

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall . Meeting Room #014

December 23, 2014
7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair, Chris Bajdek, Shaw Lively, Jim McGrath, David Schroder, Rebecca Weissman, Commissioners; Emily Kingston, Associate Commissioner

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

Absent: None

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

General Business

Notice of Violation: 194 Lowland Street - M. Brumber and J. & B. DiCarlo

A complaint was received about operations at this site and a Notice of Violation (NoV) was filed with the operator, Mr. Brumber, and the owners, the DiCarlos. Mr. Brumber and his attorney, Christopher Malcolm came to the meeting on December 9th to address the NoV. Mr. Brumber has filed a self-certification+composting permit with the DEP.

Mr. Brumber and his attorney, Christopher Malcolm were present. The site was visited today by Mr. Katuska, Mr. Bajdek, and Mr. McGrath. Mr. Brumber is working towards filing a Notice of Intent (NOI) to construct an access roadway and a water withdrawal system to keep the compost wet. Bruce Wilson from Waterman Associates will do the survey on December 29th and will work on putting together the NOI. The Agent notified Mr. Brumber that the Notice of Intent needed to be filed with the NHESP.

A Notice of Zoning violation was filed today by the Building Inspector asking Mr. Brumber to cease operations. Mr. Malcolm has a meeting scheduled with the Building Inspector on December 31st and seems to believe that Mr. Brumber is allowed to work on the property during the 21-Day appeal period for the Notice of Zoning Violation. The Commission advised Mr. Malcolm that they were not sure that this was accurate information. Mr. Malcolm assured the Commission that Mr. Brumber has every intent to comply with all regulations. They plan to continue to work on the site, but no work will be done in the Conservation Commission's jurisdiction.

The Commission asked that a list be provided in the NOI of what will and will not be accepted at the composting facility. Large boulders are placed near the monitoring wells on the site to protect them. Mr. Brumber will put silt fence along the 200^qriverfront line. The silt fence will also serve as a visible barrier so that no one drives into the 200^qriverfront area.

APPROVED Conservation Commission Minutes 12-23-14
Issued by: Sheri D. O'Brien
Approved by Commission: 03-10-15
Page 1 of 6

Mr. Malcolm requested more time to put together an NOI. He understands that they need to work with NHESP regarding the protected turtles in the area.

Update: Amendment to Order of Conditions for DEP File #185-677: 1014 Highland Street

Mr. Malcolm introduced Larry and Alicia Stone, the beneficiaries of the trust for 1014 Highland Street. The soil at this site was tested in the past couple of weeks while it was very wet. Mr. Malcolm stated that it is his understanding that this test is not used for new construction, but is used for renewal purposes and the soil passed the test. Since they will not be back until June 2015 with an application, Mr. Malcom wanted to show that they are working toward positive results for the perc testing.

Review of ConCom Meeting Calendar for 2015

The Commission agreed to the proposed 2015 calendar.

CPC Proposals

Mr. Bajdek notified the Commission that CPC is accepting proposals for March 2015. The approved sign money from CPC needs to be spent soon. Mr. Bajdek will find out what that date is that it needs to be spent by. The staff will determine where signs might be located in Summit Pointe for the new Warren Woods parcel and determine a vendor to create the signs.

Public Meetings & Hearings

Continued Public Meeting – Request for Determination of Applicability D-535: 55 Whitney Street (Assessors Map 12, Block 4, Lot 5) Installation of outdoor features associated with a canine care and boarding facility . *Robert Weidknecht, Beals and Thomas, Inc.* representing *Arnold Johnson*.

Mr. Johnson and Mr. Weidknecht were present. Mr. Weidknecht presented plans that have been revised to remove the fence around the first two front exercise areas. A solid fence will be at the front of the exercise area. The erosion controls around the exercise pens were changed to a compost sock. The four conditions listed below were discussed and clarified.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-535: 55 Whitney Street:

Positive #2B Determination: the boundaries of the wetlands resource areas 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. PET WASTE.** As proposed, pet wastes (droppings) will be collected from the fenced outdoor exercise area upon incident and transferred to an on-site

storage system located outside of the 100-foot buffer zone to Bordering Vegetated Wetlands. Said pet waste storage system and off-site disposal protocols to comply with the requirements of the Holliston Planning Board and/or Holliston Board of Health, as applicable. No pet wastes are permitted to be disposed of at the project site. This condition is intended to apply in perpetuity and will outlive the expiration of this Determination of Applicability.

