

Holliston Conservation Commission

Meeting Minutes

Town Hall . Meeting Room #014

March 8, 2016
7:30 PM

Present: Allen Rutberg, Chair; Chris Bajdek, Emily Kingston, Shaw Lively, David Schroder, Rebecca Weissman, Commissioners

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

Absent: Ann Marie Pilch, Vice-Chair

Dr. Rutberg, Chair, opened the meeting at 7:30 PM.

General Business

Request for Certificate of Compliance for DEP File No. 185-765: Lot 32 Old Cart Path - gas line - Mark Beaudry, Meridian Associates/Whitney Farms, Sherborn

The Agent inspected the site on 3/4/16 and it was stable.

Mr. Lively made a motion to issue a Certificate of Compliance for DEP File No. 185-765: Lot 32 Old Cart Path. Ms. Kingston seconded the motion. Unanimous. (6-0-0)

Request for Certificate of Compliance for DEP File No. 185-777: 692 Concord Street (Lot 4B) - SFH - Peter Lavoie, G & H/126 Residential ANR Realty

- Re-installed silt fence a couple of weeks ago.
- Good layer of straw mulch was added.
- Fafard's attorney, Paul Beattie, issued a letter confirming that they would complete the stabilization and pursue a full Certificate of Compliance.
- There is a substantial berm behind this lot and the slope of part of the berm is shown on the record plan; however, the Agent would like to know where there is an approved plan for the entire berm, because the berm is definitely in the 100' buffer zone of the second wetland in the back. Mr. Lavoie said that he has not seen any plans or as-built plans for the berm. The berm situation does not affect this Partial Certificate of Compliance for this lot.

Ms. Weissman made a motion to issue a Partial Certificate of Compliance for DEP File No. 185-777: 692 Concord Street (Lot 4B). Mr. Schroder seconded the motion. Unanimous. (6-0-0)

Request for Certificate of Compliance for Bylaw File No. B-006: 169 Mohawk Path (Lot 90A) - SFH - Peter Lavoie, G & H/Toll Brothers

Toll Brothers has committed to completing this lot prior to June 15, 2016 when their bond expires with the Board of Health.

Ms. Kingston made a motion to issue a Partial Certificate of Compliance for Bylaw File No. B-006: 169 Mohawk Path (Lot 90A). Ms. Weissman seconded the motion. Unanimous. (6-0-0)

Request for Certificate of Compliance for DEP File No. 185-770: 208 Mohawk Path (Lot 81A) - SFH - Peter Lavoie, G & H/Toll Brothers

Toll Brothers has committed to completing this lot prior to June 15, 2016 when their grass surety expires with the Board of Health. There is a triangular-shaped 400 square foot incursion into the Riverfront Area that Toll Brothers has promised to correct prior to requesting a full Certificate of Compliance.

Mr. Lively made a motion to issue a Partial Certificate of Compliance for DEP File No. 185-770: 208 Mohawk Path (Lot 81A). Ms. Weissman seconded the motion. Unanimous. (6-0-0)

Request for Certificate of Compliance for DEP File No. 185-752: 9 Governor Prence Way (Lot 29) - SFH - Peter Lavoie, G & H/Toll Brothers

Toll Brothers has committed to completing this lot prior to June 15, 2016 when their grass surety expires with the Board of Health.

Ms. Weissman made a motion to issue a Partial Certificate of Compliance for DEP File No. 185-752: 9 Governor Prence Way (Lot 29). Mr. Lively seconded the motion. Unanimous. (6-0-0)

Request for Certificate of Compliance for DEP File No. 185-728: Lot 1 Squanto Path - work never commenced - Peter Lavoie, G & H/126 Residential ANR Realty

The road, Squanto Path, was never constructed. This lot does not exist anymore as the property was redesigned into differently configured lots; therefore, the work never commenced.

Mr. Bajdek made a motion to issue a Certificate of Compliance for DEP File No. 185-728: Lot 1 Squanto Path. Ms. Kingston seconded the motion. Unanimous. (6-0-0)

Request for Certificate of Compliance for DEP File No. 185-741: Indian Trails Subdivision (Squanto Path) - work never commenced - Peter Lavoie, G & H/126 Residential ANR Realty

The Indian Trail Subdivision, including the road, Squanto Path, was never constructed. This property was redesigned into differently configured lots; therefore, the work on the subdivision never commenced.

