

Holliston Conservation Commission

Meeting Minutes

Town Hall – Meeting Room #014

May 31, 2011

7:30 PM

Present: Geoffrey Zeamer, Chair; Fred Carnes, Richard Maccagnano, Peter Rosati (arrived 7:39 PM), Allen Rutberg, Commissioners

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

Absent: Ann Marie Pilch, Vice-Chair; Chris Bajdek, Commissioner

Mr. Zeamer opened the meeting 7:34 PM.

General Business

Agent's Report

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

Request for Plan Change, 52 Church Street, DEP #185-708 (porous pavers for driveway instead of approved gravel driveway)

Michael & Kim Perkins, the property owners at 52 Church Street requested the Commission's approval to change the previous approved gravel driveway to porous pavers. The bricks (*Permea* brand has lifetime guarantee and does not degrade with salt usage) have wide gaps between them so that the driveway can drain.

Mr. Rosati arrived at 7:39 PM.

Mr. Rutberg made a motion to approve the change in driveway material from gravel to porous pavers, because this change has no adverse impact in the public interest. Mr. Maccagnano seconded the motion. Unanimous.

"0" Brook Street – DEP #185-712, BFI Vernal Pool Remediation/Restoration

Mr. Myette informed the Agent today that the DEP S. 401 Water Quality Certificate review discloses that placement of fill in an "Outstanding Resource Waters" (certified vernal pool) is prohibited without a variance from DEP. The variance could take up to a year. Apparently, Mr. Myette explained that DEP Commissioner has contacted MA-NHESP regarding the vernal pool and NHESP is okay with simply excavating the contaminated soil and not fully restoring the low functioning vernal pool.

The Commission agreed that it is in the public interest to get this waste site cleaned up. The Commission believes that the DEP and the EPA will have to come to an agreement as to how to restore the vernal pool. At that point, BFI's representative will need to come back with the final decision from DEP & EPA and present it to the Commission for modification.

Request for Certificate of Compliance, DEP #185-648A-1, Lot 1, Wilson Street (#118)

Chris Nation from South Mill Street, LLC requested a Certificate of Compliance for the new single family home at 118 Wilson Street. The lot is stabilized. There is a Conservation Restriction on the property that is not yet recorded. Lots 2 and 4 Wilson Street also have the same CR requirement; therefore, the Agent believes that the Commission can be assured that the CR will be recorded in a timely fashion.

Mr. Rosati made a motion to issue the Certificate of Compliance for DEP #185-648A-1, 118 Wilson Street. Mr. Rutberg seconded the motion. Unanimous.

Request for Certificate of Compliance, DEP #185-688, 36 Exchange Street

Peter and Clara Dennison requested a Certificate of Compliance for the septic system at 36 Exchange Street. This request will be postponed, because there is a minor erosion issue that needs to be repaired.

Review of Eagle Scout Bridge Construction Project - Jameson Luskay

Mr. Luskay needed to wait until the ground thawed to finish digging in the footings of his bridge in the Adam's Street/Rocky Woods Conservation area (just north of Beaver Brook Farm at 734 Adams Street). Mr. Katuska inspected the final bridge and found it to be satisfactory and very well constructed. A letter thanking Mr. Luskay for his efforts and giving him the Conservation Commission's approval was signed by Chairman Zeamer. The letter will be mailed to him so that he can present it to the Knox Trail Council for his Eagle Scout award.

93 Lakeshore Drive – DEP #185-600

The Agent has inspected the erosion controls. It is anticipated that the work on the septic system will be complete by the end of June. The Order of Conditions expires on August 5, 2011; however, the grass will may not be completely grown in by August 5th. The Commission believes that if the site is not stabilized by August 5th, then an extension to the Order of Conditions will need to be requested by the owner. The owner will need to wait for a determination to be made by the Commission as to whether the site is stable at that time.

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

The Agent visited the site on May 18th with Mr. Tomasetti. Vegetation had been removed and there was a slight soil disturbance. Mr. Tomasetti had cleaned up the "junk" from the old sheep farm. There was no substantial threat of soil erosion from the disturbed area. Mr. Tomasetti agreed to spread erosion control grass seed where he cleaned up the old sheep's pasture.

Informal Discussion RE: Potential Violation at 0 & 211 Norfolk Street; identified as Assessors Map 8F, Block 5, Lot 33 - Peter Koshivaki, Jr. & Estate of Michael Koshivas

The Agent visited the site with Peter Koshivaki on May 24th. There is no active erosion into the wetlands, however, there is active work being done in the buffer zone. There are two issues: 1) what happened in the past i.e., filling of the wetlands in 2008 and previous to that date, and 2) what is currently being done in the buffer zone. Mr. Koshivaki told the Agent that Joyce Hastings/GLM is going to be doing a survey of the property and he has also been in touch with NRCS. Mr. Zeamer asked the Agent to get documentation from Mr. Koshivaki that he has indeed been in touch with GLM and NRCS.

The Commission agreed that an Enforcement Order should be issued to the owner, Estate of Michael Koshivas, and to the person doing the work at the site, Peter Koshivaki, Jr.

In a related issue, Mr. Koshivaki provided photographs of an asphalt pile at 258 Norfolk Street (Konstantine Koshivas) purported to be within 100 feet of the wetlands.

Mr. Carnes made a motion to request an Enforcement Order be issued to the owner, the Estate of Michael Koshivas, and Peter Koshivaki, Jr. requesting that a plan and a narrative with a timeline for remediation be provided to the Conservation Commission by the next meeting on June 14th. Fines will begin to accrue up to a maximum of \$300/day if the requested information is not provided by June 14th. Mr. Rosati seconded the motion. Unanimous.

Vote on Approval of ConCom Regular Meeting Minutes from 4/4/11

Mr. Rutberg made a motion to approve the ConCom's regular meeting minutes from April 4, 2011. Mr. Carnes seconded the motion. Three voted Yes. (Carnes, Zeamer, Rutberg). Two abstained. The motion passed.

Vote on Approval of Executive Session Minutes from 4/4/11

Mr. Rutberg made a motion to approve the ConCom's Executive Session meeting minutes from April 4, 2011. Mr. Carnes seconded the motion. Three voted Yes. (Carnes, Zeamer, and Rutberg). Two abstained. The motion passed.

Beaver Dam: Avery Dennison/Cross Street

A beaver dam downstream from Cross Street has caused Chicken Brook to flood high enough that there isn't any freeboard under the Cross Street bridge. An Emergency Certificate may need to be issued in the near future.

Review/Discuss Mail

The mail was reviewed.

At 8:50 PM, Mr. Rosati made a motion to adjourn the meeting. Mr. Rutberg seconded the motion. Unanimous.

The next Conservation Commission meeting will be Tuesday, June 14th, 2011.