

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall . Meeting Room #014

September 2, 2014
7:30 PM

Present: Allen Rutberg, Chair; Chris Bajdek, Shaw Lively, Jim McGrath, David Schroder, Commissioners

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

Absent: Ann Marie Pilch, Vice-Chair, Rebecca Weissman, Commissioner

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

General Business

Axton-Cross Demolition NOI, Robert Wexler

Axton-Cross submitted an NOI for the demolition of the buildings at 20 Cross Street and the hearing was opened on November 19, 2013. The Agent responded with a review of the NOI deficiencies. Due to the fact that back taxes were owed, the Town would not allow any permits to be issued to Axton-Cross. Therefore, on January 21, 2014, the hearing was continued until May 13, 2014 so that the issue regarding back taxes could be resolved with the Town. Mr. Wexler made a request to withdraw the NOI and on May 13, 2014 the ConCom voted to withdraw the NOI with no Order of Conditions to be issued. Now that the issue regarding the back taxes has been resolved, Mr. Wexler would like to re-open their NOI filing, but he was unable to attend tonight's meeting. He and Mr. Katuska will have a phone conversation tomorrow regarding the upgrading of their filing to determine which items on the list of deficiencies need to be completed so that Mr. Wexler can supply the additional information to the Commission.

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

Dr. Rutberg and Ms. Pilch, along with three people from the Open Space Committee, attended a site walk to see the 35 acres of land available at 34 Rogers Road. They were impressed with the property. There are two parcels available; the back property borders wetlands; the front property has a house and barn on it with a pine-oak forest and some fields that are being farmed. The Open Space Committee is very interested in the property and will discuss the possibility of acquiring this property at their next meeting.

Enforcement – Mohawk Path Vernal Pool

Notice of Violation letters were issued to Fafard and Toll Brothers on August 28, 2014 for a sizeable wash-out into a certified vernal pool near Mohawk Path just north of 3 lots on Mohawk Path that are now owned by Toll Brothers. Jim McLaughlin (Fafard), Jose Martins (Toll Brothers), and Tony Casapulla (Toll Brothers) were present. As discussed at the last meeting, the water overwhelmed the silt fence protecting a certified vernal pool

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and dumped silty soil debris into designated Open Space. The catch basins were plugged up and not working on Mohawk Path, so the water did not get into the stormwater system and it didn't have anywhere to go.

As of today, substantial gullies and a bathtub-sized sinkhole had been filled in and the area was going to be seeded with Curlex matting. The immediate damage to the shoulder of the road has been repaired. The land between the lots and the vernal pool is an old dump, which was beginning to be stabilized by the forest floor and a lot of this non-organic dump material was washed into the vernal pool. This non-organic material has been removed from the vernal pool.

Joyce Hastings (GLM Engineering) is helping to determine the issues at hand and with rectifying the situation. Both parties have been very responsive as indicated above. Measures have been put in place to prevent a repeat occurrence. Each of the 3 lots now has its own erosion control barrier and check dams rather than one silt fence to protect all 3 lots.

Jim McLaughlin (Fafard) asked if the Commission wanted them to remove the entire dump debris. Most of the debris looks like household debris. Toll Brothers hand picked most of the debris off of the top. Joyce Hastings (GLM) pointed out that deeply mining out the dump debris could cause more damage than it would help. The Commission agreed that it seems best to leave the dump debris alone, because there is vegetation on top of the dump which would be disturbed if removal was attempted. Ms. Hastings and Mr. Casapulla presented plans to show the Commission where the wash-out was located on Mohawk Path. Mr. Casapulla described the amount of rain from the storm that caused this issue as biblical so that it overwhelmed the clogged drainage system.

The vernal pool is completely dry at this time, which minimized adverse impact to the pool. The silt layer that was created is about 1/8-1/4 deep and the hope is that it will be naturally incorporated into the vernal pool floor before vernal pool season next spring.

Order of Conditions for DEP File #185-779: 242 Lowland Street - Joyce Hastings/GLM Engineering for Cherie and Patrick Hafford

The public hearing was closed for this project at the last meeting. This barn and paddock are in Zone II of the public water supply; therefore, in addition to the standard conditions, Special Conditions in Perpetuity for fertilizer/herbicides/pesticides and snow removal/de-icing have been added to this Order of Conditions.

Mr. Lively made a motion to approve and issue the Order of Conditions for DEP File #185-779: 242 Lowland Street. Mr. McGrath seconded the motion. Unanimous. (5-0-0)

Public Meetings & Hearings

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. Schroder submitted a signed affidavit for reviewing the public hearing evidence for the hearing dated August 19, 2014. Holliston Town Counsel has issued a decision that the Holliston Wetlands Bylaw has no jurisdiction over isolated wetlands. Therefore, the smaller isolated wetlands (previously termed a "seep") on this property is not under the ConCom's jurisdiction. The larger wetlands to the southeast of the property are isolated wetlands, but may also be considered isolated lands subject to flooding (ISLF) under the Bylaw and the state law. Calculations should be submitted demonstrating the temporary flood storage capacity of this ISLF.

The Commission agreed that the isolated wetlands indicated by flags WF C-1 to WF C-10 (seep) are not jurisdictional under the Holliston Wetlands Bylaw and the MA Wetlands Protection Act.

A new plan should be submitted that removes the isolated wetlands indicated by flags WF C-1 through WF C-10 and that labels the southeast wetlands as isolated lands subject to flooding (ISLF). Mr. Connors will calculate the location of the ISLF to be sure that it does indeed come onto this property and revise the plan accordingly for the next meeting.

