

# Holliston Conservation Commission

## Meeting Minutes

Town Hall . Meeting Room #014

August 23, 2016  
7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair; Chris Bajdek, Emily Kingston, Jennifer Buttaro, Commissioners; Sheri O'Brien, Conservation Assistant

Absent: Shaw Lively, Rebecca Weissman, Commissioners

**Dr. Rutberg, Chair, opened the meeting at 7:43 PM.**

## General Business

### **48 Central Street - Replacement Fence over Culverted Stream - W. Givens**

- Mr. Givens was not present to discuss his proposed fence replacement.

### **10-12 Fairview Street - Landscaper Quote for Native Wetland Shrubs Installation**

- The Commission received a quote from C.W. Landscape Design & Construction for the planting and restoration of the 50' buffer zone at 10-12 Fairview Street.
- The Commission decided that New England Showy Wildflower Seed Mix+from New England Wetlands Plants, Inc. would be more appropriate for this use than Wetland Seed Mix.+ Nine native shrubs also need to be planted at this site as indicated on the Record Plan for DEP File #185-874.
- This work was not completed by the original contractor and the \$1,800 surety retained by the Town may be used to finish the work that was originally required by the Order of Conditions.

**Ms. Pilch made a motion to authorize spending up to \$1700.50 for restoration of the 50' buffer zone at 10-12 Fairview Street. Ms. Kingston seconded the motion. Unanimous. (5-0-0)**

### **Letter of Concern: Washington Hills / Holliston Woods, Pulte New England, 2<sup>nd</sup> Erosion Control Breach in to Wetlands (August 14, 2016)**

- The Commission discussed the serious erosion control breach into the intermittent stream and wetlands that flow into the Hopping Brook wetlands south of Route 16.
- Since this is the second incident of an erosion control breach at this site, the Commission would like to make sure that the contractor is prepared to prevent this kind of incident in the future.
- Regular monitoring by an outside contractor should be implemented.
- Ms. O'Brien will put together a letter of concern for the applicant since this is the second breach incident.

- **Fafard Erosion Control Issues – Lot 75A Old Cart Path (OCP) & Lot 6 Concord St.**
- **Praying Indian Way (old Jennings Road)/OCP Intersection Enforcement Order Site**
  - Peter Lavoie was present and took notes regarding the issues regarding these sites to bring back to the client.
  - There are several dead trees at Lot 75A Old Cart Path that were required plantings in the Order of Conditions that was amended in response to an Enforcement Order (EO). These will need to be replanted.
  - Praying Indian Way/OCP . about half of the required trees planted here have died since they were planted in response to the E.O. for this site. The green hydro-seed has completely dried out, turned white, and blown away. The trees and hydro-seed will need to be replaced.
  - Lot 36 Old Cart Path also has erosion issues on the slope in the area that was restored in response to a July EO for an unpermitted well. This well was removed and the area was restored and hydro-seeded. However, the slope now has several gullies in it that were created after the large rain storm on August 14<sup>th</sup>.

### **Public Meetings and Hearings**

**Continued Public Hearing – Notice of Intent for DEP File #185-816: 657 Concord Street (Assessors Map 14 Block 4, Lot 3) proposal for the reconstruction of an existing single-family home and associated site work & grading – *Peter Lavoie/Guerriere & Halnon* representing 657 Concord Street Realty LLC**

Present for the hearing: Peter Lavoie, Guerriere & Halnon

- Mr. Bajdek and Ms. Kingston signed and submitted affidavits regarding their review of public hearing evidence for this hearing at the 8/9/16 meeting.
- Mr. Lavoie presented a new plan dated 8/23/16.
- In response to the Commission's inquiry regarding why there was so much pavement and 6 parking spaces, a large portion of original pavement has been removed from the plan in the back of the house.
- Now, there are 4 spaces in front of the house outside the 50' buffer zone.
- There will be no stockpiling allowed in Order of Conditions, because there is no room on this site for stockpiling.
- An Order of Conditions will be drafted for the next meeting on September 6<sup>th</sup>.

**Ms. Pilch made a motion to close the hearing for DEP File #185-816: 657 Concord Street. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)**

*The following two Public Meetings were considered simultaneously:*

**\*\*New Public Hearing – Notice of Intent for DEP File #185-TBD: Lot 35 Old Cart Path (Assessors Map 14 Block 5, Lot 35.B)** proposal for the reconstruction of an existing single-family home and associated site work & grading – *Peter Lavoie/Guerriere & Halnon* representing *Constitution Village Realty LLC*

**\*\*New Public Hearing – Notice of Intent for DEP File #185-TBD: Lot 36 Old Cart Path (Assessors Map 14 Block 5, Lot 36.B)** proposal for the reconstruction of an existing single-family home and associated site work & grading – *Peter Lavoie/Guerriere & Halnon* representing *Constitution Village Realty LLC*

Present for the applicant: Peter Lavoie, Guerriere and Halnon

Mr. Lavoie waived the reading of the legal notice advertised in the *MetroWest Daily News* on August 16, 2016.

- Both of these lots had Orders of Conditions (OoCs) that expired so new Notices of Intent needed to be submitted.
- There have been no changes from the originally approved plans in the previous OoCs.
- Mr. Lavoie reviewed the individual plans for Lots 35 and 36, both dated 8/5/16.
- Need Board of Health approval for the proposed septic plans.
- Fill has already been brought in as pads for the houses. Some of this fill will need to be removed for the septic systems leaching fields.
- There are no DEP file numbers assigned yet; therefore, the hearings cannot be closed.

