

Holliston Conservation Commission

Meeting Minutes

Town Hall – Meeting Room #014

May 17, 2011

7:30 PM

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

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

Absent: Geoffrey Zeamer, Chair; Chris Bajdek, Peter Rosati,
Commissioners

Ms. Pilch opened the meeting 7:39 PM.

General Business

Agent's Report

The Agent's Report was read (attached) and the following was discussed:

216 Prentice Street – Outpost Farm

The proposed greenhouse looks more like a pavilion. Awaiting a decision from the Building Inspector as to whether the owner may proceed.

Marshall St./Prentice St. "Bird Property" 40B Project

J. Michael Norton requested an informal discussion with the ConCom. Since Mr. Norton and the town are under active litigation, Mr. LeBeau advised that an informal discussion was not warranted at this time.

Hopping Brook Industrial Park – Solar Panel Project

Seventy to eighty acre solar panel installation project is under consideration by NStar. It is located on two lots at the most southern end of the park. They may be able to keep the entire project out of the ConCom's jurisdiction. The Agent advised them that they should still consult the Commission regarding Stormwater Management and Wildlife Management. MEPA will need to be consulted for project change from industrial park to solar panel. There will be significant land disturbance potential, however, limited access after construction for maintenance. Ms. Pilch requested a concept plan of the property with wetland lines. Mr. Katuska believes they will likely have to use herbicides to keep grass low, because mowing around the solar structures would be too difficult. The consulting company for the project has 60 projects in the ground with one in Buzzard's Bay and New Jersey.

Beaver Activity Summary

Breaching of dams is occurring more frequently with the higher water levels this Spring. The Willow Brook dam has been breached, along with a dam at Marshall St. and Great Meadow Road, and a dam off of Hanlon Road. Also, the dam at the Mission Springs baseball field is being breached under the Park and Rec's Order of Conditions. Under the OoC, a pond leveler is supposed to be installed here by Mike Callahan.

Stockpiles of Materials at 137 Lowland Street

There are several large piles of loam and fill at the former Aggregate Industries that are being processed as required by DEP before Aggregate Industries leaves the site. There is a berm between the stockpiles and the wetlands and the Agent has been told that there is no risk of erosion into the wetlands. The new leaser of the property has agreed to carry out DEP requirements according to Mr. Carnes. Mr. Katuska also noted that the Highway Dept. has been using this location as a holding facility for the roadways that are being milled up in town. The Commission did not believe that this was a good practice. Mr. Katuska explained the Building Dept. is asking the Highway Dept. to get the proper approvals to dump the milled roadway material here.

General Business Continued

Informal Discussion RE: Potential Violation between 175 & 211 Norfolk Street; identified as Assessors Map 8F, Block 5, Lot 33 - Peter Koshivaki, Jr. & Estate of Michael Koshivas

A potential violation letter was issued to Peter Koshivaki, Jr. and the Estate of Michael Koshivas (Executor - Konstantine "Dean" Koshivas) on May 11, 2011. An extensive land disturbance has been created by Peter Koshivaki to within 20' of the wetland line. The rocks are being dug out of the field (it was an old orchard) to make a usable agricultural field. Mr. Koshivaki does not own the land. It is currently part of the Estate of Michael

Mr. Koshivaki was present. The executor of the estate is not present this evening on the advice of his counsel. No work is being done directly in the wetlands at this point, but work is being done within the 100' buffer zone. A notice of potential violation letter was previously sent to Mr. Koshivaki on August 20, 2008. NRCS was contacted and Mr. Koshivaki presented a copy of the letter from NRCS. He explained that they did not proceed with NRCS due to legal issues with the estate.

Mr. Koshivaki explained that they are digging up asphalt chunks to change the property from an orchard to row agriculture. A silt fence was installed. The property is under the 61(A) Guidelines. Probate court found probable cause to remove Konstantine Koshivas as executor from the estate.

Micahel Koshivaki's two sons are supposed to be the owners when the estate is settled; however, Peter Koshivaki pays the tax bill for the property. Mr. Koshivaki wants to create a retention pond at the lower corner of the property and that is why he wanted to get NRCS involved.

Mr. Maccagnano inquired if there is a plan for the retention pond. Mr. Koshivaki said that there was not a plan and that is why he needed to work with NRCS. They may need to move the pond from the corner of the property to the center of the western edge of the property.

Mr. Koshivaki said he will continue to work, but will stay outside the 100' buffer zone. He explained that he is working 150' to 200' from the wetlands now and he will maintain the erosion controls. Ms. Pilch agreed that as long as work is done out of the 100' buffer zone and maintained the erosion controls so that nothing washes into the wetlands. He would like to work with NRCS, but the family is tied up with a lot of legal issues right now, so it may not happen in the near future.

There are concrete forms stored within the buffer zone. Mr. Koshivaki believes they are on his property, however, the Agent explained that the Assessors' records show differently. The Commission explained that no matter the owner, the forms should not be in the buffer zone.

A portion of the property has been used as a contractor's storage yard on the western edge of the property, so it was taken out of active agricultural use at some point in the last 4 to 5 years. Mr. Katuska showed photos of the property in 2008 and 2011.

Mr. Katuska will meet with Mr. Koshivaki on site tomorrow.