Mr. Lively made a motion to issue a Certificate of Compliance for DEP File No. 185-741: Indian Trails Subdivision (Squanto Path). Mr. Bajdek seconded the motion. Unanimous. (6-0-0)

Enforcement Order for DEP File No. 185-530: End of Jennings Road (north of Old Cart Path) - Peter Lavoie/Guerriere & Halnon representing 126 Residential ANR Realty

Mr. Lavoie presented a Restoration (with Monitoring) Plan dated 2/12/16 and an Erosion Control (with Dewatering) Plan dated 2/12/16.

- Mr. Lavoie cleaned up all the Notes on both plans, including the Landscaping and Dewatering Notes.
- Mr. Lavoie added a Construction Monitoring Plan on the Restoration Plan for the plantings.
- For the Erosion Control Plan under Dewatering Notes, the spelling of the word %luctuation+will be corrected to state %luculation+under the Dewatering Notes.
- For the Restoration Plan under Monitoring Notes, the Commission requested that any dead, diseased, or injured plants be replaced immediately following the 3 month and 1 year monitoring events.
- For the Restoration Plan under Monitoring Notes, the Commission requested that if at the end of 1 year, 25% or more of the plant stock needs to be replaced, then the monitoring will be continue for a second year.
- For the Restoration Plan under Landscaping Notes, the Commission requested a 1 year replacement guarantee for the plants.

Mr. Katuska will e-mail suggested verbiage for the notes to Mr. Lavoie.

It was confirmed with Mr. Lavoie that the entire excavated area will be filled and loamed and seeded if not planted with the plantings as shown on the Restoration Plan.

The Conservation Commission should be notified prior to the start of work.

The Commission reviewed the revised plans dated 2/12/16 and finds them acceptable with the revisions discussed above. Mr. Lavoie will revise the plans after he receives Mr. Katuska's notes.

Vote on Issuance of Order of Conditions for DEP File No. 185-807: 1380 Washington Street - replacement septic system - Karen Skinner Catrone & Civilized Solutions/Greg Koski

The Order of Conditions includes 44 conditions read by the Agent.

Ms. Weissman made a motion to approve and issue an Order of Condition for DEP File No. 185-807: 1380 Washington Street. Ms. Kingston seconded the motion. Unanimous. (6-0-0)

Public Meetings and Hearings

****New Public Hearing – Request for Amendment to Order of Conditions for DEP #185-666: 27 Kingsbury Drive (Lot 15/16) (Assessors Map 5, Block 3 Lots 54.1 & 54.2)** proposal to modify the footprint and location of the originally approved single family house - Lou Petrozzi/Wall Street Development Corporation

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on March 1, 2016. Mr. Petrozzi presented a revised plan dated 1/19/16 with a modified house footprint rotated to be in a slightly different location. The new location causes the corner of the house to be in the 100qbuffer zone. The Commission had no issues with the new footprint and location.

Mr. Lively made a motion to close the hearing for the Amendment to the Order of Conditions for DEP #185-666: 27 Kingsbury Drive (Lot 15/16). Ms. Kingston seconded the motion. Unanimous. (6-0-0)

Ms. Weissman made a motion to approve and issue an Amendment to the Order of Conditions for DEP #185-666: 27 Kingsbury Drive (Lot 15/16). Ms. Kingston seconded the motion. Unanimous. (6-0-0)

****New Public Meeting – Request for Determination of Applicability for #D-564: 16 Timber Ledge Drive (Assessors Map 5 Block 1, Lot 23K)** proposal for landscaping . *Diane & David Lynch*

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on March 1, 2016.

An Order of Conditions for DEP File No. 185-375 was issued in 1996 and a Certificate of Compliance was issued in 1999 for this property.

- Proposal to cut 6 - 8 trees behind the house. No grade changes are proposed.
- A wetland boundary marker will be added to the 3 existing markers.
- All 4 concrete boundary markers will need to have wetland resource area plaques epoxied to the top of the bounds.
- The Commission asked that another condition be added regarding the maintenance of the existing wetland boundary.

