

Holliston Conservation Commission

APPROVED Meeting Minutes

Town Hall . Meeting Room #014

August 19, 2014

7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair, Chris Bajdek, Jim McGrath, Rebecca Weissman, Commissioners

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

Absent: Shaw Lively, David Schroder, Commissioners

Allen Rutberg, Chair, opened the meeting at 7:32 PM.

General Business

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

Master Goeller was present and his final Eagle Scout Service Project Report was signed off by the Chairman.

Master Goeller's father, John Goeller (as spokesman for New England Mountain Biking Association - NEMBA), also inquired about putting intersection signs at the trail intersections in the Fairbanks and Adams Street properties. The Commission agreed that this would be helpful to facilitate giving directions and access by emergency personnel. Ms. O'Brien noted that Joanne Hulbert from the Town Forest Committee also would like more signs. Mr. Goeller agreed that NEMBA would come to the Commission to get their approval prior to doing work with the signs. Unfortunately, Mr. Goeller noted that three of the intersection signs that Jonathan Redus (Eagle Scout) had installed have already disappeared.

L'il Folk Farm Complaint

A complaint has been received again from Beth Greely whose property abuts L'il Folk Farm on Washington Street. The main pasture drains into a large wetland that then flows into Lake Winthrop. The Commission agreed that this is not a desirable situation and the Chairman would like to visit the site with the Agent in order to determine if enforcement action is warranted. Mr. Bajdek inquired about whether there is a limit as to how many horses can be on a particular amount of land. The Agent will consult with the BoH's Animal Agent, Don Kramer.

Tree Clearing Along Rail Trail – Select Energy & Holliston Trails Committee

Mr. Bajdek and Mr. Lively attended the meeting on Friday, August 15, 2014 with Select, the Trails Committee, and the Selectmen. None of the trees cut on the rail trail property were in the Commission's jurisdiction. The Selectmen wanted to have a closer understanding of what had been cut and what the mitigation process would be.

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

A meeting will be scheduled for the town to visit the property at 34 Rogers Road before any decisions are made about possibly acquiring the property. The Commission inquired about whether the Housing Authority or any other boards have expressed interest in the property. The Agent will follow up on this.

Enforcement – Mohawk Path vernal pool

There has been a sizeable washout into a certified vernal pool near Mohawk Path just north of 3 lots that are now owned by Toll Brothers. The washout created a swath that was 30-40 feet wide and overtopped the silt fence. It washed the soil debris into property that is designated open space. The reason this situation occurred has to be better understood, so that it won't happen again. The vernal pool is extremely silty after this wash out. The land between the lots and the vernal pool is an old dump. The dump's debris was being integrated into the forest floor and now that the water has washed the surface off the dump, the trash is now much more visible.

Both Toll Brothers and Fafard are considered responsible for this issue. Both parties will attend the Commission's next meeting on September 2nd. They will work together regarding stabilization, why this occurred, restoration of the local BMPs, and clean-up of the vernal pool. Ms. Weissman suggested that a call be made to DEP regarding the possible need for a Water Quality Certificate. Even though a Water Quality Certificate probably wasn't necessary for this project, this was an inadvertent discharge of water and it may be considered a violation. The Agent will follow-up with DEP. At this time, the Commission is not issuing any stop-work orders or fines as long as both parties work cooperatively toward resolving the issues.

Public Meetings & Hearings

Continued 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 presented a revised plan dated August 12, 2014 for a proposed horse barn and paddock area at 242 Lowland Street. Cherie and Patrick Hafford, the owners of the property were also present. The plan included a new section of fence that will prevent the horses from accessing Bogastow Brook. A determination letter has been received from NHESP.

Mr. McGrath made a motion to close the hearing for DEP File #185-779: 242 Lowland Street until August 19, 2014. Ms. Pilch 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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George Connors from Connorstone Engineering was present along with Steve O'Leary and his son, Master O'Leary. Mr. Connors reviewed the plan dated June 18, 2014. He argued that the two isolated wetlands on the property are not regulated by Holliston's Wetlands Bylaw or the state law. His line of reasoning was presented in a letter dated August 16, 2014.

The Commission did not agree with Mr. Connors position and decided that the issue should be reviewed by outside legal counsel. If the Selectmen agree, Town Counsel will be approached regarding this legal issue and also, if a more specialized opinion seems warranted, the firm, McGregor and Associates, can be consulted about this legal issue.

Mr. Connors will forward his letter dated August 16, 2014 to Mr. Katuska for the Commission members.

Mr. McGrath made a 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 September 2, 2014. Ms. Pilch seconded the motion. Unanimous. (5-0-0)

****New Public Meeting – Request for Determination of Applicability #D-525: 148 Winthrop Street (Assessors Map 8F, Block 5, Lot 36) proposed construction of an in-ground swimming pool, James Proctor**

Ms. O'Brien read the legal notice published in the *MetroWest Daily News* on August 12, 2014.

Mr. Proctor was unable to attend the meeting tonight. On Mr. Proctor's behalf, Ms. O'Brien presented an annotated pool plan dated August 6, 2014 for the applicant's proposed in-ground pool. The pool will be 36 x 18 with a pool deck that will extend 2 to 3 into the 50 buffer zone and will be in existing lawn area. The house was built prior to 1996; therefore, under the state law, if the pool deck did not extend into the 50 buffer zone, this project would be exempt from filing an application. Mr. Proctor asked that it be emphasized that he needs to put the pool a few feet further from the house, because there are safety concerns regarding the fact that the elevated deck at the back of the house would be too close to the pool. He is concerned that his children may try to jump off the deck into the pool.

