

Holliston Conservation Commission

Meeting Minutes

Town Hall . Meeting Room #014

April 19, 2016

7:30 PM

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

Sheri O'Brien, Conservation Assistant

Absent: Charles Katuska, Conservation Agent

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

General Business

Request for Certificate of Compliance for DEP File #185-733: Lot 5 Prentice Street (no work commenced & Order of Conditions expired)

Taylor Middlesex Realty Trust (Jeffrey Taylor) requested a Certificate of Compliance for DEP File No. 733, because the Order of Condition expired on September 5, 2015 and no work had commenced.

Ms. Pilch made a motion to issue a Certificate of Compliance for DEP File #185-733: Lot 5 Prentice Street. Ms. Kingston seconded the motion. Unanimous. (7-0-0)

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

A revised Enforcement Order was issued to the applicant in a letter dated April 12, 2016. The approved restoration protocol includes:

- 1) Erosion Control Plan, dated 3/17/16
- 2) Restoration Plan, dated 3/21/16
- 3) Memorandum (To: the File, From: the Conservation Agent) dated April 5, 2016, which includes the requirements necessary for adequate resource area restoration.

Initiation of dewatering, backfilling of dewatered excavation, and initiation of planting operation may only begin in the presence of a representative from the Conservation Commission. Forty-eight hours advance notice is required for each operation.

Vote on Draft Meeting Minutes:

- 6/23/15, 7/21/15, 8/18/15, 4/5/16
- 3/18/14, 9/30/14, 10/14/14, 11/18/14

4/5/16 Minutes

Mr. Lively made a motion to approve the minutes from the April 5, 2016 meeting. Ms. Kingston seconded the motion. Mr. Schroder, Ms. Pilch and Ms. Weissman abstained. The motion passed. (4-0-3)

7/21/15 Minutes

Mr. Lively made a motion to approve the minutes from the July 21, 2015 meeting. Ms. Pilch seconded the motion. Mr. Schroder, Ms. Weissman and Ms. Kingston abstained. The motion passed. (4-0-3)

8/18/15 Minutes

Mr. Lively made a motion to approve the minutes from August 18, 2015. Mr. Bajdek seconded the motion. Ms. Weissman and Ms. Kingston abstained. The motion passed. (5-0-2)

The following minutes were tabled to the next meeting:

6/23/15, 3/18/14, 9/30/14, 10/14/14 and 11/18/14.

Public Meetings and Hearings

****New Public Meeting - Request for Determination of Applicability for #D-567: 14 Temi Road (Assessors Map 11, Block 8, Lot 262)** proposed installation of a replacement septic system & construction of a deck - *Darren Grady/Grady Consulting* representing *Thomas H. Stevens*

Present for the applicant: Rob Carlezon, Grady Consulting

Mr. Carlezon waived the reading of the legal notice published in the *MetroWest Daily News* on April 12, 2016.

Mr. Carlezon presented a plan dated April 4, 2016 for a proposed septic system and deck.

- The Commission discussed the proposal.
- The septic system seems fine, however the deck appears too close to the tanks.
- The stockpile should be outside the 100' buffer.
- Access will be across the lawn on the southwest side of the house.
- The Commission would like to know the Board of Health's opinion about the location and size of the deck.
- Access, stockpile, deck and deck footings to be added to the revised plan for the next meeting, after representative speaks with the Board of Health.

Mr. Lively made a motion to continue the public meeting for RFD #D-567: 14 Temi Road to May 3, 2016. Mr. Schroder seconded the motion. Unanimous. (7-0-0)

****New Public Meeting - Request for Determination of Applicability for #D-568: 112 Lake Shore Drive (Assessors Map 5A, Block 1, Lot 244) proposed landscaping - Adalton Sales/Dalto Construction, Inc.**

Ms. O'Brien read the legal notice published in the *MetroWest Daily News* on April 12, 2016.

Mr. Sales was not present. This application is in response to a Notice of Wetland Violation issued on 3/29/16. A prior landowner expanded the property area onto Town-owned property and encroachment will need to be surveyed and documented prior to the issuance of a Determination of Applicability.