2. **PERIMETER EROSION CONTROL:** As proposed, a tubular, net- or mesh-bound erosion control product solidly filled with a biodegradable organic product capable of intercepting and absorbing/adsorbing stormwater runoff ("compost sock") will be installed, in accordance with the manufacturer's recommendations, along the limits of the fencing to prevent or reduce run-off into the resource areas. The compost sock will be replaced yearly, at a minimum, or more frequently as necessary to maintain its functionality. This condition is intended to apply in perpetuity and will outlive the expiration of this Determination of Applicability.
3. **SURFACE STABILIZATION.** The applicant's proposal is to retain/maintain the land surface within the proposed outdoor exercise area as a vegetated surface (grass lawn). If at any time during the operation of this facility, the land surface within the fenced outdoor exercise area becomes unvegetated, for any reason, so that the disturbance is greater than 25%, then the applicant or operator (if at that time other than the applicant) will (1) immediately restabilize all unvegetated areas within the outdoor exercise yard with pea stone (washed 3/8" gravel) and (2) within 30 days, submit a new proposal for maintainable surface stabilization to the Conservation Commission. This condition is intended to apply in perpetuity and will outlive the expiration of this Determination of Applicability.
4. **FERTILIZERS/PESTICIDES/HERBICIDES:** Fertilizers utilized for landscaping and lawn care shall be low phosphate content, slow-release variety, and shall be used in moderation. Pesticides and herbicides shall not be used within 100 feet of the wetland resource area. This condition is intended to apply in perpetuity and will outlive the expiration of this Determination of Applicability.

Mr. McGrath seconded the motion. Unanimous. (7-0-0)

Continued Public Hearing – Notice of Intent for DEP File #185-781: Hopping Brook Road Extension (Assessors Map 1, Block 1, Lot 43 and Map 4 , Block 6, Lots 15.1, 18, 32, 32.3, 33, and 52) proposed extension of the existing commercial roadway . *Brian Butler/Oxbow Associates, Inc.* representing *Jon Deli-Priscolli/New Hopping Brook Trust.*

The applicant made a written request to continue this hearing until January 6, 2015.

Ms. Pilch made a motion to continue the hearing for DEP File #185-781: Hopping Brook Road Extension to January 6, 2015. Mr. McGrath seconded the motion. Unanimous. (7-0-0)

Continued Public Hearing – Notice of Intent for DEP File #185-786: Lot A, Forest Park Road (Assessors Map 7, Block 3, Lots 30 & 66.2) construction of a single-family house - Joyce Hastings, GLM Engineering Consultants, Inc. representing Peter & Nancy O'Neill

The applicant's representative was not present. The hearing was continued to January 6, 2015.

Mr. McGrath made a motion to continue to January 6, 2015. Ms. Pilch seconded the motion. Unanimous. (7-0-0)

Continued Public Hearing – Notice of Intent for DEP File # 185-785: 58 Hopping Brook Road (Assessors Map 4, Block 6, Lot 10, 12.1 & 35.1, Solect solar project driveway & commercial building, Robert Truax, GLM Engineering Consultants, Inc. representing Ken Driscoll, 2016 Washington Street LLC

Eric Dickinson, GLM Engineering, and Peter Barbieri, Esq. were present to represent their client, Mr. Driscoll. A detention basin to capture run-off from the gravel road was added to the plan along with silt socks and snow storage areas. The limit of clearing was modified to reflect what is actually planned. Staging areas for construction will be addressed.

The detention basin and the access driveway to the solar project are on the adjacent Solect solar property. The detention basin is also integral to this project and the access driveway to the solar project crosses this property. Per Mr. Barbieri, if the solar project and commercial building lots are split off and one is sold, the detention basin operation/maintenance and solar project driveway maintenance will need an easement created across this commercial building property. Therefore, Mr. Barbieri would like an ongoing condition put into the Order of Conditions regarding the establishment of this easement. Legally, the easement cannot be created at this time, because the two properties are both owned by Solect. A site plan review is required by the Planning Board and this information regarding the easement will be included there, too.

A potential grass biofiltration swale off of the driveway was discussed. The swale would drain water into the adjacent wetlands, because more water in this wetland would be helpful. Mr. Dickinson will determine if the driveway's detention basin is still necessary if the swale is created.

The detention basin on the northeast side of the property (but located on the Solect solar project property) is not working well enough and an intermittent improvement needs to be determined for the basin while the solar project is being completed. Mr. Dickinson noted that the drainage from that detention basin was not constructed properly. The berm surrounding the basin has been overtopped several times with heavy rainstorms. Mr. Linera (site engineer) has been notified by the Agent several times that this is an ongoing issue, but it has yet to be rectified.

Barbara Thissell, peer review consultant from AP Associates, is satisfied with the stormwater management calculations. However, Ms. Thissell has concerns regarding the operation and maintenance and construction-related issues. She emphasized that she will be looking at the Mass DEP Stormwater Standards and there should be an Erosion Control Plan that covers all of the issues, such as temporary stockpiles, stabilization of stockpiles, ground dewatering, etc. These requirements should be addressed now and not wait for the EPA Stormwater Pollution Prevention Plan (SWPPP).

