

## Holliston Conservation Commission

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

January 29, 2013  
7:30 PM

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

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

Absent: Shaw Lively, Commissioner

**Allen Rutberg opened the meeting at 7:34 PM.**

### **General Business**

#### **Highlands at Holliston Conservation Restrictions – Don Seaberg, Benchmark Engineering**

Historically, the Commission signed a Conservation Restriction (CR) on September 7, 1999 for Highlands at Holliston. It does not seem to be recorded and no copy of the document has been located. Mr. Seaberg is going to check to see if he can find a copy of it in Fafard's files. According to the Town Planner, the Conservation Restrictions are the same as those originally approved by the Planning Board. The current Commission would prefer not to hold these Conservation Restrictions as they are proposed (because there seems to be limited conservation value, if any – e.g., much of the CR is a strip of lawn next to the sidewalk). However, there seems to be no discretion as to whether the Commission is allowed to refuse these CRs, since the Zoning Bylaws require that the Conservation Restrictions be held by the Conservation Commission. The Planning Board's town counsel is also reviewing the Phase 1 Conservation Restrictions for its 3 parcels of land. At this point in time, the Commission will review the draft Conservation Restriction document proposed for Phase 1 and submit comments to Mr. Seaberg.

#### **Adams Street Conservation Area, USDA-APHIS Forest Insect Trapping Project**

Kenneth DiVito, Plant Protection and Quarantine Technician, U. S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) would like to place a trap for Oak Ambrosia Beetle and European Hardwood Ambrosia Beetle in an oak tree stand in the Adams Street Conservation Area. The trapping involves setting a Lindgren Funnel Trap (about 3 feet long) baited with lures to simulate a stressed oak tree about 3 feet above the ground. The first trap will be in place from mid-March to mid-July and a second trap will be in place from mid-July to mid-September (one trap for each targeted beetle). A laminated card explaining its purpose will be attached to the trap. This will only attract beetles already in the area. The Commission agreed to the placement of the traps.

**DRAFT Conservation Commission Minutes 01-29-13**

**Issued by: Sheri D. O'Brien**

**Approved by Commission: 03-12-13**

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## 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*

Since the continued hearing date was changed from January 22 to January 29, 2013, the legal notice was re-advertised in the *Metrowest Daily News* on January 22, 2013. The Agent read the legal notice.

Mr. Poxon presented new NOI plans for the roadway and detention basin for the Indian Trails subdivision. The previous stormwater management plan and design were not completed according to current Stormwater Management guidelines; therefore, he had to redesign the plan from scratch. The new detention basin is adequate for full build-out of the subdivision. A portion of the detention basin and a section of the roadway grading are in the 100' buffer zone. There are 4 drainage areas. All impervious areas will flow into the detention basin. It is in Aquifer Protection District/Zone #3 and residential development is not restricted in this zone.

**Ms. Pilch made a motion to continue the hearing for DEP File # 185-741: Indian Trail Estates Subdivision to February 12, 2013. Chris Bajdek seconded the motion. Unanimous. (6-0-0)**

**Continued 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*

**Continued 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*

**Continued 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*

All three NOI hearings for DEP File numbers 185-744, 185-745, and 185-746 were heard simultaneously.

Mr. Poxon presented plans for Mr.Lavoie. The erosion controls will be at the 50' no disturb line. The Commission had two issues with the plans. First, they created a hardship and part of the house on lot 3.4A is in the 100' buffer zone. Second, the 28' rip rap slope will be over a drainage easement. If there was ever a drainage issue, the pipe and manholes will be inaccessible. This is part of the main drainage for the entire subdivision.

Mr. Poxon will bring the Commission's concerns back to Mr. Lavoie and his client.

**Ms. Pilch made a motion to continue the hearings for DEP Files #185-744, 185-745, 185-746 - Lot 3.4A, Lot 3.4B, Lot 3.4C, respectively, Old Cart Path until February 12, 2013. Mr. McGrath seconded the motion. Unanimous. (6-0-0)**

### **General Business Continued**

#### **Adams Street Conservation Area, Eagle Scout Project Update, Jonathan Redus**

Master Redus marked the trails in the Adams Street area and hung a map box on the kiosk in the parking lot. Joanne Hulbert from the Town Forest Committee was present and has reviewed the trail markings. She reviewed the markers with John Goeller from New England Mountain Bike Association (NEMBA) and explained that the leaf blowing done by NEMBA on the paths was not allowed and would cause erosion.

