

## **Holliston Conservation Commission**

### **Meeting Minutes**

Town Hall – Meeting Room #014

April 12, 2011

7:30 PM

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

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

Absent: Peter Rosati, Commissioner

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

### **General Business**

#### **Review/Discuss Mail**

The mail was reviewed.

A 1974 patch commemorating the 250<sup>th</sup> Anniversary of Holliston was received without a letter or return address from Florence, South Carolina. No one was sure who could have sent it. Ms. O'Brien will inquire about the patch with the Town Clerk. (Afterwards Note: The Town Clerk, Jackie Dellicker, did not have this patch and was very happy to be able to add it to a historical collection of memorabilia from the 250<sup>th</sup> Anniversary.)

### **Agent's Report**

The Agent's Report was read (attached).

#### **27 Oak Street**

Several changes have been made to the property in the buffer zone without any application. Mr. Katuska will communicate with the owner regarding the existing conditions and potential resolutions.

#### **82 South Street**

Work was being done to level the front and side yards. Mr. Katuska visited the property and discussed the project with the owner. No work had been done in the 100' buffer zone, except for a slight spreading of soil. Mr. Katuska recommended that when any future work is done, that the owner should contact the Agent for a consultation to determine if an application is required.

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**Issued by: Sheri D. O'Brien**

**Approved by Commission: 06-14-11**

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## **General Business Continued**

### **Request for CoC: DEP #185-710, Dunkin Donuts, 441 Washington St., Bert Corey/ Schofield Brothers representing Virginio Sardinha**

Attorney Michael Healy was present representing Virginio “Gene” Sardinha. The very expensive system they bought and installed apparently does not work. He explained that all Conditions in the Order of Conditions have been met, even though the system itself does not work. Data regarding whether the system is working should come back shortly before April 22<sup>nd</sup> when the company that makes the system comes for a site visit. The question is whether the issue is with the unit or how it is being used.

The testing port was decommissioned as requested by the Board of Health. The temporary holding tanks are monitored and if they receive more than 14 pumps/24 hours, then Mr. Corey and Harry Kampersal (Holliston Sewer) are called to pump them out.

The presumption was made that the temporary holding tanks would be removed when the project was completed, however, the temporary holding tanks are still present. The BOH will oversee the regulation of the temporary holding tanks and the proper operation of the new septic system.

**Ms. Pilch made a motion to issue the Certificate of Compliance for DEP #185-710, Dunkin Donuts, 441 Washington Street. Mr. Rutberg seconded the motion. Five voted Yes (Maccagnano, Bajdek, Zeamer, Pilch, Rutberg). Mr. Carnes voted No. The motion passed.**

### **Vote to Approve Order of Conditions for DEP #185-712: “0” Brook Street, identified as Assessors Map 12, Block 2, Lot 10.2, Edward Zimmerman/Brown and Caldwell representing Browning-Ferris Industries, Inc.**

Chuck Myette from Brown and Caldwell was present. Mr. Katuska explained that the significant Special Conditions specified included:

- a daily on-site Compliance Inspector to document daily erosion control inspections and daily turtle clearance surveys (Note: Completion of activities identified in the Turtle Protection Plan to be performed by a qualified ecologist/biologist may require the retention of a separate individual who is not the Compliance Inspector);
- oversight by an independent Wetlands Restoration Specialist to document, including a Log book of all activities required by the RAM Plan;
- two post-construction growing season years of wetland restoration monitoring every Spring and Fall detailing success or failure of the recolonization by the vernal pool species by the independent wetlands restoration specialist; and
- As-Built plans that include both sub-grade and finished elevations.

**Ms. Pilch made a motion to approve Order of Conditions for DEP #185-712: “0” Brook Street. Mr. Rutberg seconded the motion. Unanimous.**

### **Public Meetings and Public Hearings**

**\*\*New Public Meeting – RFD #455: 511 Concord Street, identified as Assessors Map 11, Block 6, Lot 16, proposed gas line installation, Joyce Hastings/GLM Engineering representing Nancy Malcolm**

Mr. Katuska read the legal notice for RFD #455, 511 Concord Street as it was published in the *Metrowest Daily News* on April 5th, 2011. Ms. Hastings from GLM Engineering was present. The drainage ditch/intermittent stream is dry 99% of the time. It flows from the overflow detention basin above which is behind 47 October Hill Road. Per the Mass WPA, the Intermittent stream is upgradient of all other resource areas. Per the Holliston Wetland Administrative Bylaw, it is a Type II intermittent stream and the gas line will not impact the resource areas.

**Ms. Pilch made a motion to issue the following Determinations for RFD #455, 511 Concord Street:**

**Positive #5 Determination:** the work is subject to review by the Holliston Conservation Commission pursuant to the Holliston Wetlands Administration ByLaw (Article XXX); **Positive #6 Determination:** the work is subject to the Holliston Wetlands Administration Bylaw (Article XXX), Section 3.6, Intermittent Stream, Type II, but is not subject to the Massachusetts Wetlands Protection Act, because this intermittent stream is upgradient of all swamps, marshes, wet meadows, and bogs and is not subject to regulation (310 CMR 10.04 “Stream”); and **Negative #1 Determination:** the area is not an area subject to protection under the Act or the Buffer Zone.

**Mr. Rutberg seconded the motion. Unanimous.**

### **EXECUTIVE SESSION – RE: Holliston Residential Realty (Fafard) Litigation**

**At 8:19 PM, Ms. Pilch made motion to enter Executive Session for the purpose of discussing Holliston Residential Realty (Fafard) litigation and stated that the public meeting would reconvene at the end of the Executive Session. Mr. Rutberg seconded the motion. Mr. Zeamer proceeded with a roll call vote to go into Executive Session.**

**Mr. Carnes: yes**

**Mr. Maccagnano: yes**

**Mr. Bajdek: yes**

**Mr. Zeamer: yes**

**Ms. Pilch: yes**

**Mr. Rutberg: yes**

**Mr. Rosati: absent**

**Motion Passed and Executive Session was convened.**

**The Regular Meeting was re-convened at 9:01 PM.**

**General Business Continued**

**Request for CoC: DEP #185-397, Highlands at Holliston - Paul A. Beattie, Esq. representing Holliston Residential Realty, LLC**

After hearing information from the Commission's Executive Session, Attorney Beattie told Attorney Antonellis that he did not need to see the Commission tonight.

**Vote on ConCom Regular Meeting Minutes from 4/4/11**

The minutes were not prepared for approval.

**Vote on Approval of Executive Session Minutes from 4/4/11**

The minutes were not prepared for approval.

**Open Space and Recreation Plan**

Ms. Pilch asked exactly what date in 2011 the OSRP expires. It is necessary if the town wants to apply for any state grants or funding. Planning Board has offered to work with the Commission in preparing the OSRP. Mr. Katuska will draft a Scope of Required Work and what Commissioners could do what parts and in-house commitments. Ms. Pilch would like a copy of the current OSRP.

**At 9:18 PM, Mr. Rutberg made a motion to adjourn the meeting. Mr. Pilch seconded the motion. Unanimous.**

The next Conservation Commission meeting will be Tuesday, April 26th, 2011.