

## **Holliston Conservation Commission**

### **Meeting Minutes**

Town Hall . Meeting Room #014

March 24, 2015

7:30 PM

Present: Chris Bajdek, Shaw Lively, Jim McGrath, David Schroder, Commissioners

Charles Katuska, Conservation Agent

Sheri O'Brien, Conservation Assistant

Absent: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair; Rebecca Weissman, Commissioner, Emily Kingston, Associate Commissioner

**Chris Bajdek, Acting Chair, opened the meeting at 7:33 PM.**

### **General Business**

#### **Administrative Review of Orders of Conditions Plan Changes for:**

- **Bylaw File #B-001: Lot 85 Mohawk Path**
- **DEP File #185-752: Lot 29 Governor Prence Way**
- **DEP File #185-770: Lot 81A Mohawk Path**
- **DEP File #185-788: Lot 70 Minuteman Circle**
- **DEP File #185-789: Lot 71 Minuteman Circle**
- **DEP File #185-790: Lot 72 Minuteman Circle**
- **DEP File #185-791: Lot 73 Minuteman Circle**
- **DEP File #185-792: Lot 74 Minuteman Circle**

#### **Supporting Documents:**

- Memorandum To: File, From: Charles Katuska; RE: Administrative Review of Record Plan Changes, dated March 24, 2015.
- Site Development & Facilities Plan in Holliston Massachusetts, Single Family Dwelling, Lot 85 Mohawk Path, prepared by Guerriere & Halnon, Inc., stamped and signed by Michael Dean, P.E. (Civil) No. 46255, dated 3/5/15.
- Site Development & Facilities Plan in Holliston Massachusetts, Single Family Dwelling, Lot 29 Governor Prence Way, prepared by Guerriere & Halnon, Inc., stamped and signed by Michael Dean, P.E. (Civil) No. 46255, dated 3/5/15.
- Site Development & Facilities Plan in Holliston Massachusetts, Single Family Dwelling, Lot 81A Mohawk Path, prepared by Guerriere & Halnon, Inc., stamped and signed by Michael Dean, P.E. (Civil) No. 46255, dated 3/5/15.
- Site Development & Facilities Plan in Holliston Massachusetts, Single Family Dwelling, Lot 70 Minuteman Circle, prepared by Guerriere & Halnon, Inc., stamped and signed by Michael Dean, P.E. (Civil) No. 46255, dated 3/16/15.

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- Site Development & Facilities Plan in Holliston Massachusetts, Single Family Dwelling, Lot 71 Minuteman Circle, prepared by Guerriere & Halnon, Inc., stamped and signed by Michael Dean, P.E. (Civil) No. 46255, dated 3/16/15.
- Site Development & Facilities Plan in Holliston Massachusetts, Single Family Dwelling, Lot 72 Minuteman Circle, prepared by Guerriere & Halnon, Inc., stamped and signed by Michael Dean, P.E. (Civil) No. 46255, dated 3/17/15.
- Site Development & Facilities Plan in Holliston Massachusetts, Single Family Dwelling, Lot 73 Minuteman Circle, prepared by Guerriere & Halnon, Inc., stamped and signed by Michael Dean, P.E. (Civil) No. 46255, dated 3/17/15.
- Site Development & Facilities Plan in Holliston Massachusetts, Single Family Dwelling, Lot 74 Minuteman Circle, prepared by Guerriere & Halnon, Inc., stamped and signed by Michael Dean, P.E. (Civil) No. 46255, dated 3/13/15.

The revised plans listed above for Lots 85, 29, 81A, 70, 71, 72, 73, 74 were presented to the Commission for review (as required by their Orders of Conditions) by Mr. Poxon of Guerriere & Halnon (for Mr. Lavoie) representing Toll Brothers. Bill Keaton from Toll Brothers was also present.

The plan changes were summarized in a memorandum to the File from the Agent (dated March 24, 2015). The Commission reviewed the memorandum and discussed the changes with Mr. Poxon. The Commission agreed that the modifications to the plans and the change to the new owner (Toll Brothers) could be administrative updates to the files not requiring Amendments to the Orders of Conditions or new Notices of Intent. Letters will be sent to Mr. Lavoie informing him of these approved administrative updates.

