

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall – Meeting Room #014

May 15, 2012
7:30 PM

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

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

Mr. Zeamer opened the meeting at 7:31 PM.

General Business

Agent's Report

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

Review/Discuss Mail

The mail was reviewed.

Vote on Rocky Woods Open Space Acquisition

Ron Nation presented an Open Space Deed. The Chairman asked that the deed specifically put the land into a Public Trust for Open Space Conservation usage in perpetuity, otherwise, the town can use the land anyway they want in the future.

Ms. Pilch made a motion that the Board of Selectmen accept the Rocky Woods gift of Open Space under the care and protection of the Conservation Commission to acquire the Rocky Woods Open Space Land. Dr. Rutberg seconded the motion. Unanimous. (7-0-0)

Vote on Orders of Conditions 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

Section 6 of the Holliston Wetlands Administration Bylaw (Article XXX) requires the Commission to deny this project because a large portion of the house is proposed in the 50' No Disturbance Zone, being 17' from the BVW at its closest point. The Zoning

Enforcement Officer/Building Inspector informed the ConCom that this lot requires relief from the Zoning Board of Appeals.

Due to his absence from the public hearing on April 24th regarding DEP File No. 185-722, 94 Brook Street, Dr. Rutberg examined all materials submitted at the hearing, including an audio recording of the session on April 24, 2012. Therefore, Dr. Rutberg signed an affidavit that he is eligible to vote on this matter.

Mr. Maccagnano made a motion to deny the Order of Conditions for DEP File #185-722, 94 Brook Street, under the Holliston Wetlands Administration ByLaw (Article XXX). Mr. Carnes seconded the motion. Ms. Weissman abstained. The motion passed. (6-0-1)

The Massachusetts Wetlands Protection Act has no provision for performance standards for the buffer zone. The state performance standards apply to direct impacts to the resource areas only.

Ms. Pilch made a motion to approve the Order of Conditions for DEP File #185-722, 94 Brook Street, under the Massachusetts Wetlands Protection Act. Dr. Rutberg seconded the motion. After discussion, Ms. Pilch withdrew the motion. Dr. Rutberg concurred with the withdrawal of the motion.

Dr. Rutberg made a motion to deny the Order of Conditions for DEP File #185-722, 94 Brook Street, under the Massachusetts Wetlands Protection Act because work in the buffer zone will adversely affect the resource area and the information requested regarding Zoning permit concerns was never submitted and resolved. Ms. Pilch seconded the motion. Ms. Weissman abstained. The motion passed. (6-0-1)

8:00 PM - Public Meetings & Hearings

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 has been received from the NHESP and no endangered species have been found.

Due to his absence from the public hearing on April 24th regarding DEP File No. 185-730, 35 and 41 Pleasant Street, Dr. Rutberg examined all materials submitted at the hearing, including an audio recording of the session on April 24, 2012. Therefore, Dr. Rutberg signed an affidavit that he is eligible to vote on this matter.

Ms. Pilch made a motion to close the hearing for DEP #185-730, 31 and 45 Pleasant Street, and issue an Order of Conditions. Dr. Rutberg seconded the motion. Ms. Weissman abstained. The motion passed. (6-0-1)

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Ms. Pilch made a motion to approve and issue an Order of Conditions for DEP #185-730, 31 and 45 Pleasant Street, and issue an Order of Conditions subject to twenty-one Special Conditions. Dr. Rutberg seconded the motion. Ms. Weissman abstained. The motion passed. (6-0-1)

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

Mr. Lavoie requested in writing that this hearing be continued until May 29, 2012.

Due to his absence from the public hearing on April 24th regarding DEP File No. 185-727, Lot 5 Squanto Path, Dr. Rutberg examined all materials submitted at the hearing, including an audio recording of the session on April 24, 2012. Therefore, Dr. Rutberg signed an affidavit that he is eligible to vote on this matter.

Ms. Pilch made a motion to continue the hearing for DEP #185-727, Lot 5 Squanto Path, to May 29, 2012. Dr. Rutberg seconded the motion. Unanimous.

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

Mr. Lavoie requested in writing that this hearing be continued until May 29, 2012.

Due to his absence from the public hearing on April 24th regarding DEP File No. 185-728, Lot 1 Squanto Path, Dr. Rutberg examined all materials submitted at the hearing, including an audio recording of the session on April 24, 2012. Therefore, Dr. Rutberg signed an affidavit that he is eligible to vote on this matter.

