

## Holliston Conservation Commission

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

December 18, 2012  
7:30 PM

Present: Allen Rutberg, Chair; Chris Bajdek, Shaw Lively, Richard Maccagnano, Jim McGrath, Rebecca Weissman, Commissioners

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

Absent: Ann Marie Pilch, Vice-Chair

**Allen Rutberg opened the meeting at 7:31 PM.**

### General Business

#### **COMPLAINT Re: Holliston Sportsmen's Association, Bullard Street**

A complaint letter dated November 27, 2012 was received from a neighbor group near the Holliston Sportsmen's Association regarding potential of earth work in the wetlands. The Agent made a site inspection on November 30, 2012 and found the earth work to be outside the Commission's jurisdictional area. However, there are two temporary storage containers within the jurisdiction. The HSA is willing to move the containers outside the jurisdictional area.

#### **Mark Heavner 1045 Highland Street – Member of HSA**

Mr. Heavner explained that the HSA met with the neighbors on Sunday evening. The neighbor group explained that no Conservation issues were found at the HSA as no work was being done in the wetlands or the buffer zone. The HSA and the neighbors were both satisfied with this positive outcome. However, he was concerned, because action was taken today when the police were asked to investigate two of his personal businesses.

#### **Thom Gilbert – 105 Bullard Street**

Mr. Gilbert believes that no one from his neighborhood group (which sent the complaint to the Conservation Commission) was launching an investigation of Mr. Heavner's businesses.

The Commission explained that this action was not relevant to the Commission's concerns.

The Commission recommended that the HSA file an Abbreviated Notice of Resource Area Delineation (ANRAD) if they plan on doing any additional construction in the future. An ANRAD would provide specific wetland delineation to ensure that no work is done within the Commission's jurisdiction.

The HSA requires that only steel shot be used and lead shot is not allowed. The Agent provided copies of his report regarding the HSA's work to the audience

### **"No Hunting" Signs for Conservation Land**

Joanne Hulbert, Town Forest Committee Chair, was present. Hunting is not allowed on Town Forest land. In the Adams Street Town Forest, one hunting tree stand was partially dismantled by the Massachusetts Environmental Police; however, Ms. Hulbert presented a photo showing that the stand had been re-assembled. Ms. Hulbert also showed the Commission pictures of two signs (one "No Hunting/No Motorized Vehicles" sign and a sign that stated "Not a Through Way, Hikers Only Please! Beyond this Point-Environmentally Sensitive Area" that have disappeared from the College Rock end of the Adams Street Town Forest.

Ms. Hulbert and the Commission staff will work together to order signs to post around the Town Forest and other Conservation areas with "No Hunting or Motorized Vehicles, Police Take Notice, Town of Holliston, Conservation Land, Town Forest."

### **Public Meetings & Hearings**

**Continued Public 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*

At the request of the applicant, this hearing will be continued until January 22, 2013.

**Ms. Weissman made a motion to continue the hearing for DEP File #185-741, Indian Trail Estates until January 22, 2013. Mr. McGrath seconded the motion. Unanimous. (6-0-0)**

### **General Business Continued**

#### **UPDATE: Adams St./Town Forest Eagle Scout Project**

Jonathan Redus finished marking the trails in the Adams Street/Fairbanks area. We have received a complaint that a trail on private property at 280 Adams Street has been marked. Ms. Hulbert and the Commission staff will work with the owner to reach an appropriate resolution.

#### **Land Donation, Harness Lane – Abram Rosenfeld**

The 3 acres at the end of Harness Land has been cleaned up and it has been marked with bounds. An affidavit has been received that the property is not encumbered. A deed has been received for the fee of \$1.00 from Mr. Rosenfeld. A letter will be mailed to the abutters explaining that this land is now Conservation Land and that no dumping and no hunting is allowed.

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**Mr. Lively made a motion to recommend to the Board of Selectmen that this land be accepted on behalf of the Citizens of Holliston in care and custody of the Conservation Commission. Mr. McGrath seconded the motion. Unanimous. (6-0-0)**

**UPDATE: Lake Winthrop CPC Project**

The Parks and Recreation Department has Lake Winthrop Watershed Association minutes from 1980-1988. The locations of the sediment sampling that was originally done has been found in the Parks and Rec files. The sediment samples have been taken by ESS and sent out for dioxin and mercury testing. The Massachusetts Department of Public Health is interested in the results for the dioxin and mercury. If there is any contamination in the sediments, then fish tissue sampling will be performed. ESS has written a draft report regarding the vegetation survey.

