

Holliston Conservation Commission

Meeting Minutes

Town Hall . Meeting Room #014

July 21, 2015

7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair;
Chris Bajdek, Jim McGrath, Shaw Lively, Rebecca Weissman, Commissioners;
Emily Kingston, Associate Commissioner

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

Absent: David Schroder, Commissioner

Dr. Rutberg, Chair, opened the meeting at 7:30 PM.

General Business

Request for Certificate of Compliance for DEP File No. 185-768: 112 (Lot 79A) Old Cart Path, SFH - Peter Lavoie/G&H representing Toll Brothers

The Agent inspected the site today and everything has been completed, including the Wetland Resource Area markers, except the property needs to be completely stabilized. When the lawn has been mowed twice, the new owner needs to contact the Conservation Commission so that it can be inspected for a full Certificate of Compliance.

Mr. McGrath made a motion to approve a PARTIAL Certificate of Compliance for DEP File No. 185-768: 112 (Lot 79A) Old Cart Path to include all but the Stabilization required in Condition #31 of the Order of Conditions. Ms. Pilch seconded the motion. Unanimous. (6-0-0)

Beaver Blockage on Tributary (behind homes on Arch St.) to Winthrop Canal

- There appears to be a beaver blockage in a channel behind the home at 109 Winthrop Street owned by Kathryn Kay+Hilliard.
- It is not certain if the blockage is on Ms. Hilliard's property or on the land that is being donated to the Conservation Commission (discussed below).
- The blockage is flooding the old cranberry bog between Winthrop Street and Norfolk Street.
- James Proctor has been spear-heading a group on Winthrop and Arch Streets to find this blockage so that an Emergency Certificate could be requested to breach the blockage.

Land Donation Deed for Parcel of Land Behind Homes at 89-109 Arch Street

Today, the draft deed was received for this parcel of land and it will be reviewed by the Agent.

Ratification of the Emergency Certificate for Beaver Dam on Winthrop Canal between Arch Street and Water Street.

Ms. Pilch made a motion to ratify the Emergency Certificate for the breaching of the beaver dam on Winthrop Canal between Arch Street and Water Street. Ms. Weissman seconded the motion. Unanimous. (6-0-0)

Informal Discussion RE: 125 Meadowbrook Lane - Proposed Septic System - Joyce Hastings/GLM Engineering representing William Brown

- Ms. Hastings presented a plan for a replacement septic system that will be on the Agenda for the Conservation Commission meeting on August 4th.
- The home is being sold and the closing is August 3, 2015.
- Therefore, she asked for a quick review of the plan to check for any serious deficiencies to ensure a level comfort that the Commission will be okay with this plan at the meeting on August 4th.
- The septic system will be outside the 50-foot no-disturb zone and there are erosion controls in place.
- The Commission did not see any issues with the plan.

Review Mail

The mail was reviewed.

Potential Land Donation on Hill Street & Norfolk Street

There are about twenty (20) acres that the Flanagan family has offered to sell to the Conservation Commission. Developers have offered to buy the property to create about 9 lots, but the Flanagan family would prefer that the town own it. Ms. Pilch and Mr. Lively will look at the property this coming Saturday (July 25th) to determine if it seems like a feasible Open Space property.

Public Meetings and Hearings

****New Public Meeting – Request for Determination of Applicability for #D-544: 73 Lake Shore Drive (Assessors Map 5A Block 1, Lot 208) proposed septic system replacement - Joyce Hastings/GLM Engineering representing Geraldine Hurd**

Present: Joyce Hastings, GLM Engineering,

The Agent read the legal notice published in the *MetroWest Daily News* on July 14, 2015.

Ms. Hastings presented a plan dated June 29, 2015 for the proposed septic system. The system will be outside the 50-foot no-disturb zone. All of the system will be placed in the existing lawn area; however, some brush on the north side of the lot will have to be removed to create enough space to build the system.

Erosion controls are not necessary, because the grade slopes away from the lake between the house and the road. Grades will be restored to approximately the same levels as they are currently. This septic system will be installed this year.

There is an issue regarding the property owner encroaching to the adjacent Town right-of-way (ROW). There are two sheds, part of a deck steps, and part of a driveway in the Town's ROW. The Commission asked that a silt fence be put just inside the true property line so that no work is done in the right-of-way.