Ms. Kingston made a motion to issue the following Determinations for RFD #D-564: 16 Timber Ledge Drive:

Positive #2B Determination: the boundaries of the bordering vegetated wetlands 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) **AUTHORIZED WORK.** This Determination of Applicability applies only to work for conversion of a triangular area of existing woodland to a maintained lawn area. The area is approximately 30qwide at the northern end, closest to the limit of wetlands and tapers over a distance of 65qto the south to result in a final yard area approximately 50qdeep by 65qwide as shown on the project sketch plan referenced in part A.1. A minimum of 20qof existing vegetation must be maintained between any new lawn area and the existing wetland boundary. Any work not covered by this Determination (i) within 100 feet of any mapped wetland as shown on the plans; (ii) within any area subject to the 100 year flood elevation; or (iii) within 200 feet of a perennial stream or river; will require a separate filing. Any other activity proposed within said areas subject to jurisdiction of the Commission shall require coordination with the Conservation Commission (508-429-0607) and may require the filing of an additional Request for Determination of Applicability or a Notice of Intent prior to the commencement of said activity. Any impacts on wetland resource areas associated with such additional activities will take into consideration the cumulative impacts of such activities as well as those associated with this filing.
- 2) **STOCKPILING.** Temporary stockpiling of loam, if necessary, will be outside the 50q no-disturb zone.
- 3) **PROJECT ACCESS.** Project access will be across from the driveway and around the western side of the house into the existing rear yard area.
- 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 survive the expiration of this Determination of Applicability.
- 5) **WETLAND BOUNDARY MARKER.** Prior to seeding the newly prepared lawn area, the owner/applicant will install one (1) additional concrete wetland boundary post, similar to the three (3) wetland boundary marker posts installed onsite pursuant to DEP File #185-375. The new concrete post shall be installed at wetland boundary point 101D as shown on the project sketch plan referenced in part A.1. All four (4) concrete posts onsite shall have wetland boundary marker plaques affixed to the post top with a durable epoxy resin formulated for outdoor use. The required wetland boundary marker plaques are available, at cost, at the office of the Holliston Conservation Commission.
- 6) **COMPLIANCE MANAGEMENT.** Following substantive completion of the project, applicant shall contact the Conservation Commission at 508-429-0607 to schedule a project completion inspection. For the purpose of this Determination of Applicability, substantive completion of the project is defined as completion of all approved activities to a point at which the newly established lawn area has been seeded.

Mr. Bajdek seconded the motion. Unanimous. (6-0-0)

Continued Public Hearing – Request for Amended Order of Conditions for DEP #185-782: Lot 75A Old Cart Path (Assessors Map 14 Block 5, Lot 75A) Proposal to restore unpermitted alterations to buffer zone resource areas and construct an earthen berm at a lot previously approved for construction of a single-family house . *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Constitution Village LLC*

Mr. Lively and Mr. Schroder submitted affidavits regarding their review of the public hearing evidence from 2/2/16.

Mr. Lavoie has been working with a Landscaping Architect on a restoration plan. The client has agreed to remove about 13,400 square feet of fill and bring it back to existing grade and back to where the limit of work was approved previously in the Order of Conditions. The Landscape Architect is still working on a planting plan to restore the area with mixed trees and shrubs.

There was a discussion about why there was a tree line on the plan for Lot 75A Old Cart Path, but in reality there are no trees on the ground. Mr. Lavoie and the abutter, Tara D'Amato (24 Indian Way) discussed at great length how these trees may have been cut down in this non-jurisdictional area between Lot 75A and 24 Praying Indian Way.

Another abutter, Atul Suri of 18 Praying Indian Way, asked Mr. Lavoie to ask his client to not cut anymore trees behind his home.

The representative was reminded that this Amendment request is in response to a violation and Enforcement Action in the buffer zone, and the Commission has yet to see a revegetation plan. The Commission noted that the privacy lost by the cutting of these trees between Lot 75A and Praying Indian Way is not in their jurisdiction; however, the Commission hopes that the addition of privacy screening in this non-jurisdictional area will be strongly considered by the owner of Lot 75A.

