

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall – Meeting Room #014

April 24, 2012
7:30 PM

Present: Geoffrey Zeamer, Chair; Ann Marie Pilch, Vice-Chair; Chris Bajdek, Fred Carnes, Richard Maccagnano, Commissioners

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

Absent: Allen Rutberg, Commissioner

Mr. Zeamer opened the meeting at 7:30 PM.

General Business

Review/Discuss Mail

The mail was reviewed.

Agent's Report

An Agent's Report was not presented tonight. The following was discussed:

Discussion of Eagle Scout Project - Adams St. Parking Lot Kiosk and Parking Sign - Logan Ring, Troop 14

Photos of the new kiosk were presented by Mr. Katuska. The inside of the kiosk/presentation board will still be painted by Logan Ring. The Agent will purchase a padlock for the back of the kiosk. A rectangle of boulders was placed in front of the kiosk so that cars won't park right in front of it. A completion letter from the Chairman will be drafted by the Agent for Master Ring to present to the Scout Council.

Discussion RE: Adams Street Parking Lot & Driveway Finalization

Mr. Katuska notified Mr. Barrows that the Commission had decided not to proceed with any further work on the driveway at this time. Mr. Katuska will put together a short proposal for moving the boulders (to prevent traffic from driving to the right of the large boulder) and neaten up the area.

Vote to Ratify the Emergency Certification for Breaching of Beaver Dam - 100' Upstream of Cross Street near Avery Dennison

Mike Callahan from Beaver Solutions visited the site on Friday, April 20, and he developed a long term management plan for the dam. The Agent issued an Emergency Certificate to breach the dam before the 3.75" of rain on Sunday, April 22.

Ms. Pilch made a motion to ratify the Emergency Certification to breach the beaver dam located 100' upstream from the Cross Street bridge. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

8:00 PM - Public Meetings & Hearings

****New Public Meeting - Request for Determination of Applicability - #D471: Lot "0" Fisher Street identified as Holliston Assessors Map 1, Block 1, Lot 37, proposal to install a driveway associated with the construction of a commercial building, *Joyce Hastings/GLM Engineering, Inc.* representing *HCK Realty Trust***

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on April 17, 2012. Robert Truax from GLM presented the engineering plans for the driveway and building. There is a recharge basin that will recharge directly back into the soil. Only the first 10 feet of the driveway are in the 100' buffer zone. The staff recommended that another 40' of stationary erosion control barrier be added to the south of the driveway down gradient of the stormwater system.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-468, 375 Concord Street:

Positive #2B Determination: the boundaries of the bordering vegetated wetlands or other resource areas as shown on the plan 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:

- A) An erosion control extension of approximately 40' shall be added south of the driveway and included on the plan.
- B) This stationary erosion control barrier, as shown on the record plan, must be installed prior to any tree removals, filling, excavation, and/or stormwater system work. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barrier. The stationary erosion controls are to be maintained onsite in functional condition until the stormwater system area disturbed is fully restabilized with vegetation.
- C) A "temporary" erosion control barrier of haybales will be placed across the driveway at the end of each work day.
- D) All erosion control measures will be inspected weekly.

Mr. Carnes seconded the motion. Unanimous. (5-0-0)

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Continued Public Hearing - Notice of Intent for DEP File # 185-730: 35 and 41 Pleasant Street identified as, Holliston Assessors Map 8E, Block 4, Lots 17 and 18, respectively, proposal to alleviate flooding by improving stormwater drainage and removing vegetation, *Tom Smith/Holliston Highway Department*

A determination letter regarding state-listed rare wildlife species has still not been received from the NHESP; therefore, this hearing needs to be continued.

