

## **Holliston Conservation Commission**

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

February 14, 2012  
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

**Mr. Zeamer opened the meeting at 7:32 PM.**

### **General Business**

#### **Agent's Report**

An Agent's Report was not presented tonight.

#### **Vote on the Adoption of MGL Ch. 39, s. 23D - Review of Public Hearing Evidence Affidavit**

MGL Ch. 39, s. 23D allows for a Commission member to miss a single session of a hearing if the evidence of the session is reviewed in the form of an audio recording, video recording, or transcript as long as that Commission member certifies in writing that they have reviewed the evidence. This affidavit will be come part of the record of the hearing. MGL Chapter 39, Section 23D reads:

Section 23D. (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.

**Approved Conservation Commission Minutes 02-14-12**  
**Issued by: Sheri D. O'Brien**  
**Approved by Commission: 03-27-12**  
**Page 1 of 6**

**Ms. Pilch made a motion for the Conservation Commission to adopt MGL Ch. 39, s.23D. Mr. Carnes seconded the motion. Unanimous.**

**Discussion RE: DoA #452, Rail Trail Project Update – Robert Weidknecht/ Holliston Trails Committee**

Mr. Weidknecht explained that the trail committee originally wanted to put a crown on the trail when it was finished it with stone dust. However, they have been advised that a 1.5% cross-pitch across the trail would be better. The stone dust will be rolled and be compacted. The stonedust that will be used will be the proper amount of fines so that it won't be erodible. It will be similar to the stonedust used on the Waschuset Greenway trail. The Commission agreed that the silt fence should be left in place until the stonedust has been rolled and been rained-in-place.

The Trail Committee will be back this coming Spring with a Request for Determination of Applicability for the segment of the rail trail between the South Street and the Milford town line.

**POSTPONED - Discussion RE: Enforcement Order - DEP #185-628 - 355 Highland Street Highland Meadows/The Orchards - Gary Ruping/Ruping Companies**

The Enforcement Order discussion will be postponed until the next meeting on February 28<sup>th</sup>.

**Discussion RE: Enforcement Order - 211 Norfolk Street, Koshivaki, Koshivas, et al.**

Mr. Katuska and Mr. Carnes met with Peter Koshivaki on February 8<sup>th</sup>. The three silt traps on the property are working well, with the one in the northeast corner collecting most of the water from the open part of the property. He has brought in a pile of stone and placed it in the buffer zone. The Commission agreed that the vehicles should not be driven or stored in the buffer zone and Mr. Koshivaki (or anyone using the property) should be notified of this.

The Commission would like the Agent to draft a letter to Mr. Koshivaki requesting a plan of the site's layout. Mr. Koshivaki should also be notified that he still needs to meet with the Conservation District representative.

**Review/Vote on Final Conservation Restriction for Balancing Rock Condominiums - DEP #185-601**

The Commission agreed that the CR condition allowing the cutting or trimming of vegetation for aesthetic purpose should be removed. Ms. Pilch recommended that model language from the state or from MACC should be used regarding trail maintenance. The Agent will research this language.

**Discuss New ConCom Liaison for CPC to Replace Peter Rosati**

Peter Rosati has resigned as Conservation Commissioner after 10 years of service due to the increased demands of his business. Mr. Rosati was also the Commission's liaison to the Community Preservation Committee (CPC), therefore, the Commission needs to determine who the new liaison will be for CPC.

## **Public Meetings & Hearings**

**Continued Public Hearing - Notice of Intent for DEP File # 185-TBD: 35 and 41 Pleasant Street identified as, Holliston Assessors Map 8E, Block 4, Lots 17 and 18, respectively,** proposal to alleviate flooding by improving stormwater drainage and removing vegetation, *Tom Smith/Holliston Highway Department*

The Highway Department requested that the hearing be continued until March 13, 2012.

