

## Holliston Conservation Commission

**APPROVED Meeting Minutes**  
Town Hall – Meeting Room #014

May 14, 2013  
7:30 PM

Present: Allen Rutberg, Chair (Arrived at 7:43 PM); Chris Bajdek, Shaw Lively, Richard Maccagnano, Jim McGrath, Rebecca Weissman, Commissioners

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

Absent: Ann Marie Pilch, Vice-Chair

**Acting Chair, Chris Bajdek, opened the meeting at 7:32 PM.**

### **General Business**

#### **Discuss New Request for Potential Eagle Scout Project**

A list of potential Eagle Scout projects was received from the Rail Trail Committee and was reviewed by the Commission. A Boy Scout has inquired about what potential project the Commission would like to have completed for his Eagle Scout project. The Commission felt that the Boardwalk in the Fairbanks property (at the end of Dunster Road) would be a priority for an Eagle Scout project.

Discussion ensued regarding the boardwalk in Weston Pond adjacent to Courtland Street. The Commission asked the Agent to remove the first couple of sections of the boardwalk since it is in disrepair and the public should not be able to access it.

#### **Update to Order of Conditions for DEP File #185-728, Lot 1 Squanto Path – Holliston Residential Realty**

A new plan was submitted by Peter Lavoie of Guerriere and Halnon on May 8, 2013. The plan decreased the footprint of the house and moved it 15' farther away from the wetlands. The Commission agreed that these changes will not impact the resource area and are not significant enough to require an Amendment to the Order of Conditions.

A letter will be sent to Mr. Lavoie documenting that this revised plan dated May 7, 2013 has been accepted as the Record Plan by the Commission.

*Dr. Rutberg arrived at 7:43 PM and assumed role as Chair.*

**Mr. Lively made a motion to accept the modifications and accept the new plan dated May 7, 2013 as the Record Plan. Mr. McGrath seconded the motion. Dr. Rutberg abstained. The motion passed. (5-0-1)**

**Discuss Completion of Evergreen Square Subdivision – Order of Conditions for DEP File #185-441 – Wall Street Development**

Mr. Petrozzi would like to finish paving the roads in the Evergreen Square subdivision, which includes Kingsbury Drive and Lamplighter Lane. The Order of Conditions for this subdivision expired in 2007. The work that needs to be completed has to do with the road itself. All drainage structures, detention basins, and wetland replication have reportedly been completed; therefore, no work that would impact the resource areas needs to be done. The road needs to be paved and a guardrail needs to be installed on the bridge above a resource area. The Agent will inspect the wetland replication areas to ensure that they have been completed as planned in the Order of Conditions.

The original Order of Conditions has expired and did not exist within the window for the Permit Extension Act, so it cannot be extended. From a procedural standpoint, the Commission is willing to consider a Request for Determination of Applicability from Mr. Petrozzi.

**Vote on Request for Certificate of Compliance for DEP File #185-713, 128 Hollis Street, Mark Dellicker representing Kenneth Robinson**

The Agent inspected the site on January 6, 2013. There is one ongoing condition in perpetuity regarding the use of low phosphate fertilizer.

**Mr. Lively made a motion to issue a Certificate of Compliance for DEP File #185-713, 128 Hollis Street. Ms. Weissman seconded the motion. Unanimous. (6-0-0)**

**Vote to Issue a Corrected Order of Conditions for DEP File #185-729 Lot 6 Concord Street – Holliston Residential Realty**

The Order of Conditions for Lot 6 Concord Street was originally approved by the Commission, but was appealed to the DEP under the Wetlands Protection Act and to Superior Court under the Bylaw. The applicant's attorney withdrew the motion at Superior Court. Under the Bylaw, a separate Corrected Order of Conditions should be voted upon to change condition #44 to add arborvitae along the 50' No-Disturbance line on the east side of the house and 3 concrete bounds along the 50' No-Disturbance line on the west side of the house.

An As-Built Plan will be required for the issuance of a Certificate of Compliance so that it will be ensured that the No-Disturbance lines are delineated appropriately.

**Mr. McGrath made a motion to issue a Corrected Order of Conditions under Article XXX, Holliston Wetlands Administrative Bylaw ONLY, for DEP File #185-729 Lot 6 Concord Street. Mr. Maccagnano seconded the motion. Unanimous. (6-0-0)**

**Public Meetings & Hearings**

**Continued Public Hearing – Notice of Intent for DEP File # 185-753: 89 Brook Street, identified as Holliston Assessors Map 12, Block 2 Lot 19, proposed construction of a detached garage, Joyce Hastings/GLM Engineering, Inc. representing Robert and Cynthia Foster**

At the last meeting on April 23, 2013, the Commission did not have issues with this project. The hearing could not be closed because a response had not been received from Natural Heritage. Since the last meeting, a determination letter has been received from Natural Heritage stating that this project has no adverse impacts to endangered species.

**Mr. Weissman made a motion to close the hearing for DEP File #185-753, 89 Brook Street. Mr. McGrath seconded the motion. Dr. Rutberg abstained. The motion passed. (5-0-1)**

**Mr. McGrath made a motion to approve and issue the Order of Conditions for DEP File #185-753, 89 Brook Street with the understanding that Condition #35 will be stricken if it is against building code. Mr. Lively seconded the motion. Dr. Rutberg abstained. The motion passed. (5-0-1)**

**Continued 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. Poxon revised the Stormwater Management Report in response to the Agent's comments. The infiltration basin detail was changed to allow a freely draining sandy bottom.

