

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall – Meeting Room #014

June 14, 2012
7:30 PM

Present: Ann Marie Pilch, Vice-Chair; Chris Bajdek, Fred Carnes, Richard Maccagnano
(Arrived at 7:35 PM), Allen Rutberg, Rebecca Weissman, Commissioners

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

Absent: Geoffrey Zeamer, Chair

Vice Chair, Ms. Pilch, opened the meeting at 7:33 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.

Request for Certificate of Compliance for DEP File # 185-664: 1045 Highland Street (Map 8, Block 2, Lot 47.2) - Mark Heavner

Mr. Maccagnano arrived at 7:35 PM.

Mr. Bajdek made a motion to approve and issue a Certificate of Compliance for DEP File #185-664, 1045 Highland Street. Dr. Rutberg seconded the motion. Five voted Yes. Mr. Maccagnano abstained. (5-0-1)

Vote on Orders of Conditions 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. Bajdek signed an affidavit that he had reviewed the hearing evidence from May 29, 2012. The Agent read the Special Conditions for the Order of Conditions.

Dr. Rutberg made a motion to approve and issue an Order of Conditions for DEP File # 185-727, Lot 5 Squanto Path. Mr. Bajdek seconded the motion. Ms. Weissman abstained. Unanimous. (5-0-1)

Vote on Order of conditions 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. Bajdek signed an affidavit that he had reviewed the hearing evidence from May 29, 2012. The Agent read the Special Conditions for the Order of Conditions.

Dr. Rutberg made a motion to approve and issue an Order of Conditions for DEP File # 185-728, Lot 1 Squanto Path. Mr. Bajdek seconded the motion. Five voted Yes. Ms. Weissman abstained. The motion passed. (5-0-1)

Discussion RE: Violation at 1075 Highland Street - Michael Clarke

Mick Clarke presented plans put together by his surveyor to remove the fence from the riverfront and bordering vegetated wetlands buffer zones. Moving the fence will keep the goats and the agricultural activity out of the buffer zone areas. He will let the buffer zone areas grow back naturally. He has 8 goats and 3 calves at the present. He is also going to plant vegetable gardens. At one point, he had 28 goats, but he breeds and sells them.

The Commission requested that reference materials be provided to Mr. Clarke regarding manure management. Mr. Clarke understands that any work in the area in the future needs to be reviewed by the Commission.

The Commission requested that an Approval Letter outlining the above requests be sent to Mr. Clarke. Mr. Clarke will provide a copy of the plan that he presented tonight.

Public Meetings & Hearings

Continued 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. Bajdek signed an affidavit that he had reviewed the hearing evidence from May 29, 2012. Mr. Marquedant presented plans showing a new water line that they received approval for from the Town. The old septic tank will be crushed and filled with sand. This will be the only work done in the 50' buffer zone. All work is in the existing back yard lawn area. The stockpile area and access way locations are indicated on the plan.

This plan will be presented to the BoH on June 21, 2012 asking for a variance for the location of the septic system. The set-backs are slightly less than allowed.

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Dr. Rutberg made a motion to issue the following Determinations for RFD #D-475, 377 Highland Street:

Positive #2A Determination: the boundaries of the bordering vegetated wetlands or other resource areas as shown on the plan are 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) Final record plan, as endorsed by the Holliston Board of Health, must be submitted to the Conservation Commission prior to the start of construction.
- B) Erosion control barrier, as shown on the record plan, 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.
- C) Stockpile will have erosion controls around it as indicated on the record plan.
- D) Access way will be as indicated on the record plan.

Mr. Carnes seconded the motion. Five Voted Yes. Ms. Weissman abstained. The motion passed. (5-0-1)

Continued Public 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. Bajdek signed an affidavit stating that he had reviewed the hearing evidence from the hearing that he missed on May 29, 2012.

Peter Lavoie was present and explained that no changes have been made to the proposed project since the May 29th meeting, because his client, 126 Residential ANR Realty, wanted to stick with the plans from that meeting. Mr. Lavoie explained that the lot size is approximately 42,000 ft² and the original total disturbance was 17,900 ft² with 13,100 ft² being in the 100' buffer zone. Now, the totals have been reduced to a total disturbance of 13,300 ft² with only 8,200 ft² in the 100' buffer zone. The total amount of wetlands on the lot is 9,100 ft². He pointed out that he used the Commission's recommendations and reduced the buffer zone disturbance by approximately 5,000 square feet. The septic system has also been completely moved out of the 100' buffer zone.

