

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall – Meeting Room #014

August 21, 2012
7:30 PM

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

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

Absent: None

Allen Rutberg opened the meeting at 7:32 PM.

General Business

Discussion RE: Eagle Scout Trail Marking Project in Adams Street Town Forest/Fairbanks Conservation Land – Jonathan Redus/Boy Scout Troop 76

Jonathan Redus presented a NEMBA (New England Mountain Bike Association) map with highlighted trails in the Fairbanks/ Adams Street Conservation Land. Some of the highlighted trails have no blazes and some are being re-blazed as requested by Joanne Hulbert. He is going to put 4 signs with numbers at the intersections of trails in the Fairbanks area where the trails are more confusing. The same color blazes as what already exist will be used. The blazes are approximately 2x6" paint markings that are 5' off the ground.

He is going to update the map with colored trail lines and print new maps for hikers to use. The Commission asked him to also please do the following:

- 1) Mark an additional trail(s) that would connect the two sections of the Adams Street area and the Fairbanks.
- 2) Build a waterproof box to add to the Adams Street kiosk to hold the maps.
- 3) Provide a digital copy of the map in order to put it on the website and to make printed copies in the future.

The intersection sign posts will be 4x4' posts which will be 4 feet tall above the ground and 18 inches below the ground. Gravel will be used to help drainage around the posts.

The Commission asked if he could please come back with a map with of how the trails are currently marked and how he will mark them in the future. The Commission voted on Master Redus' proposal for the Knox Trail Boy Scout Council tonight, but he will come back on September 4, 2012 to present the two "before and after" maps.

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Ms. Maccagnano made a motion to approve Master Redus' Eagle Scout Project proposal for submission to the Knox Trail Council. Ms. Pilch seconded the motion. Unanimous. (5-0-0)

Discussion RE: DEP #185-729, Lot 6, Concord Street (Revised fencing proposal)

Robert Poxon from Guerriere and Halnon presented a new plan for informal discussion regarding Lot 6. The applicant wishes to clear to the No Disturbance line in the front (west side) of the house, even though this was not the original plan. Originally, the clearing did not go all the way back to the No Disturbance line on the west side of the house. The vinyl fence at the western 50' No Disturb line was located in the woods on the approved plan.

The applicant would like to put Arborvitae trees along both No Disturbance lines in the front (west) and back (east) of the house in place of the white vinyl fences. The Commission would like to move the trees to the original erosion control/limit of clearing line on the west side of the house, rather than move the erosion control/limit of clearing back to the No Disturb Line. Mr. Poxon will bring this back to his client and explain the Commission's wishes.

The Agent reported that the Commission's Order of Conditions is under appeal to the DEP and the DEP will be issuing a Superseding Order of Conditions under the Massachusetts Wetlands Protection Act. Tonight's discussion is for informational purposes only, although this revised proposal has also been submitted to the DEP today and may be reviewed with the DEP following issuance of their Superseding Order. According to the DEP, it is not likely that this revised proposal would be accepted by the DEP until the corresponding Bylaw appeal process is completed.

Request for Certificate of Compliance for DEP File # 185-244: 10 Washington Path (Map 5, Block 2, Lot 39) – Nicholas & Jane Cashorali

Mr. Katuska presented photographs of the existing conditions for 10 Washington Path. He visited the site and the property is well stabilized.

Ms. Pilch made a motion to approve and issue a Certificate of Compliance for DEP File No. 185-244, 10 Washington Path. Mr. Maccagnano seconded the motion. Unanimous. (5-0-0)

Public Meetings & Hearings

Continued Public Hearing – Notice of Intent for DEP File # 185-736: 2016 Washington Street identified as Holliston Assessors Map 4, Block 6, Lot 11.1, proposal to construct a commercial building for office/ retail business and a drive-through restaurant with parking, sewage disposal system, drainage, utilities, related grading and site work, *Robert Truax/GLM Engineering, Inc.* representing *Lawrence Hill/ Lot 11 Rocky Road Realty Trust*

Ms. Pilch submitted a signed affidavit stating that she had reviewed the public hearing evidence from July 24, 2012

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Mr. Peter Barbieri requested that this hearing be continued until September 4, 2012.