Mr. Bajdek made a motion to continue the hearing for the Amendment to the Order of Conditions for DEP #185-782: Lot 75A Old Cart Path to March 22, 2016. Ms. Weissman seconded the motion. Unanimous. (6-0-0)

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) and to construct a single-family house and associated septic system, driveway and grading . *Paul Saulnier/Civilized Solutions* representing *Alan Stone*

Eric Dickinson/Civilized Solutions, Chris Malcolm, Attorney, and Mr. Stone were present. Mr. Dickinson presented a revised plan dated 2/3/16. The following revisions were made:

- Added a grass swale to direct water towards the back of the property where there is a drainage channel/stream. This will help to divert water so that it does not flow onto the neighboring property of the abutter, Stephen Lacaue.
- The septic system footprint was revised to be smaller and the location was modified to help incorporate the grass swale.
- A stockpile area was added to the plan.
- Erosion controls (limit of work) were added to the plan.

Mr. Lacaue is concerned about the large mounded septic system that he will have to look at when it is finished. Mr. Stone agreed to provide privacy screening along the southern edge of his property in order to block the view of the septic system mound.

It was noted by the Commission that the limit of work was placed outside the 50' no-disturbance line and was too close to the wetland line. Mr. Dickinson agreed to move the limit of work line to the 50' buffer zone line.

Mr. Lively made a motion to close the hearing for the Amendment to Order of Conditions for DEP File #185-677: 1014 Highland Street contingent upon:

Receipt of a revised plan modified to decrease the limit of work to the 50' no-disturbance line and to include privacy screening of the septic mound. Plan will be submitted subsequent to the close of the public hearing.

Mr. Schroder seconded the motion. Unanimous. (6-0-0)

Ms. Weissman made a motion to approve and issue the Amendment to Order of Conditions for DEP File #185-677: 1014 Highland Street. Ms. Kingston seconded the motion. Mr. Lively and Mr. Schroder abstained. The motion passed. (4-0-2)

Continued Public Hearing – Notice of Intent for DEP File #185-796: 194 Lowland Street (Assessors Map 9 Block 2, Lots 33.1 and 57.1) proposal to stabilize a perimeter road and install permanent sedimentation & erosion controls in conjunction with the operation of a composting facility . *George Connors/Connorstone Engineering* representing *Michael Brumber*

Ms. Weissman submitted an affidavit regarding her review of the public hearing evidence from 1/5/16. The applicant's representative, George Connors, requested a continuation until March 22, 2016.

Ms. Kingston made a motion to continue the hearing for DEP File #185-796: 194 Lowland Street until March 22, 2016. Mr. Bajdek seconded the motion. Mr. Schroder and Mr. Lively abstained. The motion passed. (4-0-2)

General Business Continued

Vote on Draft Meeting Minutes: 10/13/15, 11/3/15, 12/15/15, 2/2/16, 3/18/14, 9/30/14, 10/14/14, 11//1/8/14 - SDO; 9/29/15, 12/1/15, 1/19/16 - CJK

10/13/15

Mr. Lively made a motion to approve the minutes from October 13, 2015. Ms. Weissman seconded the motion. Unanimous. (6-0-0)

11/3/15

Mr. Schroder made a motion to approve the minutes from the November 3, 2015 meeting. Ms. Weissman seconded the motion. Mr. Bajdek and Mr. Lively abstained. The motion passed. (4-0-2)

The minutes from 12/15/15, 2/2/16, 3/18/14, 9/30/14, 10/14/14, 11//1/8/14, 9/29/15, 12/1/15, and 1/19/16 were tabled to give the Commissioners more time to review them.

Open Space Update: Warren Woods Conservation Restriction

Mass Audubon requested that 3 property corners be flagged. GLM Engineering did a survey to flag the corners. They found a significant encroachment during their survey which will need to be addressed.

Open Space Update: Survey of Rogers Road Farm

It was learned that only a simple survey plan of the property is needed for the Conservation Restriction. The Open Space Committee may have money for the survey that was included in the Community Preservation Committee's allocation. This is being investigated further.

Review Correspondence

A MACC Invoice dated 2/3/16 for \$225 for Ms. Kingston's attendance at the annual meeting and a Fundamentals Unit was signed off.

At 9:57 PM, Mr. Lively made a motion to adjourn the meeting. Ms. Kingston seconded the motion. Unanimous. (6-0-0)

The next Conservation Commission meetings will be:

- ∞ **Tuesday, March 22, 2016** at 7:30 PM; Lower Level Meeting Room #014
- ∞ **Tuesday, April 5, 2016** at 7:30 PM; Lower Level Meeting Room #014