

Holliston Conservation Commission

Meeting Minutes

Town Hall . Meeting Room #014

November 18, 2014

7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair, Chris Bajdek, Shaw Lively, Jim McGrath, David Schroder, Rebecca Weissman, Commissioners

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

Absent: None

Allen Rutberg, Chair, opened the meeting at 7:37 PM.

General Business

The following 2 Orders of Conditions were considered simultaneously:

Vote on Order of Conditions for DEP File #185-782: Lot 75A Old Cart Path (construction of a single family house) – Peter Lavoie representing Constitution Village LLC

Mr. Lively made a motion to approve and issue the Order of Conditions for DEP File #185-782: Lot 75A Old Cart Path. Ms. Weissman seconded the motion. Mr. McGrath abstained. The motion passed. (6-0-1)

Vote on Order of Conditions for DEP File #185-783: Lot 76A Old Cart Path (construction of a single family house) – Peter Lavoie representing Constitution Village LLC.

Mr. Schroder made a motion to approve and issue the Order of Conditions for DEP File #185-783: Lot 76A Old Cart Path. Ms. Pilch seconded the motion. Mr. McGrath abstained. The motion passed. (6-0-1)

Determination of Applicability D-524. 60 Dodd Drive. Review of proposed plan changes. George & Joan McAdams.

Mr. and Mrs. McAdams no longer propose the addition and would like to only construct a deck. This will be an administrative letter to the file (LTF) update. The Commission agreed to this update.

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Review Emergency Certificate: Breaching of Beaver Dam on Hopping Brook just Upstream from Rail Trail Bridge – Central Mass Mosquito Control

Central Mass Mosquito Control (CMMC) has constructed the water control device for this beaver dam, but is still waiting for the protective cage material to protect the inlet pipe.

Review Emergency Certificate: Breaching of Beaver Dam on Chicken Brook in Wenakeening Woods – Central Mass Mosquito Control

Paul Saulnier reported that CMMC has been to this dam to breach the dam twice. The water level is lower now at about 14+below the foot bridge behind Mission Springs.

Project Updates:

Bylaw

The vote taken at the Special Town Meeting in October regarding the newly updated Holliston Wetlands Protection Bylaw (Article XXX) was officially certified by the Town Clerk on November 7, 2014. Now, the Town Clerk can send it to the Attorney General for their review/approval.

Lake Winthrop Revitalization

A meeting was held last night and the Lake Winthrop survey was distilled down to a summary of the results for the Holliston Reporter. The Highway Department removed woody debris from the Pleasure Point side of the dam. Material was brought in to resurface the top of the dam structure, so that a vehicle can access the dam. There are still reports that there are active beaver in the area.

Carl Nielsen has the data back from the lab for the Nutrient Survey, but needs to write up the report.

Review Mail:

- *Mass Wildlife* magazine subscriptions were offered to the Commissioners.
- Attorney Roelofs Letter regarding 84 Brook Street was reviewed.
- Jewel Environmental Corporation- A spill occurred and has been satisfactorily cleaned up.
- Agricultural Preservation Restriction . Highland Farm

Public Meetings & Hearings

Continued Public Hearing – Notice of Intent for DEP File #185-781: Hopping Brook Road Extension (Assessors Map 1, Block 1, Lot 43 and Map 4 , Block 6, Lots 15.1, 18, 32, 32.3, 33, and 52) proposed extension of the existing commercial roadway . Brian Butler/Oxbow Associates, Inc. representing Jon Deli-Priscolli/New Hopping Brook Trust

The applicant made a written request to continue this hearing until December 9, 2014.

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Ms. Pilch made a motion to continue the hearing for DEP File #185-781: Hopping Brook Road Extension to December 9, 2014. Mr. McGrath seconded the motion. Unanimous. (7-0-0)

Continued Public Hearing – Notice of Intent for DEP File # 185-784: 10-12 Fairview Street (Assessors Map 8, Block 2, Lot 2F), proposed replacement of existing septic system, *Tom Haynes, PMT Real Estate.*

Present for the applicant: Tom Haynes, PMT Real Estate
Debbie Anderson, representing owner

Revised plans have been received from the engineer, Tom Ryder. The plans have been approved by the Board of Health. The system was rotated to move it further from the wetlands line.

