

Holliston Conservation Commission

Meeting Minutes

Town Hall . Meeting Room #014

December 15, 2015
7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair; Chris Bajdek, Emily Kingston, Shaw Lively, Commissioners

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

Absent: Rebecca Weissman, David Schroder, Commissioners

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

General Business

New Commissioner

Dr. Rutberg and the Commission welcomed Emily Kingston to the Conservation Commission. Ms. Kingston was previously an Associate Commissioner and was appointed as a Conservation Commissioner by the Selectmen on December 11th and was sworn in by the Town Clerk this morning. Ms. Kingston may now vote as an active member of the Commission.

Discussion RE: Proposed Well Location at 938 (behind #944) Washington Street - DEP File No. 185-707

A request was received from Paul Saulnier/Civilized Solutions representing the applicant for DEP File No. 185-707, John Curran. Mr. Curran would like to move the well from the originally proposed location near Washington Street to a location in the 50-100' buffer zone. Per the BoH, the previously proposed well is not possible, because the 100' protective radius encumbers too much real estate on the abutting properties. The Currans do not want to hook up to the public water supply, because the cost was estimated to be about \$25,000. The well would be a drilled well and would probably be about 300' deep (typical depth for wells in this area). Including the water line and mud pit for the rock tailings, the temporarily disturbed area between the 60 and 100' setback would be about 600 to 1,000 square feet.

The well area is predominantly invasive species. The well will be about 60' from the wetland boundary. The Commission requested that the disturbed area be re-seeded with a contractor seed mix (for quick growth) and 6 red maple saplings about 2 - 3' tall.

Ms. Pilch made a motion to approve the installation of the private drinking water well with the conditions to use a contractor's grass seed mix and to plant 6 red maple saplings (2-3' tall). Ms. Kingston seconded the motion. Unanimous. (5-0-0)

Request for Certificate of Compliances for DEP File No. 185-742 - 207 Mohawk Path (Lot 82) - Peter Lavoie/G & H and Toll Brothers

A revised As-Built plan dated 4/20/15 was submitted by Peter Lavoie. This plan shows the overflow pipe from the rooftop drainage recharge chambers.

Ms. Pilch made a motion to issue a Partial Certificate of Compliance for DEP File No. 185-742 - 207 Mohawk Path (Lot 82) with 4 ongoing conditions. Mr. Lively seconded the motion. Unanimous. (5-0-0)

Request for Certificate of Compliances for DEP File No. 185-784 - 10-12 Fairview Street - Thomas Haynes/PMT Real Estate

A request was received today from Thomas Haynes for a Certificate of Compliance for 10-12 Fairview Street. The stabilization of the property is incomplete, and the closing for the house is next week. Therefore, the BoH will hold a grass surety (\$1,500), because the site will be hydroseeded and straw mulched now with the hopes that it will stay intact and grass will grow in the Spring. In Spring 2016, the will be re-inspected for a full Certificate of Compliance.

Mr. Lively made a motion to issue a Partial Certificate of Compliance for DEP File No. 185-784 - 10-12 Fairview Street with 4 ongoing conditions. Ms. Pilch seconded the motion. Unanimous. (5-0-0)

Re-Sign Order of Conditions for DEP File No. 185-804: 1146 Washington Street - Septic System

The Order of Conditions for DEP File No. 185-804 was signed. The Order of Conditions that was approved and signed at the December 1, 2015 meeting had a numbering error; therefore, the signature page needed to be re-signed.

Review of Catch Basin Deficiencies at Washington Hills - Approved under Amendment to Order of Conditions for DEP File #185-658

Catch basins CB-7 and CB-8 were not installed with the required 4qdeep sumps. The Town Planner (K. Sherman) believes that the catch basins are incorrect and should be replaced per an e-mail dated 12/14/15. AP Associates (Ali Parand) rendered an opinion in an e-mail dated 12/10/15 that the 3q6+deep sumps (vs. the 4qrequired sumps) could remain, but recommended that these 2 catch basins be inspected 6 times per year and cleaned out, as necessary, during the construction phase. If there are issues and the two catch basins do not work properly, Mike Rosati, Marchionda & Associates (Supervisor for project), suggested that a grit separator could be installed at a point in the line to help the problem.

The Agent will send a letter to Pulte (Mark Mastroianni) requesting a commitment to revising the Operation and Maintenance plan to increase the inspection of the catch basins from 4 to 6 times per year, or more often if monitoring shows that there are issues, with the possibility of adding a grit separator if there are issues. Reports regarding these inspections will be submitted to the Commission every two months during the construction phase of the project.

Pulte needs to make sure that the catch basins and the entire drainage system are working properly before the new Homeowners Association take over the maintenance of the drainage system. The Commission agreed that this seemed like a reasonable approach.

Vote on Issuance of Order of Conditions for DEP File 185-803: 128 Fisher Street - solar facility - Goddard Consulting representing Clean Energy Collective, LLC

Mr. Katuska reviewed the draft Order of Conditions for DEP File No. 185-803. The applicant's representative agreed to the 55 conditions.

