed in the 50' buffer zone. There will be no stockpiling of materials. The patio will be re-installed after the

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existing tank underneath the patio is removed. Patio installation is exempt from the Wetlands Protection Act since the house was built prior to August 1996 (as long as the patio is outside the 50' no-disturbance area and erosion controls are installed).

Mr. Bajdek made a motion to issue the following Determinations for RFD #D-500, 47 Francine Drive:

Positive #2B Determination: the boundaries of the bordering vegetated wetlands as shown on the plan 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 #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:

- a) Erosion control barrier must be installed prior to any tree removals or land disturbance for septic system replacement work. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barrier. Erosion controls are to be maintained onsite in functional condition until all areas disturbed for septic system reconstruction are fully restabilized with vegetation.
- b) There will be no stockpiling of materials on the site as indicated on the record plan.
- c) Project access will be from the street along the southeast side of the house as indicated on the record plan.

Mr. McGrath seconded the motion. Unanimous. (4-0-0)

General Business

Vote on Approval and Issuance of Order of Conditions for DEP File # 185-741: Indian Trail Estates Subdivision, Robert Poxon/Guerriere and Halnon, Inc. representing 126 Residential ANR Realty

The hearing for DEP File #185-741, Indian Trail Estates Subdivision, was closed at the last meeting on May 14, 2013. An Order of Conditions has been drafted and the Conditions were read by the Agent.

Mr. McGrath made a motion to approve and issue the Order of Conditions for DEP File #185-741: Indian Trail Estates Subdivision. Mr. Maccagnano seconded the motion. Unanimous. (4-0-0)

Ratify Emergency Certificate to Partially Breach Beaver Dam on property at 1929 Washington Street (Map 4, Block 4, Lot 1) - Joe Bannish

The Commission ratified the Emergency Certificate to partially breach the beaver dam on Mr. Bannish's property. Mr. Bannish also received an Emergency Certificate from the BoH dated May 18, 2013 to trap beavers. The trapper started trapping yesterday.

Mr. Bajdek made a motion to ratify the Emergency Certification Form for 1929 Washington Street. Mr. McGrath seconded the motion. Unanimous. (4-0-0)

52 Church Street Fence

A fence was installed by the Perkins along the Winthrop Canal without consultation with the Commission. In order for the fence to be exempt from the Wetlands Protection Act, it needs to allow wildlife passage. The bottom 3-4" of the wire fence (which is attached to a two-rail fence) will be removed by the Perkins to allow wildlife passage.

Mail Review

The mail was reviewed.

An invoice from Gateway Media for a Legal Notice for the RFD for the Conservation Associates' boardwalk behind the Miller School was signed.

An invoice for \$1,800 from McGregor and Associates for the review of the Holliston Wetlands Bylaw was signed.

At 9:57 PM, Mr. Maccagnano made a motion to adjourn the meeting. Mr. McGrath seconded the motion. Unanimous. (4-0-0)

The next Conservation Commission meeting will be May 28, 2013.