

## **Holliston Conservation Commission**

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

November 13, 2012  
7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair; Chris Bajdek, Jim McGrath, Rebecca Weissman, Commissioners

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

Absent: Shaw Lively, Richard Maccagnano, Commissioners

**Allen Rutberg opened the meeting at 7:35 PM.**

### **General Business**

#### **Request for Partial Certificate of Compliance for DEP File #185-718: Lot 1, 5 Rocky Woods Trail Subdivision**

This Order of Conditions is for the subdivision roadways. This is a partial Certificate of Compliance for this lot as developed under Determination of Applicability, #D-469. All of the work for this lot is outside the 100' buffer zone.

**Ms. Pilch made a motion to approve the Partial Certificate of Compliance for DEP File #185-718: 5 Rocky Woods Trail (Lot 1 of the Subdivision). Ms. Weissman seconded the motion. Unanimous. (5-0-0)**

#### **Issue Automatic Extension via the Permit Extension Act – Extension to Determination of Applicability #D-374: Li'l Folk Farm, 1070 Washington Street/Nancy and David Dubin**

This Determination of Applicability was signed and issued by the Commission for another 4 years as required by the Permit Extension Act.

#### **Issue Automatic Extension via the Permit Extension Act – Extension to Order of Conditions for DEP File #185-580: Lot 188 Indian Ridge Road South/ Morco Builders**

This Order of Conditions was signed and issued by the Commission for another 4 years as required by the Permit Extension Act.

## **Vote to Approve FINAL Conservation Restriction for Winter Street Open Space Parcel #1**

The Commission already voted to accept this CR on October 16, 2012. Therefore, the Commission signed the Final Conservation Restriction.

## **Review Conservation Restrictions for Highlands at Holliston**

The question was considered as to whether these potential Open Space parcels have Conservation value. Parcel A (14.19 acres) near Concord Street and Old Cart Path may have Conservation value; however, several segments make up Parcel B (45.21 acres) and may have more value for the Water Department, especially those segments near the town wells. Don Seaburg from Benchmark Engineering (representing Fafard) explained that Parcel A is the priority since it is located in the finished part of the subdivision.

## **Public Meetings & Hearings**

**\*\*New Public Meeting - Request for Determination of Applicability - #495: 37 Christopher Road identified as Holliston Assessors Map 1, Block 1 , Lot 18**, proposal to install a replacement septic system, *Paul Saulnier/CIVILized Solutions* representing *Mary Kirk*

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on November 6, 2012. Mr. Saulnier presented an engineering plan for a replacement septic system in the side yard. A FAST GeoFlow system will be used which removes 95% of the pollutants from the environment. The entire lot is within the 100' buffer zone, so the septic system will be in the 50 and 100' buffer zones with the closest corner of the leaching field being 26' from the BVW. The existing leaching field is closer to the wetlands, because it was in the backyard. Stockpiling will be limited to the front yard.

**Ms. Pilch made a motion to issue the following Determinations for RFD #D-495, 37 Christopher Road:**

**Positive #2B Determination:** the boundaries of the bordering vegetated wetlands as shown on the plan are NOT 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 #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:**

- 1) Erosion control barrier must be installed prior to any tree removals or land disturbance for septic system replacement work. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barrier. Erosion controls are to be maintained onsite in functional condition until all areas disturbed for septic system reconstruction are fully restabilized with vegetation.
- 2) The stockpile will be located west of the house as indicated on the record plan.
- 3) Project access will be from the street along the southwestern side of the house as indicated on the record plan.

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**Mr. McGrath seconded the motion. Unanimous. (5-0-0)**

**\*\*New Public Meeting - Request for Determination of Applicability - #493: 304 Mill Street identified as Holliston Assessors Map 10, Block 2, Lot 37, proposal for a replacement driveway and associated drainage piping, *Judith Ryan***

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on November 6, 2012. Mr. Larry Joseph explained that he and Ms. Ryan need to replace their entire driveway and three culverts underneath the driveway. The culverts will be replaced with "hardcore" culverts that will be resistant to degradation. Dennis Clancy and Sharon Doherty-Clancy who share the driveway were also present. Paul Smith Paving will be doing the work and will remove the old asphalt and replace it with new asphalt.

**Ms. Pilch made a motion to issue the following Determinations for RFD #D-493, 304 Mill Street:**

**Positive #2B Determination:** the boundaries of the bordering vegetated wetlands as shown on the plan are NOT 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 #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:**

- 1) Prior to any disturbance of the existing driveway, erosion control barriers must be installed along both sides of the driveway where the driveway abuts existing wetlands. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barriers. Erosion controls are to be maintained onsite in functional condition until all areas disturbed for culvert replacement and driveway repaving are fully restabilized with vegetation.

**Ms. Weissman seconded the motion. Unanimous. (5-0-0)**

**\*\*New Public Meeting - Request for Determination of Applicability - #494: 95 Woodland Street identified as Holliston Assessors Map 11.G, Block 3 , Lot 24, proposal to install a replacement septic system, *Joyce Hastings/GLM Engineering, Inc.* representing *Earl King***

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on November 6, 2012. Ms. Hastings presented an engineering plan for a replacement septic system. The tank and pump chamber will be in the 100' buffer zone along the side/south of the house. The entire leaching field is outside the 100' buffer zone. The stockpile area will be in the front yard. Access will be from Woodland Street.