Mr. McGrath made a motion to issue the following Determinations for RFD #D-544: 73 Lake Shore Drive:

Positive #2B Determination: the boundaries of the 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 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 73 Lake Shore Drive as shown on the project plan referenced in Part A.1. Any work not covered by this Determination (i) within 100 feet of the Bank for Lake Winthrop 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 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.** A silt fence, or other suitable erosion control barrier, must be installed prior to any tree removals or land disturbance for septic system replacement work. Said erosion control barrier to be located inside the site's southern property line and extend from Lake Shore Drive westward past the limit of work. This detail will be added to the record plan. 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) **LIMIT OF DISTURBANCE.** All land disturbance associated with this septic system replacement project shall be confined to the existing property at 73 Lake Shore Drive and, as shown on the record plan, limited to areas east of the existing house and toward Lake Shore Drive. No activity west of the existing house toward Lake Winthrop is approved under this Determination of Applicability.
- 4) **STOCKPILING.** Any temporary stockpiles necessary will be located adjacent to Lake Shore Drive.
- 5) **PROJECT ACCESS.** Project access will be directly off of the west side of Lake Shore Drive into the work area as indicated on the record plan.
- 6) **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.

Ms. Pilch seconded the motion. Unanimous. (6-0-0)

****New Public Meeting – Request for Determination of Applicability for #D-545: 230 Marked Tree Road (Assessors Map 8E Block 1, Lot 49) proposed septic system replacement - Joyce Hastings/GLM Engineering representing Patrick Shea**

Present: Joyce Hastings

The Agent read the legal notice published in the *MetroWest Daily News* on July 14, 2015.

Ms. Hastings presented a plan dated June 29, 2015 for the replacement septic system at 230 Marked Tree Road. There are wetlands at the rear of the property. The entire limit of work will be in the existing lawn. There will not be any work in the 50 foot no-disturb zone and the stockpiling will be outside the 100 foot buffer zone. The closest part of the leaching field will be 67 feet from the wetlands. The proposed septic system is an alternative Eljen system.

The Commission asked that a condition be added to the Determination that would notify the applicant that the property is subject to the WPA and the Bylaw.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-545: 230 Marked Tree Road:

Positive #2B Determination: the boundaries of the 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 associated with the replacement of the existing failed septic system at 73 Lake Shore

Drive as shown on the project plan referenced in Part A.1. Any work not covered by this Determination (i) within 100 feet of the Bank for Lake Winthrop 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 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.** 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 just south of the house as indicated on the record plan.
4. **PROJECT ACCESS.** Project access will be directly off the west side of Marked Tree Road just south of the house as indicated on the record plan.
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.

Ms. Weissman seconded the motion. Unanimous. (6-0-0)

****New Public Meeting – Request for Determination of Applicability for #D-546: 351 High Street (Assessors Map 11 Block 6, Lot 23) proposed construction of an addition to a SFH - Gail Abbey**

Present: Gail and Darryl Abbey, Property Owners

The Agent read the legal notice published in the *MetroWest Daily News* on July 14, 2015.

Mr. and Mrs. Abbey presented the annotated plot plan for the addition to their home. The landscaping that will be disturbed is a bed of pachysandra. The proposed addition is approximately 40 feet from the intermittent stream.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-546: 351 High Street:

Positive #2B Determination: the boundaries of the 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 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.** Erosion control barrier must be installed between the construction area and the intermittent stream prior to any tree removals or land disturbance for construction of the addition. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barrier so that it may be inspected prior to the start of work. Erosion controls are to be maintained onsite in functional condition until all areas disturbed for construction are fully restabilized with vegetation.
- 2) **PROJECT ACCESS.** Project access will be off of High Street around the north and/or south sides of the house to the back yard on the east side of the house as indicated on the record plan.
- 3) **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. Lively seconded the motion. Unanimous. (6-0-0)

Continued Public Hearing – Notice of Intent for DEP File #185-797: “0” Underwood Street/Katie’s Way (Assessors Map 4 Block 4, Lots 56.8 & 57.2 and Map 5, Block 3, Lot 41) proposal to construct a 6 lot open space residential development (White Pine Estates II) with a cul-de-sac, two common driveways, associated site work, utilities, and stormwater management . Vito Colonna/Connorstone Engineering, Inc. representing Steve O’Leary/O’Leary Builders, Inc.