**Mr. Lively made a motion to approve the changes to the plan for Bylaw File #B-001: Lot 85 Mohawk Path as Administrative Updates to the File. Mr. McGrath seconded the motion. Unanimous. (4-0-0)**

**Mr. McGrath made a motion to approve the changes to the plan for DEP File #185-752: Lot 29 Governor Prence Way as Administrative Updates to the File. Mr. Lively seconded the motion. Unanimous. (4-0-0)**

**Mr. Lively made a motion to approve the changes to the plan for DEP File #185-770: Lot 81A Mohawk Path as Administrative Updates to the File. Mr. McGrath seconded the motion. Unanimous. (4-0-0)**

**Mr. McGrath made a motion to approve the changes to the plans for DEP File #185-788: Lot 70 Minuteman Circle, DEP File #185-789: Lot 71 Minuteman Circle, DEP File #185-790: Lot 72 Minuteman Circle, DEP File #185-791: Lot 73 Minuteman Circle, and DEP File #185-792: Lot 74 Minuteman Circle as Administrative Updates to the File. Mr. Schroder seconded the motion. Unanimous. (4-0-0)**

**Request for Corrected Certificate of Compliance for DEP File #185-086: 53 Birchwood Road - St. Pierre & St. Pierre P.C.**

The law firm of St. Pierre & St. Pierre requested a corrected Certificate of Compliance for DEP File #185-086, 53 Birchwood Road, because the original book and page numbers

listed on the Certificate of Compliance issued in 1981 were erroneous. The Commission signed the new, corrected Certificate of Compliance.

### **Revision of Holliston Bylaw Regulations**

A proposed consulting contract has been received from MacGregor and Leger to assist with updating the Holliston Bylaw Regulations. The contract needs to be signed by the Board of Selectmen, Town Counsel, the Town Accountant, and the Commission.

### **FY16 Budget**

The Agent presented the proposed budget to the Finance Committee on March 18<sup>th</sup>. The FinCom was pleased that the ConCom was agreeable to funding 25% of the staff's salary budget with the Bylaw and/or Wetlands Protection Accounts. There was no firm commitment as to which proposed budget the FinCom would approve.

### **Project Update: Holliston Highway Dept. Road Improvements for 2015**

The Highway Department Superintendent informed the Agent that the following roads will be improved in 2015, beginning on May 4<sup>th</sup>. Roads that will be milled/cold-planed are: Woodland St., Westfield Dr. (Travis to Day), Mill St., and South St. (Washington to #99). Roads that will be reclaimed are: Pinecrest Rd., Birchwood Rd., Oakridge Rd., Day Rd., and Dodd Dr. Map hand-outs of the locations were given to the Commissioners. Erosion controls will be installed where necessary. It is hoped that a generic Order of Conditions can be developed to cover these types of paving projects.

### **Public Meetings & Hearings**

**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***

A request was received from the applicant's representative, Brian Butler, to continue the meeting to April 7, 2015.

**Mr. McGrath made a motion to continue the hearing for DEP File #185-781: Hopping Brook Road Extension to April 7, 2015. Mr. Schroder seconded the motion. Unanimous. (4-0-0)**

**\*\*New Public Meeting - Request for Determination of Applicability #D-540: "0"  
Chamberlain Street (Assessors Map 7, Block 7, Lot 366.2) proposed construction of two single family homes . *Matthew Varrell/Tamarack Ecological* representing *Town of Holliston/Holliston Housing Trust***

Applicant: Town of Holliston/Holliston Housing Trust

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Present for the Applicant: Matthew Varrell, Tamarack Ecological

Supporting Documents:

- Request for Determination of Applicability for Lots 1 and 2, Chamberlain Street - dated March 9, 2014 and received March 11, 2014 from Tamarack Ecological.
- ~~%~~Septic System Construction - Lot 1, Chamberlain St., Holliston,+prepared by CIVILized Solutions, stamped and signed by Paul E. Saulnier, P.E. No. 32440, dated 9/29/14.
- ~~%~~Septic System Construction - Lot 2, Chamberlain St., Holliston,+prepared by CIVILized Solutions, stamped and signed by Paul E. Saulnier, P.E. No. 32440, dated 10/1/14.

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on March 17, 2015. Mr. Varrell presented the plans for Lots 1 & 2 Chamberlain Street as listed above. The lots are located just north of Chamberlain Pines Swim and Tennis Club. The bordering vegetated wetlands (BVW) are located to the east of the property, so that the 100qbuffer zone extends into the house lots. However, no work is proposed in the 100qbuffer zone. The area between the work and the wetlands is forested upland and will remain undisturbed. The Commission discussed the possibility of encroachment into the wetlands. Mr. Varrell explained that he would talk to the Housing Trust and ask them to put together a document explaining to the new homeowners that they cannot do any type of work beyond the 100qbuffer zone line without coming to talk to the Conservation Commission first.

