

Holliston Conservation Commission

Meeting Minutes

Town Hall . Meeting Room #014

March 22, 2016

7:30 PM

Present: Ann Marie Pilch, Vice-Chair, Chris Bajdek, David Schroder, Rebecca Weissman, Commissioners

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

Absent: Allen Rutberg, Chair; Emily Kingston, Shaw Lively, Commissioners

Ms. Pilch, Acting Chair, opened the meeting at 7:32 PM.

General Business

Beaver Issue - Arch St./Winthrop St.

- Mr. Katuska summarized the beaver issues at Arch and Winthrop Streets - There is a small channel behind Arch Street that drains an old cranberry bog east of Winthrop Street into the Winthrop Canal. There is beaver blockage in the drainage channel on private property at 109 Arch Street.
- Several residents from the neighborhood were present: John Spurway, 134 Winthrop St.; David Nickerson, 140 Winthrop St.; James Proctor, 148 Winthrop St.; Hadley Keefe, 192 Winthrop St.; Ellen Healy, 99 Arch St.; Mike Leary, 105 Arch St.; Laura Raney, 89 Arch St.; Liz Rowland, 99 Exchange St.; Martin Sawzin, 45 School St.; Janice Miller, 208 Winthrop St.; and Virginia Roach, 105 Arch St.
- James Proctor, 148 Winthrop Street, comments on changes behind his house since 2015 summer
- Many residents affected by wetter lawns and longer-duration flooding
- David Nickerson, 140 Winthrop Street, reports internal cranberry bog ditches getting deeper. Notes beaver cutting on island in Lake Winthrop
- It was explained that, during the MA trapping season, any licensed trapper may take beaver with the consent of the landowner. Outside of trapping season dates, the Board of Health must approve the trapping of beavers. Residents would be responsible for hiring a trapper.
- Janice Miller, 208 Winthrop Street, said Board of Health would not allow lethal trapping in 2014. She notes 4 dams in canal.
- Hadley Keefe, 192 Winthrop Street, notes her concern regarding potential for flooded septic system, additional residents concerned, too.
- Several other residents voice concerns
- James Proctor agrees to accept responsibility for Emergency Certificate and will obtain written approval from the property owner at 109 Arch Street to breach the beaver dam.

- It was noted that it is likely that this is only part of a long term solution to alleviate high water levels. Beavers tend to rebuild dams, and if this occurs, the issue will need to be revisited.

Ms. Weissman made a motion to issue an Emergency Certificate to Mr. James Proctor for a one time breach of the beaver dam at 109 Winthrop Street with the written approval of the land owner. Mr. Schroder seconded the motion. Unanimous. (4-0-0)

Public Meetings and Hearings

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*

Present for the applicant: Peter Lavoie, Guerriere and Halnon Inc.

Ms. Pilch submitted an affidavit regarding her review of the public hearing evidence from the ConCom meeting on 3/8/16.

- Mr. Lavoie presented an updated plan dated 3/22/16.
- Construction monitoring notes and Landscaping notes were added to the plan.
- Removed all fill from buffer zone, back to the previously approved limit of disturbance and down to the existing grade.
- Berms outside of the buffer zone to remain, but will be cut down to grade as shown on the plan and planted.
- Proposal to plant twenty-five 8qtall white pines, and fifty-nine 5qtall white pines
- Four 8qtall white pines will be planted on the top of the berm along the property line with 24 Praying Indian Way.

The Commission expressed concern with planting a monoculture of White Pines in the buffer zone as restoration of the more diverse vegetative community that was present prior to the violation (upland forest mixed with oak and some white pine). The Commission recommended that native deciduous trees be mixed with the white pines.

Mr. Lavoie will consult with his client regarding the plant diversity considerations. He agrees to a continuance to the meeting on April 5, 2016.

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 April 5, 2016. Ms. Weissman seconded the motion. Unanimous. (4-0-0)

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* -

The applicant's representative, George Connors, requested a continuance to April 5, 2016.