Ms. Pilch made a motion to continue the hearing for DEP #185-728, Lot 1 Squanto Path, to May 29, 2012. Dr. Rutberg seconded the motion Unanimous.

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

Mr. Lavoie requested in writing that this hearing be continued until May 29, 2012.

Due to his absence from the public hearing on April 24th regarding DEP File No. 185-729, Lot 6 Concord Street, Dr. Rutberg examined all materials submitted at the hearing,

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including an audio recording of the session on April 24, 2012. Therefore, Dr. Rutberg signed an affidavit that he is eligible to vote on this matter.

Ms. Pilch made a motion to continue the hearing for DEP #185-729, Lot 6 Concord Street, to May 29, 2012. Dr. Rutberg seconded the motion. Unanimous.

****New Public Meeting - Request for Determination of Applicability - #D-472: 4 Hillside Drive, identified as Holliston Assessors Map 4, Block 3, Lot 53, proposal to construct an addition, David J. Adams representing Peter and Kim Givens**

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on May 8, 2012.

Mr. Adams presented a sketch plan of the location of the addition. The proposed addition will be added to the current 9x12' den creating an 18x12' addition. The corner of the addition is 75' from the wetlands and the house itself is about 60' from the wetlands. The addition will be in existing lawn area. Three sonotubes will be underneath the addition and lattice work will be added around the bottom of the addition.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-472, 4 Hillside Drive:

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) Erosion control barrier, as shown on the record plan, must be installed prior to any 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 are fully restabilized with vegetation.**
- B) No storage of construction materials or disposal of construction debris beyond the limit of the proposed erosion control barrier is allowed.**
- C) All excess excavation spoils must be removed from the site with no stockpiling on site.**
- D) Materials will be hand-carried around the house from the driveway or Hillside Drive. All access will be from the driveway or Hillside Drive and no work will be on the wetlands side of the house.**

Dr. Rutberg seconded the motion. Unanimous. (7-0-0)

****New Public Meeting - Request for Determination of Applicability - #D-473: 269 Concord Street, identified as Holliston Assessors Map 11, Block 5, Lot 25,** proposal to install a replacement septic system, *Rick Goodreau/United Consultants, Inc.* representing *John Fragola*

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on May 8, 2012.

Mr. Goodreau presented an engineering plan of for the installation of a replacement septic system. Stockpiling and the access way are indicated on the plan. Erosion controls are also shown on the plan.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-473, 269 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) Erosion control barrier, as shown on the record plan, must be installed prior to any tree removals, filling, excavation, and/or 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.**
- B) Stockpiling will be adhered to as indicated on the record plan.**
- C) Access will be through the existing driveway as indicated on the record plan.**

Dr. Rutberg seconded the motion. Unanimous. (7-0-0)

****New Public Meeting - Request for Determination of Applicability - #D-474: Bike Path from South Street to Milford/Holliston Town Line, identified as Holliston Assessors Map 1, Block 2, Lot 10,** proposal to grade the former railbed along with placement and compaction of reprocessed bituminous concrete and stone dust on the railbed, *Matthew Varrell, PWS* representing *Holliston Trails Committee*

As an abutter, Dr. Rutberg recused himself from this meeting.

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on May 8, 2012.

Mr. Varrell presented an engineering plan of the rail trail between South Street and the Milford/Holliston town line. This ±1800' section of trail bisects a wetland area. The wetland area northwest of the trail appears to be an isolated wetland. The trail will be graded, reclaimed bituminous concrete will be installed, and a final layer of stone dust will be applied. There are still some rail ties on the trail that will need to be removed.

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The drainage off of the Zain Ridge subdivision in Milford delivers a significant amount of run-off onto the rail trail. Robert Weidknecht, Chair of the Trails Committee, explained that they will re-establish the grades to the trail and re-excavate the drainage ditches (approximately 3' wide x 1' deep) on each side of the trail, so that this run-off will drain away from the trail. They will also put a culvert under the trail in this area.

Mr. Zeamer requested that the Milford Conservation Commission be contacted by the Agent to discuss these drainage issues (along with the drainage issue from Zain Ridge that purportedly flows into Millie Kampersal's pond on South Street).