**Ms. Pilch made a motion to continue the hearings for DEP File #185-TBD: Lot 35 Old Cart Path and DEP File #185-TBD: Lot 36 Old Cart Path to September 6, 2016. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)**

*The following two Public Meetings were considered simultaneously:*

**Continued Public Meeting - Request for Determination of Applicability for #D-576: 194 Lowland Street (Assessors Map 9, Block 2, Lot 57.1)** proposed removal of compost and earth products - *George F. Connors, Esq.* representing *Michael Brumber*

**Continued Public Meeting - Request for Determination of Applicability for #D-577: 194 Lowland Street (Assessors Map 9, Block 2, Lot 57.1)** proposed removal of recycled asphalt materials - *George F. Connors, Esq.* representing *Michael Brumber*

- Plans do not have engineering stamps or signatures. Ms. O'Brien e-mailed Mr. Connors to ask him to provide plans with stamps and signatures.
- The Determinations of Applicability have been typed up, but tonight there is not the correct quorum of Commissioners (that attended the public meetings for 194 Lowland Street) present to vote.

**Ms. Kingston made a motion to continue the meeting for #D-576 for 194 Lowland Street and #D-577 for 194 Lowland Street to September 6, 2016. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)**

### **General Business continued**

#### **Notice of Violation for DEP File No. 185-725: 36 Kingsbury Drive (Lot 28R) - J. Gerber**

- Mr. Gerber did not attend the meeting tonight.
- The Commission wanted to discuss the fact that a Conservation Restriction is the more appropriate vehicle for this situation (than a deed restriction), because it offers more protection and is permanent.
- The Commission agreed that they would like a Conservation Restriction instead of a deed restriction with bounds/open space markers along the fence line next to the upland and bounds/wetland resource area markers along the Vernal Pool Buffer Zone line.
- If Mr. Gerber does not agree to a Conservation Restriction, he has the choice to restore the Vernal Pool Buffer Zone area and take the fence down since this discussion is in response to a violation of the vernal pool buffer zone.
- Ms. O'Brien will inform Mr. Gerber that the Commission would like a Conservation Restriction and will let him know that there is a possible tax benefit.
- Mr. Gerber will be invited to the September 6, 2016 meeting.

#### **Complaint Received from Lake Winthrop Highland Association Regarding Lil' Folk Farm - 1070 Washington Street**

- Reviewed historical minutes from previous appearances of the owners, Nancy & David Dubin at Commission meetings since 2004 and discussed Lil' Folk Farm's Conservation Commission history.
- Determination of Applicability (DoA) for the farm pond/silt trap will expire November 10, 2016.
- The September 2015 Notice of Violation required a Notice of Intent or Request for Determination of Applicability application but neither was filed, because the prior Agent believed it was best to resolve the violation as quickly and cooperatively as possible.
- Action: As requested by the Town Administrator, the staff will provide a historical summary and explain that the DoA #D-374 Extension is due to expire November 10, 2016.
- The Commission asked that the Dubins to complete the work on the pond by this deadline in order to more effectively protect the wetlands.
- Ms. O'Brien will investigate why the land was not considered Priority or Estimated Habitat by the Natural Resources Conservation Services (NRCS) in the 2006 Conservation Plan. It is currently listed as Priority and Estimated Habitats by Natural Heritage Endangered Species Program (NHESP).

#### **Request for Certificate of Compliance for DEP File # 185-815: 45 Christopher Rd - Green Hill Engineering representing Nicole Labranche**

- Will request homeowner to remove yard clippings, woody debris, and trees in the wetlands immediately behind their backyard.
- Postpone Certificate of Compliance until debris/yard waste is disposed of off-site.

#### **Discussion: Microsoft Donation to Conservation Commission**

- The Commission appreciates the proposed donation from Microsoft offered via their employee and past Commissioner, David Schroder. However, the Commission must decline the donation because Mr. Schroder is an under signer of the Lake Winthrop Highland Association's complaint regarding LilqFolk Farm which is currently before the Conservation Commission.

#### **Discussion: Potential Town Warrant Articles for the October 2017 Special Town Meeting**

- Discussed the possibility of asking for a Warrant Article regarding the needed dam evaluations and proposed engineering design reports regarding the necessary repairs. Decided that this can wait until the May 2017 Annual Town Meeting.
- Discussed who is ultimately responsible for the upkeep of the dams and making sure that we comply with the DEP Office of Dam Safety's requirements.
- Ms. O'Brien will discuss this with Mr. Ritter and ask who should take the lead on bringing to the 2017 May Town Meeting.
- Inspection Reports need to be completed for the four dams. The \$28,000 was approved for these reports at the 2016 May Town Meeting.

#### **Vote on Draft Meeting Minutes - 8/9/16**

The minutes could not be approved, because the necessary quorum of Commissioners present at the meeting on August 9<sup>th</sup> was not available.

#### **New Commission Officer Appointments - C. Bajdek, Chair & E. Kingston, Vice-Chair**

Ms. Pilch made a motion to appoint Mr. Bajdek as Chairman and Ms. Kingston as Vice-Chair of the Conservation Commission beginning at the meeting on September 6, 2016. Ms. Buttaro seconded the motion. Unanimous. (5-0-0)

#### **Interview Conservation Agent Candidate**

- The Commission interviewed the candidate, Sheri O'Brien.
- Ms. O'Brien left the meeting and the Commission discussed her candidacy.

Ms. Pilch made a motion to recommend Ms. O'Brien to the Board of Selectmen to fill the Conservation Agent position. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

#### **Review Correspondence**

The mail was reviewed.

At 10:52 PM, Mr. Bajdek made a motion to adjourn the meeting. Ms. Kingston seconded the motion. Unanimous. (5-0-0)

The next Conservation Commission meetings will be:

- ∞ Tuesday, September 6, 2016 at 7:30 PM; Lower Level Meeting Room #014
- ∞ Tuesday, September 20, 2016 at 7:30 PM; Lower Level Meeting Room #014