

Holliston Conservation Commission

Meeting Minutes

Town Hall . Meeting Room #105

November 3, 2015

7:45 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair; Jim McGrath (Arrived at 7:58 PM), David Schroder, Rebecca Weissman, Commissioners; Emily Kingston, Associate Commissioner

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

Absent: Chris Bajdek, Shaw Lively, Commissioners

Dr. Rutberg, Chair, opened the meeting at 7:48 PM.

General Business

Request for Certificate of Compliance for Bylaw File No. B-002 - Lot 86A Mohawk Path - Peter Lavoie

Upon site inspection, Mr. Katuska found that the yard was not stable and still needed to be hydro-seeded. Therefore, no Certificate of Compliance can be issued tonight.

Informal Discussion RE: Proposed Development at 245 Washington Street - Peter Conant

Mr. Conant (company name is: Owns a Home) and his partner Ona Jonoityte, presented an aerial plan of 245 Washington Street with contour lines. At the elevation of 200q he showed how they would like to develop a 40(B), 16 home subdivision. At a later date, they may request a footbridge over the stream to an adjacent upland area for birdwatching, etc.

A 40(B) development only requires that they comply with the State WPA and not the Holliston Wetlands ByLaw; however, Mr. Conant would like to try to work with the ConCom and keep as close to the Bylaw requirements as possible. A common septic system will be on site for all of the homes. The 40(B) would require that 4 of the 16 homes be sold as affordable housing. The ZBA is the approval board for the 40(B) process.

The Soil had been perc-ed+and appears to be okay with perc rates of less than 2 minutes and mostly Group A soils. The possibility of some type of wetland mitigation to compensate for work (such as grading, utilities, etc., but not homes) in the 50qBuffer Zone was discussed, such as a rain garden. A stormwater management plan will be needed to be developed for the subdivision.

Some of the homes are proposed in the 50-100qbuffer zone. Mr. Conant would prefer to create an open circle of homes which would require some of the homes to be in the 50-100qBuffer Zone, rather than a more rectangular plan that he also presented. He believes that the %open

circle+plan provides more light and is more open. The homes proposed for the %open circle+ plan are 24qx 38q 920 sq.ft., 3 bedroom, Cape style homes. This meeting with the Commission is their first meeting with any town departments. They will be meeting with the Affordable Housing Trust/ Brian Clancy tomorrow evening, November 4th.

Mass Trails Conference

Saturday, November 14th with optional Trail Planning Field Trips on Friday, November 13th. Ms. Pilch and Ms. O'Brien will attend Field Trip 3 and the Saturday conference.

Mr. McGrath arrived at 7:58 PM.

Public Meetings and Hearings

****New Public Meeting – Request for Determination of Applicability for #D-558: 86**

Christopher Road (Assessors Map 1 Block 1, Lot 11) proposal to construct an addition .
Matthew Berg

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on October 27, 2015.

Mr. Berg and his wife Erica were present. Mr. Berg explained that his house was built in the 1960s and is near the wetlands. GLM Engineering did a wetlands delineation of the property. He proposed a garage and workshop on the ground level and a bedroom and bathroom on the second floor.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-558, 86 Christopher 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 addition to the single-family home at 86 Christopher 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. **PROJECT ACCESS.** Project access will be from the driveway.
3. **STOCKPILING.** Construction materials will be temporarily stored in the front yard only.
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. McGrath seconded the motion. Unanimous. (5-0-0)

****New Public Meeting – Request for Determination of Applicability for #D-559: 15 Pine Street (Assessors Map 8E Block 4, Lot 5)** proposal to replace an existing septic system .
Eric Dickinson/CIVILized Solutions representing Jim & Beth Flynn

Present for the Applicant: Eric Dickinson, CIVILized Solutions

Mr. Dickinson waived the reading of the legal notice published in the *MetroWest Daily News* on October 27, 2015.

Mr. Dickinson presented the plan for a replacement system. The stockpiling will be outside the 100qBuffer Zone. It is a GeoFlow system so that it won't be mounded.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-559, 15 Pine 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.