Mr. Zeamer and Mr. Carnes asked that a specification for the stone dust be submitted.

A Best Management Practices document was not submitted with this Request for Determination. The Trails Committee explained that they are the same BMPs as for the last section of the trail.

Mr. Bajdek made a motion to issue the following Determinations for RFD #D-474, Bike Path from South Street to the Milford/Holliston Town Line:

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:

1. For this section of the rail trail, the Trails Committee will provide and implement a program of Best Management Practices (BMPs) for use in pre-construction, construction, and post-construction activities in accordance with the MA-DEP's written policy titled "Best Management Practices for Controlling Exposure to Soil during the Development of Rail Trails." The Trail Committee will submit one (1) copy of its written BMP Program for Controlling Exposure to Soil prior to the commencement of construction at this site.
2. The BMP Program required in Condition 1 above will specifically include a best management practice for construction period dust control during trackbed regrading.
3. The Trails Committee will provide public notice of the estimated commencement of construction, defined as project-area signage re: the start of construction (as required in the MA-DEP BMP policy).
4. The Construction Sequence provided in the May 1, 2012 submission will be adhered to, unless modified through further consultation with the Conservation Commission.
5. No stockpiling of existing trackbed material will occur within the project area.

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6. Erosion control barriers, as shown on the record plan, must be installed prior to any grading 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 bike path construction are fully restabilized with vegetation.
7. All old railway ties located within 100' buffer zones along the railbed will be removed and disposed of in accordance with all applicable local, state, and federal regulations.

Ms. Pilch seconded the motion. Mr. Carnes voted no. (Dr. Rutberg was recused.) The motion passed. (5-1-0)

****New Public Meeting - Request for Determination of Applicability - #D475: 377 Highland Street, identified as Holliston Assessors Map 11, Block 1, Lot 3.2,** proposal to install a replacement septic system, *Joseph Marquedant/J.D. Marquedant & Associates, Inc.* representing *Estate of Mary Faggas/Sandra Tsavalakoglou*

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on May 8, 2012.

Mr. Marquedant presented an engineering plan of for the septic system. Sandra Tsavalakoglou, Executrix of the Estate, was also present.

The Commission was concerned that the Board of Health may ask that the leaching field be moved due to the location of the well. Therefore, they recommended that the meeting be continued until after the BOH meeting on May 17th. It was suggested that, if necessary, some mitigation may be able to be done with native plantings.

Dr. Rutberg made a motion to continue the meeting for Request for Determination #D-475, 377 Highland Street to May 29, 2012. Mr. Maccagnano seconded the motion. Unanimous. (7-0-0)

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*

Joyce Hastings presented plans for renovations for 90-100 Central Street Plaza for Mr. Truax. Mr. Nissi, Mr. Barbieri, attorney for the client, and Tom Chipman, contractor, were present. Ms. Hastings presented new plans that included removing the catch basin and replacing it with a proprietary stormwater treatment system which will remove most of the TSS from a 100-year storm.

On the edge of Winthrop Canal at the parking lot edge, the Japanese knotweed will be removed and a ditch filled with 2' of rip-rap. A Cape Cod berm will act as a dike with openings for the water to drain into the rip-rap ditch. A plan was submitted for removal of

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the Japanese knotweed. An aquatic glyphosate (often known as "Round Up") weed killer will be used in perpetuity for any knotweed that returns.

A landscaping plan for the pervious area at the south end of the building was submitted. A patio will be installed at the north end of the building. The concrete pad on the east side of the building around the dry wells will be replaced with pavers.

There is a pipe that crosses the neighbor's property (on the west side of the Plaza) that drains from this site. They are not sure if it drains anything from any other properties. Per Peter Barbieri, there is an easement "by prescription" so that if any maintenance of the pipe is necessary it can be done. It will be maintained so that there will be no flow impediment to the pipe.

Due to his absence from the public hearing on April 24th regarding DEP File No. 185-731, 90-100 Central Street, Dr. Rutberg examined all materials submitted at the hearing, including an audio recording of the session on April 24, 2012. Therefore, Dr. Rutberg signed an affidavit that he is eligible to vote on this matter.