Mr. Schroder 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 16, 2014. Mr. McGrath seconded the motion. Mr. Lively abstained. The motion passed. (4-0-1)

****New Public Meeting – Request for Determination of Applicability #D-526:60 Juniper Road (Assessors Map 4, Block 7, Lot 386-A) filling and grading within 100' buffer zone, Manickam R. Sridhar**

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on August 26, 2014.

Mr. Sridhar presented a plan to add approximately 10' of new lawn to his existing front yard, because the lawn slopes steeply down only about 10-15' from his front sidewalk to the wetlands. The wetlands are created by run-off from the lot adjacent to Mr. Sridhar's property. A riprap slope will be added and the extension will be filled and made level with the current lawn. The Commission asked that erosion controls be added at the foot of the slope prior to construction.

Mr. Lively made a motion to issue the following Determinations for RFD #D-526, 60 Juniper Road:

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.

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

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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. There will be no stockpiling on site.
3. Access will be from the driveway and the work will stay inside the erosion control barriers on the west side of the house.

Mr. McGrath seconded the motion. Unanimous. (5-0-0)

****New Public Hearing - Abbreviated Notice of Resource Area Delineation (DEP File # 185-780) 415 Concord Street – aka Brooksmont Farm (Assessors Map 11, Block 6, Lot 27)**
verification of the limits of the areas subject to wetlands protection jurisdictions, Bruce Griffin/New England Environmental, Inc. representing Pulte Homes of New England LLC and Brooksmont Realty Trust

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on August 26, 2014.

Mark Mastrianni and Reid Blute (Pulte Homes of New England) were present. Mr. Mastrianni explained that Pulte Homes is working with Brooksmont Realty Trust (Dennis Morgan) to develop a residential development on about 20 acres at 415 Concord Street. Bruce Griffin from New England Environmental presented plans for a wetland delineation of the property at 415 Concord Street. The property used to be farmland and has a stream and a small bordering vegetated wetlands. There is an existing house and a barn on the property which is primarily a pine forest.

The Agent reviewed the wetlands delineation and found it to be accurate. The Order of Resource Area Delineation will contain a qualification that the Order does not reflect wetlands on the adjacent property. (There is an excavated pond on the adjacent property about 30q from the property line, which is not part of this delineation.) The adjacent upland resource area is not considered accurate under the Holliston Wetlands Bylaw only, because the offsite bordering vegetated wetlands within 100q of the site boundary are not shown on the record ANRAD plan. Holliston's Adjacent Upland Resource Areas (= MA-WPA 100q buffer zones) are associated with all bordering vegetated wetlands on or within 100q of the site parcel.

Mr. Bajdek made a motion to close the hearing for the Abbreviated Notice of Resource Area Delineation for DEP File # 185-780, 415 Concord Street – aka “Brooksmont Farm.”
Mr. McGrath seconded the motion. Unanimous. (5-0-0)

Mr. Bajdek made a motion to issue an Order of Resource Area Delineation for DEP File # 185-780, 415 Concord Street – aka “Brooksmont Farm.” Mr. Schroder seconded the motion. Unanimous. (5-0-0)

General Business Continued

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

A letter of appreciation for Master Goeller was reviewed by the Commission and signed by the Chairman.

Request for Certificate of Compliance for DEP File #185-758: 23 Brookview Road – Nancy Staples

Mr. Katuska presented photos of the septic system area for this property. It has been completely stabilized.

Mr. McGrath made a motion to issue a Certificate of Compliance for DEP File #185-758: 23 Brookview Road. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

Open Space Land Donation Review, Connelly Way - Sean Themeli

Mr. Themeli has completed the reseeded of the buffer zone that he had inadvertently disturbed. He also planted white pine and red cedars in the Open Space near the entrance to Connelly Way where low forested open space area had been disturbed. He has submitted a check for 9 open space markers to be placed along the property line between the private lots and the open space.

It was agreed that the Commission should recommend the open space to the Board of Selectmen for acceptance by the town under the care and custody of the Conservation Commission.

Mr. Schroder made a motion to recommend to the Board of Selectmen that the town accept this Open Space under the care and custody of the Conservation Commission. Mr. McGrath seconded the motion. Mr. Lively voted No. The motion passed. (4-1-0)

Bylaw (Article XXX) Review

The Agent received several comments from the Commissioners by e-mail. In order to make the October Town Meeting, the Bylaw needs to be finalized and circulated. The Definitions section will be paired down, but there will be a definition added regarding isolated wetlands. The Commissioners will get their comments to the Agent within a week.

Beaver Management Plan Review

The beaver lodge off the point of Janice Miller's land could not be seen by Mr. Katuska, but he did acknowledge that the area was densely overgrown with vegetation. Removal of a beaver lodge is illegal. Laura Raney (Arch Street) says that the lodge on the corner of her property still exists. Ms. Raney claimed that the new shed structure on the canal was built by her roommate and she would have him get in touch with the Conservation Commission about permitting.

We have a beaver management plan that allows the Commission to issue Emergency Certificates to breach beaver dams when there is a threat to human health and safety. The Board of Health issues Emergency Certificates for removing beavers outside of the beaver trapping season (between April 15 and November 15th).

The Agent will forward the current Beaver Management Plan to the Commissioners and then the Commission can decide what the next step will be regarding the plan.

Beaver Dam on Chicken Brook in Wenakeening Woods

This beaver dam was breached illegally within the last week. There was an article in the Holliston Reporter regarding the breach. Paul Saulnier from the Upper Charles Land Trust told Ms. O'Brien that they are considering a pond leveler for this dam.

Review Mail

The mail was reviewed. The *Mass Wildlife* magazine will be renewed.

At 9:39 PM, Mr. 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, September 16, 2014.