Conditions:

1. **AUTHORIZED WORK.** This Determination of Applicability applies only to work associated with the replacement of the existing failed septic system at 15 Pine 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.** 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.** The temporary stockpile will be located outside the 100' buffer zone as indicated on the record plan.
4. **PROJECT ACCESS.** Project access will be across the existing lawn and around the southeastern side of the house.
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. McGrath seconded the motion. Unanimous. (5-0-0)

****New Public Meeting – Request for Determination of Applicability for #D-560: 7 Norfolk Lane (Assessors Map 5 Block 5, Lot 12) proposal to install dock lights & associated electrical service . Patrick J. Keefe representing David & Tara DiMinico**

Present for the Applicant: Patrick J. Keefe, Electrician

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on October 27, 2015.

Mr. Keefe explained that a 9+x 18+ditch would be cut with a Ditch Witch and then hand dug. The ditch will have to cross a Conservation Restriction and this Conservation Restriction does allow the installation of utilities.

The electrical service will power low voltage lights mounted on the current dock posts. This dock was previously approved with a Chapter 91 Dock Permit. There is a pile of dock materials on the property, but Mr. Keefe confirmed that these materials are not for this project.

Ms. Weissman made a motion to issue the following Determinations for RFD #D-560, 7 Norfolk Lane:

Positive #2B Determination: the boundaries of the bordering vegetated 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. **AUTHORIZED WORK.** This Determination of Applicability applies only to work related to the installation of the dock lights and the associated electrical service at 7 Norfolk Lane 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. **STABILIZATION.** All areas disturbed for construction should be fully restabilized with vegetation after the project is completed. The grass must be mowed two times to ensure that the area has been satisfactorily stabilized.
3. **PROJECT ACCESS.** Project access will be from the driveway and across the lawn.
4. **STOCKPILING.** There will be no stockpiling of materials.
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. McGrath seconded the motion. Unanimous. (5-0-0)

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; Mark Mastroianni, Pulte Homes; Reed Blute, Pulte Homes

A letter dated October 27, 2015 to MEPA from Mr. Katuska was presented to the Commission. It commented on storm water concerns and open space concerns. A letter dated October 27, 2015 to the Holliston Conservation Commission from Mr. Leidner was reviewed with Mr. Leidner. He explained the Route 126 state highway drainage system met Mass DOT capacity requirements.

Mr. Leidner explained that they have been working with Mass DOT on 3 occasions. There are 3 culverts under Concord Street/Rt. 126. One culvert is iron, and two culverts are reinforced concrete. Mass DOT cleaned out the culverts.

They are working with the Planning Board to screen the development from two adjacent properties. The Planning Board requested that Norway spruce trees be used rather than White Pines. Mr. Katuska will send an email to the Planning Board to confirm the Commission's agreement with the use of Norway spruce.

Mr. Leidner reviewed the construction sequence with the Commission.

Mr. Mastroianni explained that they will be meeting with the Planning Board (PB) on November 19th, 2015. They would prefer to continue the hearing until the Commission's December 1st meeting to ensure that there are no other PB concerns on November 19th before this hearing is closed.

Mr. McGrath motioned to continue the hearing for DEP File #185-798: 415 Concord Street until December 1, 2015. Ms. Pilch seconded. Unanimous (5-0-0).

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 . *Russell E. Waldron/Applied Ecological Sciences* representing *Michael Brumber*

The applicant, Michael Brumber, requested that the hearing be continued to November 17, 2015.

Mr. McGrath made a motion to continue the hearing for DEP File #185-796: 194 Lowland Street to November 17, 2015. Ms. Pilch seconded the motion. Unanimous. (5-0-0)

Continued Public Hearing – Abbreviated Notice of Resource Area Delineation for DEP File #185-799: 128 Fisher Street (Assessors Map 1 Block 1, Lots 23.3 and 49) to delineate the limits of areas subject to wetland protection jurisdictions . *Dan Wells/Goddard Consulting, LLC* representing *Greg Carey/Clean Energy Collective, LLC*

Present for the Applicant: Dan Wells, Goddard Consulting

Revised plans dated October 26, 2015 have been received from Goddard Consulting. Seven changes were made to the plan in response to the Agent's wetland delineation review:

1. ACOE easement was added
2. An existing drainage structure and inverts were added
3. A few misnumbered wetland flags were labeled correctly
4. Topography was inaccurate, so it was resurveyed and corrected
5. The FEMA floodplain was added to the plan, but confirmation of the floodplain is not being requested in this ORAD

6. ~~Fisher Road~~ was changed to ~~Fisher Street~~
7. The 50qBuffer Zone was added to one section of the plan

The Commission had no other concerns. The Agent explained that the ORAD confirms the bordering vegetated wetlands and the riverfront area, but does not confirm the bordering land subject to flooding, because no FEMA profile elevation data is available and the Zone A line transferred graphically to the plan is manifestly inaccurate and crosses numerous elevated contours on the field surveyed plan.

Mr. McGrath made a motion to close the hearing for Abbreviated Notice of Resource Area Delineation for DEP File #185-799: 128 Fisher Street. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

Ms. Pilch made a motion to approve and issue an Order of Resource Area Delineation for DEP File #185-799: 128 Fisher Street. Ms. Weissman seconded the motion. Unanimous. (5-0-0)

Continued Public Hearing – Notice of Intent for DEP File #185-803: 128 Fisher Street (Assessors Map 1 Block 1, Lots 23.3 and 49) proposal to construct solar-powered electric generating facility, stormwater basins and one utility crossing . *Dan Wells/Goddard Consulting, LLC* representing *Greg Carey/Clean Energy Collective, LLC*

Present for the Applicant: Dan Wells, Goddard Consulting; Greg Casey, Jay Murto, Clean Energy Collective; Travis Brown, Andrews Survey and Engineering.

Mr. McGrath submitted a Review of Public Hearing Evidence form for the hearing he missed on October 13, 2015.

Mr. Carey presented plans for a solar project on about 30 acres owned by Eli Properties. A one Megawatt solar power facility is proposed on about 7 to 8 acres. The detention basin easement is at the north end of the property.

Mr. Brown presented a letter to Mr. Katuska dated November 3, 2015 regarding minimizing the disturbance in the 50qBuffer Zone. They tried to pull back the limit of work to 30q

In the southeast corner of the property, they plan to plant wildflowers and maintain the area so that large herbaceous plants don't take over.

The Commission is concerned about the work in the 50qNo-disturb Zone. It was suggested that some type of mitigation might be considered.

The Army Corps of Engineers easement needs to be shown accurately on the plan.

Mr. Brown will continue to work with the peer review consultant, Metrowest Engineering, Rob Gemma, regarding the storm water management plan. There is a question regarding the plantings under and around the panels. Transit Hydroseeding from Norfolk, MA planted the

grass at the 58 Hopping Brook Road solar facility and it is growing well. Mr. Katuska will find out what grass seed mix was used at that site.

Mr. Katuska will look into the flood plain delineation with the ACOE Charles River Natural Valley Storage area. The Commission requested that a plan showing the Buffer Zones more clearly be drafted.

Ms. Pilch made a motion to continue the hearing for DEP File #185-803: 128 Fisher Street until November 17, 2015. Mr. McGrath seconded the motion. Unanimous. (5-0-0)

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) . *Christopher Malcolm, Esq.* representing *Alan Stone*

This hearing was continued at the request of Lawrence Stone (Alan Stone's son) until January 5, 2016.

Ms. Pilch made a motion to continue the hearing for the Amendment to Order of Conditions for DEP File #185-677: 1014 Highland Street until January 5, 2016. Mr. Schroder seconded the motion. Unanimous. (5-0-0)

General Business Continued

The FY'17 MACC dues will be \$541.

Warren Woods - Mass Audubon would like the property line be surveyed because there is encroachment on the east side. Schofield Brothers will be contacted by Mr. Katuska to get an estimate on what this survey might cost.

At 9:50 PM, Ms. Pilch made a motion to adjourn the meeting. Ms. Weissman seconded the motion. Unanimous. (5-0-0)

The next Conservation Commission meetings will be:

Tuesday, November 17, 2015 at 7:30 PM; Lower Level Meeting Room #014

Tuesday, December 1, 2015 at 7:30 PM; Lower Level Meeting Room #014