

## Holliston Conservation Commission

### APPROVED Meeting Minutes

Town Hall . Meeting Room #014

July 9, 2013

7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair; Shaw Lively, Jim McGrath, Rebecca Weissman, Commissioners

Charles Katuska, Conservation Agent

Sheri O'Brien, Conservation Assistant

Absent: Chris Bajdek, Commissioner

**Allen Rutberg, Chairman, opened the meeting at 7:32 PM.**

### **NStar Mobile Substation – Additional Tree Clearing - Order of Conditions for DEP File # 185-747 - Fiske & Marilyn Streets – NStar Electric/Michael Zylich & Simon Hildt/Tighe & Bond**

Mr. Hildt presented photos and plans showing the proposed additional tree clearing at the NStar mobile substation site. They would like to cut an additional five tall pine trees that grew up within the forest and there are concerns that these pines could easily blow over in a large wind storm. Today, the Agent consulted with Eve Schluter from NHESP regarding any potential endangered species impact. Ms. Schluter is waiting for additional information from NStar. NHESP is going to ask that the trees be left on the ground and the stumps will be left in place. A letter is supposed to be e-mailed to the Conservation Commission from NHESP confirming that this additional clearing will not change the NHESP's original approval for this project. NStar agreed that no heavy equipment will be driven into the forested area to cut down these trees.

The Commission does not have any issues with the additional clearing of these five trees as long as the NHESP signs off on the clearing proposal.

**Ms. Pilch made a motion accept this as an administrative change to the Order of Conditions for DEP File #185-747 pending the receipt of the “finding of no significant impact” letter from NHESP. Ms. Weissman seconded the motion. Mr. McGrath abstained. The motion passed. (4-0-1)**

### **Potential Eagle Scout Project, Weston Pond – Nathaniel Bagge**

Master Bagge has not presented any new information regarding this proposed project at this time.

### **Review Mail**

The Commission signed an invoice for \$5,000 for maps for the Open Space and Recreation Plan. This money will come out of the Conservation Fund.

### **Authorized Signatures for Approval of Bills/Invoices**

The Commission agreed that the Conservation Agent or the Conservation Assistant may sign off on invoices that are \$200 or less. However, if an invoice is over \$200, then two Conservation Commissioner signatures are necessary. If a Commission meeting is not scheduled within its normal two week time frame, the following is allowed: One Conservation Commission signature and the Conservation Agent or the Conservation Assistant.

The Commission signed the memo with their Authorized Signatures and Initials.

### **Request for Certificate of Compliance for DEP File # 185-723: 2 Rocky Woods Trail (Lot 7) – Ron Nation/South Mill Street LLC**

The Agent inspected 2 Rocky Woods Trail today and found it to be well stabilized. Photographs of the lot were presented. A letter will also be written explaining that the Order for the roadways (185-718) does not pertain to this lot.

**Ms. Pilch made a motion to issue a Certificate of Compliance for DEP File # 185-723: 2 Rocky Woods Trail (Lot 7). Mr. McGrath seconded the motion. Unanimous. (5-0-0)**

### **Vote on Draft ConCom Meeting Minutes from 5/28/13 & 6/11/13 and Draft Executive Session Minutes from 6/11/13**

**Ms. Pilch made a motion to approve the meeting minutes from May 28, 2013 with the Commission's comments incorporated. Mr. Lively seconded the motion. Ms. Weissman abstained. The motion passed. (4-0-1)**

**Mr. Lively made a motion to approve the meeting minutes from June 11, 2013 with the Commission's comments incorporated. Mr. McGrath seconded the motion. Unanimous. (5-0-0)**

**Ms. Pilch made a motion to approve the Executive Session meeting minutes from June 11, 2013 with the Commission's comments incorporated. Mr. Weissman seconded the motion. Unanimous. (5-0-0)**

### **Public Meetings & Hearings**

**Continued Public Hearing – Notice of Intent for DEP File # 185-759: 157-165 Lowland Street - identified as Holliston Assessors Map 12, Block 4, Lot 34 and Map 9, Block 3, Lot 16, respectively, proposal to remediate an historical release of oil and hazardous material within a 4,000 square foot area, Catherine Johnson/GEI Consultants, Inc. representing Aggregate Industries – Northeast Region, Inc.**

Ms. Andrea Igo from GEI Consultants representing Aggregate Industries was present. Aggregate Industries received a letter from NHESP finding no significant impact to state-listed

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rare species. A Certificate of Compliance will be issued once the Remedial Action Report is received.

**Ms. McGrath made a motion to close the hearing for DEP File #185-759, 157-165 Lowland Street. Ms. Pilch seconded the motion. Ms. Weissman abstained. The motion passed. (4-0-1)**

**Ms. Pilch made a motion to approve and issue an Order of Conditions for DEP File #185-759, 157-165 Lowland Street. Mr. McGrath seconded the motion. Ms. Weissman abstained. The motion passed. (4-0-1)**

**Continued Public Meeting - Request for Determination of Applicability - #D-505:**

**Kingsbury Drive - identified as Holliston Assessors Map 5, Block 3 private ways,** proposal to complete the roadway (curbing, guardrail and final pavement) and sidewalk improvements, *Joyce Hastings/GLM Engineering* representing *Lou Petrozzi/Wall Street Development Corp.*

On the morning of July 3, 2013, the Agent met with Mr. Petrozzi on-site to look at the mitigation area. Mr. Petrozzi has agreed to join the mitigation area to the natural wetlands so that they will be hydrologically connected with one or two narrow connections through the remaining earthen berm (see C. Katuska's e-mail dated July 3, 2013). It was also agreed upon that it would be best to do the work during leaf-off conditions this coming Fall 2013, so that the work can be more easily defined and completed.