There will be a small storage shed for the pool equipment and a dry well for back wash from the pool. The erosion controls will run along the existing chain link fence. A new pool compliant fence will be installed around the pool.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-525, 148 Winthrop Street:

Positive #2B Determination: the boundaries of the wetlands area 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.

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Conditions:

1. Erosion control barriers, as shown on the record plan, must be installed prior to any work. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barriers. Erosion controls are to be maintained onsite in functional condition until all disturbed areas are fully restabilized with vegetation (i.e., when the new lawn has been mowed two times).
2. No storage of construction materials or disposal of construction debris and excavation spoils beyond the limit of the proposed erosion control barrier is allowed.
3. All excess excavation spoils must be removed from the site with no stockpiling on site.
4. Access will be from the driveway and stay inside the erosion control barriers along the north side of the house.
5. PROHIBITION OF POOL WATER DISCHARGE. No direct or indirect discharges of pool water are permitted on this property, including but not limited to discharges from routine pool maintenance, backwashing of pool filters and/or draining of the pool. Pool water must be managed in a closed system. Pool water requiring disposal shall be dechlorinated and drained into a dry well located outside the 50q buffer zone and/or otherwise removed and disposed of off-site in a legal manner. This condition is on-going and does not expire.

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

General Business Continued**Request for Certificate of Compliance for DEP File #185-772: 41 Union Street – Peter Morse**

The septic system has been installed and the site has been completely stabilized.

Mr. McGrath made a motion to issue a Certificate of Compliance for DEP File #185-772: 41 Union Street. Ms. Pilch seconded the motion. Unanimous. (5-0-0)

Request for Certificate of Compliance for DEP File #185-748: 1025 Highland Street – Todd Kiley

This single family house, septic system, and well are complete and the site is completely stabilized.

Mr. McGrath made a motion to issue a Certificate of Compliance for DEP File #185-748: 1025 Highland Street. Ms. Weissman seconded the motion. Unanimous. (5-0-0)

Request for Certificate of Compliance for DEP File #185-605: Hollis Hills Preserve, Hollis Street – John Walsh/Walsh Brothers Inc.

More information is necessary regarding the Operation and Maintenance Plan before a Certificate of Compliance can be issued.

Acceptance of Open Space Land Donation, Cedar Knoll Estates/Connelly Way - Sean Themeli

Mr. Themeli still needs to complete his list of action items before this open space property can be accepted.

Open Space Plaques

The plaques can be obtained from NEC Trophies at \$30.90 per piece for 50 plaques or \$27.82 per piece for 100 plaques. The money charged for these plaques can and will be returned to the Conservation Fund (and not the General Fund).

Mr. McGrath made a motion to spend \$30.90 per piece to order 50 plaques from the Conservation Fund. Ms. Pilch seconded the motion. Unanimous. (5-0-0)

Project Updates

Beaver Dams

Dam on Chicken Brook in Wenakeening Woods

The pedestrian bridge behind Mission Springs has water flooding over the top of it. The Finn's backyard is flooded at 126 Summer Street.

Dam on Hopping Brook at 1929 Washington Street

Mr. Banish would like to install a water leveling device through the dam on his property. There is a second dam downstream adjacent to the rail trail culvert that is on ACOE land. Merle Bassett issued a permit to breach the dam on Hopping Brook just upgradient of the rail trail.

The Agent spoke with William Clougherty from MA-DOT (District 3) today. Mr. Clougherty is sympathetic to the beaver dam issues that cause flooding on Route 16. His crew has cleared out beaver debris from the culvert under Route 16 and from behind 36 Paul Road.

Winthrop Canal Beavers

Laura Raney of 89 Arch Street called to complain about the sink holes in her driveway that she claims are supposedly caused by beaver dens (but are more likely muskrat burrows). The Agent explained that this is not the Commission's issue and if the Highway Department would like to help her fill in the holes in her driveway again, then a permit would need to be submitted to the Commission by her or the Highway Department. The beaver lodge at the corner of the Raney property has been removed. The Chairman pointed out that this is an issue that should be reported to the state. In addition, the shed on the Raney property that was spilling a lot of debris into the canal has now been cleaned up; however, a new small bungalow with deck extending into the canal has been erected next to the shed. The Agent will pursue this issue further with Ms. Raney.

The beaver lodge in Lake Winthrop upgradient of the Lake Winthrop dam could not be seen by the Agent today, but it may have been hidden by vegetation.

Bylaw (Article XXX) Review

The Agent has received comments from some of the Commissioners. The Commissioners will provide comments to the Agent for review at the next meeting. The Commission agreed that isolated wetlands should be addressed in the Bylaw Regulations, not in the Bylaw itself.

Vote on Meeting Minutes - July 22, 2014

Ms. Pilch made a motion to approve the meeting minutes from July 22, 2014. Mr. McGrath seconded the motion. Mr. Bajdek abstained. The motion passed. (4-0-1)

Northeastern Property Between Highland Street and Meadowbrook Lane

Ms. Pilch notified the Commission that the closing for the 23 acres of Northeastern property is scheduled for the end of the month. Mass Audubon will draft a Conservation Restriction for the property and then it will have to be approved by the state.

At 9:19 PM, Ms. Pilch made a motion to adjourn the meeting. Mr. McGrath seconded the motion. Unanimous. (5-0-0)

The next Conservation Commission meeting will be on Tuesday, September 2, 2014.