Supporting Documents:

- Letter - ~~White~~ Pine Estates II+Definitive Subdivision - Review Comments, Katie’s Way, Holliston, To: Town of Holliston Conservation Commission, From: Vito Colonna, P.E., Connorstone Engineering, Inc., dated July 14, 2015
- Report - included with the letter above. Stormwater Report for White Pine Estates II, Open Space Residential Development (OSRD), 0 Underwood Street, Holliston, Massachusetts, dated April 1, 2015, Revised July 14, 2015.
- Plans - included with the letter above. Definitive Plan, Open Space Residential Development ~~White~~ Pine Estates II+in Holliston, Massachusetts (6 Sheets) dated April 1, 2015 and revised through July 21, 2015.
- Response Letter - Engineering Peer Review - Comment Letter #3, White Pine Estates II, To: Charles Katuska, Holliston Conservation Commission, From: Ali M. Parand, AP Associates, Inc.; dated July 20, 2015
- Response Letter . ~~White~~ Pine Estates II+Definitive Subdivision dated July 21, 2015 regarding riprap flat bottom apron etc.

Present: George Connors, Connorstone Engineering, Applicant’s Representative,

Barbara Thissell, AP Associates, Peer Review Consultant,
Herb and Lynne Novogroski, Abutters at 402 Underwood Street
William Brown, Audience Member, 125 Meadowbrook Lane

- Mr. Connors reviewed the Connorstone Engineering response letters dated July 20, 2015 and July 21, 2015.
- Mr. Connors used a transparency of the house on Lot 6 to show that it had been moved forward away from the 50-foot no-disturb zone as requested by the Commission.
- Ms. Thissell noted that the Planning Board (PB) does not allow wet basins (water stays in the basin greater than 72 hours) and the water gardens are defined as ~~wet basins~~ by the Planning Board. There will be a PB meeting on August 6th to review a request for a waiver
- Mr. Novogroski asked how the detention basin will affect the wetlands, because there is another detention basin being built upstream north of Underwood Street in the Deer Run development. He is concerned that Deer Run's detention basin will limit the amount of flow. Mr. Connors explained that the stormwater run-off is calculated for all of the areas that are tributary to this area. The peak flows are required to mimic current conditions, and that has been accomplished. Water will be intercepted by roads and will go to detention basins.
- Mr. Novogroski is concerned that Katie's Way drainage will affect the drainage from Deer Run into the wetlands behind his house. Mr. Novogroski believes that Deer Run is making his property wet, but that issue is not part of this hearing.
- Mr. Brown wondered if Deer Run could impact Katie's Way. Deer Run water goes to a different system. Mr. Connors explained that a specific drainage basin area for Katie's Way was used for stormwater management calculations.
- Mr. Novogroski understood that the wetlands to the southeast behind his property is being affected by Deer Run, not by the Katie's Way development.
- There should not be any impact from the water flow from either subdivision. The Stormwater Standards that are required are being addressed for stormwater management
- Mr. Connors agreed to a continuation of the hearing to August 4, 2015.

Mr. Lively made a motion to continue to August 4, 2015. Mr. Bajdek seconded the motion. Unanimous. (6-0-0)

****Re-Advertised 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*

Present: Christopher Malcolm, Esq., Applicant's Representative

Mr. Malcolm waived the reading of the legal notice published in the *MetroWest Daily News* on July 14, 2015.

A 3 month continuation was requested by the applicant due to a personal tragedy in the family. Mr. Malcolm requested the continuation be until November 3, 2015.

Ms. Weissman made a motion to continue the hearing to November 3, 2015. Mr. Lively seconded the motion. Unanimous. (6-0-0)

At 9:32 PM, Ms. Pilch made a motion to adjourn the meeting. Mr. McGrath seconded the motion. Unanimous. (6-0-0)

The next Conservation Commission meeting will be on **Tuesday, August 4, 2015.**