Ms. Pilch made a motion to close the hearing for DEP #185-731, 90-100 Central Street to May 29, 2012. Ms. Bajdek seconded the motion. Ms. Weissman abstained. The motion passed. (6-0-1)

Continued Public Hearing - Notice of Intent for DEP File # 185-724: 194 Lowland Street, identified as Holliston Assessors Map 9, Block 2, Lot 57.1 and Map 12, Block 4, Lot 33.1, proposal to construct industrial buildings with associated parking, access driveways, drainage, utilities, grading and site work, Robert Truax/GLM Engineering, Inc. representing Geoffrey Zeamer/VAB Realty Trust

Ms. Pilch chaired this hearing since Mr. Zeamer recused himself.

Ms. Hastings of GLM Engineering requested that this hearing be continued until June 12, 2012.

Dr. Rutberg made a motion to continue the hearing for DEP #185-724, 194 Lowland Street to June 12, 2012. Mr. Bajdek seconded the motion. (Mr. Zeamer was recused.) Unanimous. (7-0-0)

****New Public Hearing - Notice of Intent for DEP File # 185-733: Lot 5 Prentice Street, identified as a portion of Holliston Assessors Map 8, Block 1, Lot 28.2, proposed construction of 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 Jeffrey Taylor/Taylor Middlesex County Realty Trust**

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on May 8, 2012. The discussion regarding this project was combined and voted on together with the hearing below.

****New Public Hearing - Notice of Intent for DEP File # 185-733: Lot 6 Prentice Street, identified as a portion of Holliston Assessors Map 8, Block 1, Lot 28.2, proposed construction of a single-family house, including the installation of a septic system, driveway,**

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utilities, and associated grading and site work, *Joyce Hastings/GLM Engineering, Inc.* representing *Jeffrey Taylor/Taylor Middlesex County Realty Trust*

Ms. Hastings waived the reading of the legal notice for Lot 6 Prentice Street published in the *MetroWest Daily News* on May 8, 2012.

Ms. Hastings presented engineering plans for both Lots 5 and 6 showing the single family house site with the 50 and 100' buffer zones.

The Commission requested that the house "envelope" be moved out of the 100' buffer zone on Lot 5. They also would like to see where all of the septic system test pits are located on the plans. The Commission would like to know what type of vegetation is in the 50' buffer zone and would like it to be preserved so that it does not become lawn. There is a storm water rain garden in the center of the cul-de-sac. Ms. Hastings will find out where the perimeter drain is for Lot 5.

Mr. Maccagnano made a motion to continue the hearings for DEP #185-733 and DEP 185-734, Lot 5 & Lot 6 Prentice Street to May 29, 2012. Mr. Bajdek seconded the motion. Unanimous. (7-0-0)

General Business Continued

Letter to Logan Ring RE: Eagle Scout Project - Adams St. Parking Lot Kiosk and Parking Sign

The Chairman will sign a letter stating that his Eagle Scout Project has been completed satisfactorily.

Discussion RE: Adams Street Parking Lot & Driveway Finalization

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. This will be considered at the next hearing.

Discussion RE: Potential Violation at 1075 Highland Street - Michael Clarke

Mr. Clarke brought in an existing conditions plan, however, the Agent asked him to go back to his engineer and ask him to put his future intentions on it.

Discussion RE: Bald Hill Road Conservation Land - Paul Shea

Mr. Shea donated land to the town about 20-30 years ago and he would like it to be released. He is willing to buy it back or trade it for other comparable land. The Commission discussed how this is a very long process with the state. Therefore, it was suggested that the Commission might be able to allow him to use the Conservation Land agriculturally for the orchard he would like to plant. Mr. Katuska will find the original Conservation Land paperwork to find out what its parameters were. Mr. Shea will be invited in to discuss the matter further on May 29, 2012.

Request for Certificate of Compliance for DEP File # 185-700: 10 Bald Hill - In-Ground Pool - David Mintz

A letter was received from Wayne Carlson, the engineer for this project, stating that the project is in substantial compliance with the Order of Conditions and the engineering plan. Mr. Katuska inspected the site again today and found it to be in satisfactory condition.

Ms. Pilch made a motion to issue a Certificate of Compliance for DEP File # 185-700: In-Ground Pool at 10 Bald Hill Road. Dr. Rutberg seconded the motion. Unanimous. (7-0-0)

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

The next Conservation Commission meeting will be Tuesday, May 29, 2012.