Mr. Poxon inquired as to whether he needed to do a separate NOI for the crossing of the wetlands to get to Lot 3 on the other side of the wetlands. The Agent believes that the crossing is an exempt activity and does not require a separate filing.

**Mr. Lively made a motion to close the hearing for DEP File # 185-741: Indian Trail Estates Subdivision. Mr. McGrath seconded the motion. Unanimous. (6-0-0)**

**Continued Public Hearing – Notice of Intent for DEP File # 185-749: Lot 25 Governor Prence Way, identified as Holliston Assessors Map 14, Block 5, Lot 25, proposed grading and site work associated with the construction of a single family house lot, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Holliston Residential Realty LLC***

The Lot 25 configuration shown on the NOI project plan is not the same as that shown on the record Definitive Subdivision Plan. An "Approval Not Required" was filed with the Planning Board for their next meeting on May 16<sup>th</sup>. Mr. Lavoie requested that this hearing be continued until May 21, 2013, since the Commission will not make any final decisions on this property until it is an official lot.

**Mr. Bajdek made a motion to continue the hearing for DEP File #185-749, Lot 25 Governor Prence Way to May 21, 2013. Mr. Maccagnano seconded the motion. Unanimous. (6-0-0)**

### **General Business Continued**

### **Vote on Emergency Certificate to Partially Breach Beaver Dam Behind Paul Road on Bannish's Property – Joe Bannish**

APPROVED Conservation Commission Minutes 05-14-13

Issued by: Sheri D. O'Brien

Approved by Commission: 05-28-13

Page 3 of 5

Half of the beaver dam located behind 56 Paul Road is on Mr. Bannish's property. The elevated water level caused by this beaver dam is within 400' of Well #4 and Ron Sharpin, Head of the Water Department, agrees that higher water level is a bacterial threat to Well #4. In addition, the dam is upstream of the section of Route 16 that regularly floods and if the dam did happen to catastrophically fail, it would pose a risk to Route 16. When a written response regarding the bacterial level threat is received from Mr. Sharpin, an Emergency Certificate will be issued to Mr. Bannish. Mr. Bannish has also inquired with the Board of Health about obtaining a permit to trap beavers out of season.

Mr. Bannish is willing to pay for a water level control device for this beaver dam, because the affect on his property is significant. A Notice of Intent would need to be filed by Mr. Bannish if a water control device is installed. The Agent will contact Mike Callahan from Beaver Solutions regarding the installation of a water level control device at this location.

**Administrative Correction – New Signature Page for DEP File # 185-748: Lot 78 Highland Street, (adjacent to 1045 Highland Street) – James Dunne**

The South Middlesex Registry of Deeds would not accept the signature page of the Order of Conditions for DEP File #185-748, because the file number had to be modified by hand due to a typographical error. Therefore, a new signature page with the correct DEP File number must be signed. This Order was approved at the last meeting on April 23, 2013 and this is simply an administrative correction. The Commission signed the approval page of the Order of Conditions.

**Vote on The Trustees of Reservation' Conservation Restriction and Municipal Certificate approvals for additional parcels in the Adams Street Town Forest**

The Commission recommended this CR to the Selectmen on August 21, 2012. When it was sent to the state changes were made that were not substantive to meet the state's requirements. A Municipal Certificate also needs to be signed to ensure that Conservation Restriction actually has conservation value to serve the public interest.

**Mr. Weissman made a motion to grant the Conservation Restriction to The Trustees of Reservations and to approve the Municipal Certification for the additional "NStar" parcels in the Adams Street Conservation area. Mr. McGrath seconded the motion. Unanimous. (6-0-0)**

**Holliston Wetlands Bylaw Review**

MacGregor and Associates reviewed the Holliston Administrative Wetlands Bylaw and made recommendations for modifying the Bylaw. The Agent will prepare a newly modified Bylaw for the Commission to review.

**General Business/Review Mail**

The mail was reviewed.

An invoice for Attorney Antonellis was signed.

**Vote on ConCom Meeting Minutes from 3/27/13 and 4/23/13**

**Ms. Weissman made a motion to approve the meeting minutes from March 27, 2013 with the Commission's comments incorporated. Ms. Maccagnano seconded the motion. Mr. Lively and Mr. McGrath abstained. The motion passed. (4-0-2)**

APPROVED Conservation Commission Minutes 05-14-13

Issued by: Sheri D. O'Brien

Approved by Commission: 05-28-13

Page 4 of 5

**Mr. McGrath made a motion to approve the meeting minutes from April 23, 2013 with the Commission's comments incorporated. Mr. Lively seconded the motion. Dr. Rutberg abstained. The motion passed. (5-0-1)**

**Rail Trail Site Walk from Blair Square to Cross Street**

Mr. McGrath and Ms. Weissman both attended the site walk on Saturday, May 11<sup>th</sup>, and both felt positively about the work that is being proposed for the Request for Determination of Applicability that will be heard at the meeting on May 21<sup>st</sup>.

**At 9:33 PM, Mr. Maccagnano made a motion to adjourn the meeting. Mr. McGrath seconded the motion. Unanimous. (6-0-0)**

The next Conservation Commission meeting will be May 21, 2013.