

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall . Meeting Room #014

August 5, 2014
7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair, Chris Bajdek, Shaw Lively (Arrived at 7:55 PM), Jim McGrath, David Schroder, Rebecca Weissman, Commissioners

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

Absent: None

Allen Rutberg, Chair, opened the meeting at 7:34 PM.

General Business

Fairbanks Boardwalk at End of Dunster Road - Eagle Scout Candidate – Peter Goeller

Master Goeller had 10 to 12 people helping to build the new boardwalk at the end of Dunster Road for 3 days. It took about 3 ½ tons of lumber to build the boardwalk which is about 250 feet long and 2 feet wide. It was an amazing accomplishment! The fire road next to the boardwalk is 11 to 10+ wide at the narrowest point. The pressure treated wood should last about 25 years. Master Goeller will return with a final document for the Commission to approve his Eagle Scout project. The staff will write a letter of commendation for Mr. Goeller.

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

The notice to the town regarding 34 Rogers Road was deficient according to Bill Mayer, Town Counsel; therefore, the 120-day clock for making a decision on this parcel has not started yet. The notice will be re-submitted to the town.

Bylaw (Article XXX) Review

The Bylaw definitions were discussed and whether some of them are necessary. This will be discussed further at a future meeting.

Project Updates:

Solect Energy Project – Tree Clearing

Peter Barbieri and Solect are meeting with the Rail Trail Committee about the clear cutting of trees on the rail trail property (owned by CSX and leased by the Town of Holliston) tomorrow night, August 6, 2014. The Planning Board position is that this is trespassing and is a civil matter. Solect and the Trails Committee will come to the ConCom meeting on August 19, 2014.

DRAFT Conservation Commission Minutes 08-05-14

Issued by: Sheri D. O'Brien

Approved by Commission: 2-24-15

Page 1 of 6

Review Mail

An invoice for the Bylaw Review for \$2,966.50 from MacGregor and Associates was signed by the Commission.

Modifications to the Order of Conditions for DEP File #185-553, Hopping Brook Park, Phase II/Jon Delli Priscoli, First Colony Dev.

Brian Butler and Mr. Delli Priscoli withdrew the Amendment to the Order of Conditions for DEP File #185-553, because the Order of Conditions had expired in April 2014. A new Notice of Intent with the same proposal will be submitted in the near future.

Holliston in Bloom

Dr. Rutberg and Mr. Bajdek attended the Holliston in Bloom luncheon with the judges. The judges were pleased that Lake Winthrop has a Revitalization Plan.

Shaw Lively arrived at 7:55 PM.

27 Lakeshore Drive - Septic System

The Agent inspected the property and it seemed as if the owner was just spreading the loam and seeding it by hand. The haybales are all in place. However, there are two downspout pipes which are not on the plan that are directed into a public way adjacent to the property. The Agent will contact the applicant about the downspouts.

64 Dorset Road

In response to a comment on the Facebook page, ~~Mr.~~ Holliston Happy, +Ms. Weissman made a site visit to 64 Dorset Road over the weekend to review the cutting down of some trees. The Agent also visited the property. The owners also need to file for a septic system replacement, so they will combine the cutting of trees with the septic system filing. They understand that the trees cannot be cut down without filing an RFD.

Cedar Knoll - Connelly Way Open Space

Mr. Lively visited the Cedar Knoll development over the weekend and the bounds had been installed for the open space property lines. He noticed that at the first house on the right the lawn in the side yard extended 10qinto the open space. There is no Order of Conditions for this property. A revegetation plan has been received from Sean Themelli for areas where they had intruded into the buffer zone and into the open space.