The meeting was tabled until later in the evening to see if Mr. Sales might arrive, and to allow other public hearings/meetings on the agenda to proceed.

Mr. Sales did not make an appearance by the end of the ConCom's meeting; therefore, the Commission agreed to vote on continuing the hearing until their next meeting.

Mr. Lively made a motion to continue the public meeting for RFD #D-568: 112 Lake Shore Drive to May 3, 2016. Ms. Weissman seconded the motion. Unanimous. (7-0-0)

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 hearing was tabled until later in the evening to see if Mr. Connors and/or Mr. Brumber might arrive.

The Commission voiced concern that this hearing has been open too long. If materials are not submitted for the May 3, 2016 meeting the Commission will consider closing the hearing and denying the Order of Conditions.

Neither Mr. Connors nor Mr. Brumber made an appearance by the end of the meeting; therefore, the Commission agreed to vote on continuing the hearing until their next meeting.

Ms. Pilch made a motion to continue the public hearing for DEP File #185-796: 194 Lowland Street to May 3, 2016. Mr. Schroder seconded the motion. Unanimous. (7-0-0)

Continued Public Hearing – Notice of Intent for DEP File #185-808: 16 Fruit Street (Assessors Map 8F Block 3, Lot 24) proposal to expand the parking lot, construct a stormwater detention basin, and demolish a house . *Robert Truax/GLM Engineering* representing *Daniel Nissi, MetroWest Realty Group LLC*

Mr. Schroder submitted an affidavit regarding his review of the public hearing evidence from 4/5/16.

As the applicant is waiting for the peer reviewer comments, a continuation to the meeting on May 3, 2016 was requested by the applicant's attorney.

Ms. Kingston made a motion to continue the hearing for DEP File #185-808: 16 Fruit Street to May 3, 2016. Ms. Pilch seconded the motion. Unanimous. (7-0-0)

****New Public Hearing – Notice of Intent for DEP File #185-809: 65 Lake Shore Drive (Assessors Map 5A Block 1, Lot 172)** proposal to demolish the existing home/shed & construct a single-family house . *Joyce Hastings/GLM Engineering* representing *Joyce Hastings*

Present for the applicant: Joyce Hastings, GLM Engineering - representing herself

Ms. Hastings waived the reading of the legal notice published in the *MetroWest Daily News* on April 12, 2016.

- Ms. Hastings presented a plan dated 3-28-16 for a 2 bedroom house and garage on Lake Winthrop.
- Ms. Hastings submitted the abutter notification cards.
- The current house, shed, temporary garage, and concrete sidewalk will be demolished.
- The retaining wall will be repaired. Part of the wall is outside the siltation barrier. It is 2q from the lake. If she decides to install a removable dock, patio and fire pit, she will do an Amendment to the Orders of Condition.
- The patio with fire pit would be large stones placed on existing ground, so it would be pervious.
- Will do native plantings.
- A dead tree and 3 White Pines will be removed. Two White Pines are in septic location. One pine is leaning on neighbor's fence.
- The 30+Black Oak near the water's edge will remain.
- Raising basement floor one foot due to high ground water.
- A neighbor called the office and was concerned that there would be blasting of ledge. There will be no blasting for the basement of new house.
- Porch (with roof) and open deck will be cantilevered over siltation barrier.
- There will be no stockpiling. Any excavation spoils will be removed from the site.
- There will be no gutters so there will be no scouring of earth, and water will perc more evenly.
- A revised plan that includes the retaining wall will be submitted by Ms. Hastings tomorrow.

Ms. Pilch made a motion to close the hearing for DEP File #185-809: 65 Lake Shore Drive subject to the receipt of the revised plan with retaining wall. Ms. Weissman seconded the motion. Unanimous. (7-0-0)

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.

- A plan dated 4-11-16 was submitted by Mr. Lavoie last week. It was updated to include half deciduous trees and half coniferous trees as requested by the Commission.
 - Twenty-one coniferous White Pines:
 - seven 8" pines
 - fourteen 5" pines
 - Twenty deciduous trees
 - Nine 2"+ caliper Yellow Birch
 - seven 4" high Yellow Birch
 - two 7" high White Oak
 - two 10" high Gray Birch

Atul Suri (18 Praying Indian Way) was present and inquired about the large pile of soil behind his property and asked if it will be removed by the time the work is done. Mr. Lavoie confirmed that it will be removed by the time the work is completed.