Master Redus is willing to coordinate the completion of the NEMBA map for the trails that were marked in the field previous to his re-marking of those trails. Mr. Katuska will draft an approval letter for signature at the next Commission meeting.

#### **Request for Certificate of Compliance for DEP File #185-601 – Balancing Rock, 2217 Washington Street – Jeff Clarke/Oxbow Development, Inc.**

The Agent inspected the site on January 16, 2013. It was noted that the Conservation Restriction for Balancing Rock was accepted by the state and recorded with the South Middlesex Registry of Deeds.

**Ms. Pilch made a motion to issue a Certificate of Compliance for DEP File #185-601 – Balancing Rock, 2217 Washington Street. Mr. McGrath seconded the motion. Unanimous. (6-0-0)**

#### **Clean-Up of Conservation Property at High Street and Concord Street**

The Highway Department asked for permission to clean up the dead wood on this Conservation Land. The Commission would prefer that it be left in its natural state.

### **Review Mail**

#### **Bylaw Review by MacGregor**

The proposal needs to be signed by the Selectmen, Town Counsel, and Town Accountant after it is revised to include the \$1,800 upset limit. The Conservation Commission's signatures are not required by the Town.

#### **Lake Winthrop**

Carl Nielsen from ESS is working on the revision for the vegetation and mussel survey report. The Agent expects it to arrive this week. Mr. Nielsen is finalizing the sediment sampling report and should send it to us within the next week.

#### **Winter Street Open Space Parcel 2**

A draft deed for Open Space Parcel 2 has been received.

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

Mr. Katuska spoke with Mr. Quergach today and explained that he needed to restore the disturbed wetlands area to resolve this violation. The Commission asked that Mr. Quergach bring a restoration plan in by the meeting on February 26, 2013.

### **NStar – Fiske Street**

An application will be submitted tomorrow, January 30<sup>th</sup>, for a new substation.

### **Flooding on Washington Street**

The Army Corps of Engineers (ACOE), Mass Highway Dept of Transportation (MA-DOT), and State Representative Carolyn Dykema met recently regarding the flooding over Route 16 between 1929 Washington Street and Hopping Brook Road. This flooding has been caused primarily by beaver dams and beaver blockages in culverts in Hopping Brook Industrial Park. The ACOE has said that any changes in the area to change flowage under Route 16 would go against their agreement from 1976 for flood storage in the Charles River Natural Storage Area. However, subdivision developments created since 1976 and the beaver dams have already changed the flood storage capacity since 1976. Route 16 may have to be modified to stop the flooding. Therefore, MA-DOT has retained a consultant to evaluate the changes that have occurred since 1976.

### **Holliston Dams and the Winthrop Canal Beaver Dams**

A meeting will be held tomorrow by Karen Fung regarding all of the dams in Holliston, including the beaver dam issue in the canal.

### **214 Winthrop Street - Charles Kingsbury – Water Over Private Drive**

At the end of Winthrop Street, a driveway goes around Janice Miller's house and onto his property where he has 500' of frontage on Lake Winthrop. Mr. Kingsbury explained that the water behind his house in the wetlands is higher than it has ever been. He says that his driveway is consistently covered with water and the water is now within 5-10' of his garden and tool sheds. He said his septic system is fine and was new in 2006. He is concerned that the water will get higher and he won't be able to access his house. The high lake levels and the elevated water behind his home appear to have been caused by the beaver dam at the outlet from Lake Winthrop. The Agent will visit the site tomorrow to assess the situation.

### **Vote on Approval of Meeting Minutes – 11/27/12 & 12/18/12**

**Mr. McGrath made a motion to approve the November 27, 2012 meeting minutes.**

**Ms. Pilch seconded the motion. The motion passed. (6-0-0)**

Comments will be incorporated into the December 18, 2012 minutes.

**Mr. Bajdek made a motion to approve the December 18, 2012 meeting minutes. Mr. McGrath seconded the motion. Ms. Pilch abstained. The motion passed. (5-0-1)**

**Executive Session: Potential Land Acquisitions**

At 9:38 PM, Ms. Pilch made a motion to enter Executive Session for the purpose of discussing potential land acquisitions 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: yes

Ms. Weissman: yes

Mr. McGrath: yes

Dr. Rutberg: yes

Mr. Bajdek: yes

Ms. Pilch: yes

**The Motion Passed.**

The next Conservation Commission meeting will be Tuesday, February 12, 2013.