

Holliston Conservation Commission

Meeting Minutes

Town Hall – Meeting Room #014

March 1, 2011

7:30 PM

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

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

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

General Business

Review/Discuss Mail

The mail was reviewed.

Agent's Report

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

Adams Street Parking Lot

Joyce Hastings, from GLM Engineering, presented draft project specs to the Agent. Mr. Katuska reviewed them and re-submitted to GLM for a second draft. An RFP package is being prepared by the Agent.

Holliston Open Space & Recreation Plan

Mr. Katuska will investigate the possibility of a group, such as Mass Audubon, to assist in putting the Open Space Plan together. Karen Sherman from Planning has offered to assist with the Plan.

Fafard Engineering Plan Submitted to Planning Board

Mr. Zeamer requested that the Agent review the engineering plan for Detention Basin #7 with the Planning Board before the Planning Board's meeting on Thursday, March 4th.

General Business Continued

Vote on Revised Level-Funded FY12 ConCom Budget Request in Preparation for Tonight's FinCom Meeting

Mr. Rosati made a motion to approve the FY12 Level-Funded Budget Request for \$42,523 so that it can be voted upon by the Finance Committee tonight at 8:00 PM. Ms. Pilch seconded the motion. Unanimous.

Report from Jameson Luskay, BSA on Completion of Eagle Scout Project (Town Forest Bridge, Adams St.)

Jameson Luskay presented photographs of his foot bridge project, which he and his Troop completed in December. He needs to go back when the ground thaws to finish digging some lumber into the ground. Fiske's, Holliston Hardware, and Ashland Lumber made donations. Ashland Lumber donated all of the materials. Mr. Luskay estimated that the complete cost was \$1,000 for materials and food (for Scouts). Approximately 141 Scout service hours were put into the project. The project had three parts, 1) installation of the cement footings, measuring and cutting up the lumber, and assembling the bridge on the footings. He asked that the Commission please inspect the footbridge so that a letter of approval can be written for the Boy Scout Council.

Fred Carnes arrived at 7:48 PM.

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

According to the Holliston Trails Committee, the Police Dept. has said that they are willing to enforce the use of the trails to non-motorized vehicles only. Other activities, such as paint ball, air soft guns, and mountain bikes during mud season, are the types of things that could possibly be banned. The Commission wants to make sure that the use of Conservation Land is safe. There is the issue of the Conservation Commission's ownership of land and other town land that falls under the statutory authority. Mr. Zeamer asked the Agent to look into what types of uses rail trails are used for in other towns.

Mr. Rosati made a motion to adjourn the meeting to attend the Finance Committee meeting. Mr. Rutberg seconded the motion. Unanimous.

The Conservation Commission reconvened at 8:24 PM.

Public Meetings and Public Hearings

Continued 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*

Kirsten Ryan from SEA Consultants presented marked-up versions of the original plans (not new plans) for the larger pump house building to address the Commission's concerns from the February 15th meeting. The generator pad for a temporary generator for emergency power was the Commission's major concern. The concrete pad is not necessary for the generator, so the pad will be removed and the generator was moved away from the stream bed and will be enclosed with a fence.

The area where the pad was planned will now be loamed and seeded, as will a large portion of the parking area. The parking area will be paved. The gate will be moved. Mr. Zeamer suggested that extra fill be added to the parking area to slope it towards the street, because the parking area becomes a "pond" during rain and snow storms. Mr. Zeamer also asked that a Cape Cod berm be placed around the paved parking lot.

Ms. Pilch made a motion to close the hearing for the Amendment to Order of Conditions for DEP #185-706, Well #2 on Maple Street contingent upon the receipt of new plans which will include grading the parking lot, drainage to Jar Brook through rip rap (and not out onto Maple Street), and the addition of a Cape Cod berm around the parking lot. Mr. Rutberg seconded the motion. Unanimous.

Ms. Pilch made a motion to approve the Amendment to the Order of Conditions for DEP #185-706, Well #2 on Maple Street contingent upon the receipt of new plans which will include grading the parking lot, drainage to Jar Brook through rip rap (and not out onto Maple Street), and the addition of a Cape Cod berm around the parking lot. Mr. Rutberg seconded the motion. Unanimous.

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

Mr. Robert Weidknecht requested that this hearing for RFD #452 be continued until the next Conservation Commission meeting on March 15, 2011.

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 15, 2011. Mr. Rutberg seconded the motion. Unanimous.

**** New Public Meeting - RFD #453: 769 Washington Street, identified as Assessors Map 8E, Block 3, Lot 70, proposed replacement of a failed cesspool with a septic system, Joyce Hastings/GLM Engineering, Inc. representing Wesley Fjeldheim**

Mr. Katuska read the legal notice for the Request for Determination of Applicability for RFD #453 as it was published in the *MetroWest Daily News*.

Ms. Joyce Hastings presented a plan for a new septic system for 769 Washington Street to replace a failed cesspool. The proposal is to abandon the cesspool and build a septic system behind the barn. There will be no stockpiling on site. Access will be limited to the existing driveway.