Ms. Kingston made a motion to close the hearing for the Amendment to the Order of Conditions for DEP #185-782: Lot 75A Old Cart Path. Ms. Weissman seconded the motion. Unanimous. (7-0-0)

****New Public Hearing – Notice of Intent for DEP File #185-810: 245 Prentice Street, Lot 5 (Assessors Map 8 Block 1, Lot 28.5)** proposal to construct a single-family house & associated septic system, grading & site work . *Robert Truax/GLM Engineering* representing *Jeffrey Taylor/Taylor Middlesex Realty Trust*

Ms. Hastings waived the reading of the legal notice published in the *MetroWest Daily News* on April 12, 2016.

Present for the applicant: Joyce Hastings, GLM Engineering

- Ms. Hastings submitted the abutter notification cards that simultaneously applied to DEP File Nos. 185-810, 185-811, 185-812.
- Ms. Hastings presented a plan dated 4-4-16.

- The original Order of Conditions (185-733) expired; therefore a Certificate of Compliance (CoC) was requested as no work commenced and this new NOI was filed. The CoC was approved earlier in this meeting.
- The Agent's e-mail comments dated April 13, 2016 were reviewed by Ms. Hastings and the Commission.
- There is a deeded easement for grading that extends off Lot 5 into Lot 4A; therefore, the Order of Conditions covers the grading into Lot 4A, because the deed for Lot 5 includes the easement.
- Ms. Hastings understood that if the house footprint changes, that an Amendment to the Order of Conditions will be required because part of the house is in the 100qBuffer Zone.
- The Commission asked that the siltation barrier be changed so that the orange construction fence is fabric silt fence staked behind the filter mitt (compost sock).
- There is a significant excavation on this lot that is not shown in the existing conditions part of plan. The Commission is okay with leaving the existing topography as-is on the plan without showing the existing excavation.
- The wetland boundary marker plaque wording needs to be updated to the current wording. Ms. O'Brien will send wording to Ms. Hastings.
- No stockpiling within the 100qbuffer zone.
- Access will be from the driveway.

This Hearing was simultaneously voted on with the following two Hearings.

****New Public Hearing – Notice of Intent for DEP File #185-812: Lot 8 Mill Street (Assessors Map 8 Block 1, portion of Lot 28.4)** proposal to construct a single-family house & associated septic system, grading & site work . *Robert Truax/GLM Engineering* representing *Jeffrey Taylor/Taylor Middlesex Realty Trust*

Ms. Hastings waived the reading the legal notice published in the *MetroWest Daily News* on April 12, 2016.

Present for the applicant: Joyce Hastings, GLM Engineering

- Ms. Hastings presented a plan dated 3-30-16.
- The Agent's email comments dated April 13, 2016 were reviewed by Ms. Hastings and the Commission.
- The well will be left at its current location.
- The siltation barrier was moved slightly closer to the 50qNo-Disturb line, so the yard can be opened up a little more.
- Instead of mitigation for driveway in the 50qBuffer Zone, five wetland boundary markers will be added to the front 50qNo-Disturb line and 3 markers will be added to the back yard 50qNo-Disturb line.
- The plaque wording will be updated
- The orange construction fence will be changed to fabric silt fence to be used with the filter mitt sock.

This hearing was simultaneously voted on with the previous and following Hearings.

****New Public Hearing – Notice of Intent for DEP File #185-811: Lot 9 Prentice Street (Assessors Map 8 Block 1, portion of Lot 28.4)** proposal to construct a single-family house & associated septic system, grading & site work . *Robert Truax/GLM Engineering* representing *Jeffrey Taylor/Taylor Middlesex Realty Trust*

Ms. Hastings waived the reading of the legal notice published in the *MetroWest Daily News* on April 12, 2016.