Mr. Bajdek made a motion to continue the hearing for DEP File #185-796: 194 Lowland Street until April 5, 2016. Ms. Weissman seconded the motion. Unanimous. (4-0-0)

****New Public Meeting – Request for Determination of Applicability for #D-565: 45 Bullard Street (Assessors Map 9 Block 4, Lot 69) proposal to enlarge sunroom & deck . *Kevin Looby, owner***

Mr. Katuska read the legal notice published in the *Metrowest Daily News* on March 15, 2016.

Present for the applicant: Kevin Looby, owner

- Mr. Looby presented a proposal to enlarge the existing sunroom and deck.
- The enlarged sunroom and deck will be supported by piers and will be created entirely in existing lawn area.
- There is an intermittent stream/drainage easement on the property line. The work should have no impact on the intermittent stream or the wetlands.

The Commission discussed the proposal. Mr. Katuska presented a draft Determination of Applicability, and reviewed four Special Conditions. Mr. Looby agrees to all four Special Conditions.

Ms. Weissman made a motion to issue the following Determinations for RFD #D-565: 45 Bullard Street:

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.

Negative #5 Determination: the area described is subject to protection under the Act. The work described meets the requirements for the following exemption; therefore, as specified in the Act and the regulations, no Notice of Intent is required:

The deck portion of this proposed project is exempt from the Wetlands Protection Act Regulations under 310 CMR 10.02(2)(b)1.e.

Conditions:

- 1) **AUTHORIZED WORK.** This Determination of Applicability applies only to work associated with the enlargement of a sunroom/addition and deck at 45 Bullard Street as shown on the

project plan referenced in part A.1. 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) **EROSION CONTROL BARRIER.** Erosion control barrier must be installed between the construction area and the intermittent stream prior to any tree removals or land disturbance for construction of the addition & deck. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barrier. Erosion controls are to be maintained onsite in functional condition until all areas disturbed for construction are fully restabilized with vegetation (i.e., the new lawn has been mowed two times).
- 3) **PROJECT ACCESS.** Project access will be around the ends of the house into the back yard. If vehicular access is necessary, access must be between the south end of the house and the erosion control barrier. This is to prevent damage to the septic system on the north side of the house.
- 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.

Mr. Schroder seconded the motion. Unanimous. (4-0-0)

****New Public Meeting – Request for Determination of Applicability for #D-566: 24 Dorset Road (Assessors Map 14 Block 1, Lot 55) proposal for replacement septic system . Joyce Hastings/GLM Engineering representing Barbara Johnstone**

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on March 15, 2016.

Present for the applicant: Chris Gaboriault/GLM Engineering

Mr. Gaboriault presented a plan dated February 24, 2016 to replace an existing failed septic system.

- The Commission discussed the proposal to use an Eljen system to lessen the size of the impact.
- Only the septic tank and pump chambers are in the 100qbuffer zone.
- Portions of the property are in the FEMA 100-year flood plain, but the septic system is not in the floodplain.
- The Commission would like the plan revised to show the 100-year flood plain.

- Mr. Gaboriault agrees to submit a revised plain with the 100-year FEMA flood plain.

Mr. Katuska presented a draft Determination of Applicability, and reviewed five draft Special Conditions. Mr. Gaboriault agrees to all five Special Conditions.

Subject to the receipt of a plan updated with the limit of the 100-year FEMA flood plain, Mr. Bajdek made a motion to issue the following Determinations for RFD #D-566: 24 Dorset Road:

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 associated with the replacement of the existing failed septic system at 24 Dorset Road as shown on the project plan referenced in part A.1. 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) **EROSION CONTROL BARRIER.** The proposed erosion control barrier must be installed prior to any tree removals or land disturbance for septic system replacement work. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barrier. Erosion controls are to be maintained onsite in functional condition until all areas disturbed for septic system reconstruction are fully restabilized with vegetation.
- 3) **STOCKPILING.** There is to be no stockpiling within the 100-year wetland buffer zone.
- 4) **PROJECT ACCESS.** Project access will be from the driveway and across the existing lawn area on the northerly side of the house, as indicated on the record plan.
- 5) **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.

