

Holliston Conservation Commission

Meeting Minutes

Town Hall – Meeting Room #014

March 29, 2011

7:30 PM

Present: Geoffrey Zeamer, Chair; Chris Bajdek, Fred Carnes, Richard Maccagnano (arrived at 7:40 PM) , Allen Rutberg, Commissioners

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

Absent: Ann Marie Pilch, Vice-Chair, Peter Rosati, Commissioner

Mr. Zeamer opened the meeting at 7:35 PM.

General Business

Review/Discuss Mail

The mail was reviewed.

Reserve Fund Transfer for Legal Fees

The Commission signed a request for a reserve fund transfer for \$ 1,087.50 to fund a deficit in the Professional/Technical Account.

Agent's Report

The Agent's Report was read (attached).

General Business Continued

Informal Discussion RE: Outpost Farm, 300 Prentice Street; identified as Assessors Map 14, Block 1, Lot 79, proposed replacement of collapsed greenhouse, Bill Bernard

A 9 year old greenhouse has collapsed under the weight of the snow this winter. Outpost Farm would like to replace the greenhouse with a more substantial greenhouse in the exact same foot print. It will not change from its current agricultural use as a greenhouse. The new greenhouse will have an asphalt roof with light panels throughout. Mr. Zeamer requested that Outpost Farm provide a written letter that the use will not change from its current use as a greenhouse in agricultural use and they will not sell any products from the greenhouse that are not produced by them on the farm.

Informal Discussion RE: Lots 17/18 Kingsbury Drive - identified as Assessors Map 5, Block 3, Lots 54.3 & 54.4, proposed driveways & homes adjacent to vernal pools & wetlands, Lou Petrozzi/Wall Street Development

Mr. Lou Petrozzi, President of Wall Street Development, presented proposed plans for lots 17 and 18. The proposal was to have two driveways cross the wetlands with two open bottom culverts. Since the driveway crossings will be in the 50' BVW buffer zone, the Commission would like the driveways to be combined into one so that they have a common crossing and the wetlands are only crossed once. A wetland compensation area will be created to replace the wetland area lost. Mr. Petrozzi said that it could be added to the current replication area or a new replication area could be created in a different location.

There are two certified vernal pools in this area. According to the Holliston ByLaw Regulations, the vernal pool buffer zone (which is also a No Disturbance Zone) is the area within 100' of the boundary of the vernal pool habitat. The driveway closest to the vernal pool is 15 to 42 feet from the edge of the vernal pool, which is closer than the No Disturbance Zone. However, Mr. Petrozzi explained that he had these vernal pools certified with the agreement with the ConCom that they would have access to these two lots. The Commission believes this would have been back in 2000-2001. This will have to be researched. The Agent pointed out that the new Massachusetts stream crossing regulations will also apply to this project.

A new Notice of Intent will be required, since the original Order of Conditions has expired.

Discuss Adams Street Parking Lot

Joyce Hastings/GLM has submitted the parking lot project specifications on March 22nd. An RFP is being prepared by the Agent.

Public Meetings and Public Hearings

Continued Public Hearing - DEP File #185-712: "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.*

Chuck Myette & Ed Zimmerman from Brown & Caldwell and Curtis Young from Wetlands Preservation, Inc. represented BFI.

The MEPA (Massachusetts Environmental Policy Act) comment period ended today and no comments have been received. The MEPA letter is due April 8th.

In response to questions asked at the previous meeting, Mr. Myette explained that the fabric will be staked at 12' intervals. Covanta will contract out the dust control and BFI will monitor the dust control. The temporary gate will be removed and the permanent fence will be re-installed.

The wetland resource boundaries are incomplete; however, this is a limited project (to clean up the contamination) so these boundaries are not required. Mr. Young explained that the BVW

boundary is essentially the bank boundary along the rail bed side of the pool. Wetland Preservation, Inc. will be on site to monitor the restoration construction process.

A Massachusetts Water Quality Certification Program Permit 401 (from DEP/Division of Wetlands and Waterways) will be needed for the proposed water treatment system.

Data regarding on-site hydrology and topography has not been presented. Mr. Myette explained that hydro-geology (ground water level) data was obtained by Metcalf & Eddy with staff gauges before BFI contaminated the property. Recently, several wells were installed by the Town of Holliston/BOH & Water Department to obtain data, but complete data are not available yet.

Without hydrology and topography data, the Commission feels that they are being asked to take a lot on faith. The only way that the Commission feels comfortable with this lack of data, is to have daily on-site supervision during excavation and restoration. Mr. Myette will have daily supervisory status of the site during all construction, remediation, and restoration. Wetlands restoration needs an experienced wetlands professional to “put the wetlands back” and Wetlands Preservation, Inc. will provide that service.

The Commission would like the erosion controls put just inside the bank of the vernal pool wherever possible so that the bank is not cut unless absolutely necessary.

