

## **Holliston Conservation Commission**

### **Approved Meeting Minutes**

Town Hall – Meeting Room #014

February 15, 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, Administrative Assistant

Absent: Peter Rosati, Commissioner

**Mr. Zeamer opened the meeting at 7:38 PM.**

### **General Business**

### **Agent's Report**

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

### **Open Space & Recreation Plan**

The OSRP is due for its 5 year update. Karen Sherman (Town Planner) has offered to assist the ConCom with updating the OSRP.

### **68 Stagecoach Road**

A tributary to Jar Brook was culverted between Stagecoach Road and Dorset Road. The Agent requested information on whether the Commission remembers work in this neighborhood. The stream is in a pipe and does not create a wetland. It was suggested that the culverting of the stream underneath Dunkin Donuts on Washington Street can provide some information.

### **Review/Discuss Mail**

The mail was reviewed.

### **1-11-11 – 229 Lowland Street Groundwater Sampling Data**

The Commission would like to know if the data show that the hazardous site is being mitigated. The Agent will review the report.

**Reserve Fund Transfer Request to the ConCom Professional/Technical Account**

**Ms. Pilch made a motion to request a transfer of funds from the Reserve Fund for \$5,573.75 to the ConCom's Professional/Technical account. Mr. Rutberg seconded the motion. Unanimous.**

**General Business Continued**

**Discussion with Brian Rossini, BDR Automotive LLC regarding ZBA Application for a Special Permit for an Automotive Service and Repair Business Use at #20 Whitney St, Unit #2**

The Commission is concerned that the discharge at this property is being released into an aquifer recharge area and automotive use is a change in use. This is the building (20 Whitney St.) behind the building that fronts 86 Washington Street. Mr. Rossini was asked to speak with the owner, Peter Langdon, about what type of gas/oil trap and drainage there is in this area. They would also like to know where the repaired cars will be parked and where the employee's cars will be parked. There are two automotive businesses in 86 Washington Street. The Commission requested that the Agent inquire about what type of drainage was required for 86 Washington Street.

**Request for CoC - DEP File #185-460, 45 Johnson Drive - Steven & Brenda Pogorzelski**

Previously, a Partial Certificate of Compliance had been issued in March 1999. All deficiencies have now been addressed.

**Ms. Pilch made a motion to approve the Certificate of Compliance for DEP File #185-460, 45 Johnson Drive. Mr. Rutberg seconded the motion. Unanimous.**

**Discuss the ConCom's FY12 Budget Request & Vote to Approve**

A budget request for a total of \$42,924 was proposed to the Commission. Mr. Carnes will attend the Selectmen's meeting on February 23, 2011 to present the budget request.

**Mr. Bajdek made a motion to approve the FY12 Budget Request for \$42,924 so that it can be voted upon by the Selectmen on February 23, 2011. Mr. Carnes seconded the motion. Unanimous.**

**Vote on Approval of the ConCom's FY10 Annual Report**

**Ms. Pilch made a motion to approve the Conservation Commission's FY10 Annual Report with a modification to add information about the staff's part-time hours. Mr. Maccagnano seconded the motion. Unanimous.**

**Public Meetings and Public Hearings**

**Continued Public Meeting - RFD #452: Railroad Bed/Bike Trail between Hopping Brook Road and South Street, identified as Assessors Map 1, Block 1, Lot 50.1, proposed regrading of former railbed, Matt Varrell representing Holliston Trails Committee/Town of Holliston**

Due to the snow storm cancellation of the February 1st Conservation Commission Meeting, this public meeting was continued until tonight.

Mr. Rutberg recused himself as he is an abutter to this property. Mr. Robert Weidknecht presented the new engineering plans that included the changes requested by the Commission at the December 21, 2010 meeting. The Holliston Trails Committee hopes to complete a Purchase & Sale Agreement with CSX by June 2011 for the piece of land at the northeast end of the trail adjacent to Hopping Brook Road.

The Trails Committee proposes to use straw wattles when they are within 100 feet of the wetlands (which is most of this trail section). They want to smooth out the “hummocks” created by motorized vehicles and create a trail with a 1 ½” cross pitch for drainage (to meet ADA guidelines) that will be 10’ wide with a 1’ shoulder.

Mr. Maccagnano expressed concern about what contaminants (pesticides, PCBs, oil, etc.) may be in the rail trail soil. There is concern that doing this project may stir up these contaminants which may wash into the wetlands. Mr. Zeamer and Ms. Pilch believe that the erosion controls will be sufficient to mitigate any contamination. Mr. Maccagnano recommended a Licensed Site Professional (LSP) to determine what contaminants are present. Mr. Maccagnano felt that if toxic contaminants were found, then additional more specific erosion controls could be used during construction.

Mass DEP has a policy to cap the trails because they are aware of the coal and other contamination. The Commission asked that this DEP Policy regarding the conversion of rail trails to bike trails be added to this application. The money from the Federal Transportation Enhancement program is years away, so the Trails Committee is applying for a DCR grant for \$50,000 and has not received it yet. They are hoping that they can get \$50,000 each year to work on the trail one section at a time.