Ms. Pilch made a motion to continue the hearing for DEP File # 185-736, 2016 Washington Street to September 4, 2012. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

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 & Joyce Hastings/GLM Engineering, Inc.* representing *Geoffrey Zeamer/VAB Realty Trust*

Ms. Pilch submitted a signed affidavit stating that she had reviewed the public hearing evidence from July 24, 2012.

A response from the Natural Heritage program has been received. Ms. Hastings requested a continuance to the September 4, 2012 meeting.

Mr. Maccagnano made a motion to continue the hearing for DEP File # 185-724, 194 Lowland Street to September 4, 2012. Ms. Pilch seconded the motion. Unanimous.(5-0-0)

Continued 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*

The hearings for Lots 5 and 6, Prentice Street were combined. Please see below.

Continued Public Hearing - Notice of Intent for DEP File # 185-734: 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, utilities, and associated grading and site work, *Joyce Hastings/GLM Engineering, Inc.* representing *Jeffrey Taylor/Taylor Middlesex County Realty Trust*

Ms. Pilch submitted two signed affidavits for Lots 5 & 6 for stating that she had reviewed the public hearing evidence from July 24, 2012.

Ms. Hastings presented plans with the driveways entering directly onto Prentice Street (versus the previous common driveway). There will be plantings of white pines and blueberry bushes in the 50' buffer zone and monuments to mark the 50' No Disturb line. At the last meeting, the Commission had asked if the houses and/or septic systems could be moved further from the wetlands. Ms. Hastings explained that the houses and/or septic systems could not be moved to different locations due to the location of ledge and soil that did not perc well.

The Commission agreed that the taller the blueberry bushes are the better chance they will have of surviving. They suggested that the 24-36" blueberry bushes be as close to 36" as possible to help ensure their survival.

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The monumentation markings for the bounds will be engraved metal plaques on concrete posts. The plaques will state "No Disturbance or Alteration of Lands Beyond this Point is Allowed Per Order of the Conservation Commission."

Ms. Pilch made a motion to close the hearings for DEP File # 185-733 and 185-734, Lots 5 and 6 Prentice Street, respectively. Mr. Maccagnano seconded the motion. Unanimous. (5-0-0)

****New Public Hearing - Notice of Intent for DEP File # 185-739: Lot 70 Mohawk Path, identified as a portion of Holliston Assessors Map 14, Block, Lot 70,** proposed grading and site work associated with the construction, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Holliston Residential Realty*

Mr. Katuska read the legal notice that appeared in the *Metrowest Daily News* on August 14, 2012.

Robert Poxon presented plans for Lot 70 Mohawk Path. The house is entirely outside the 100' buffer zone. The foundation drain is outside the 100' buffer zone, but Mr. Poxon needs to determine where the roof drains will be located. A portion of the backyard extends about 40 feet into the 100' buffer zone. This is the only clearing within the Commission's jurisdiction.

It was noted that there is some grading within the adjacent Open Space Parcel (currently owned by the owner of the project being proposed) that has not yet been deeded to the Homeowner's Association. This needs to be investigated. The Commission requested that the grading be moved out of the 100' buffer zone. Mr. Poxon will bring this request back to his client.

The Commission also requested a Certified Abutters List. Mr. Poxon agreed to continue the hearing until September 4, 2012.

Ms. Pilch made a motion to continue the hearing for DEP File #185-739 Lot 70 Mohawk Path to September 4, 2012. Mr. Maccagnano seconded the motion. Unanimous. (5-0-0)

****New Public Hearing - Notice of Intent for DEP File # 185-740: Lot 71 Mohawk Path, identified as a portion of Holliston Assessors Map 14, Block, Lot 71,** proposed grading and site work associated with the construction, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Holliston Residential Realty*

Mr. Katuska read the legal notice that appeared in the *Metrowest Daily News* on August 14, 2012.

Robert Poxon presented plans for Lot 71 Mohawk Path. The house is entirely outside the 100' buffer zone. The foundation drain is outside the 100' buffer zone, but Mr. Poxon needs to determine where the roof drains will be located. A portion of the backyard extends about 25 feet into the 100' buffer zone. This is the only clearing within the Commission's jurisdiction.