Native plantings (3 Common Winterberry, 3 Witch Hazel, 3 Blueberry Bushes) were outlined on the plan as requested by the Commission. The applicant also documented the flood plain compensatory storage as requested by the Agent.

This is a two family house, therefore, it was requested that an additional filing fee of \$250 be submitted. Mr. Haynes provided a check for \$250.

Ms. Pilch made a motion to close the hearing for DEP File # 185-784: 10-12 Fairview. Mr. Bajdek seconded the motion. Mr. McGrath abstained. The motion passed. (6-0-1)

Mr. Bajdek made a motion to approve and issue the Order of Conditions for DEP File # 185-784: 10-12 Fairview. Ms. Pilch seconded the motion. Mr. McGrath abstained. The motion passed. (6-0-1)

Continued Public Hearing – Notice of Intent for DEP File # 185-785: 58 Hopping Brook Road (Assessors Map 4, Block 6, Lot 10, 12.1 & 35.1), Solect solar project driveway & commercial building, *Robert Truax, GLM Engineering Consultants, Inc.* representing *Ken Driscoll, 2016 Washington Street LLC.*

The applicant made a written request to continue this hearing until December 9, 2014.

Mr. McGrath made a motion to continue the hearing for DEP File # 185-785: 58 Hopping Brook Road until to December 9, 2014. Ms. Pilch seconded the motion. Unanimous. (7-0-0)

****New Public Meeting – Request for Determination of Applicability D-532: 547 Washington Street (Assessors Map 8A, Block 1, Lot 35) Relocation of an historic structure (corn crib) - *Paul Saulnier, Civilized Solutions* representing *Holliston Historical Society.***

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on November 11, 2014.

Present for the applicant: Paul Saulnier, P.E., Civilized Solutions,
Judy Grosjean (Chair of the Holliston Historical Society)

Mr. Saulnier presented plans for the corn crib relocation on the Holliston Historical Society's property. An area of approximately 200 square feet of brush will be removed in order to create enough space to move the corn crib between the barn and the vegetation on a Lull® telescopic forklift to its new location. The vegetation will be allowed to grow back to its natural state.

The corn crib will be placed on six granite blocks. Ms. Grosjean explained how the corn crib will be used in the re-creation of 18th Century Days.

Mr. Lively made a motion to issue the following Determinations for RFD #D-532: 547 Washington Street:

Positive #2B Determination: the boundaries of the 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: None

Ms. Pilch seconded the motion. Unanimous. (7-0-0)

****New Public Meeting – Request for Determination of Applicability D-533: 340 Woodland Street (Assessors Map 8A, Block 5, Lot 8) Soil testing for septic system replacement - Paul Saulnier, Civilized Solutions representing Marc Bourque.**

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on November 11, 2014.

Present for the applicant: Paul Saulnier, P.E., Civilized Solutions

Mr. Saulnier presented photographs and a GIS map of the property. No septic system or cesspool seems to exist on the property. Approval is being requested to perform soil testing for a future proposal for the septic system. The right-of-way for the rail trail is 66' wide according to Robert Weidknecht, Trails Committee Chair, and the soil testing will occur within that ROW.

Mr. Lively made a motion to issue the following Determinations for RFD #D-533: 340 Woodland Street:

Positive #2B Determination: the boundaries of the 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: None

Ms. Pilch seconded the motion. Unanimous. (7-0-0)

****New Public Meeting – Request for Determination of Applicability D-534: Wenakeening Woods – “0” Summer Street (Assessors Map 5, Block 1, Lot 18)** Installation of a water level control structure through beaver dam in Chicken Brook - *Paul Saulnier, Civilized Solutions* representing *Upper Charles Conservation Land Trust*.

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on November 11, 2014.

