

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall – Meeting Room #014

January 8, 2013
7:30 PM

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

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

Absent: None

Allen Rutberg opened the meeting at 7:32 PM.

General Business

Litigation Update for DEP File # 185- 722 - 94 Brook Street - Holliston Residential Realty

The Litigation has been settled and the Final Decision has been received by the Court. The Applicant still needs to obtain Zoning relief in order to build on this undersized lot.

Enforcement Order, 755 Concord Street - Mostafa Qergach

Mr. Qergach has questions regarding the paddock he would like to put on his property. Mr. Katuska left him a voicemail today returning his call, but did not hear back from him.

Review Mail

DVDs have been received from HCAT for the programs on Beavers and the program on Invasive Weeds.

An invoice from ESS has been received for sediment sampling.

Discuss 2013 Public Hearing/Meeting Schedule

The 2013 schedule for Conservation Commission meetings was discussed.

Ownership of the Winthrop Canal

A meeting of town officials has been proposed for next Wednesday, January 16, regarding the beaver dams and flooding along the Winthrop Canal. The canal does not appear to be owned by the town in all locations. It is unclear whether this is an issue that the town is responsible for fixing. If a section of the canal is private property, then the private owner would be responsible for permitting.

Ownership of Lake Winthrop

Lake Winthrop is considered a “great pond” since it is larger than 10 acres. All “great ponds” in Massachusetts are owned by the state; therefore, Holliston does not own Lake Winthrop. The state is in charge of issuing Chapter 91 licenses to permit activities in, on, over, or under the area of a “great pond” no matter if they are larger or smaller than they were historically. These are things such as, docks, floats, retaining walls, beach nourishment, culverts, dams, etc. As the Chapter 91 Waterways website states, Chapter 91 licenses and permits are necessary to protect and promote the public interest in these water bodies by ensuring that proposed projects and activities do not unreasonably interfere with navigation and the rights of the public or adjacent waterfront property owners; protect water-dependent uses and serve a proper public purpose.

Public Meetings & Hearings

****New Public Hearing - Notice of Intent for DEP File # 185-744: Lot 3.4A - Old Cart Path, identified as Holliston Assessors Map 14, Block 5, Lot 3.4 (Portion A),** proposed grading and site work associated with the construction of a single family house, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Holliston Residential Realty*

Mr. Katuska read the legal notice published in the *Metrowest Daily News* on December 26, 2012. Mr. Lavoie was not present; therefore, the hearing was continued.

Ms. Pilch made a motion to continue the hearing for DEP File #185-744, Lot 3.4A - Old Cart Path until January 29, 2013. Ms. Weissman seconded the motion. Unanimous. (7-0-0)

****New Public Hearing - Notice of Intent for DEP File # 185-745: Lot 3.4B - Old Cart Path, identified as Holliston Assessors Map 14, Block 5, Lot 3.4 (Portion B),** proposed grading and site work associated with the construction of a single family house, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Holliston Residential Realty*

Mr. Katuska read the legal notice published in the *Metrowest Daily News* on December 26, 2012. Mr. Lavoie was not present; therefore, the hearing was continued.

Ms. Pilch made a motion to continue the hearing for DEP File #185-745, Lot 3.4B - Old Cart Path until January 29, 2013. Ms. Weissman seconded the motion. Unanimous. (7-0-0)

****New Public Hearing - Notice of Intent for DEP File # 185-746: Lot 3.4C - Old Cart Path, identified as Holliston Assessors Map 14, Block 5, Lot 3.4 (Portion C),** proposed grading and site work associated with the construction of a single family house, *Peter Lavoie/Guerriere and Halnon, Inc.* representing *Holliston Residential Realty*

Mr. Katuska read the legal notice published in the *Metrowest Daily News* on December 26, 2012. Mr. Lavoie was not present; therefore, the hearing was continued.

Ms. Pilch made a motion to continue the hearing for DEP File #185-746, Lot 3.4C - Old Cart Path until January 29, 2013. Ms. Weissman seconded the motion. Unanimous. (7-0-0)

General Business Continued

Vote on Approval of Draft Regular Minutes from 10/23/12 and 11/13/12

Comments were received and incorporated into the minutes.

Mr. McGrath made a motion to approve the October 23, 2012 regular meeting minutes. Mr. Bajdek seconded the motion. Ms. Weissman abstained. The motion passed. (6-0-1)

Mr. McGrath made a motion to approve the November 13, 2012 regular meeting minutes. Mr. Bajdek seconded the motion. Mr. Lively and Mr. Maccagnano abstained. The motion passed. (5-0-2)

Vote on Approval of Executive Session Minutes form 10/23/12 and 11/13/12

Comments were received and incorporated into the minutes.

Ms. Pilch made a motion to approve the October 23, 2012 Executive Session meeting minutes. Mr. Bajdek seconded the motion. Ms. Weissman abstained. The motion passed. (6-0-1)

Ms. Pilch made a motion to approve the November 13, 2012 Executive Session meeting minutes. Mr. Bajdek seconded the motion. Mr. Lively and Mr. Maccagnano abstained. The motion passed. (5-0-2)

At 8:48 PM, Mr. Bajdek made a motion to adjourn the meeting. Mr. Maccagnano seconded the motion. Unanimous. (7-0-0)

The next Conservation Commission meeting will be Tuesday, January 29, 2013.