It was noted that there is some grading within the adjacent Open Space Parcel (currently owned by the owner of the project being proposed) that has not yet been deeded to the Homeowner's

Association. This needs to be investigated. The Commission requested that the grading be moved out of the 100' buffer zone. Mr. Poxon will bring this request back to his client.

The Commission also requested a Certified Abutters List. Mr. Poxon agreed to continue the hearing until September 4, 2012.

Ms. Pilch made a motion to continue the hearing for DEP File No. 185-740, Lot 71 Mohawk Path to September 4, 2012. Mr. Maccagnano seconded the motion. Unanimous. (5-0-0)

****New Public Hearing - Notice of Intent for DEP File # 185-741: Indian Trail Estates Subdivision, identified as portions of Holliston Assessors Map 14, Block, Lots 3.2, 3.3, 3.4, 4.4, 4.5, and 4.6, proposed construction of a stormwater detention basin and the grading for the roadway in a 5 lot subdivision, Robert Poxon/Guerriere and Halnon, Inc. representing 126 Residential ANR Realty**

Mr. Katuska read the legal notice that appeared in the *Metrowest Daily News* on August 14, 2012.

Robert Poxon presented plans for the Indian Trail Estates subdivision. This subdivision contains lots on Squanto Path. The grading and detention basin are outside the 50' No Disturb Zone, but are within the 100' buffer zone. The detention basin will catch the run-off mostly from the cul-de-sac and roadway.

The Commission asked how the graded areas would be vegetated. Mr. Poxon suggested that he create a planting plan for these areas.

There will be an operation and maintenance plan for the detention basin. The soil specification of the clay material for the detention basin needs to be modified as it appears to be impermeable. Mr. Poxon believed that this material would only be used in the forebay. Katuska asked him to check on where the impermeable clay soil would be used.

The Agent requested that the wetland flags be refreshed in the field, since the wetland delineation was done in 2006.

The Bylaw fee will be reduced from \$3,000 to \$1750, because none of the road grading is within the Commission's jurisdiction.

Mr. Maccagnano made a motion to continue DEP File No. 185-741, Indian Trail Estates subdivision to September 4, 2012. Ms. Pilch seconded the motion. Unanimous. (5-0-0)

General Business Continued

Discussion RE: Notice of Violation, 755 Concord Street, Mostafa Qergach

Land was cleared in the wetlands to create horse paddocks directly in the wetlands and trees have been removed along with stumps and roots. Mr. Qergach's arborist said it was okay with the Farm Bureau to clear the land, but the Agent explained that the Conservation Commission still has jurisdiction in the wetlands. The arborist then conceded that the Farm Bureau told him to check with the Conservation Commission.

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Mr. Qergach needs to get a plan prepared with the wetlands delineated along with the paddock lines within the next two weeks. He is using Applewood Surveying for the plan. The Notice of Violation states that the owner needs to cease and desist. Unfortunately, the area was filled, wood chipped, and smoothed out after the owner had been notified of the violation. This work was not authorized.

Agent's Report

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

Review Adams Street Conservation Land CR for NStar Land

George Johnson would like to bring the Adams Street Conservation CR (to be held by the Trustees of Reservations) to the Selectmen and he needs the Commission's approval.

Ms. Pilch made a motion to recommend to the Board of Selectmen the Conservation Restriction for the Adams Street Conservation Land (to be held by the Trustees of Reservations). Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

Review Winter Court CR for Open Space Parcel #1

This was put on hold to review at the next meeting on September 4, 2012.

Request for Certificate of Compliance for DEP File # 185-708: 52 Church Street (Map 8A, Block 4, Lot 9) – Michael Perkins

The garage work was completed in compliance with the Order of Conditions and in accordance with the plans. The area is completely stabilized.

Ms. Pilch made motion to approve and issue a Certificate of Compliance for DEP File No. 185-708, 52 Church Street. Mr. Maccagnano seconded the motion. Unanimous. (5-0-0)

Review/Discuss Mail

The mail was reviewed.

Invoice for 94 Brook Street Legal Counsel

Ms. Pilch made a motion to approve the invoice for \$174.00 Legal Counsel for Joseph Antonellis. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

An invoice for \$174.00 was signed by the Commission.

At 9:21 PM, Mr. Maccagnano made a motion to adjourn the meeting. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)

The next Conservation Commission meeting will be Tuesday, September 4, 2012.