Present for the applicant: Paul Saulnier, P.E., Civilized Solutions

Mr. Saulnier (representing Upper Charles Conservation Land Trust) presented plans for a water level control device (aka a ~~%Beaver Deceiver+~~or ~~%Pond Leveler+~~) for a beaver dam that impounds Chicken Brook. The water is backed up about ¼ mile and has flooded a foot bridge behind Mission Springs so that it is under 6+to 12+of water.

Central Mass Mosquito Control has offered to install the water level control device with materials that are purchased by Upper Charles Conservation Land Trust.

Ms. Weissman made a motion to issue the following Determinations for RFD #D-534: “0” Summer Street, Wenakeening Woods:

Positive #2B Determination: the boundaries of the wetlands area 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) The beaver dam, pond leveler, and beaver activities will be monitored for 30 days.
- 2) A monitoring report will be submitted to the Conservation Commission at the end of the 30 day period.

Mr. McGrath seconded the motion. Unanimous. (7-0-0)

****New Public Meeting – Request for Determination of Applicability D-535: 55 Whitney Street (Assessors Map 12, Block 4, Lot 5)** Installation of outdoor features associated with a canine care and boarding facility . *Robert Weidknecht, Beals and Thomas, Inc.* representing *Arnold Johnson*.

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on November 11, 2014.

Present for the applicant: Robert Weidknecht, Beals and Thomas

Mr. Weidknecht presented plans for the Amusement Bark Dog Daycare. The new facility will take place at the previous Child Life play equipment facility. There will be a fenced-in area of about 7,700 ft² located in the existing lawn area.

There will be a maximum of 10 dogs that are outdoors at one time, and there will always be an attendant outside with the dogs. The pet waste will be removed as it occurs. The dogs will be rotated as much as possible to try to preserve the lawn area. There will be no dogs staying overnight at the facility.

The Agent recommended that a 1 foot high berm be constructed along the fence (rather than a permanent straw wattle as originally proposed). The intent is to help prevent any run-off from entering the wetlands and the Zone 2 well area.

This property is also in a Priority Estimated Habitat area for the Natural Heritage and Endangered Species Program (NHESP).

The Commissioners requested a continuance so that they could research potential issues associated with bacterial run-off into the wetlands. Alternative surfaces were discussed, such as pea stone, bark mulch, rubberized mulch, AstroTurf, or natural turf. These surfaces will be part of the Commission's research. The possibility of moving the outdoor exercise area to a different location outside the building was discussed.

Mr. Saulnier asked if the dogs would be contained while they reside inside or if they might have an inside play area. Mr. Johnson replied that the intent at this point in time was not to have an inside play area. In the spirit of cooperation, Mr. Johnson is willing to limit the number of dogs per day. At this point in time, he projects that about 25 dogs per day will come through the daycare.

Ms. Pilch made a motion to continue the public meeting for RFD #D-535: 55 Whitney Street until December 9, 2014. Mr. McGrath seconded the motion. Unanimous. (7-0-0)

****New Public Meeting – Request for Determination of Applicability D-536: 63 Cold Spring Road (Assessors Map 6, Block 2, Lot 142)** Septic system replacement . *Joyce Hastings, GLM Engineering Consultants, Inc.* representing *Arthur Catsam*.

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on November 11, 2014.

Present for the applicant: Joyce Hastings, GLM Engineering Consultants, Inc.

Ms. Hastings presented plans for a replacement septic system. There is a stockpile located outside the 100qbuffer zone. The system could not be put in front of the house, because the soil testing did not pass in the front yard. It has been put in the proposed location, because this is the only location where the soil testing passed. An alternative system is proposed in order to decrease the size of the leach field and system.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-536: 63 Cold Spring Road:

Positive #2B Determination: the boundaries of the wetlands area 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) 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.
- 2) Stockpiling shall be limited to the soil stockpile area as indicated on the record plan.
- 3) Project access will be from the street along the south side of the house as indicated on the record plan.
- 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.

Mr. Schroder seconded the motion. Unanimous. (7-0-0)

****New Public Meeting – Request for Determination of Applicability D-537: 200 Locust Street (Assessors Map 11, Block 5, Lot 80) Septic system replacement . Joyce Hastings, GLM Engineering Consultants, Inc., representing Nancy Lamb.**

Present for the applicant: Joyce Hastings, GLM Engineering Consultants, Inc.