Ms. Pilch made a motion to continue the hearing for DEP #185-730, 31 and 45 Pleasant Street to May 15, 2012. Mr. Maccagnano seconded the motion. Unanimous. (5-0-0)

Continued Hearing - Notice of Intent for DEP File # 185-732: 244 Rolling Meadow Drive, identified as Holliston Assessors Map 5, Block 5, Lot 17, proposal to install an inground pool, concrete apron, retaining wall, and associated grading, *Paul DeSimone/Colonial Engineering, Inc.* representing *Thomas Ryan*

Mr. DeSimone from Colonial Engineering presented plans for a pool in Mr. Ryan's backyard. Mr. Ryan was also present and he presented booklets with information requested by the Commission. All work will be done within a previously developed lawn area. The type of pool will be an in-ground steel wall pool with vinyl liner. The filter type is a Hayward C4025 cartridge filter that does not require discharge or backwashing. The stockpile (outside the 100' buffer zone) and access way locations were indicated on the plan. The grade was reduced as much as possible within the 50' buffer zone. The pool is kept out of the 50' buffer zone. There will be no filling in the wetlands; the pool has been moved as close to the house and septic system as possible. There will be no impact on the wetlands. There will be a condition in perpetuity stating that the pool may not be drained onto the property.

The Chairman requested that it be documented that this project is acceptable to the Commission based on the fact that the buffer can be worked in without any impact due to the following:

- 1) the impact of the pool has been reduced compared to what was originally proposed;
- 2) there will be NO filling within the wetlands and buffer zone;
- 3) the grading was adjusted to be as minimal as possible in the buffer zone,
- 4) the position of the pool was moved out of the 50' buffer zone and as close to the house and septic system as BoH regulations would allow.

Ms. Pilch made a motion to close the hearing for DEP #185-732, 244 Rolling Meadow Drive. Mr. Carnes seconded the motion. Unanimous. (5-0-0)

Ms. Pilch made a motion to approve and issue the Order of Conditions for DEP #185-732, 244 Rolling Meadow Drive with the above conditions. Mr. Carnes seconded the motion. Unanimous. (5-0-0)

Continued Public Hearing - Notice of Intent for DEP File # 185-731: 90-100 Central Street, identified as Holliston Assessors Map 8F, Block 3, Lot 23, proposal for the addition of a second story on the existing building, additions on the front and rear of the building, drainage modifications, stripping and repaving of the parking lot, and stripping pavement to add landscaping, *Joyce Hastings/GLM Engineering, Inc.* representing *Daniel Nissi/MetroWest Realty Group*

Robert Truax presented plans for renovations for 90-100 Central Street Plaza. Mr. Nissi, Mr. Barbieri, attorney for the client, and Tom Chipman, contractor, were present. Mr. Truax presented a Stormwater Management Report. Mr. Truax reviewed the Stormwater Management standards and explained how this redevelopment project met the standards. Mr. Truax presented a letter dated April 23, 2012 responding to Mr. Katuska's comments dated March 30, 2012. The Commission needs the opportunity to review this response letter since it was just received today.

A planting plan for the landscaped area at the Fruit Street end of the building was presented.

The septic system will not be changed since it was upgraded about 4 years ago.

The stormwater TSS removal should be improved to the "maximum extent feasible" and as close to 80% as possible. A "stormceptor" will provide about 70% TSS removal. The Commission feels that this would be better than the 44% currently proposed.

The invasive Japanese knotweed will be removed. The Chairman asked that it be replaced with something else, even if it just grass that is mown.

Mr. Maccagnano made a motion to continue the hearing for DEP #185-731, 90-100 Central Street to May 15, 2012. Ms. Pilch seconded the motion. Unanimous. (5-0-0)

Continued Hearing - Notice of Intent for DEP File # 185-722: 94 Brook Street, identified as Holliston Assessors Map 12, Block 2, Lot 7, proposal to construct a single-family house, including the installation of a septic system, driveway, utilities, and associated grading and site work, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Holliston Residential Realty*

Mr. Lavoie was present along with Judy Schmitz, a wetland scientist (PWS). Ms. Schmitz presented a wetland impact analysis regarding this project (dated April 18, 2012). Mr. Lavoie presented the single family house plan with two Cultec recharge areas (one area with 4 units and one with 2 units) for roof run-off and a wetland restoration area that were recommended by Ms. Schmitz. Ms. Schmitz verified the wetland delineation and made a few changes to the delineation. There are some species (e.g., white pine and daylilies) that are native to a landscaped yard in the wetlands. The lot was previously leveled and the soil is not very good and is fairly gravelly. It is a densely vegetated wetland without a large variety of species. Invasive species (multiflora rose and bittersweet) are moving from the edge of the lot and out into the wetlands. There is a plan to manage the invasive species, so that they don't smother the wetlands.