**Ms. Pilch made a motion to issue the following Determinations for RFD #D-494, 95 Woodland Street:**

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**Positive #2B Determination:** the boundaries of the bordering vegetated wetlands as shown on the plan are NOT 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 #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:**

- 1) Erosion control barrier must be installed prior to any tree removals or land disturbance for septic system replacement work. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barrier. Erosion controls are to be maintained onsite in functional condition until all areas disturbed for septic system reconstruction are fully restabilized with vegetation.
- 2) The stockpile will be located east of the house as indicated on the record plan.
- 3) Project access will be from the street along the southeastern side of the house as indicated on the record plan.

**Ms. Weissman seconded the motion. Unanimous. (5-0-0)**

**Continued Public Hearing - Notice of Intent for DEP File # 185-737: Lot 3.4 Old Cart Path, identified as Holliston Assessors Map 14, Block 5, Lot 3.4,** proposed grading and site work associated with the construction of a single family house, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Holliston Residential Realty*

Peter Lavoie made a request to formally withdraw the Notice of Intent for DEP File # 185-737: Lot 3.4 Old Cart Path. A letter will be sent to the applicant noting that the hearing was closed.

**Mr. McGrath made a motion to close the hearing for DEP File # 185-737: Lot 3.4 Old Cart Path. Ms. Weissman seconded the motion. Unanimous. (5-0-0)**

**Continued Hearing - Notice of Intent for DEP File # 185-741: Indian Trail Estates Subdivision, identified as portions of Holliston Assessors Map 14, Block, Lots 3.2, 3.3, 3.4, 4.4, 4.5, and 4.6,** proposed construction of a stormwater detention basin and the grading for the roadway in a 5 lot subdivision, *Robert Poxon/Guerriere and Halnon, Inc.* representing *126 Residential ANR Realty*

A written request was made by Mr. Poxon to continue this hearing until December 18, 2012.

**Ms. Pilch made a motion to continue the hearing for File # 185-741: Indian Trail Estates Subdivision to December 18, 2012. Mr. Bajdek seconded the motion. Unanimous. (5-0-0)**

## **General Discussion Continued**

### **Review Mail**

The mail was reviewed. An invoice for \$132.00 for the Open Space Plan was signed.

### **Discussion RE: Enforcement Order, 755 Concord Street - Mostafa Qergach**

Tomorrow, November 14<sup>th</sup>, Mr. Katuska will be sending a letter to Mr. Qergach regarding the requirements to resolve the Notice of Violation and Enforcement Order.

### **Discussion RE: Lake Winthrop CPC Project**

Mr. Katuska is verifying the proposed lab cost of \$3250 for the sediment sampling for dioxin and mercury to ensure it is appropriate. The total cost for the sediment sampling project is \$4950.

Representative Carolyn Dykema and DCR's representative, Tom Flannery, Aquatic Ecologist, convened a meeting with the Lake Winthrop Watershed Association and the Conservation Commission on November 9, 2012 regarding the management study of Lake Winthrop. Mr. Katuska (ConCom Agent), several members of the Commission (Allen Rutberg, Chair, Shaw Lively, and Jim McGrath), and Carl Nielsen from ESS attended the meeting. At the meeting, it was verified that the Conservation Commission is moving along the path articulated by Mr. Flannery from the DCR. It was agreed that it was important that the study and management of the lake should be multi-focus to ensure the health of the lake from all perspectives.

### **Residential Survey of the Lake Winthrop Watershed Condition**

The Chair suggested that we ask the residents to tell us what they think the issues are with choices regarding the Lake Winthrop. The results could then be taken and prioritized along with the ConCom's ideas.

### **Discussion RE: Donation of Rosenfeld Land at the end of Harness Lane**

Mr. Rosenfeld is more than willing to clean up the 3.2 acres and remove the perc pipes and any other land disturbance/litter/debris.

### **Discussion RE: Staff Workload and Priorities**

The Chair would like to prioritize the following projects: Lake Winthrop Management, Beaver Management and Tolerance/No Tolerance Zones Map, and Bylaw review. Gregor MacGregor, Esq. has been contacted to give us a proposal to review the Bylaw. The Agent would like to work on a Beaver Tolerance Map as time allows this winter. The Agent is attending a workshop on "Effective Beaver Management" on December 4, 2012. The beaver dam on Paul Road is on ACOE property that gives a license to Mass Wildlife to manage the wildlife. Perhaps, Mass Wildlife can help "manage" the beavers.

### **Hunting on Conservation Land**

It is illegal to hunt in Holliston without the written permission of the land owner, which includes town-owned land.

**Kiosk at Adams Street** – The plexiglass in the kiosk has been broken. Mr. Katuska will ask CPC if there is money left from the Adams Street Parking Lot fund to replace the plexiglass in the kiosk.

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**Executive Session:**

DEP File No. 185-729, Lot 6 Concord Street (Revised Fencing Proposal) - *126 Residential ANR Realty*

DEP File No. 185-722, 94 Brook Street – *Holliston Residential Realty, LLC*

**At 9:18 PM, Ms. Pilch made a motion to enter Executive Session for the purpose of discussing Litigation and stated that the public meeting would not reconvene at the end of the Executive Session. Mr. Bajdek seconded the motion. Dr. Rutberg proceeded with a roll call vote to go into Executive Session.**

**Mr. Lively: absent**

**Mr. Maccagnano: absent**

**Mr. McGrath: yes**

**Dr. Rutberg: yes**

**Ms. Pilch: yes**

**Mr. Bajdek: yes**

**Ms. Weissman: yes**

**The Motion Passed.**

The next Conservation Commission meeting will be Tuesday, November 27, 2012.