Ms. Hastings waived the reading of the legal notice published in the *MetroWest Daily News* on November 11, 2014.

Ms. Hastings presented plans for a replacement septic system. The failed system was right on the edge of the wetlands; whereas, the proposed system will be 50qfrom the wetlands line. The system could not be placed in front of the house due to a sloped yard and retaining wall. This is an alternative system that will take up less space than a traditional system; therefore, it can be placed farther from the wetlands.

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There will be no stockpiling on site, because the entire site is in the 100-foot buffer zone. Access will be from the driveway and through the backyard over to the side yard. The erosion controls will remain in place until stable lawn areas are established.

There was concern about the intermittent stream that runs along the edge of the property. The current leaching area is quite soft and when equipment drives over it to access the construction area, it will make a big dent and become rutted up. Ms. Hastings agreed that the area will definitely be disturbed and will need to be filled in and stabilized.

Ms. Hastings volunteered that both a silt fence and hay bales be used for erosion controls to prevent run-off into the intermittent stream. She also said that they would meet the contractor on-site prior to construction to make sure everything is done properly. The Determination will require that the erosion controls need to be inspected by the Conservation Commission before the start of construction.

Mr. Lively made a motion to issue the following Determinations for RFD #D-537: 200 Locust Street:

Positive #2B Determination: the boundaries of the wetlands area 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) Erosion control barrier must be installed prior to any tree removals or land disturbance for septic system replacement work. Prior to the commencement of work, the Conservation Commission office must inspect the erosion control barrier. Please contact the Conservation Commission office at 508-429-0607 following installation of the erosion control barrier. Erosion controls are to be maintained on-site in functional condition until all areas disturbed for septic system reconstruction are fully restabilized with vegetation.
- 2) There shall be no stockpiling on site.
- 3) Project access will be from the street along the northeast side of the house as indicated on the record plan.
- 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.

Mr. McGrath seconded the motion. Unanimous. (7-0-0)

****New Public Hearing – Notice of Intent for DEP File # 185-XXX: Lot A, Forest Park Road (Assessors Map 7, Block 3, Lots 30 & 66.2), Construction of a single-family house; Joyce Hastings, GLM Engineering Consultants, Inc. representing Peter & Nancy O'Neill**

Present for the applicant: Joyce Hastings, GLM Engineering Consultants, Inc.

Ms. Hastings waived the reading of the legal notice published in the *MetroWest Daily News* on November 11, 2014.

Ms. Hastings presented plans for a new lot and single family home. The house and the septic system are outside the 100qbuffer zone. The driveway is in the 50-100qbuffer zone and is in a very flat area. There is a 3-4qnatural rise between the driveway and the wetlands.

The NOI indicated that the application needed to be submitted to NHESP; however, Joyce indicated that this was a typographical error.

This house lot has not been approved yet by the Planning Board. Ms. Hastings asked that the meeting be continued to December 23, 2014 since a DEP number has not been assigned yet and they need to wait for Planning Board approval for the lot creation.

Ms. Deborah Fitzgerald of 33 Whispering Lane asked about the wildlife and the trees being cut down. She is very concerned about not having woods behind her anymore. The cutting down of trees for the lot will not occur in the Commission's jurisdiction. The vernal pool that is indicated on the GIS mapping system does not appear to exist.

Mr. Bajdek made a motion to continue the hearing for DEP File # 185-XXX: Lot A, Forest Park Road until December 23, 2014. Mr. McGrath seconded the motion. Unanimous. (7-0-0)

General Business Continued

Hunting Issues

Mr. Carl Hackerson noted that he has seen hunters on the newly purchased Warren Woods. The Agent volunteered to post the signs in Warren Woods if the locations for the signs can be determined.

At 9:52 PM, Mr. Schroder made a motion to adjourn the meeting. Mr. Lively seconded the motion. Unanimous. (7-0-0)

The next Conservation Commission meeting will be on Tuesday, December 9, 2014.