Mr. Schroder seconded the motion. Unanimous. (4-0-0)

General Business Continued

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

Present for the applicant: Peter Lavoie, Guerriere and Halnon, Inc.

Mr. Lavoie presented a revised Restoration (with Monitoring) Plan dated 3/21/16 and a revised Erosion Control (with Dewatering) Plan dated 3/22/16. The following revisions were made to the plans:

- For the Erosion Control Plan, under Dewatering Notes, the spelling of the word %luctuation+was corrected to %luculation+
- For the Restoration Plan under Monitoring Notes: a note was added regarding %any dead, diseased, or injured plants+shall be replaced immediately following the 3 month and 1 year monitoring events.
- For the Restoration Plan, under Monitoring Notes: a note was added regarding %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: a note was added regarding %a 1 year replacement guarantee for the plants+was added.
- An email dated 3-17-16 from Mr. Katuska to Mr. Lavoie regarding the plan revisions was reviewed.
- A draft memorandum to the File regarding %Buffer Zone Restoration+(dated 3-22-16) was reviewed by the Commission and Mr. Lavoie.
- The representative needs to review the draft Memorandum with his client.

Mr. Lavoie will return in 2 weeks with his client's review comments.

Town Meeting Warrant Article - Dam Safety

An article is being drafted by the staff for the appropriation of funds for the design and development necessary to repair the three town owned dams: Houghton's Pond, Factory Pond and Weston Pond. The projected cost of the design is approximately \$100,000 to \$130,000. The Commission would like to know which fund the money will come from to pay the consultants. This will be investigated by the staff.

Vote on Draft Meeting Minutes:

- 12/15/15, 2/2/16, 3/8/16 - SDO
- 3/18/14, 9/30/14, 10/14/14, 11/18/14 - SDO
- 9/29/15, 12/1/15, 1/19/16 - CJK

2/2/16 Meeting Minutes:

Ms. Weissman made a motion to approve the minutes from the February 2, 2016 meeting. Mr. Bajdek seconded the motion. Mr. Schroder abstained. The motion passed. (3-0-1)

3/8/16 Meeting Minutes:

Ms. Weissman made a motion to approve the minutes from March 8, 2016. Mr. Schroder seconded the motion. Ms. Pilch abstained. The motion passed. (3-0-1)

All other minutes listed above were tabled until the next meeting on April 5, 2016.

Open Space Update: Warren Woods Conservation Restriction

GLM found a significant encroachment (in-ground pool and perimeter fence) during their survey which will need to be addressed. The in-ground pool was approved by the Building Department in 1970. There is a conference call with Mass Audubon tomorrow as they have experience dealing with encroachments on conservation lands.

Open Space Update: Survey of Rogers Road Farm

The Conservation Restriction is being reviewed by the staff.

1014 Highland Street, Amendment to Order of Conditions – DEP File No. 185-677

The Order of Conditions will be issued tomorrow now that the revised plan and deed reference have been received as requested by the Commission at the last meeting.

Review Correspondence

- **GLM Invoice** for \$1,500 for the survey of Warren Woods was signed by the Commission.
- **Bartzak Drive Acceptance:** A letter from Peter Barbieri dated 3/7/16 regarding a Town Meeting Warrant Article for acceptance of Bartzak Drive was reviewed.
- **174 Mohawk Path:** On Friday (3/25/16), Mr. Katuska will be reviewing the possible cutting of dangerous trees in the 100-foot no-disturbance zone to a vernal pool.

At 9:31 PM, Ms. Weissman made a motion to adjourn the meeting. Mr. Schroder seconded the motion. Unanimous. (4-0-0)

The next Conservation Commission meetings will be:

- ∞ **Tuesday, April 5, 2016** at 7:30 PM; Lower Level Meeting Room #014
- ∞ **Tuesday, April 19, 2016** at 7:30 PM; Lower Level Meeting Room #014