Mr. Maccagnano expressed his concerns that every time someone walks out of the house they will be in the buffer zone.

The northern part of the wetlands near Concord Street is a wetland replication area that is believed to have been created when the road was widened.

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Dr. Rutberg, Ms. Pilch, and Mr. Bajdek do not care for the project design with so much work in the 100' buffer zone, but they don't believe there is any reason to deny it. There is no compelling reason to say "no" to the proposed design.

Mr. Maccagnano feels this is the Commission's opportunity to keep new construction out of the 100' buffer zone. Ms. Pilch explained that the Commission has approved projects with new construction in the 100' buffer in the past. Mr. Maccagnano believes they should redesign the size of the house so that it is smaller, so that it has less impact. Mr. Carnes agreed with Mr. Maccagnano and they feel that the size of the house should be shrunk from 4 to 3 bedrooms. They do not feel the house needs to be so big and it could have a one car garage instead of a two car garage.

There is the potential that these lots might change, because the subdivision is expired. It is going in front of the Zoning Board at the end of the month for reapproval.

Since the corner of the house is only 16' from the 50' no-disturbance zone, the Commission agreed that they would like monumentation of the 50' line, such as granite or concrete pillars at the corners of the buffer zone lines or a boulder row, i.e., something that is clear and unmistakable.

Mr. Lavoie explained that in the past this client has used vinyl "split rail" type fence in other towns to provide a delineation of where no work can be done by the homeowner. He doesn't think they will have a problem with a vinyl fence, because they have used it before and it won't rot so it will stay in place. Mr. Lavoie was willing to make this verbal proposal to be entered into the record. The Commission agreed with Mr. Lavoie that a vinyl "split rail" type fence would be acceptable to them instead of concrete or granite bounds.

Dr. Rutberg, Ms. Pilch, Mr. Bajdek, and Ms. Weissman agreed that they did not feel the project could be denied under the Wetlands Protection Act (WPA) because there are no performance standards for buffer zones outlined in the WPA. It meets all of the performance standards, and all information was submitted as required.

Dr. Rutberg made a motion to close the hearing for DEP #185-729, Lot 6 Concord Street. Mr. Carnes seconded the motion. Five voted Yes. Ms. Weissman abstained. The motion passed. (5-0-1)

Continued Public Hearing - Notice of Intent for DEP File #D185-735: Town Well #7 - Mayflower Landing and Mohawk Path, identified as Holliston Assessors Map 11, Block 4, Lot 116.1 and Map 12, Block 1, Lots 2, 32, 33, and 52, proposal for the installation of a water line and pumping equipment associated with an existing well, installation of fencing, clearing of small trees and brush, grading and addition of crushed stone to cart path, and grading associated with a pump station building, Ali Parand/AP Associates, Inc. representing Town of Holliston Water Department

Mr. Bajdek signed an affidavit stating that he had reviewed the hearing evidence from the hearing that he missed on May 29, 2012.

Mr. Parand presented plans for Well #7 which is located off of Mohawk Path. All required information addressing the 11 review comments was submitted to the Conservation Commission and satisfactorily addressed. A sign-off letter from NHESP has been received.

The road into the well will only be used to check on the well periodically or if something goes wrong with the well.

A condition in perpetuity will be added to the Order of Conditions regarding snow plowing, use of a side disposal plow blade, so that the snow will spill off the access roadway prior to reaching the wellhead area. This is to prevent the development of a substantial pile of snow in the wellhead area.

Another condition will be added requiring that a Finalized Construction Sequence and Project Schedule be submitted prior to the Pre-Construction meeting.