**Ms. Pilch made a motion to continue the hearing for DEP File #185-TBD: 35 and 41 Pleasant Street to March 13, 2012. Dr. Rutberg seconded the motion. Unanimous.**

**Continued Public Hearing Notice of Intent DEP #185-719: 2016 Washington Street, identified as Holliston Assessors Map 4, Block 6, Lots 11.1., 11.2, and 12.1,** proposal to construct a an access roadway, and to fill and replicate wetlands, *Robert Truax/GLM Engineering, Inc.* representing *Brian McCann/Hill Companies*

Robert Truax, GLM Engineering, Brian McCann, and Peter Barbieri were present. Mr. Zeamer and Mr. Maccagnano reviewed the audio recording evidence of this hearing from Janaury 17, 2012 from which they were absent. Each Commissioner signed an "Affidavit of the Public Hearing Evidence" (subject to MGL C.39 s.23D) to that effect.

The permit from the ACOE has been received. In addition to their standard conditions, the ACOE stipulated that this approval is for this project only and if there is any other filling proposed/required on this property, a new application will need to be filed with the ACOE.

The maintenance of the crossing will be the clearing of any vegetation or other objects the rip rap slope, detention basins, cache basins, and any features thereof. Mr. Carnes is not in favor of the rip rap and would prefer retaining walls. Mr. Maccagnano is not in favor of this type of project in general. The applicant claims that they are not in a position time-wise or financially to build retaining walls.

**Ms. Pilch made a motion to close the hearing for DEP File #185-719, 2016 Washington Street. Mr. Maccagnano seconded the motion. Dr. Rutberg and Mr. Carnes abstained. The motion passed. (RM, CB, GZ, AMP)**

**Ms. Pilch made a motion to approve the plans as presented with the conditions as discussed. The motion was not seconded, therefore, the motion was not voted on.**

**Continued Public Hearing to Amend Order of Conditions for DEP File # 185-720: 157-165 Lowland Street identified as, Holliston Assessors Map 12, Block 4, Lot 34 and Map 9, Block 3, Lot 16, respectively,** proposal to allow the use of calcium chloride for dust control, *Michael Brumber*

*As an abutter to this property, Mr. Zeamer recused himself from the hearing at 8:22 PM.*

Ms. Pilch (Vice Chair) chaired the meeting during this hearing.

Mr. Brumber presented documents for calcium chloride (CaCl) solution, flakes, and pellets. The first application is a CaCl solution and the solution is mixed into the material. After the first application, CaCl flakes are used to control dust. Mr. Brumber will use water to control dust during the spring, summer, and fall. CaCl spray can also be used to control "fugitive" dust on equipment.

Mass DOT application rates for a gravel road were presented per pound of flakes, because Mr. Brumber will be using the CaCl with gravel. If it is snowing, CaCl pellets should be used instead of flakes. Mr. Brumber does not believe he will be working when it is snowing. Forty 80 lbs. bags of CaCl flakes will be stored on a pallet in a shed.

**Mr. Maccagnano made a motion to close the hearing for the Amendment to Order of Conditions DEP File #185-720: 157-165 Lowland Street. Mr. Bajdek seconded the motion. Dr. Rutberg abstained. Mr. Zeamer recused himself. The motion passed (FC, RM, CB, AMP)**

**Mr. Maccagnano made a motion to approve and issue the Amendment to Order of Conditions DEP File #185-720: 157-165 Lowland Street as revised at the meeting to use MA-DOT guidelines to allow the use of CaCl for dust control. Mr. Bajdek seconded the motion. Dr. Rutberg abstained. Mr. Zeamer recused himself. The motion passed (FC, RM, CB, AMP)**

*Mr. Zeamer resumed as Chair at 8:37 PM.*

**\*\*New Public Meeting - Request for Determination of Applicability #D-469: Lot 1, Rocky Woods Trail identified as Holliston Assessors Map 7, Block 1, section of Lots 9.2, 9.3, and 9.4, proposal to construct single family house including the installation of a septic system, driveway, utilities, and all required site work, Vito Colonna/Connorstone Engineering, Inc. representing Ron Nation/South Mill Street LLC**

Mr. Katuska read the legal notice as it was published in the *Metrowest Daily News* on February 7, 2012.

Craig Nation represented South Mill Street LLC and he presented the revised plans dated February 13, 2012 for Lot 1 Rocky Woods Trail. The revised plans show the wetland line has moved approximately 10 feet closer to the house. The only things in the buffer zone are the erosion controls/haybales.

