

Holliston Conservation Commission

Approved Meeting Minutes
Town Hall – Meeting Room #014

January 31, 2012
7:30 PM

Present: Geoffrey Zeamer, Chair; Ann Marie Pilch, Vice-Chair; Chris Bajdek, Fred Carnes, Richard Maccagnano, Commissioners

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

Absent: Peter Rosati, Allen Rutberg, Commissioners

Mr. Zeamer opened the meeting at 7:30 PM.

General Business

Agent's Report

An Agent's Report was not presented tonight.

Discussion RE: Proposed Eagle Scout Project - Jonathan Redus/Scout, Troop 76

Jonathan Redus proposed that trail markers be painted on the trails in the town forest off Adams Street. He suggested a system of using yellow to go in and white markers to go out. He would also map the trails using a GPS and plot the GPS marks for a trail map for the website. Ms. Pilch suggested that signs be placed at intersections to indicate what trails go which way. Mr. Bajdek inquired about whether there are guidance documents regarding trail marking from Appalachian Mountain Club or the Audubon Society. The Commission would like to try to create a standardized way to mark trails in Holliston. Master Redus will research standardized ways to mark the trails and will work with the Agent on details and return with a write-up of the project.

Mr. Carnes arrived at 7:36 PM.

Discussion RE: Enforcement Order - 211 Norfolk Street, Koshivaki, Koshivas, et al.

Peter Koshivaki inquired today about the status of the Enforcement Order. The Agent will go out to do a site inspection to determine if the requirements of the Enforcement Order have been met.

Discussion RE: Tree Removal Request at Balancing Rock Condominiums, DEP #185-601

Three large white pine trees within 15 to 20 feet of condominiums have been recommended to be removed by Stumpy's, an arborist company, since they are a hazard to the buildings and their residents.

Larry Dennin, President of the Balancing Rock Condominium Association, spoke on behalf of the Association and presented photographs to the Commission. Stumpy's owner, Mr. Jacobson, assessed the trees on the site. Three trees are double-stemmed and have weak crotches. Mr. Jacobson also identified a fourth tree that is a hazard, which was not viewed by Mr. Katuska and Ms. Pilch when they were on site. An additional tree has fallen across a footpath that goes around the wetlands. Ms. Pilch believes that the section of tree could be moved off the path, but the tree should not be completely removed because it provides good wildlife habitat. Six pines will have lower dead branches removed.

Mr. Dennin explained that the draft Conservation Easement gives the Association the ability to remove objects that are a safety issue.

Leonard Zavalick, a member of the Balancing Rock Condominium Association, explained that Mr. Jacobson toured the entire property and he identified the four trees with weak crotches. Ms. Pilch concurs that the 3 trees she viewed do need to come down. A crane and climbers will be used to remove the trees, because the trees are on the edge of the lawn; therefore, there shouldn't be any impact on the wetlands.

The Commission's conditions for removing the trees are: 1) the trees be removed with a crane and climbers, 2) the wood is removed from the property, except for the "widow maker" tree (which can be left lying in the woods), 3) replacement trees (that aren't white pines) are planted within 10 feet of the tree that is removed (e.g., red maples, 4) the stumps are not ground down to the ground, 5) the tree across the walking path only has the section removed that is across the path, and 6) notification from Stumpy's before work commences.

Mr. Katuska will send a letter to Mr. Dennin outlining the conditions for the Balancing Rock Condominium Association.

Discussion RE: Enforcement Order - DEP #185-628 - 355 Highland Street Highland Meadows/The Orchards - Gary Ruping/Ruping Companies

A site inspection with Mr. Katuska, Mr. Carnes, and Ms. Pilch was conducted last Friday, January 27th. It was observed that some efforts have been made to address the erosion and sediment concerns. However, the Commission has concerns that there have been ongoing violations for the past 5 years and issues recur whenever there are large storm events.

Gary Ruping and the Ruping Companies' attorney, Brian Levey, Beveridge and Diamond, PC, were present. Attorney Levey reviewed the Agent's letter dated January 31, 2012 and explained that they can write a letter explaining what WILL be done (vs. what should be done) confirming their Commitment to the Action Plan. A request for a penalty provision and dispute resolution mechanism are the two points where the Commission has added conditions that were not present in Mary Trudeau's Action Plan. Attorney Levey and Mr. Ruping disagreed with adding these two provisions, explaining that financial penalties will

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not be helpful with motivating them to complete the Action Plan. **Mr. Ruping explained that they will write and sign a letter with their commitment to complete the Action Plan by the Commission's next meeting on February 14, 2012.**

Public Meetings & Hearings

****New Public Hearing to Amend Order of Conditions for DEP File # 185-720: 157-165 Lowland Street identified as, Holliston Assessors Map 12, Block 4, Lot 34 and Map 9, Block 3, Lot 16, respectively, proposal to allow the use of calcium chloride for dust control, Michael Brumber**

As an abutter to this property, Mr. Zeamer recused himself from the hearing at 8:30 PM.

Ms. Pilch chaired the meeting during this hearing. Mr. Katuska read the legal notice published in the *MetroWest Daily News* on January 24, 2012.