Public Meetings & Hearings

The following three hearings were considered simultaneously:

Continued Public Hearing – Notice of Intent for DEP File #185-776: Lot 3A Concord Street (Assessors Map 14, Block 3, Portion of Lots 3.2 & 3.4) proposed grading, site work, utilities, and driveway installation associated with the construction of a single family house . *Peter Lavoie* representing *126 Residential ANR Realty, Inc.*

Continued Public Hearing – Notice of Intent for DEP File #185-777: Lot 4A Concord Street (Assessors Map 14, Block 3, Portion of Lots 3.2 & 3.4) proposed grading, site work, utilities, and driveway installation associated with the construction of a single family house . *Peter Lavoie* representing *126 Residential ANR Realty, Inc.*

DRAFT Conservation Commission Minutes 08-05-14

Issued by: Sheri D. O'Brien

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Page 2 of 6

Continued Public Hearing – Notice of Intent for DEP File #185-778: Lot 5A Concord Street (Assessors Map 14, Block 3, Portion of Lots 3.2 & 3.4) proposed grading, site work, utilities, and driveway installation associated with the construction of a single family house . *Peter Lavoie* representing *126 Residential ANR Realty, Inc.*

Mr. Lavoie submitted revised plans dated August 4, 2014 for Lots 4A and 5A Concord Street. For Lot 4A, the septic system and the house were shifted away from the buffer zone so that they are almost all the way out of the 100qbuffer zone. For Lot 5A, the septic system was moved away from the buffer zone and the house was moved south so that it is out of the 100qbuffer zone a little bit more.

A plan dated August 5, 2014 that encompasses all three lots was also submitted. There are concrete bounds located on the 50qno-disturb line for Lots 4A and 5A.

Ms. Pilch made a motion to close the hearings for DEP File #185-776, 185-777 & 185-778: Lots 3A, 4A & 5A (respectively) Concord Street. Mr. McGrath seconded the motion. Mr. Bajdek abstained. The motion passed. (6-0-1)

Mr. Lively made a motion to approve and issue the Order of Conditions for DEP File #185-776: Lot 3A Concord Street. Ms. Pilch seconded the motion. Mr. Bajdek abstained. The motion passed. (6-0-1)

Ms. Pilch made a motion to approve and issue the Order of Conditions for DEP File #185-777: Lot 4A Concord Street. Mr. McGrath seconded the motion. Mr. Bajdek abstained. The motion passed. (6-0-1)

Mr. McGrath made a motion to approve and issue the Order of Conditions for DEP File #185-778: Lot 5A Concord Street. Ms. Pilch seconded the motion. Mr. Bajdek abstained. The motion passed. (6-0-1)

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.*

Scott Goddard from Goddard Consulting was present. He made modifications to the wetland delineation based on comments from the Agent and a couple of site visits with Mr. Katuska. Additional wetland flags were added to wetland areas A and B. A new seep was identified and is labeled as area C. Mr. Goddard believes that areas B and C are isolated wetland areas and are not regulated by Holliston’s Bylaw or by the Massachusetts Wetlands Protection Act. He explained his rationale for his position, which was presented in his letter to the Commission dated July 18, 2014.

The Agent and the Commission did not agree with Mr. Goddard’s position and believe that isolated vegetated wetlands are protected by the Bylaw and the state law. They feel that a wetland does not have to be bordering a resource area to be jurisdictional. They believe that

the Bylaw states that areas within 100qof any wetland are jurisdictional and that a freshwater wetland can be either isolated or bordering a resource area according to the state law.

The single eastern lot was previously identified as Open Space in a previous Planning Board decision. Mr. Goddard said that he was aware of this.

Mr. Goddard asked to have the meeting continued to August 19, 2014 in order to provide a more thorough legal argument regarding whether or not the two isolated wetlands are indeed ~~regulated~~ wetlands.

Mr. Lively made motion to continue the hearing for Abbreviated Notice of Resource Area Delineation (DEP File # 185-771): 65 Kim Place, Underwood Street, and Walnut Road – aka “Katie’s Way” to August 19, 2014. Mr. Schroder seconded the motion. Unanimous. (7-0-0)

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 requested a continuance for this hearing. Ms. Emily Stockman has completed the wetland delineation, but is currently working on the survey of the property. A request was made to continue this hearing to September 16, 2014.