**Mr. Lively made a motion to issue the following Determinations for RFD #D-540: "0" Chamberlain Street (Lots 1 & 2):**

**Positive #2A Determination: the boundaries of the wetlands resource areas are 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 #1 Determination: the work is not in an Area subject to protection under the Act or in the Buffer Zone, therefore, the work does not require a Notice of Intent.**

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

**\*\*New Public Hearing - Notice of Intent for DEP file #185-794: Off Washington Street (Assessors Map 11G, Block 2, Lot 30) proposed addition to Clarence W. Gates Fire Station . Chief Michael Cassidy/Holliston Fire Department**

Applicant: Town of Holliston/Holliston Fire Department

Present for the Applicant: Chief Michael Cassidy

Supporting Documents:

- Notice of Intent for Gates Fire Station Improvements - dated March 18, 2014 and received March 18, 2014

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- ~~Plot~~ Plan of Land, Off Washington Street, Holliston, Mass.+prepared by Schofield Brothers of New England, Inc., stamped by David W. Humphrey, PLS No. 33320, dated November 24, 2014.
- ~~Justification~~ for No Compensatory Flood Storage.+ Authored by C. Katuska and presented at meeting today.

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on March 17, 2015. Chief Cassidy explained the proposed addition to the Gates Fire Station, which is located behind Keystone Automotive at 455 Washington Street. The fire station will be expanded to allow a larger fire truck to fit into the fire house. The building will be approximately 4.5qto 5q longer than it is now and the roof will be higher. The fire house is in the flood plain; however, flood storage is not a critical issue at this location because: 1) the project site is at the extreme edge of the 100-year flood plain, 2) the loss of square footage is small at 127 cubic feet, and 3) the floodplain hydraulics at this location suggest catastrophic moving water during a 100-year flood. There is a 9qdrop in water surface profile from Houghtonq Pond (dam) to the south side of Washington Street. The main issue during a 100qyear storm would not be flood storage, but would be the volume and velocity of moving water. The station is used only to store the trucks. It is not used to store any other materials and no maintenance of trucks is done at this location.

**Mr. McGrath made a motion to close the hearing for DEP File #185-794: Off Washington Street/Clarence W. Gates Fire Station. Mr. Schroder seconded the motion. Unanimous. (4-0-0)**

**Mr. Lively made a motion to approve and issue the Order of Conditions for DEP File #185-794: Off Washington Street/Clarence W. Gates Fire Station. Mr. McGrath seconded the motion. Unanimous. (4-0-0)**

### **General Business Continued**

#### **Open Space Updates:**

#### **2015 Town Meeting Articles**

Town Meeting Articles were submitted to the Town Administrator for the May 2015 Town Meeting to:

- 1) Sponsor an Article to transfer three properties from the Town (acquired through Tax Title Foreclosure) to the Conservation Commission.

Map 4 Block 6 Lot 21 . off Washington St. and south of Hopping Brook Rd. (4.17 acres)

Map 1 Block 1 Lot 39 . Boynton Road (2.8 acres)

Map 8 Block 3 Lots 4 & 5 . off Howard Street (1.1 acres)

- 2) Sponsor an Article to transfer this 23 acre ~~Warren~~ Warren Woods II+parcel to the care and custody of the Conservation Commission under the protection of Article 97 of the Massachusetts Constitution.

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In addition, there was a discussion as to whether the Serocki Property (on Rogers Road) should be transferred to the care and custody of the Conservation Commission with the support of the Selectmen, Agricultural Commission, and the Open Space Committee. It is still possible that the Selectmen may choose to keep the property as town property. A placeholder Article was submitted to the Town Administrator/Selectmen regarding the care and custody of the Conservation Commission for the parcels identified as Map 12, Block 4, Lot 18 (17 acres) at 34 Rogers Road and Map 12, Block 4, Lot 17 (15 acres) on Whitney Street. The Selectmen will review the proposed Article at their meeting tomorrow evening, March 25<sup>th</sup>.

Donna Kramer (ConCom Liaison for Ag Com) and Paula Mark (Vice Chair of the Ag Com), were present to represent the Agricultural Commission. The Serocki property was funded by the Community Preservation Committee (CPC) with the intent that it was to be used for Open Space and Farming. Town Counsel's opinion was that the buildings on the property can be kept if they are going to be used for the purposes of Open Space and/or Farming. However, the structures (house and barn) need to be assessed for the usability as public buildings. The Massachusetts Farm Bureau Federation has submitted a draft Conservation Restriction to the town for review. Ms. Mark submitted a memorandum from the AgCom Chair (To: Chuck Katuska, From: Tony Lulek, dated 3/25/2015 ~~Re:~~ RE: 34 Rogers Road, Holliston, MA) regarding some of the proposed plans that the Agricultural Commission has for property at 34 Rogers Road. Mr. Lulek's memo explained that the AgCom would like to: 1) work with the ConCom and Open Space Committee with the Mass Farm Bureau on the CR, 2) secure funding for the house to keep it in good repair while the logistics of what the house can be used for are worked out, 3) place a perimeter fence along the property line between 34 Rogers Road and the Serocki's house (that they inhabit) adjacent to the town property, 4) walk the land to learn more about it, and 5) start cleaning up the debris and dead brush. Long Term projects that the AgCom is interested in are: 1) to find, clean up, and mark any trails that are currently on the property, 2) establish signage to both protect the property and establish it as town land, and 3) establish community gardens similar to the community gardens at Pinecrest Golf Course. The memo noted that the AgCom understands that these plans will take years to complete and they should be undertaken with great care.