Present for the applicant: Joyce Hastings, GLM Engineering

- Ms. Hastings presented a plan dated 3-30-16.
- The Agent's email comments dated April 13, 2016 were reviewed by Ms. Hastings and the Commission.
- Six wetland boundary markers will be added to the 50qNo-Disturb line.
- The wording on the plaque will be updated.
- The front yard was opened up slightly from original plan.
- Ms. Hastings explained that the 12+cross-culvert under the driveway (near the street) is to stabilize water levels between wetlands. She said it will not serve as a culvert with actual flow through it. The driveway is almost at grade and this will prevent water from going over the driveway in a very large storm event. Instead, the culvert should help the two wetlands equalize their water levels.
- The Commission agreed that a head wall was not necessary for a simple equalizing culvert that has minimal flow.
- The orange construction fence will be changed to fabric silt fence to be used with the filter mitt block.
- Within the first 40qof driveway, 3 wetland boundary marker plaques will be placed on each side of the driveway (total of 6 plaques) and plantings (6 native shrub-type plantings) will be added to the east side of the driveway.

Ms. Weissman made a motion to continue the hearings for:

- **DEP File #185-810: 245 Prentice Street Lot 5**
- **DEP File #185-811: Lot 9 Prentice Street**
- **DEP File #185-812: Lot 8 Mill Street**

to May 3, 2016. Ms. Kingston seconded the motion. Unanimous. (7-0-0)

General Business Continued

Review Correspondence

The mail was reviewed.

Beaver Issues - 56 Paul Road

Steve Rogers notified the Agent that there is a new beaver dam behind his house. The Commission would like to find out what plan Hopkinton used to get rid of beavers. The staff will contact the Hopkinton Conservation Commission.

Adams Street - DeWolf Property

- Open Space Committee (OSC) visited the property on April 16th
- OSC Meeting on 4-21-16 to discuss the possible purchase
- Ms. Pilch explained that the Chapter 61 120-day Right-of-First Refusal ~~block~~ has not actually begun yet. The owners only have an informal offer on the parcel at this time. The owners actually would prefer that the parcel not be developed.
- This lot is only one lot of three lots that are owned by the DeWolfs.
- They reside on the second lot and a family friend has been promised the third lot.
- The DeWolfs would consider selling the first two lots to the Town if they could have a life tenancy and could continue to live in their home on the second lot. They would prefer to keep the two lots undeveloped.
- The property is very desirable (in Zone II well district and adjacent to Conservation land) but it will take some time to figure out what will work for the Town and the DeWolfs.

Warren Woods

- Ms. Pilch explained that a \$150,000 donation will come back to Town when the Conservation Restriction (CR) is approved by the State; therefore, it is in the Town's best interest to finalize the Warren Woods CR.
- The encroachment from a neighboring pool needs to be dealt with prior to finalizing the CR so it can be sent to the State. Mass Audubon is assisting the staff with the encroachment issue.

Beaver/Wetlands

- Ms. Pilch toured the wetlands behind Juniper Road and Morgans Way and found a lot of evidence of beavers.
- Morgans Way (at Juniper Road end) drain pipe/headwall is draining directly into wetlands. The Commission would like this investigated because this ~~doesn't~~ seem like something the Commission would have approved in the Order of Conditions.
- Mr. Lively noted that beavers are heavily harvesting the island near cemetery/Pleasure Point boat launch, and the lodge is behind island.

34 Rogers Road Farm

- Dennis Serocki, 38 Rogers Road, was present representing the Advisory Board for the Rogers Road Farm. The Board is putting together a Request for Proposal for a farmer to run the farm portion of the property and he was interested in learning more about the Conservation Restriction (CR).
- Ms. O'Brien explained that a simple plan is all that is needed for the CR.
- The staff will email a copy of the draft CR to Mr. Serocki.

At 10:35 PM, Ms. Weissman made a motion to adjourn the meeting. Ms. Pilch seconded the motion. Unanimous. (7-0-0)

The next Conservation Commission meetings will be:

∞ **Tuesday, May 3, 2016** at 7:30 PM; Lower Level Meeting Room #014

∞ **Tuesday, May 17, 2016** at 7:30 PM; Lower Level Meeting Room #014