Dr. Rutberg made a motion to close the hearing for DEP File No. 185-735, Town Well #7 - Mayflower Landing and Mohawk Path with the two additional conditions agreed upon at the hearing. Mr. Bajdek seconded the motion. Unanimous. (6-0-0)

Mr. Bajdek made a motion to approve and issue an Order of Conditions for DEP File No. 185-735, Town Well #7 - Mayflower Landing and Mohawk Path as revised with the two additional conditions agreed upon at the hearing. Dr. Rutberg seconded the motion. Unanimous. (6-0-0)

Continued Public Meeting - Request for Determination of Applicability - #D477: 93 Meadowbrook Lane, identified as Holliston Assessors Map 14, Block 1, Lot 18, proposal to install a replacement septic system, *Joyce Hastings/GLM Engineering, Inc.* representing *James Gundy*

Ms. Hastings presented plans for a septic system at 93 Meadowbrook Lane. The leach field area has failed in the current system. They will be using a FAST tank system and a drip line leach field. There will be no stockpiling on site.

There was discussion regarding the sump pump line that drains toward Jar Brook. The Commission agreed that it is basically infiltrated ground water that is being pumped out and it would have a minimal affect on the brook.

The Agent requested that the dumping of lawn clippings next to the bordering vegetated wetlands be stopped permanently. There is an area behind the septic system away from the wetlands where they are also putting their yard waste; this would be the area that should be used for the dumping of all lawn clippings and yard waste from now on.

Dr. Rutberg made a motion to issue the following Determinations for RFD #D-477, 93 Meadowbrook Lane:

Positive #2A Determination: the boundaries of the riverfront resource area as shown on the plan are confirmed as accurate

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Positive #2B Determination: the boundaries of the bordering vegetated wetlands resource area 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 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.

B) No stockpiling on site as indicated on the record plan.

C) Access will be adhered to as indicated on the record plan.

Mr. Maccagano seconded the motion. Unanimous. (6-0-0)

Continued Public Meeting - Request for Determination of Applicability - #D478: 51

Francine Drive, identified as Holliston Assessors Map 11, Block 8, Lot 27, proposal to construct a garage and a second floor addition, *Jay Sheroff*

Jay Sheroff presented plans for his proposed second floor addition and garage. He is adding 12' to the side of his house by adding a 12' slab to the current slab. The garage and addition will be on existing lawn. The wetlands are about 70-80' from the house.

There is an intermittent stream on the edge of the property that is essentially a drainage ditch. Mr. Sheroff explained that the Highway department asked him to fill in this ditch; however, the swale/ditch is not on his property.

Erosion controls, haybales or a silt fence, will be installed in the back yard and will be the limit of work and storage of materials.

Dr. Rutberg made a motion to issue the following Determinations for RFD #D-477, 93 Meadowbrook Lane:

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 of haybales or silt fence, as shown on the record plan, must be installed prior to any land disturbance for construction of the addition and garage. 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) 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 soil stockpiling on site.
- D) Access way will be adhered to as indicated on the record plan.

Mr. Maccagnano seconded the motion. Unanimous. (6-0-0)

General Business Continued

Discussion RE: Bald Hill Road Conservation Land - Paul Shea

Mr. Shea would like to buy the land back that he donated to the town 20-30 years ago. The state legislature would have to approve giving the land back to Mr. Shea.

Ms. Pilch and Dr. Rutberg agreed that it would set a bad precedent where people could want to take back their land after not paying taxes on the land for several years.

The Commission did not believe that the land should be bought back, but if "taken back" it should be swapped for another piece of land.

The Commission agreed that town counsel should be asked if this has been done before and what the mechanism is for doing it. The land should be appraised to find out what it's worth, so that the land could be swapped for a parcel of equal land.

The Agent will research the mechanism to give land back to a donor. He will talk to Mr. Shea about getting an appraisal of the land and finding another piece of land in town to donate so that he can swap his land for the new piece of land.

Vote on Use of Bylaw Fee Fund for End of Year Staff Salary

The Omnibus account for the Agent's salary will be 13 hours (\$335.01) short for the end of FY12. The Commission would like to take the 13 hours of salary out of the Conservation Commission's Bylaw Account.

Mr. Maccagnano made a motion to take 13 hours of salary (\$335.01) from the Bylaw Account for the end of FY12. Dr. Rutberg seconded the motion. Unanimous. (6-0-0)

At 9:32 PM, Mr. Maccagnano made a motion to adjourn the meeting. Dr. Rutberg seconded the motion. Unanimous.

The next Conservation Commission meeting will be Tuesday, June 26, 2012.