

Holliston Conservation Commission

APPROVED Meeting Minutes
Town Hall – Meeting Room #014

February 12, 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 7:33 PM.

General Business

Emergency Certification: Beaver Dams in Winthrop Canal

The water levels in Lake Winthrop and the Winthrop Canal are very high, higher than it has been seen in the recent past. Beaver dams in the canal have been illegally breached; it is assumed they were beached because residents along the canal are worried about the water level being so high and flooding their yards. Therefore, the Commission agrees that if a request is received, then an Emergency Certification to further breach those dams should be allowed, especially with the snow melting.

Highlands at Holliston Conservation Restrictions – Don Seaberg, Benchmark Engineering

Mr. McGrath expressed concern regarding the fact that several of the Conservation Restriction areas are not in a natural condition (some are even lawn areas). Fafard will need to restore them to their natural conditions. The Commission will continue to review the document. A baseline documentation should be done for the Conservation Restrictions.

Maintenance & Repair of Holliston's Dams – FY11 Appropriations Article

Karen Fung, Holliston's Dam Safety Officer, explained that there are several trees that need to be removed from dams on Houghton Pond, Factory Pond Dam, Lake Winthrop, Weston Pond, and Linden Pond. These trees need to be removed in a particular manner so that the dam will remain intact. Ms. Fung provided a copy of a "Request for Determination of Applicability" under Chapter 253 that she submitted to DCR's Office of Dam Safety on February 7, 2013. For now, stumps will be left in place and coated with Thompson's Water Seal, because removing the stumps and roots can cause damage to the dam. In the future, the stumps will be removed in a specialized manner so that the dams will not be damaged.

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The Commission agreed that this tree removal work is a minor exempt activity needing no further review under the Wetlands Protection Act and it needs to be done to ensure dam safety.

Nat Simkins/Winthrop Canal Flooding – Arch Street Resident

Mr. Simkins presented a map of the area around his property and along the canal. He explained where the beaver dams are located and what areas are flooded. He pointed out where the town (or possibly the state) owns property along the canal. Mr. Simkins would be willing to submit an application to the ConCom to clean/dredge out his area of the canal; however, if he is the only person who cleans out a section of the canal, then it won't be of much use. He is hoping that other residents along the canal and the town (or state) will also clean out their sections of the canal.

Janice Miller explained that the whole lake (around the entire shoreline) is being affected. Areas that have never been flooded before have been flooded for the past 6 months or so and it has been quite dry until this past weekend's snow storm. She believes that people are not reporting that their septic systems are flooded, because they don't want the town to learn that their septic systems are not adequate.

The flooding of the canal isn't just caused by the beaver dams; the canal is also full of sand so that it is shallower than in years past. Dredging the canal is too big of a project for Mosquito Control or the Town's Highway Department. It seems that a Capital Expenditure plan will have to be approved by the Town in order to complete a dredging project.

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*

Mr. Poxon requested that this hearing be continued to March 12, 2013.

Ms. Pilch made a motion to continue the hearing for DEP File # 185-741: Indian Trail Estates Subdivision to March 12, 2013. Mr. McGrath 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. Lavoie reviewed the most recent plans dated 2/12/13. The two issues that were discussed at the last meeting on January 29, 2013 have been addressed. The rip rap slope that was planned over a 20' wide drainage easement to allow access to the two detention basins has now been modified. Now, the area will be graded through the rip-rapped area to allow a 10' wide access road for the drainage easement. The slope was changed from 1:1 to 10% and this 10% grade was agreed to by Tom Smith/Highway Department (E-mail in file).

Lot 4A - The size of the house was reduced, so that it is out of the 100' buffer zone and a fence was added at the top of the rip-rapped slope.

Lot 4B - The size of the house was reduced and a fence was added at the top of the rip-rapped slope.

Lot 4C - The size of the house was reduced, and the deck was moved from the back to the side of the house to move it out of the 100' buffer zone. The fence at the top of the rip-rapped slope was continued up to the right-of-way.

The grading (confined to an area near the base of the 10% slope) was extended into the 50' buffer zone so that the access road for the drain pipe could be at a flatter slope than previously planned. This area was already disturbed via permitted Subdivision plan when the detention basins were originally installed.

The plan stated that the rip rap slope is "designed by others." The Commission agreed that the rip-rap slope should be designed by a structural engineer prior to their approval, because it is a 30' high 1:1 slope that is right up against the 50' buffer zone. Mr. Lavoie will bring this request back to 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 26, 2013. Ms. Weissman seconded the motion. Unanimous. (6-0-0)

****New Public Hearing - Notice of Intent for DEP File # 185-TBD: NSTAR Property, Fiske & Marilyn Streets, identified as Holliston Assessors Map 9, Block 2, Lot 60.1)**, installation of temporary mobile sub-station, proposed grading and site work associated with electric utility interconnection and the existing access road *Jessica Roberts/Tighe and Bond, Inc.* representing *NSTAR Electric Co.*

Mr. Katuska read the legal notice published in the *MetroWest Daily News* on February 5, 2013.