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Since the lot is flat, there will not be a lot of run-off from the lot into the wetlands. Ms. Schmitz proposed that the existing treeline be extended so that there would be more native trees and shrubs next to the driveway area. However, the Agent pointed out that all other areas on the plan have the tree line being pushed closer to the wetlands.

Ms. Schmitz felt that there are other design features to minimize any impact on the wetlands that Mr. Lavoie discussed above. The reserve trench for the septic system was placed closest to the wetlands, so that there would more distance from the working trenches to the wetlands. The house was sized with only 3 bedrooms. Ms. Schmitz believes that having the house closer to the wetlands and the septic further away protects the wetlands more because, in her opinion, the house is quite neutral and does not have much impact on the wetlands.

Ms. Schmitz claimed there was no public water supply that would be impacted by this proposal. Ground water will be recharged with the Cultec units. It is in the FEMA flood plain, but there is no expected increase in run-off from the property.

Mr. Maccagnano explained that the project is within well-head protection zone 2 for the town's water supply; however, Ms. Schmitz said there shouldn't be any impact to the water supply because the septic system is designed to be in compliance with Title V. The foot print of the proposed house is 800 square feet (without the deck) and the garage is 480 square feet. The original house was taken down by Generazio in 1995. In 1998, the Commission approved the construction of a new house on this lot (DEP File #185-440), before the Holliston Wetlands Administration Bylaw was in place (defining the 50' No Disturbance buffer zone).

They received a letter from NHESP stating that there would be no negative impact on state-listed rare species.

To re-establish the residential use of this property, the Zoning Enforcement Officer/Building Inspector, Peter Tartakoff, has explained that this lot will need a variance from the Zoning Board of Appeals to re-establish residential use of this property. Jeffrey Roelofs, Attorney for the client, disagreed with this opinion in a letter to the Commission dated today. Mr. Tartakoff was not copied on the letter, so the Agent forwarded the correspondence to him. In a response e-mail dated April 24, 2012, Mr. Tartakoff re-affirmed his position regarding the Town's Zoning Bylaw and that the protections afforded under the state statute (MGL c. 40A, s. 6) are only intended to apply to previously undeveloped non-conforming lots. The Building Inspector encourages the applicant to talk with him about the Zoning issue.

The Commission explained that according to the Holliston Wetlands Administration Bylaw there cannot be any construction in the 50' No Disturbance buffer zone. As currently proposed, this project has a lot of physical intrusion proposed in the 50' buffer zone. There would be no filtration where this house would be located in the buffer zone. There has been no precedent for new construction on an undeveloped lot to be allowed in the 50' No Disturbance buffer zone under the Holliston Wetlands Administration Bylaw. The Chair explained that to Ms. Schmitz that this is not just a quality issue, but a physical issue.

Ms. Pilch expressed her concerns that the buffer area would not be present for wildlife habitat with the proposed location of the house and septic system. She also explained that in the Balancing Rock neighborhood, the buildings were built right up to the wooded buffer area. Now, the owners are having concerns about trees falling on their homes, because the homes were built too close to the woods. Building in the buffer zone can cause issues in the future.

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Mr. Lavoie explained that he cannot change the design and be able to move the structure out of the 50' buffer zone; and the applicant wanted to close the hearing tonight.

The Agent will draft an Order of Conditions to deny this project under the Holliston Wetlands Administration Bylaw to be voted on at the next meeting. The Agent has not yet identified a reason to be able to deny the project under the Massachusetts Wetlands Protection Act; however, Zoning and residential use issues raised by the Zoning Enforcement Officer have not been resolved.

Mr. Maccagnano made a motion to close the hearing for DEP #185-722, 94 Brook Street. Mr. Carnes seconded the motion. Unanimous. (5-0-0)

Continued Hearing - Notice of Intent for DEP File #185-727: Lot 5 Squanto Path identified as Holliston Assessors Map 14, Block 3, Lot 4.5, proposal to construct a single-family house, including the installation of a septic system, driveway, utilities, and associated grading and site work, *Peter Lavoie/Guerriere and Halnon, Inc.* representing 126 Residential ANR Realty

As an abutter, Mr. Zeamer recused himself and Ms. Pilch chaired this hearing.