APPROVED Conservation Commission Minutes 12-23-14

Issued by: Sheri D. O'Brien

Approved by Commission: 03-10-15

Page 4 of 6

The rooftop drainage will go into the detention basin behind the building.

Mr. Lively made a motion to continue the hearing for DEP File # 185-785: 58 Hopping Brook Road to January 6, 2015. Mr. Schroder seconded the motion. Unanimous. (7-0-0)

The following 6 hearings were considered simultaneously. Mr. Lavoie waived the reading of the legal notice for each of the 6 hearings for Minuteman Circle.

****New Public Hearing - Notice of Intent for DEP File #185-787: Lot 69 Minuteman Circle (Assessors Map 14, Block 5, Portion of Lot 4.8)** construction of a single-family house - *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Constitution Village LLC*

****New Public Hearing - Notice of Intent for DEP File #185-788: Lot 70 Minuteman Circle (Assessors Map 14, Block 5, Portions of Lots 4.8 & 4.9)** construction of a single-family house - *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Constitution Village LLC*

****New Public Hearing - Notice of Intent for DEP File #185-789: Lot 71 Minuteman Circle (Assessors Map 14, Block 5, Portions of Lots 4.9 & 5.A)** construction of a single-family house - *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Constitution Village LLC*

****New Public Hearing - Notice of Intent for DEP File #185-790: Lot 72 Minuteman Circle (Assessors Map 14, Block 5, Portions of Lots 5.A & 5.1)** construction of a single-family house - *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Constitution Village LLC*

****New Public Hearing - Notice of Intent for DEP File #185-791: Lot 73 Minuteman Circle (Assessors Map 14, Block 5, Portions of Lots 5.1 & 5.2)** construction of a single-family house - *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Constitution Village LLC*

****New Public Hearing - Notice of Intent for DEP File #185-XXX: Lot 74 Minuteman Circle (Assessors Map 14, Block 5, Portion of Lot 5.2)** construction of a single-family house - *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Constitution Village LLC*

Mr. Lavoie presented an overall plan for Lots 69, 70, 71, 72, 73, and 74 Minuteman Circle. Lots 69, 70, and 71 are in a Priority Habitat area under the Natural Heritage and Endangered Species program (NHESP). However, the lots are not in an Estimated Habitat area; therefore, the Wetlands Protection Act is not involved. The silt fence runs along the 50qno-disturb line and concrete bounds are proposed along the 50qno-disturb line. Each house will have roof top run-off go into recharge areas.

The Agent was unable to locate the wetland flags for the wetland delineation completed for these lots. Mr. Lavoie will have the wetland flags re-staked by his survey crew.

The Commission was concerned that Lots 69 and 71 show the houses backed right up to the 50qno-disturb line and the 50qbuffer zone is forested. The concern is that homeowners will want a backyard with lawn. In addition, it is likely that in the future they will want to cut some of the trees down, because they will feel that the trees are a hazard being so close to their homes. Mr. Lavoie will look at locating the houses further away from the 50qno-disturb line and/or at

decreasing the size of the homes for all of the lots, because the houses are still very close to the no-disturb line.

Mr. Lavoie asked that the hearings be continued to January 6, 2015 so that the discussed changes can be considered and so that the wetland flags can be re-staked.

Mr. Lively made a motion to continue the hearings for DEP File Nos. 185-787, -788, -789, -790, -791, and -792, Lots 69, 70, 71, 72, 73, and 74 Minuteman Circle, respectively, to January 6, 2015. Ms. Pilch seconded the motion. Unanimous. (7-0-0)

General Business Continued

Project Updates

Associate Commissioner – Emily Kingston

Ms. Kingston went to the Strawberry Hill Conservation Land today and tried to GPS track the trails in order to create a trail map.

Offer of Land Donation – Winthrop Street (Map 8, Block 7, Lot 38): Estate of M. Callahan

A 0.9 acre lot off the end of Winthrop Street which is mostly wetlands has been offered to the town as a donation by the Estate of M. Callahan. The current owners would like to have the land be memorialized as the Callahan parcel. The owners do not have a surveyed plan of this property. The Commission agreed that this would be a desirable piece of property to own.

Conservation Associates Meeting – December 10, 2014

Ms. O'Brien updated the Commission on the Associates meeting that she and Ms. Kingston attended on December 10, 2014. There is a walk led by Marc Connelly planned for January 24th. The next Conservation Associates Meeting will be on Wednesday, January 28th.

Access to the Warren Woods Property from Meadowbrook Lane

Ms. Pilch suggested that access from Meadowbrook Lane be considered where the stub road is located off of Meadowbrook Lane. The landowners on each side of the stub road have landscaped the land even though it is not technically their property.

Review Mail

The mail was reviewed.

At 9:22 PM, Mr. McGrath 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, January 6, 2015.