At the March 15th meeting, the Commission requested that the following conditions be part of the Order of Conditions:

- 1) To prevent leakage, the trucks leaving the site with waste material must be poly-lined.
- 2) Tire washing will occur when dump trucks are leaving the site (Tire wash detail-Figure 6).
- 3) Any material/dirt that is transported onto Covanta’s pavement will be swept up by a street sweeper.
- 4) All material leaving must pass a paint filter test first.
- 5) A permanent continuous fence needs to be installed upon removal of the temporary gate when the project is completed.
- 6) Any monitoring reports or test results need to be submitted on a regular basis during the construction process.
- 7) The equipment must be stored, maintained, and fueled on a controlled, impervious surface at Covanta.
- 8) The excavation equipment must exert low pressure on the ground.
- 9) The temporary stockpiles must be covered when not in use (The stockpiles will be on top of membrane material supported by hay bales with a layer of fine sand so that the membrane will not be punctured.)
- 10) All three of the cross culverts underneath the old railroad bed will be cleaned out.

A draft Order of Conditions will be shared with Mr. Myette, Mr. Zimmerman, and Mr. Young prior to the next ConCom meeting on April 12th.

Mr. Rutberg made a motion to close the hearing for DEP #185-712 for “0” Brook Street. Mr. Bajdek seconded the motion. Unanimous.

General Business Continued

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

At 8:59 PM, Mr. Rutberg 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. Bajdek 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

Mr. Rutberg: yes

Mr. Rosati: absent

Ms. Pilch: absent

Motion Passed and Executive Session was convened.

The Regular Meeting was re-convened at 9:26 PM.

General Business Continued

Review & Sign DoA #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, *Holliston Trails Committee*

This Determination of Applicability was found to be a Positive #2B, a Positive #5, and a Negative #3 Determination at the March 15th meeting. The Agent drafted a Determination of Applicability for the Commission's signature at today's meeting.

The following conditions were included in the Determination of Applicability #452:

- A) Erosion Controls, located as shown on the project plan and defined as shown on the detail sheet submitted on January 20, 2011 (or approved equal), will be maintained for each 40' trail construction segment;
- B) The Construction Sequence provided in the January 20, 2011 submission will be adhered to, unless modified through further consultation with the Conservation Commission;
- C) The Trail Committee will develop, document in writing, and implement a program of Best Management Practices (BMPs) for use in pre-construction, construction, and post-construction activities in accordance with the MA-DEP's written policy titled "Best Management Practices for Controlling Exposure to Soil during the Development of Rail

Trails.” The Trail Committee will submit one (1) copy of its written BMP Program for Controlling Exposure to Soil prior to the commencement of construction.

- D) The BMP Program required in the condition above (C) will specifically include a best management practice for construction period dust control during trackbed regrading.
- E) The Trail Committee will provide public notice of the estimated commencement of construction, defined as project-area signage re: the start of construction (as required in the MA-DEP BMP policy) and flyers at Town Meeting
- F) Project construction start date to be no sooner than two weeks after the Town Meeting in May 2011.
- G) No stockpiling of existing trackbed material will occur within the project area. (Condition requested at 12/21/10 ConCom meeting.)
- H) No importation of new trail surface materials to be placed and spread in the project area will occur without additional written notice to the Holliston Conservation Commission. (Condition requested at 12/21/10 ConCom meeting.)

The Commission signed the Determination of Applicability #452 for the Railroad Bed/Bike Trail between Hopping Brook Road and South Street. Mr. Rutberg recused himself, since he is an abutter to the property.

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

Scott Miccile of Benchmark Engineering and the Agent, Chuck Katuska, visited the site today with Geoff Zeamer (Chair), Chris Bajdek, and Rich Maccagnano (Commissioners). Commissioners Carnes and Maccagnano visited the site separately in the past two weeks. Sediment was found in basin #12. Mr. Miccile will determine what is causing this issue and repair it.

Attorney Antonellis had a brief discussion with Paul Beattie (attorney for Holliston Residential Realty/Fafard) and explained that there is a Settlement Agreement in principal.

Vote on Approval of Executive Session Minutes from 2/15/11 & 3/15/11

Mr. Rutberg made a motion to approve the Executive Session meeting minutes from February 15, 2011 and March 15, 2011. Mr. Carnes seconded the motion. Unanimous.

Vote on ConCom Regular Meeting Minutes from 2/15/11

Mr. Rutberg made a motion to approve the meeting minutes from February 15, 2011. Mr. Maccagnano seconded the motion. Unanimous.

Vote on ConCom Regular Meeting Minutes from 3/15/11

Mr. Maccagnano requested an appointment with Ms. O'Brien for April 5th to review the Railroad Bed/Bike Trail hearing section of the March 15th minutes. He would like to add some additional information from the meeting that he felt was relevant.

Vote on Mass Wildlife Magazine Subscription

Mr. Zeamer asked that the magazine be posted where others could access it.

Mr. Rutberg made a motion to purchase a 2 year subscription to the *Mass Wildlife* magazine for the Commission for \$10. Mr. Maccagnano seconded the motion. Unanimous.

At 9:44 PM, Mr. Rutberg made a motion to adjourn the meeting. Mr. Carnes seconded the motion. Unanimous.

The next Conservation Commission meeting will be Tuesday, April 12th, 2011.