Ms. Rosati made a motion to issue the following Determinations for RFD #453, 769 Washington Street:

Positive #2B Determination: the boundaries of the bordering vegetated wetlands or other resource areas as shown on the plan are not confirmed;

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.

Conditions: A) Erosion Controls, as shown on the project plan, will be maintained on site in functional condition until all areas disturbed for the septic system reconstruction are fully restabilized with vegetation; B) There will be no stockpiling on site; and C) Access is limited to the driveway.

Ms. Pilch seconded the motion. Unanimous.

**** New Public Hearing - DEP File #185-TBD: "0" Brook Street, identified as Assessors Map 12, Block 2, Lot 10.2, proposed removal of contaminated soils and restoration of a vernal pool and wetland area, Edward Zimmerman/Brown and Caldwell representing Browning-Ferris Industries, Inc.**

Mr. Katuska read the legal notice for the Notice of Intent for DEP #185-TBD: "0" Brook Street as it was published in the *MetroWest Daily News*.

Chuck Myette and Ed Zimmerman of Brown & Caldwell and Jeff Andrews of Wetlands Preservation, Inc. presented plans to restore the vernal pool behind what is now the Covanta Transfer Station. There are PCBs and some oily sediments that have settled in the pool. Covanta has a new drainage system to ensure that there will be no more drainage into the vernal pool area. They received access agreements with CSX and with Covanta to go through the Covanta property with their trucks. A temporary access gate will be installed in the fence between the vernal pools and Covanta in order to do the work. The Commission explained that the gate must be removed when the project is complete.

The major impact area is where a 2' culvert empties into the pool. Only fingernail clams, dragon flies, and mosquitoes were identified in the vernal pool. Contaminants are confined to the top few inches of sediment. They plan on removing about a foot of sediment from the pool, because some of the sediment is blackened to a 1' depth. They will replace the sediment at a lower level, because it is artificially high now due to drainage from the transfer station. The channel area out of the vernal pool will be restored to the existing grade. They would like to do the excavation in August, because it is usually the driest time of year and there won't be any turtles looking for a place to hibernate.

The Commission asked that no work be done during muddy times, so that the surface is not compacted and mud is not brought out through the Covanta driveway. The trucks are required to be poly-lined and tight; the material will be de-watered before it is loaded, so that it will be as dry as possible. Therefore, nothing should leak from the trucks. This process will be specified in the plans for NOI approval. Mr. Zeamer requested that the movement modality be delineated for the next meeting. There will also need to be a tracking system of where the trucks take the contaminated material.

Currently, there is not a lot of benthic activity so there will be a minimal impact on benthic species. They are planning on letting the vernal pool naturally re-establish itself with vernal pool species. They will introduce a wetland grass and plant mixture. A more detailed planting plan will be provided. Jeff Andrews recommended that the cleaned out pool be spread with clean leaf litter to mimic a real vernal pool.

Mr. Weidknecht from the Holliston Trails Committee was in the audience and requested that in addition to the main culvert, that the 20 x 21" culvert to the north of the main culvert be cleaned out along with cleaning out the old cattle crossing closer to Washington Street south of the main culvert.

Don Porter from 54 Brook Street inquired about whether any trees would be cut down on his property. Mr. Myette explained that they would leave trees between his property and the vernal pool. Mr. Myette agreed that they will clearly mark the common property line.

The Chairman wanted to know if the Access road will be replanted. Mr. Myette explained that it will repopulate relatively quickly with all of the mature trees in the area. A more detailed planting plan will be submitted.

The Agent has an inquiry in with NHESP asking if they have a recommendation on how to restore the vernal pool in a specific biological manner. Mr. Andrews explained that they have restored other vernal pools that have repopulated themselves. The Commission asked that the data from those other vernal pools be provided for their review.

The Agent requested data on the water levels in past years besides 2010 when there was a serious drought. Also, a monitoring plan should also be provided to ensure functionality.

Mr. Rosati made a motion to continue the hearing for DEP #185-TBD for “0” Brook Street to March 15th, 2011. Ms. Pilch seconded the motion. Unanimous.

General Business Continued

Request for Certificate of Compliance - DEP File #185-397, Highlands at Holliston

Paul A. Beattie, Esq. representing Holliston Residential Realty, LLC

Mr. Paul Beattie respectfully requested that the Request for Certificate of Compliance be continued until the Commission’s next meeting on March 15, 2011.

Executive Session – Discussion of Fafard/FRE Litigation

At 9:58 PM, Ms. Pilch made motion to enter Executive Session for the purpose of discussing Fafard/FRE litigation and settlement negotiations and stated that the public meeting would not reconvene at the end of the Executive Session. Mr. Rosati seconded the motion. Mr. Zeamer proceeded with a roll call vote to go into Executive Session.

Mr. Carnes: yes

Mr. Maccagnano: yes

Mr. Rosati: yes

Mr. Bajdek: yes

Mr. Zeamer: yes

Ms. Pilch: yes

Mr. Rutberg: yes

Motion Passed and Executive Session was convened. Executive Session ended at 10:35 PM. The regular meeting did not reconvene.

The next Conservation Commission meeting will be Tuesday, March 15th, 2011.