**Ms. Pilch made a motion to issue the following Determinations for RFD #469, Lot 1 Rocky Woods Trail:**

**Positive #2A Determination: the boundaries of the bordering vegetated wetlands or other resource areas 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 #1 Determination: The area described in the Request is not an area subject to protection under the Act or the Buffer Zone**

**Mr. Bajdek seconded the motion. Unanimous.**

Approved Conservation Commission Minutes 02-14-12

Issued by: Sheri D. O'Brien

Approved by Commission: 03-27-12

Page 4 of 6

**\*\*New Public Hearing - Notice of Intent for DEP File # 185-723: Lot 7, Rocky Woods Trail identified as Holliston Assessors Map 7, Block 1, section of Lots 9.2, 9.3, and 9.4, proposal to construct single family house including the installation of a septic system, driveway, utilities, and all required site work, Vito Colonna/Connorstone Engineering, Inc. representing Ron Nation/South Mill Street LLC**

Mr. Katuska read the legal notice as it was published in the *Metrowest Daily News* on February 7, 2012.

Craig Nation represented South Mill Street LLC and he presented the engineering plans for Lot 7 Rocky Woods Trail. The Commission agreed that the area that is proposed to be cleared needs to be delineated. Mr. Nation drew erosion control lines on the plan, and these lines define the limit of work so that no cutting of vegetation will occur outside the limit of work.

**Dr. Rutberg made a motion to close the hearing for DEP File #185-723: Lot 7, Rocky Woods Trail. Ms. Pilch seconded the motion. Unanimous.**

**Ms. Pilch made a motion to approve and issue an Order of Conditions for DEP File #185-723: Lot 7, Rocky Woods Trail. Mr. Maccagnano seconded the motion. Unanimous.**

### **General Business Continued**

#### **Vote on Revised FY13 Conservation Department Omnibus Budget**

The FY13 Budget was revised to reflect the 1% increase for staff salaries and an overall increase in the Omnibus budget of 1.5%. This budget reflects 13 hours/week for the Conservation Assistant. Since the Assistant works 18 hours/week, the additional 5 hours/week will require another \$5,111 to be funded from the Holliston Wetlands Bylaw Fund.

The Commission also recommends that an additional 10% in salary be requested from the FinCom for the Conservation Agent's salary. This supplemental information will be presented to the FinCom on February 28<sup>th</sup>. At the February 13<sup>th</sup> meeting, the Selectmen were receptive, but noncommittal, regarding the proposed salary increase for the Agent. The Selectmen brought up that adjustments could possibly be made at the Fall Town Meeting after the salary survey has been completed for the entire town.

**Mr. Maccagnano made a motion to approve the Conservation Commission Omnibus budget for \$45,557 to support the Agent's salary increase. Dr. Rutberg seconded the motion. Unanimous.**

**Dr. Rutberg made a motion to approve the use of \$5,111 from the Holliston Wetlands Bylaw Fund to fund the Conservation Assistant's additional 5 hours/week in Fiscal Year 2013. Mr. Bajdek seconded the motion. Unanimous.**

#### **Vote on Approval of MACC Conference Registration Fee**

**Ms. Pilch made a motion to approve Ms. O'Brien's \$110 MACC Conference registration fee. Dr. Rutberg seconded the motion. Unanimous.**

**Vote on Approval of 12/13/11 and 1/31/12 ConCom Meeting Minutes**

**Ms. Pilch made a motion to approve the regular meeting minutes from the Conservation Commission meeting on December 13, 2011. Mr. Carnes seconded the motion. Mr. Bajdek abstained. The motion passed. (FC, RM, GZ, AMP, AR)**

**Ms. Pilch made a motion to approve the regular meeting minutes from the Conservation Commission meeting on January 31, 2012. Mr. Bajdek seconded the motion. Dr. Rutberg abstained. The motion passed. (FC, RM, GZ, AMP, AR)**

**At 9:36 PM, Mr. Carnes made a motion to adjourn the meeting. Mr. Maccagnano seconded the motion. Unanimous.**

The next Conservation Commission meeting will be Tuesday, February 28, 2012.