Mr. Katuska provided some research documentation regarding the use of calcium chloride for dust control as a backup (when water is not enough). Mr. Brumber will get proper documentation from Michael Penny (DEP Solid Waste) regarding the amount of CaCl and the method of application. Ms. Pilch would like communications from other town departments regarding the use of CaCl and documentation from Mr. Penney and DEP. The BOH and the Water Department had no concerns regarding the use of CaCl. Mr. Bajdek also asked how it would be stored. Mr. Brumber explained that it is stored in 80 lbs. bags of pellets or flakes on pallets. He will store it in a shed if that is what the Commission would like, since it cannot get wet.

Mr. Carnes made a motion to continue the hearing for the Amendment to OoC, DEP File #185-720: 157-165 Lowland Street to February 14, 2012. Mr. Bajdek seconded the motion. Mr. Zeamer recused himself. The motion passed (FC, RM, CB, AMP)

Mr. Zeamer resumed as Chair at 8:47 PM.

Continued Public Hearing Notice of Intent DEP #185-719: 2016 Washington Street, identified as Holliston Assessors Map 4, Block 6, Lots 11.1., 11.2, and 12.1, proposal to construct a an access roadway, and to fill and replicate wetlands, Robert Truax/GLM Engineering, Inc. representing Brian McCann/Hill Companies

Robert Truax, GLM Engineering, Brian McCann, and Peter Barbieri were present. Mr. Truax presented a Consent for Easement from the Army Corps of Engineers. It gives the Hill Companies permission to construct a road across their property using the plans that were presented to the Commission. The Detention Basin was moved out of the ACOE property as requested by the ACOE. The Planning Board asked for street trees and street lights, so these have been added to the plan. Per a Planning Board request, the roadway section was changed to move the guardrail so that it allows people to walk behind the guardrail.

Mr. Carnes inquired as to why they used sloped stone walls versus vertical retaining walls. The wetlands saved would be 936 square feet, but it would cost \$40,000. They have already used

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an arch span to try to keep disruption of the wetlands to a minimum. The sloped walls are going to require maintenance with clearing of the slopes so that trees do not take hold.

The Commission discussed whether they should allow this project as it has been presented, because it crosses the wetlands (where there is filling and then replication) and there will be two lots that are not yet planned. Attorney Barbieri explained that the two lots are being planned so that the work is at least 100 feet out of the wetlands, so that it will be out of the Commission's jurisdiction. The Commission agreed that it was not in their best interest to deny the project.

Mr. McCann agreed to continue the meeting to February 14, 2012. The Agent will prepare a draft Order of Conditions for the next meeting.

Ms. Pilch made a motion to continue the hearing for DEP File #185-719, 2016 Washington Street to February 14, 2012. Mr. Bajdek seconded the motion. Unanimous.

****New Public Hearing - Notice of Intent for DEP File # 185-TBD: 35 and 41 Pleasant Street identified as, Holliston Assessors Map 8E, Block 4, Lots 17 and 18, respectively, proposal to alleviate flooding by improving stormwater drainage and removing vegetation, Tom Smith/Holliston Highway Department**

Mr. Katuska read the legal notice published in the MetroWest Daily News on January 24, 2012. The Highway Department requested that the hearing being continued until February 14, 2012.

Ms. Pilch made a motion to continue the hearing for DEP File #185-TBD: 35 and 41 Pleasant Street to February 14, 2012. Mr. Bajdek seconded the motion. Unanimous.

Continued Public Meeting – RFD #D-465: 100 Summer Street, Mission Springs Baseball Field, identified as Holliston Assessors Map 5, Block 1, Lot 4, proposed drainage improvements to baseball field, *Jim Stucchi/Ahronian Landscaping representing Parks & Recreation Dept./Town of Holliston*

As requested by the Commission at the last meeting, revised plans with new, more accurate elevations were submitted to the office today for drainage improvements at the baseball field.

Ms. Pilch made a motion to issue the following Determinations for RFD #465, 100 Summer Street, Mission Spring Baseball Field:

Positive #2B Determination: the boundaries of the bank, bordering vegetated wetlands, bordering land subject to flooding, riverfront area, or other resource areas 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 #2 Determination: the work is within the Buffer Zone, but will not remove, fill, dredge, or alter the area, therefore, the work does not require a Notice of Intent.

Mr. Maccagnano seconded the motion. Unanimous.

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General Business Continued

Vote on FY11 Annual Report

The Commission reviewed the FY11 Annual Report.

Ms. Pilch made a motion to accept the FY11 Annual Report as written. Mr. Maccagnano seconded the motion. Unanimous.

Vote on FY13 Conservation Department Budget

There was a discussion regarding staff salaries. The Commission appointed Ms. Pilch as the budget liaison with the staff. Ms. Pilch will work with Mr. Katuska and Ms. O'Brien regarding the budget and represent the Commission at the Selectmen's meeting on February 13th.

Massachusetts Coalition of Lakes and Ponds Workshop

The Commission approved the receipt for \$30 for Ms. O'Brien's attendance at the MACOLAP.

50 Winter Street

A letter was received Bill Laberis regarding drainage issues at 50 Winter Street. Mr. Carnes will contact Mr. Laberis and Mr. Katuska will make a site visit.

At 10:17 PM, Mr. Maccagnano made a motion to adjourn the meeting. Ms. Pilch seconded the motion. Unanimous.

The next Conservation Commission meeting will be Tuesday, February 14, 2012.