Public Meetings and Public Hearings

****New Public Hearing – NOI DEP #185-713: 128 Hollis Street, indentified as Assessors Map 8, Block 6, Lot 13,** proposed underground electrical service, driveway turnaround, and project access way, *Joyce Hastings/GLM Engineering* representing *Kenneth Robinson*

Mr. Katuska read the legal notice for NOI DEP #185-713, 128 Hollis Street as it was published in the *Metrowest Dailey News* on May 10th, 2011. Ms. Hastings from GLM Engineering and Ted Valpey, contractor, were present. An addition is being constructed outside the 100' buffer zone, but the project access way, driveway turn around, and underground electrical service will be in the 50-100' buffer area and will go above ground at a telephone pole that is 47' from the wetland line. A septic tank will be moved from its location (which would be under the new addition); and it will be replaced in a location 10' from the addition, but it is also outside the 100' buffer zone.

Mr. Katuska explained that the erosion controls need to be maintained carefully, because the site is so steep.

Ms. Maccagnano made a motion to close the hearing for NOI DEP #185-713, 128 Hollis Street. Mr. Rutberg seconded the motion. Unanimous.

A condition to be maintained in perpetuity will be added to the Order so that no pesticides will be used in the buffer zone and only low phosphorous fertilizers will be used.

Mr. Rutberg made a motion to issue an Order of Conditions for DEP #185-713, 128 Hollis Street contingent upon the following special condition in perpetuity: Fertilizers need to have low phosphate content and pesticides and herbicides may not be used within 100 feet of the wetland resource area. Mr. Maccagnano seconded the motion. Unanimous.

****New Public Hearing – NOI DEP #185-714: 20 Kingsbury Drive, identified as Assessors Map 4, Block 4, Lot 58.5, proposed in-ground pool, deck, pool house, and retaining wall, Joyce Hastings/GLM Engineering representing Joanne Popp**

Mr. Katuska read the legal notice for NOI DEP #185-714, 20 Kingsbury Drive as it was published in the *Metrowest Dailey News* on May 10th, 2011. Ms. Hastings from GLM Engineering was present.

The pool needs to be 20' from the septic system and is proposed as such. A portion of the existing retaining wall will be moved and a clump of oaks and one pine tree will be removed.

The pool will be a salt water system, so there won't need to be a back wash pit. It is "back washed" into itself and is relatively maintenance free. Ms. Pilch expressed concerns that there were a lot of impervious surfaces in the 50-100' buffer zone.

A fence will be added around the property, a portion will be in the 50-100' buffer zone. The Agent suggested that a chain link be used in the buffer zone for wildlife mobility. He also suggested to the Commission that porous pavers would be helpful in making the surfaces less impervious.

The following special conditions will be added to the Order of Conditions:

Ms. Hastings agreed to change the pavers to be porous so that they would be pervious to precipitation. She also agreed that if anything happened to the pool, the owners would have the pool pumped into a truck rather than draining the salt water into the wetlands. There will be no back wash discharge of any type of water (salt or chlorinated) anywhere and there will be no pool pumping except into a truck. She will add the gates in the fence, which will be chain link in the buffer zone. Lastly, there will be no pesticides used in the buffer zone and only low phosphate fertilizers will be used in the buffer zone.

Mr. Rutberg made a motion to close the hearing for NOI DEP #185-714, 20 Kingsbury Drive. Mr. Maccagnano seconded the motion. Unanimous.

Mr. Rutberg made a motion to issue an Order of Conditions for DEP #185-713, 20 Kingsbury Drive contingent upon the following special conditions in perpetuity: 1) Fertilizers need to have low phosphate content and pesticides and herbicides may not be used within 100 feet of the wetland resource area, 2) pool filter backwash discharge is prohibited to any area subject to the MA WPA or the Holliston Wetlands Administration By-Law, and 3) pool water discharge is prohibited unless it is into a closed collection

system. Mr. Carnes seconded the motion. Mr. Maccagnano abstained. The motion passed. (Carnes, Pilch, Rutberg)

General Business Continued

Informal Discussion RE: Potential Violation at 245 Washington Street (& adjacent to); identified as Assessors Map 11, Block 5, Lots 69.1 & 69.2 - Michael Tomasetti

A potential violation letter was issued to Michael Tomasetti on May 11, 2011. Mr. Tomasetti had sheep in his front field. The field was a mess with pallets, fence posts, wire, tires, etc. after there was construction on Rt. 16. He explained that he was cleaning up the property of the "junk." Mr. Carnes asked if the debris predated his ownership. He explained that the debris was a result of neglect over the past 20 years that he owned it when the sheep were there. He stopped sheep farming 4-5 years ago. No trees were removed. Mr. Katuska will meet with Mr. Tomasetti tomorrow on site to discuss a plan for how to finish the site.

Review/Discuss Mail

The mail was reviewed and the following was discussed:

Request a Transfer of Funds

An invoice dated 5/9/11 for the town's legal counsel (Joseph Antonellis, Esq.) has been received and extra funds are needed to pay the invoice.

Mr. Rutberg made a motion to Request a Transfer of Funds (from the Reserve Fund) in the amount of \$2,167.75. Mr. Carnes seconded the motion. Unanimous.

Ink Cartridges for Color Printer

An invoice was signed to reimburse Ms. O'Brien \$31.65 for color ink cartridges.

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

The next Conservation Commission meeting will be Tuesday, May 31st, 2011.