There will be another ConCom meeting before the Warrant for the Town Meeting goes to press (April 22); therefore, this discussion regarding the care and custody will be tabled until the ConCom meeting on April 7<sup>th</sup>. The ConCom is happy to support the Agricultural Commission endeavors for this property.

#### **Project Update: 94 Brook Street - DEP File #185-722**

Holliston Residential Realty LLC (HRR) is filing an Administrative Appeal of the Zoning determination issued December 29, 2014 by the Zoning Enforcement Officer (P. Tartakoff), where it was concluded that variance relief is required for the HRR's proposed single-family house at 94 Brook Street. While maintaining that the variances are not needed, HRR is also filing a Variance Application for variances from the lot area and lot depth requirements. The Zoning Board's public hearing regarding the appeal and the dimensional variances was scheduled for March 18, 2015, but has been continued by the ZBA for resolution of the DEP Wetlands permitting.

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### **Gretchen Lane Lots - J. Moore**

Mr. Moore informed the staff that he is in the process of deciding if he will actually donate these two lots to the Conservation Commission for Open Space purposes. He may sell them to a private purchaser. He hopes to make a decision within the next two months.

### **Conservation Associates - Conservation Lands Map Updates & Brentwood Sign**

The Associates would also like to put a new sign at the entrance to Brentwood. Several of the previous wooden signs have been vandalized over the years; therefore, they would like to sandblast a boulder with Brentwood Conservation Area. This land is Army Corps of Engineers (ACOE) property so the ACOE needs to be consulted regarding whether they will allow this boulder sign.

**Mr. McGrath made a motion to allow a marked boulder at the entrance to the Brentwood Conservation Area. Mr. Lively seconded the motion. Unanimous. (4-0-0)**

The Conservation Associates would like to update the Conservation Lands Map that they published in 2009. They would like to add the Warren Woods II, the Rail Trail, and the Serocki Rogers Road properties. There are also other properties that have been acquired since 2009 that could be added to the map. These properties should be reviewed with the Town Planner, K. Sherman to determine what should be added to the map.

### **Fairbanks Property Baseline Update - The Trustees of Reservations (TTOR)**

The annual Fairbanks Property Baseline Documentation paperwork was received from TTOR and needs to be signed by the Commission. The only change noted by the TTOR was that some of the Dunster Road property owners have dumped yard waste onto the Fairbanks property.

**Mr. Lively made a motion to allow the staff to accept and sign the Fairbanks Property's Baseline Documentation on the behalf of the Conservation Commission. Mr. Schroder seconded the motion. Unanimous. (4-0-0)**

### **Review Mail**

The mail was reviewed.

The Massachusetts Coalition for Lakes and Ponds MACOLAP Annual Meeting is scheduled for April 4, 2015 at Worcester State University.

### **215 Washington Street**

An unsigned complaint dated January 20, 2015 (delivered at Town Hall on March 17, 2015) was received regarding the construction of a building in the backyard of 215 Washington Street. The complainant believed that the building was too close to a stream. The construction had been previously reviewed by the Agent and the Building Inspector. The site has an intermittent stream upgradient of all other wetland resource areas, and therefore, it is not subject to jurisdiction. Since this is an unsigned complaint, there is no way to respond to the sender, Concerned Citizen.

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FEMA Risk Map Discovery Meeting . Charles River Watershed

A meeting risk management assessment program is scheduled in April. It is an important meeting for Holliston to participate in as it may allow access to disaster relief planning/funding. It may help access funds for the Winthrop Canal and/or the Hopping Brook flood storage area.

**Vote on Meeting Minutes from 1/6/15, 2/10/15, 2/24/15, 3/10/15**

**Mr. Lively made a motion to approve the meeting minutes from January 6, 2015 with comments incorporated. Mr. McGrath seconded the motion. The motion passed. (4-0-0)**

**Mr. Lively made a motion to approve the meeting minutes from February 10, 2015 with comments incorporated. Mr. McGrath seconded the motion. Mr. Schroder abstained. The motion passed. (3-0-1)**

The draft meeting minutes from February 24 and March 10, 2015 were tabled until there was a quorum of Commissioners to vote on them.

**At 9:26 PM, Mr. Lively made a motion to adjourn the meeting. Mr. McGrath seconded the motion. Unanimous. (4-0-0)**

The next Conservation Commission meeting will be on Tuesday, April 7, 2015.