Jessica Roberts (Tighe and Bond), Michael Zylich and Tom O'Laughlin from Consulting Engineers Group were present. NStar would like to install this mobile transformer/substation by June 1, 2013 in order to meet this summer's predicted peak electricity need in the area. The goal is to start construction on April 1st. The substation will be brought in on a flatbed truck. The plans have been changed since the NOI was submitted. The new plans that were reviewed are: Figure 3 – "Orthophotograph: NStar Proposed Mobile Transformer/Substation Holliston, Massachusetts" dated February 2013 and NStar Electric "Mobile Transformer Substation Figure 5 STA130 Holliston" hand-dated 2/12/13 "For Electrical Only"

NHESP would like the construction access to this substation to be from Marilyn Street versus the initial proposal from Fiske Street due to the blue-spotted salamander habitat and the breeding period that coincides with their construction plans. They propose that the Substation access after construction be from Fiske Street.

NHESP recommended that the erosion controls be overlapped straw wattles with a small space for the blue-spotted salamander to migrate through. Another suggestion is to remove the straw wattles at the end of each work day, since the salamanders move at night. Ms. Roberts is hoping for a letter from NHESP regarding no adverse impact and the "estimated Habitat" by February 21st.

The property was surveyed last week and survey plans are being prepared. This will help to determine whether the floodplain will be affected by a raised access road. A raised access road may also affect the salamander's migration. The Commission would like to know specifically what type of work will be done along the access road.

A DEP File Number has not been assigned by DEP as of today.

Ms. Pilch made a motion to continue the hearing for DEP File #185-TBD, NSTAR Property, Fiske & Marilyn Streets until February 26, 2013. Ms. Weissman seconded the motion. Mr. McGrath abstained. The motion passed. (5-0-1)

General Business Continued

FY14 ConCom Budget

The Commission would like to reclassify Ms. O'Brien's position from Assistant Clerk (Grade 5) to Principal Clerk (Grade 8), because the Agent and the Assistant will be working separate days in the near future so that the office can be staffed 4 days/week (vs. the current 3 days). The Commission believes this will also provide equity as compared to other departments, where the Clerk works alone when the supervisor is out of the office doing field work.

With the reclassification, the budget will be less than the 1.5% Finance Committee guideline. Without the reclassification of the position, the budget can be level-funded and Ms. O'Brien will remain at the maximum step for the Assistant Clerk (Grade 5).

Mr. McGrath made a motion to accept the proposed budgets at both 1.5% and level-funded numbers. Ms. Pilch seconded the motion. Unanimous. (6-0-0)

Selectmen's Meeting Wednesday, 2/13/13

The FY14 Budget proposal will be reviewed with the Selectmen tomorrow evening. The Selectmen also would like to discuss why the ConCom's Bylaw is being reviewed.

Axton Cross Demolition

A letter has been received from Attorney Michael Healy notifying the ConCom about the planned demolition of Axton Cross (on Cross Street) in the Spring of this year. Axton Cross is a hazardous waste site and they owe the town \$595,000 in back taxes. A meeting is being planned for the last week of February/first week of March to coordinate the efforts of all Town departments e.g., Treasurer, BoH, Building, ConCom, and Planning

Review Mail

Charles Kingsbury/Lake Winthrop High Water Level

Mr. Kingsbury sent a letter via certified mail that was received today. The letter outlined the issues that he discussed with the Agent on January 30th during a site visit. He also summarized other historical issues about Lake Winthrop.

Winter Street Open Space Parcel 2

1:59 A draft deed for Open Space Parcel 2 has been received with a paragraph about the land being in the care and custody of the Conservation Commission. It needs to be clarified as to whether it needs to be accepted by the Selectmen since it is an exaction required by the Planning Board cluster subdivision process, so it is not optional (versus a donation which would be optional).

Ms. Pilch made a motion to accept the deed Mr. McGrath seconded the motion. Unanimous. (6-0-0)

Deer Creek – Lot 15 Forest Park Drive

The Deer Creek Conservation Restriction would be suitable to the Holliston Conservation Commission only, because the state has already said they are not interested in the restriction.

Hunting Blind/Stand on Adams Street Conservation Land

On February 2, Matt Nardi from the Massachusetts Environmental Police asked the town to remove the hunting stand on the Adams Street property. Even if the stand is used for non-hunting purposes, the Commission agreed that a sign should be put on the stand explaining that it needed to be removed. The stand was built without permission on Town property and should be removed.

Vote on Approval of Meeting Minutes – 1/3/12, 1/17/12, & 1/8/13

Mr. Bajdek made a motion to approve the January 3, 2012 meeting minutes. Mr. Maccagnano seconded the motion. The motion passed. (3 of the 4 (CB, AR, RM) standing Commissioners at the 1/3/12 meeting voted to approve. AMP abstained.)

Mr. Bajdek made a motion to approve the January 17, 2012 meeting minutes. Ms. Pilch seconded the motion. The motion passed. (3 of the 4 (CB, AR, AMP) standing Commissioners at the 1/17/12 meeting voted to approve. RM abstained)

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Mr. Bajdek made a motion to approve the January 8, 2013 meeting minutes. Mr. McGrath seconded the motion. Unanimous. (6-0-0)

Lake Winthrop

Carl Nielsen provided the Vegetation and Mussel Mapping Report today. The sediment sampling regarding Dioxin and Mercury Levels were discussed with Mr. Nielsen and a report will be provided soon. Signs will be posted banning consumption of the fish from Lake Winthrop.

Snow Removal from 100 Central Street to Brumber Property on Lowland Street

Permission was given to move the snow from 100 Central Street to the back of Mr. Brumber's property as long as it is not dumped in the detention basin.

At 10:08 PM, Mr. made a motion to adjourn the meeting. Ms. Pilch seconded the motion. Unanimous. (6-0-0)

The next Conservation Commission meeting will be Tuesday, February 26, 2013.