The size of the house was reduced and it was shifted to the west, so that the house was entirely out of the 100' buffer zone. The Commission asked that the drainage be infiltrated rather than being surface run-off. They would like to see the tree line indicated by the erosion control barrier and the lawn size decreased. The house and the deck need to be constructed within the template "box" for the house.

Mr. Bajdek made a motion to continue the hearing for DEP #185-727, Lot 5 Squanto Path to May 15, 2012. Mr. Maccagnano seconded the motion. Unanimous. (4-0-0) Mr. Zeamer was recused.

Continued Hearing - Notice of Intent for DEP File #185-728: Lot 1 Squanto Path, identified as Holliston Assessors Map 14, Block 3, Lot 3.4, proposal to construct a single-family house, including the installation of a septic system, driveway, utilities, and associated grading and site work, *Peter Lavoie/Guerriere and Halnon, Inc.* representing 126 Residential ANR Realty

As an abutter, Mr. Zeamer recused himself and Ms. Pilch chaired this hearing.

The house and the driveway were moved out of the 100' buffer zone. Mr. Lavoie will add infiltration to this plan for roof run-off. He will also look at regrading the backyard and try to leave more trees. He will revise the silt/tree line and add some native plantings in the buffer zone.

Mr. Maccagnano made a motion to continue the hearing for DEP #185-728, Lot 1 Squanto Path to May 15, 2012. Mr. Bajdek seconded the motion. Unanimous. (4-0-0) Mr. Zeamer was recused.

Continued Hearing - Notice of Intent for DEP File #185-729: Lot 6 Concord Street, identified as Holliston Assessors Map 14, Block 3, Lot 4.6, proposal to construct a single-family house, including the installation of a septic system, driveway, utilities, and associated grading and site work, *Peter Lavoie/Guerriere and Halnon, Inc.* representing 126 Residential ANR Realty

As an abutter, Mr. Zeamer recused himself and Ms. Pilch chaired this hearing.

The house size was decreased to 70 x 40' including the garage. The septic and driveway were moved out of the 100' buffer zone. He will also add infiltration to the plan for roof run-off.

Mr. Maccagnano made a motion to continue the hearing for DEP #185-729, Lot 6 Concord Street to May 15, 2012. Mr. Bajdek seconded the motion. Unanimous. (4-0-0) Mr. Zeamer was recused.

General Business Continued

Wetland Regulation Policy

The Commission would like to propose to the Selectmen that a Selectmen policy be set so that other Town departments must comply with the Wetland Regulations. The town departments are not exempt from the Wetland Regulations. The Commission agreed that the Selectmen's ConCom liaison should be met with regarding this issue.

Vote to Approve & Issue Order of Conditions for DEP File # 185-725: Lot 28R, Kingsbury Drive, identified as Holliston Assessors Map 5, Block 3, Lot 55.5, proposal to construct a single-family house, including the installation of a septic system, driveway, utilities, and associated grading and site work, *Joyce Hastings/GLM Engineering, Inc.* representing *Louis Petrozzi/Wall Street Development Corporation*

Ms. Pilch made a motion to approve and issue the Order of Conditions for DEP File # 725, Lot 28R, Kingsbury Drive. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

Vote to Approve & Issue Order of Conditions for DEP File # 185-726: Lot 27R, Kingsbury Drive, identified as Holliston Assessors Map 5, Block 3, Lot 55.4, proposal to create and grade a lawn area, *Joyce Hastings/GLM Engineering, Inc.* representing *Louis Petrozzi/Wall Street Development Corporation*

Ms. Pilch made a motion to approve and issue the Order of Conditions for DEP File # 185-726, Lot 27R, Kingsbury Drive. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

Vote on Approval of ConCom Meeting Minutes from 4/10/12

Ms. Pilch made a motion to approve the regular meeting minutes from April 10, 2012. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

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Review and Update of the Bylaw and Regulations

The Agent will draft a proposal for a consultant to review the Holliston Wetlands Administration Bylaw and Regulations.

Review of Lake Winthrop Management Plan Outline for TM

The Agent will e-mail a draft to the Commission regarding Lake Winthrop Management plan outline.

At 11:00 PM, Mr. Pilch made a motion to adjourn the meeting. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

The next Conservation Commission meeting will be Tuesday, May 15, 2012.