The Commission asked Mr. Weidknecht to determine what types of applications are being generally used by other towns when it comes to rail trail construction near the wetlands.

**Ms. Pilch made a motion to continue the hearing for RFD #452: Railroad Bed/Bike Trail between Hopping Brook Road and South Street until March 1<sup>st</sup>, 2011. Mr. Carnes seconded the motion. Mr. Rutberg abstained. The motion passed.**

**\*\*New Public Hearing - Amendment to Order of Conditions for DEP #185-706: Well #2 on Maple Street, identified as Assessors Map 11, Block 8, Lot 365, for proposed installation of a 220 gpm replacement water supply well and associated pumping station and piping. The proposal for the OoC Amendment includes a larger water treatment building, additional pavement and revisions to the approved fencing. Ron Sharpin/Holliston Water Department**

The legal notice for an Amendment to Order of Conditions for DEP #185-706 as published in the *MetroWest Daily News* was read by Mr. Katuska. Due to the snow storm cancellation of the February 1, 2011 Conservation Commission Meeting, this public hearing was continued until tonight.

Doug Valovcin, Operations Manager of the Holliston Water Department, presented information regarding the construction of a larger building than originally approved in the Order of Conditions. It will be increased from 800 to 1,224 square feet. Discussions between the Water Dept. and the DEP has lead the Water Dept. to anticipate that they will need a larger building to accommodate the DEP's future requirements.

The Commission had questions regarding the type of emergency generator and where it would be located. The Commission requested that the concrete pad on the stream side of the old well building be removed, the fence moved closer to the old building, and that the generator be placed somewhere else away from the stream.

*Mr. Maccagnano left the Conservation Commission meeting at 9:03 PM for a Finance Committee meeting.*

**Ms. Pilch made a motion to continue the hearing for the Amendment to Order of Conditions for DEP #185-706, Well #2 on Maple Street to March 1<sup>st</sup>, 2011. Mr. Rutberg seconded the motion. Unanimous.**

#### **EXECUTIVE SESSION – Discussion of Fafard/Holliston Residential Realty Litigation**

**At 9:16 PM, Mr. Carnes made a motion to enter Executive Session for the purpose of discussing Fafard/FRE settlement negotiations 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. Bajdek: yes**

**Mr. Zeamer: yes**

**Ms. Pilch: yes**

**Mr. Rutberg: yes**

**Mr. Maccagnano: Absent for Executive Session only**

**Mr. Rosati: Absent**

*Motion Passed and Executive Session was convened.*

*The Regular Meeting reconvened 9:41 PM.*

## **General Business Continued**

*Mr. Maccagnano returned to the Conservation Committee regular meeting at 9:46 PM.*

### **Request for Certificate of Compliance for DEP #185-397, Holliston Residential Realty, LLC (Highlands at Holliston)**

Attorney Paul Beattie and Scott Miccile (Benchmark Engineering) were present. Atty. Beattie explained that he understands that the Commission has three concerns that came out of tonight's Executive Session. He would like to take the three concerns to his client/Holliston Residential Realty(Fafard) for a response.

Attorney Beattie requested a continuation of two weeks until the next ConCom meeting on March 1, 2011.

**Mr. Rutberg made a motion to continue the request for a Certificate of Compliance for DEP #185-397, Highlands at Holliston until March 1, 2011. Ms. Pilch seconded the motion. Unanimous.**

### **Discussion of Generic Order of Conditions for Holliston Highway Department's Routine Maintenance**

The Agent drafted a Generic Order of Conditions for the Commission's review. The Agent will review the Order of Conditions with the Highway Department.

### **Discussion of Rules & Regulations for use of Conservation Land as they may apply to or influence similar documents under discussion for trail use.**

Discussion was tabled until the next meeting on March 1, 2011.

### **Vote on Approval of Draft Minutes from ConCom Meetings on 6/15/10**

**Ms. Pilch made a motion to approve the 6/15/10 minutes. Mr. Bajdek seconded the motion. Three of the 4 Commissioners present at the 6/15/10 meeting were present and voted Yes (AMP, CB, & FC). The motion passed.**

### **Vote on Approval of Draft Minutes from ConCom Meetings on 12/21/10**

**Ms. Pilch made a motion to approve the 12/21/10 minutes. Mr. Rutberg seconded the motion. Unanimous.**

### **Vote on Approval of Draft Minutes from ConCom Meetings on 1/4/11**

**Ms. Pilch made a motion to approve the 1/4/11minutes. Mr. Maccagnano seconded the motion. Mr. Bajdek abstained. The motion passed.**

**Mr. Rutberg made a motion to adjourn the meeting. Mr. Maccagnano seconded the motion. Unanimous. The meeting adjourned at 10:05 PM.**

The next Conservation Commission meeting will be Tuesday, March 1st, 2011.