The Agent has sent an inquiry to the Head of Waterways about the ownership of Lake Winthrop and whether it is owned by the state or the Town of Holliston. It has been the town's understanding over the years that the lake is owned by the town and is under the care of the Parks Department. However, Great Ponds are supposed to be owned by the state, so the Commission is trying to sort out who owns Lake Winthrop.

**UPDATE: Beaver Activity & Winthrop Canal**

The two beaver dams in the Winthrop Canal between Arch and Water Street appear to have been breached and the water has been lowered 4-6 inches. The Agent will visit the canal tomorrow to confirm. A report has been received regarding a beaver lodge in Lake Winthrop and the beavers are also in the process of building a dam upgradient of the Lake Winthrop dam. A resident has sent a letter to the BoH regarding potential fecal contamination in the Canal. Their concern was that if the canal floods further due to beaver activity, failing septic systems could contaminate the canal which could then potentially back up into the lake. At this point in time, the BoH has not found any risk to public safety caused by the beaver dams in the canal.

The Water Street Culvert is typically blocked end-to-end by the beavers and the Highway Department regularly hand removes just enough of the debris so that water can flow. However, a larger removal effort needs to be planned to clear out the entire culvert.

**LITIGATION UPDATE: DEP File # 185-729 - Lot 6 Concord Street – Bounds Proposal, 126 Residential ANR Realty**

The Commission is still waiting for a letter from the Applicant regarding what they would like done.

**LITIGATION UPDATE: DEP File # 185- 722 - 94 Brook Street - Holliston Residential Realty**

A request for Judgment was filed with the court.

**Enforcement Order, 755 Concord Street - Mostafa Qergach**

Mr. Qergach presented a plan to the Commission with the topography indicated near the wetlands. Mr. Qergach hopes to build a horse paddock in this area for one horse. He would like to start a business of boarding horses if the paddock is approved. He would be limited to 4 horses due to paddock space availability for turning out the horses.

The proposed paddock is within the 50' buffer zone of the bordering vegetated wetlands. The Commission explained that the paddock cannot be allowed in this location. The recommended that Mr. Quergach try to evaluate another location for the paddock.

The Commission asked Mr. Quergach to restore the area that was disturbed to try to build this paddock and then they would be able to look at other options for a paddock location.

**Request for Certificate of Compliance for DEP File #185-395 – 65 Brook Street – Scott and Virginia Blanchard**

The Agent inspected the site today and work never commenced to build the garage addition.

**Ms. Weissman made a motion to issue a Certificate of Compliance for DEP File #185-395, 65 Brook Street. Mr. McGrath seconded the motion. Unanimous. (6-0-0)**

**Conservation Restrictions, Highlands at Holliston – Holliston Residential Realty**

The proposed horse trail easement does not necessarily need to be accepted by the Conservation Commission. The Commission agreed that it was reasonable to accept Parcel A (near Route 126 and north of Old Cart Path) as a Conservation Restriction. The Commission is not interested in holding Conservation Restrictions on Parcels B and C.

**Mr. McGrath made a motion to further consider a Conservation Restriction for Parcel A and to not consider the Conservation Restrictions for Parcels B and C. Mr. Bajdek seconded the motion. Unanimous. (6-0-0)**

**General Business/Review Mail**

The Commission signed a legal bill from Joseph Antonellis.

A letter dated December 17, 2012 was received from the Dam Safety Officer, Karen Fung, regarding the status of town-owned dams.

As ordered by the Selectmen and the Tree Warden, a temporary fence has been installed by the Highway Department for safety purposes due to the crumbling wall at the dam's spillway area. The Agent sent an e-mail to the Selectmen explaining that any work that will alter the area, including cutting trees, needs to be reviewed by the Commission.

**Holliston Administration Bylaw Review Proposal**

Gregor MacGregor submitted a proposal of \$3,430 for reviewing the Bylaw. The proposed fee of \$1,800 for the review of the Bylaw seems reasonable. However, the Commission would like the Agent to talk to Attorney MacGregor about the \$1,630 fee for an explanatory meeting with the Commission to discuss the Bylaw, since they feel it may not be necessary. They asked that it be scheduled only if needed.

**At 10:02 PM, Mr. Lively made a motion to adjourn the meeting. Mr. Maccagnano seconded the motion. Unanimous. (6-0-0)**

The next Conservation Commission meeting will be Tuesday, January 8, 2013.

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