

Holliston Conservation Commission

Meeting Minutes

Town Hall . Meeting Room #014

January 5, 2016
7:30 PM

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

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

Absent: Shaw Lively, David Schroder, Rebecca Weissman, Commissioners

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

General Business

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. Erroneously, a Partial Certificate of Compliance was issued for 207 Mohawk Path at the last meeting on December 15, 2015. Therefore, a Complete Certificate of Compliance needs to be voted upon tonight.

Ms. Pilch made a motion to issue a Certificate of Compliance for DEP File No. 185-742 - 207 Mohawk Path (Lot 82) with 2 ongoing conditions. Ms. Kingston seconded the motion. Unanimous. (4-0-0)

Ratify Enforcement Orders for DEP File Nos. 185-782 and 185-783: Lots 75A & 76A Old Cart Path

Peter Lavoie (Guerriere & Halnon) was present to discuss the Enforcement Orders for these two lots in Constitution Village (Fafard). Mr. Lavoie explained that the issues regarding the Enforcement Order apply to Lot 75A only. No changes have been made in the buffer zone for Lot 76A. A large amount of fill has been placed in the 50' no-disturb zone at Lot 75A.

A restoration plan (Lot 75 & 76 Resource Area Plan with Disturbed Area Detail, dated December 28, 2015) and the original plan (Lot 75 & 76 Resource Area Plan, dated September 3, 2014) were presented showing where they are proposing to remove approximately 4,300 ft² of fill that is now in the 0-50' buffer zone. They would like to construct a 4' high wall along the 50' no-disturb line and plant 6-8' tall 2.5 inch caliper white pine trees along the wall (in the 50-100' buffer zone). This berm that they have constructed is described as a %privacy berm.+ The Commission pointed out that there are many other options for privacy screening other than a large earthen berm 20' high.

The Commission agreed that an Amendment to the Order of Conditions for DEP File No. 185-782 (Lot 75A Old Cart Path) is required for the restoration of Lot 75A. Since Lot 76A is not involved, the Commission ratified the Enforcement Order for Lot 75A only.

The Agent will send a letter to Fafard/Constitution Village withdrawing the Enforcement Order for DEP File No. 185-783, Lot 76A, Old Cart Path.

Ms. Pilch made a motion to ratify the Enforcement Order for DEP File No. 185-742, Lot 75A Old Cart Path. Mr. Bajdek seconded the motion. Unanimous. (4-0-0)

Ratify Enforcement Order for DEP File No. 185-530: End of Jennings Road (north of Old Cart Path)

Peter Lavoie (Guerriere & Halnon) was present to discuss this Enforcement Order and presented a restoration plan (Land Disturbance Permit Plan+dated 1/4/2016). Mr. Lavoie explained that an area of approximately 13,000 ft² was cleared of trees in the 50-100' buffer zone and an area of approximately 550 ft² was cleared in the 0-50' no-disturb zone. Only restoration of the 550 ft² area in the 0-50' no-disturb zone is proposed. This clearing was done to build a privacy berm+approximately 500' long and 10-15' high along the Holliston/Ashland town line. The proponent would like to build a single family house in this area and will be submitting a Notice of Intent.

The Agent pointed out that a large semi-circular area of excavation about 15' deep has also been dug out so this was not a matter of just clearing trees; the ground has been scalped, the trees have been stumped, and there is a substantial excavation site. This excavated area is not shown on the restoration plan, but is mostly in the 50-100' buffer zone area with a smaller portion in the 0-50' buffer zone. There is a stonewall where one part of the excavated area runs right up against the wall; however, this stonewall does not seem to be on the plan.

The Commission requested that an accurate plan be submitted with the existing conditions that shows an actual representation of what is out there right now. More discussion needs to occur regarding the restoration after an accurate existing condition plans has been received. The restoration needs to be agreed upon before a Notice of Intent for a single family house can be considered.

The Agent asked Mr. Lavoie to please request permission for him (Mr. Katuska) to go on the property for a site inspection.

Ms. Pilch made a motion to ratify the Enforcement Order for DEP File No. 185-530: Constitution Village, End of Old Jennings Road. Ms. Kingston seconded the motion. Unanimous. (4-0-0)

Vote on Issuance of Order of Conditions for DEP File #185-798: 415 Concord Street - Brooksmont - 66-unit residential subdivision - Pulte Homes of New England, LLC

Mark Mastroianni (Pulte Homes) was present. This hearing was closed at the meeting on December 15, 2015. The Agent reviewed the draft Order of Conditions and its 59 conditions. Revised/updated plans will be provided by Civil Design Group (Matt Leidner) prior to the release of the Order of Conditions.

Ms. Kingston made a motion to approve and issue the Order of Conditions for DEP File #185-798: Brooksmont - 415 Concord Street. Ms. Pilch seconded the motion. Unanimous. (4-0-0)

Public Meetings and Hearings

The following two hearings were considered simultaneously:

Continued Hearing – Notice of Intent for DEP File #185-805: 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.*

Continued Hearing – Notice of Intent for DEP File #185-806: 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: Mr. George Connors, Connorstone Engineering

Mr. Connors presented revised plans for Lots 9A and 10A Katie’s Way (dated 12-16-15) that showed the location of four concrete bounds for each lot. These concrete bounds will have No-Disturb+plaques mounted on them and they will be placed along the 50qNo-Disturb Line.

Ms. Pilch made a motion to close the hearings for DEP File #185-805 and DEP File #185-806: Lots 9A and 10A Katie’s Way, respectively. Ms. Kingston seconded the motion. Unanimous. (4-0-0)

The Agent reviewed the draft Orders of Conditions for Lots 9A and 10A, each with 47 conditions.