The special conditions listed below were discussed and agreed upon by Mr. Petrozzi during the site visit with the Agent. All work shall be completed in accordance with the Amended Definitive Subdivision Plan for Evergreen Square dated 12/14/01 (and signed 3/20/02). Mr. Petrozzi is still in discussions with the Planning Board, because the retaining walls for the roadway's crossing were made out of modular block (instead of the usual precast concrete); however, there was no detail provided for the retaining wall on the plan. If any changes to the approved Amended Subdivision Plan are required by the Planning Board, then the Commission will be asked to review the changes and have the opportunity to respond at that time.

**Ms. Pilch made a motion to issue the following Determinations for RFD #D-505, Kingsbury Drive:**

**Positive #2A Determination:** the boundaries of the bordering vegetated wetlands 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.

**Special Conditions:**

- 1) Work authorized for completion of roadway infrastructure (guard rails, curbing, pavement, etc.) shall be as shown on the Amended Definitive Subdivision plans previously approved under DEP File #185-441 and/or as agreed upon through further consultation with the Holliston Planning Board.

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- 2) Any change from the work shown on the Amended Definitive Subdivision plans previously approved under DEP File #185-441, as agreed upon through further consultation with the Holliston Planning Board, will be submitted to the Conservation Commission in writing prior to construction.
- 3) Functional erosion control barriers must be present prior to any disturbance of vegetated area for roadway or mitigation area completion work. Conservation Commission office must be notified (508-429-0607) following installation of any new erosion controls. Erosion controls are to be maintained onsite in functional condition until all areas disturbed are restabilized with vegetation. All onsite erosion control barriers must be removed from the project site prior to the issuance of any Certificate of Compliance for prior Order of Conditions.
- 4) Regardless of the construction schedule for completion of the remaining roadway infrastructure previously approved under DEP File #185-441, the hydrologic connection(s) from the wetland mitigation area to the existing bordering vegetated wetland will be defined through further consultation with the Conservation Commission and constructed during the Fall of 2013.
- 5) Failure to meet any of these conditions will result in the revocation of this Determination of Applicability and trigger the requirement for a new Notice of Intent and Order of Conditions for completion of the remaining roadway infrastructure and wetland mitigation area.

**Mr. McGrath seconded the motion. Unanimous. (4-0-1)**

***The following three hearings were discussed and voted upon simultaneously.***

**\*\*New Public Hearing – Notice of Intent for DEP File # 185-760: Lot 3.2A Old Cart Path - identified as Holliston Assessors Map 14, Block 5, Lot 3.2 (portion A),** proposed construction of a single-family house and the associated grading and site work, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Constitution Village LLC*

**\*\*New Public Hearing – Notice of Intent for DEP File # 185-761: Lot 3.2B Old Cart Path - identified as Holliston Assessors Map 14, Block 5, Lot 3.2 (portion B),** proposed construction of a single-family house and the associated grading and site work, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Constitution Village LLC*

**\*\*New Public Hearing – Notice of Intent for DEP File # 185-762: Lot 3.2C Old Cart Path - identified as Holliston Assessors Map 14, Block 5, Lot 3.2 (portion C),** proposed construction of a single-family house and the associated grading and site work, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Constitution Village LLC*

Mr. Katuska read the legal notices for the above listed hearings as published in the *MetroWest Daily News* on July 2, 2013.

A written request was received from Mr. Lavoie asking that the above hearings for DEP File Nos. 185-760, 185-761, and 185-762 be continued until July 23, 2013.

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**Ms. Pilch made a motion to continue the hearings for DEP File Nos. 185-760, 185-762, 185-762: Lot 3.2A, 3.2B, and 3.2C Old Cart Path, respectively. Mr. McGrath seconded the motion. Unanimous. (5-0-0)**

### **General Business Continued**

#### **Beaver Dams at Paul Road and Weston Pond**

The Agent and Dr. Rutberg met with Mike Callahan of Beaver Solutions at the flooded area today. Mr. Callahan believes that a water control structure located at the Weston Pond spillway will be able to control the water level more effectively than a water control structure in the beaver dam at Paul Road. However, if it still appears to be necessary after installing the Weston Pond control structure, Mr. Callahan explained that he could install a small water leveling pipe in the Paul Road dam. Mr. Callahan will send a quote regarding the control structure installation at Weston Pond spillway.

**At 8:32 PM, Ms. Pilch made a motion to enter Executive Session for the purpose of discussing property acquisition and stated that the public meeting would not reconvene at the end of the Executive Session. Mr. McGrath seconded the motion. Dr. Rutberg proceeded with a roll call vote to go into Executive Session.**

**Mr. Lively: yes  
Mr. McGrath: yes  
Ms. Weissman: yes  
Dr. Rutberg: yes  
Ms. Pilch: yes  
Mr. Bajdek: absent**

**The Motion Passed.**