Ms. Pilch made a motion to continue the hearing for the Amendment to Order of Conditions for DEP File #185-677: 1014 Highland Street to September 16, 2014. Mr. McGrath seconded the motion. Unanimous. (7-0-0)

****New Public Hearing – Amendment to Order of Conditions for DEP File #185-725: 36 Kingsbury Drive (Lot 28R) (Assessors Map 5, Block 3, Lot 55.5)** proposed addition of a block retaining wall and the installation of an in-ground pool, pool deck, and cabana to single-family home construction, *Joyce Hastings/GLM Engineering* representing *Jonathan Gerber*

Ms. Hastings waived the reading of the legal notice published in the *MetroWest Daily News* on July 29, 2014.

Ms. Hastings presented a plan dated July 17, 2014 for a proposed in-ground pool, pool deck, and cabana. This will be the second Amendment requested for this Order of Conditions. A block retaining wall is also proposed along the westerly edge of the front yard to flatten out the slope next to the septic system, so their front yard will be more level.

The pool and the pool deck will be no closer to the wetlands (55q) than the previously approved disturbed lawn area.

Mr. McGrath made a motion to close the hearing for Amendment #2 to the Order of Conditions for DEP File #185-725: 36 Kingsbury Drive (Lot 28R). Mr. Weissman seconded the motion. Unanimous. (7-0-0)

Ms. Pilch made a motion to approve and issue an Amended Order of Conditions (#2) for DEP File #185-725: 36 Kingsbury Drive (Lot 28R). Mr. McGrath seconded the motion. Unanimous. (7-0-0)

**** New Public Hearing – Notice of Intent for DEP File #185-779: 242 Lowland Street (Assessors Map 9, Block 2, Lot 58)** proposed construction of a barn . *Joyce Hastings/GLM Engineering* representing *Cherie and Patrick Hafford*

Ms. Hastings waived the reading of the legal notice published in the *MetroWest Daily News* on July 29, 2014.

Ms. Hastings presented a plan dated June 3, 2014 for a proposed horse barn at 242 Lowland Street. Cherie and Patrick Hafford, the owners of the property were also present.

The Haffords purchased the property in 1993 and it had a small barn and two paddocks. They would now like to build a larger 3-stall barn (50 x 36) within one of the paddocks. Access for construction would be through a gate off of Lowland Street. The barn is ever so slightly in the flood plain, so they are going to add compensatory flood storage by grading the paddock. Two trees will be removed in the compensatory flood storage area.

Roof run-off will be accommodated with two 30+deep x 30+wide gravel drainage trenches that will run along each side of the 50+length of the barn. The ground water is too high here to use gutters with infiltration trenches.

The paddock on the far side of the driveway allows the horses to access Bogastow Brook directly at the end of the paddock near the road. The wetlands are protected by a berm except for the one point near the road. The paddock is in the bordering vegetated wetlands and in the town's well water Zone 2. The owners are willing to add a short fence at the end of the paddock to prevent horses from directly accessing the brook. Ms. Hastings will add this new section of the fence to the plan for the next meeting.

A letter of determination still needs to be received from Natural Heritage; therefore, the hearing will be continued until August 19, 2014.

Ms. Weissman made a motion to continue the hearing for DEP File #185-779: 242 Lowland Street until August 19, 2014. Mr. McGrath seconded the motion. Unanimous. (7-0-0)

General Business Continued

52 Church Street

It was reported that the bank next to the canal at 52 Church Street is completely bare. This may have been cleared by the Highway Department.

100 Central Street

The parking lot behind 100 Central Street (on Charles Street) needs to be doubled in size. They will need to demolish the house at the corner of Charles and Fruit Streets in order to

create a larger lot. An application will be filed and a stormwater management plan will need to be submitted before any work can proceed on this project.

At 9:23 PM, Mr. Schroder made a motion to adjourn the meeting. Ms. Weissman seconded the motion. Unanimous. (7-0-0)

The next Conservation Commission meeting will be on Tuesday, August 19, 2014.