Ms. Pilch made a motion to approve and issue the Orders of Conditions for DEP File #185-805 and DEP File #185-806: Lots 9A and 10A Katie’s Way, respectively. Mr. Bajdek 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 . *Russell E. Waldron/Applied Ecological Sciences* representing *Michael Brumber*

Mr. Brumber was present. Mr. Brumber has recently hired George Connors, of Connorstone Engineering, to work with him.

SCS Engineering has drafted a final composting plan. Mr. Brumber states that they will continue with the composting project, contrary to his previous statements to simply withdraw all business activities from this site.

The MA-DEP (Michelle Demar) has been assisting Mr. Brumber. He has had DEP (Michelle Demar) and EPA (David Gray) look at the composting plan and states that they are urging him to move forward. Mr. Brumber has also contacted Sumner Martinson (retired from DEP) for assistance with the composting project.

Mr. Brumber reports that Scott Moles (Holliston Health Agent) sent him an e-mail today showing how a composting facility was approved in Millis.

Mr. Brumber also spoke about a potential for ~~agriculture use~~, possibly in conjunction with the Agricultural Commission/Rogers Road Farm property adjacent to this property.

At the Planning Board meeting in December 2015, Mr. Brumber sought permission to get his loam off the property. Mr. Brumber explained that the Planning Board members who were present at the meeting indicated that Mr. Brumber had to withdraw his two applications (loam removal & composting) without prejudice, because there weren't enough Planning Board members eligible to vote on the applications. At this time, Mr. Brumber has no active applications pending before the Planning Board or Zoning Board of Appeals.

As the project is further defined, the Commission expresses willingness to keep the hearing open. There is concern, however, that there may not be enough Commissioners available to vote on the hearing if it is kept open unnecessarily.

Mr. Brumber and Mr. Connors requested a continuance to February 23, 2016.

Ms. Pilch made a motion to continue the hearing for DEP File #185-796: 194 Lowland Street to February 23, 2016. Ms. Kingston seconded the motion. Unanimous. (4-0-0)

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) . *Paul Saulnier/Civilized Solutions* representing *Alan Stone*

Paul Saulnier and Eric Dickinson from Civilized Solutions were present representing Alan Stone, the property owner. Mr. Stone's attorney, Christopher Malcolm, was also present.

Mr. Saulnier presented a concept plan for a 3-bedroom, 770 ft² single family house and septic system. The house is proposed on a slab. There are limited options for the location of the house, because the site is constrained by wetlands and a municipal drainage easement. The house is right up against the 50-foot no-disturb line.

A very large septic system is proposed, because the perc rates varied from 2 minutes/inch to 45 minutes/inch. Ground water is at 2 feet and the system has a little over a 5-foot mound.

Mr. Saulnier explained that they are here tonight to discuss with the Commission whether they believe this is a feasible plan and not to ask for an approval right away. The Commission did not have any outright concerns. Mr. Saulnier felt that the next step should be to locate the erosion controls and have a wetland scientist to discuss the impacts and what can be done to mitigate any potential issues.

It was suggested that a yard and limit of clearing be shown on the plan. Mr. Stone said that he really didn't want to clear any of the property, because it is beautiful. Mr. Saulnier suggested that a vegetative barrier could be planted to help define a small yard area.

The Commission also requested that more detail be provided on the plan for the non-wetland portions of the property. An Amended Order of Conditions will need to be issued whether or not a house is approved on the property, because Mr. Stone originally brought this to the Commission to correct a wetland delineation.

A continuation was requested by Mr. Saulnier to February 2nd so that they would have enough time to consult a wetland scientist about the project.

Ms. Pilch made a motion to continue the hearing for DEP File #185-677: 1014 Highland Street to February 2, 2016. Ms. Kingston seconded the motion. Unanimous. (4-0-0)

General Business Continued

Request for Certificate of Compliance for Bylaw File No. B-001: 195 Mohawk Path (Lot 85) - Peter Lavoie/G & H and Toll Brothers

The Agent inspected the property and found several concerns regarding the site. Therefore, this request is not ready for the Commission's consideration.

Vote on Draft Meeting Minutes: 7/7/15, 8/4/15, 10/13/15, 11/3/15, 11/17/15 12/15/15 - SDO 9/1/15, 12/1/15 - CJK

Voting on the draft meeting minutes was postponed until the next meeting, because there were not enough Commissioners present to vote that had reviewed the same minutes.

Highland Street Work

Dr. Rutberg noticed while driving down Highland Street (around number 1150) that a new lot had been cleared near Chicken Brook. Since this is in the vicinity of previous ConCom issues with Chicken Brook, the Agent said that he would go out and take a look at the site to make sure the work is not in the ConCom's jurisdiction.

Conservation Restriction for Rogers Road Farm

In order to do the Conservation Restriction for the Rogers Road Farm, a property survey needs to be completed. The Commission would like to know if this is something the Community Preservation Committee (CPC) could fund. Chris Bajdek will check into what the deadline is for a CPC application.

MACC Annual Conference

Ms. Kingston let everyone know that the MACC Annual Conference is March 5th this year. She is interested in taking some of the workshops.

At 9:00 PM, Mr. Bajdek made a motion to adjourn the meeting. Ms. Kingston seconded the motion. Unanimous. (4-0-0)

The next Conservation Commission meetings will be:

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

Tuesday, February 2, 2016 at 7:30 PM; Lower Level Meeting Room #014

Tuesday, February 23, 2016 at 7:30 PM; Lower Level Meeting Room #014