Ms. Pilch made a motion to approve and issue an Order of Conditions for DEP File #185-803: 128 Fisher Street. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

Public Meetings and Hearings

Continued Public Hearing – Notice of Intent for DEP File #185-798: 415 Concord Street (Assessors Map 11 Block 6, Lot 27) proposal to construct a 66-unit residential subdivision . *Bruce Griffin/New England Environmental, Inc.* representing *Pulte Homes of New England, LLC*

Present for the Applicant: Matt Leidner, Civil Design Group

There are no further Commission issues. The proponents met with the Planning Board on December 3, 2015 and they have addressed all of the Planning Board's major concerns. Ms. Sherman, the Town Planner, has drafted a special permit for the Planning Board's review on December 21, 2015. If all goes well at the Planning Board meeting, an Order of Conditions will be drafted for review by the Commission at its meeting on January 5, 2016.

Ms. Pilch made a motion to close the hearing for DEP File #185-798: 415 Concord Street. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

The following two hearing were considered simultaneously:

****New Public Hearing – Notice of Intent for DEP File #185-XXX: Lot 9A Katie's Way (Assessors Map 4 Block 4, portion of Lot 56.7)** proposal to construct a single-family house including associated grading and site work . *Vito Colonna/Connorstone Engineering, Inc.* representing *O'Leary Builders, Inc.*

****New Public Hearing – Notice of Intent for DEP File #185-XXX: Lot 10A Katie's Way (Assessors Map 4 Block 4, portion of Lot 56.7)** proposal to construct a single-family house including associated grading and site work . *Vito Colonna/Connorstone Engineering, Inc.* representing *O'Leary Builders, Inc.*

Present for the Applicant: Stephen O'Leary, O'Leary Builders, Stephen O'Leary, Jr. and Mr. George Connors, Connorstone Engineering

Mr. Katuska read the legal notices published in the *MetroWest Daily News* on December 8, 2015. Mr. Connors submitted the green cards for both Lots 9A & 10A Katie's Way.

Mr. Connors reviewed the lot plans with the Commission. The 100-foot buffer line runs through both houses. The septic systems are proposed in the front yards so that they are as far away from the wetlands as possible. Since the 50-foot no-disturb line runs along the edge of the back yards for both lots, the Commission requested that no-disturb plaques be placed at the 50-foot No-Disturb Line.

When the Commission inquired about roof top infiltration, Mr. Connors believed that it was not necessary, because the infiltration for the entire subdivision had been calculated (including the impervious surfaces, e.g. rooftops) and exceeded what was needed for the subdivision's roadways and other impervious surfaces. There will be foundation drains, because both houses have walk-out basements. The foundation drains will discharge in the lawn area before the 50-foot buffer zone.

Since the both Notice of Intents have not received DEP File numbers yet, Mr. O'Leary agreed to continue the hearings until January 5, 2016.

Mr. Lively made a motion to continue the hearings for DEP File Nos. 185-XXX and DEP File #185-XXX: Lots 9A and 10A Katie's Way to January 5, 2016. Ms. Pilch seconded the motion. Unanimous. (5-0-0)

General Business Continued

Enforcement Orders for Fafard Properties

The Agent explained that a 40-foot high so-called privacy berm had been constructed by Fafard at Lots 75 and 76 Old Cart Path in both the 50-foot and 100-foot buffer zones. The 40-foot pile of material is literally on top of the silt fence, so the erosion controls are useless. The Enforcement Order will require Fafard and its Agents to: 1) Cease and Desist all Work affecting the Buffer Zones Immediately, 2) Provide a Restoration Plan, 3) Resource Areas shall be returned to their original conditions, including repair/replace all non-functional erosion control barriers, and 4) Provide a Written Response within 48 hours.

There are also issues at the stub road that is the end of Praying Indian Way (the old Jennings Road) just north of where it crosses Old Cart Path near the Ashland town line. A construction road has been created in the old Jennings Road public way and then it takes a sharp right into the woods where the trees have been cut down to create the construction road. A yellow construction fence surrounds the work area at the end of the road and there is an area about 15 feet x 20 feet wide with a ring of holes that have been dug. Survey stakes that delineate the 50-foot no-disturb line have been placed there and at least one of the stakes is in the work area, which suggests that a large portion of the area is in the 100-foot buffer zone. The Agent did not go on the property, but made these observations from Constitution Village property (185-530) and the Jennings Road public way. This situation needs further investigation, but it appears that an Enforcement Order will also need to be issued for this potential violation.

194 Lowland Street - DEP File No. 185-796

The Planning Board denied all of Mr. Brumberg's proposals at their last meeting and closed his hearing on December 3, 2015. Mr. Brumberg has contradicted his previous claim that he did not want to operate a composting facility at 194 Lowland Street and sent the Conservation Commission a letter dated November 25, 2015 explaining how he would like to develop the composting facility again. Since Mr. Brumberg's other permit was denied by the Planning Board, it appears that the Conservation Commission will need to vote on whether to keep his NOI hearing open with his inability to obtain other town permits.

At 8:57 PM, Mr. Lively made a motion to adjourn the meeting. Ms. Pilch seconded the motion. Unanimous. (5-0-0)

The next Conservation Commission meeting will be:

Tuesday, January 5, 2016 at 7:30 PM; Lower Level Meeting Room #014

Tuesday, January 19, 2016 at 7:30 PM; Lower Level Meeting Room #014