

## Holliston Conservation Commission

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

February 26, 2013  
7:30 PM

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

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

Absent: Shaw Lively, Rebecca Weissman, Commissioners

**Allen Rutberg opened the meeting at 7:32 PM.**

### General Business

#### Adams Street Conservation Area Trail Marking & Map, Final Eagle Scout Project Presentation, Jonathan Redus

Master Redus presented his Final Power Point report for his Eagle Scout Project. He marked 13 ½ miles of trails in the southern portion of the Adams Street Conservation Area. Five and a half miles of trails were re-marked in the northern portion of the area; a map box was hung on the kiosk in the Adams Street parking lot; and a new map was made in conjunction with the New England Mountain Biking Association (NEMBA). He is still waiting for NEMBA to mark the trails on the map for the northern portion of the property. He will provide the map to us when it is completed by NEMBA.

An approval letter for his Final Project completion was read by the Agent and signed by the Chairman.

#### Emergency Certification: Beaver Dams in Winthrop Canal

An Emergency Certification to breach the beaver dams in Winthrop Canal was issued to the Highway Department by the Agent on February 15, 2013. The Commission had approved this EC at the meeting on February 12<sup>th</sup>. The EC was ratified tonight. The Highway Department removed the beaver dams last week.

#### Other Issues – Winthrop Canal

Mr. Smith from the Highway Department would also like to clear out woody debris from the Winthrop Canal. The ConCom staff will work with him on an application to remove this debris. Approval was given to the HDD for erosion controls to be installed at the Winthrop Canal bridge areas prior to paving Elm, Church, and Grove Streets.

### **Discussion RE: Emergency Certification: Beaver Dams – Hopping Brook**

There was a meeting on 2/15/13 with Army Corps of Engineers (ACOE), Mass Dept. of Transportation (MA-DOT), Tom Smith from Highway and the Agent. The Highway Department has been removing the beaver debris from the two culverts under the main Hopping Brook Road. However, the 3 culverts under the unpaved portion of the road (behind Griffin Electric) are packed full of beaver debris.

A letter dated February 14, 2013 from the ACOE to the MA-DOT/William Clougherty summarized the findings of their consultant engineer from AECOM/Yan Zhang. The ACOE has said that they won't discuss modifications to Route 16 (in the section where it floods adjacent to 1929 Washington Street) until the 3 culverts are cleaned out and a plan is in place to keep them free from beaver debris. It is their opinion that without interference from the beavers, the watershed would function as designed. Therefore, they will review proposed modifications to Route 16 if a problem still exists after the beaver issues are reduced or eliminated.

Either ACOE or MA-DOT needs to provide a statement in writing of a significant elevated risk of flooding across Route 16. If they provide a statement, then the Commission would be able to issue an Emergency Certificate to alleviate the risk of flooding.

The 3 culverts are on private property; therefore, compliance will be needed from the owner. A Notice of Intent will need to be filed for a more permanent solution, because there is a significant elevated risk of flooding when the 3 culverts are obstructed.

The ACOE has said they would like the watershed returned to the condition in which it was designed. However, with the rapidly increasing beaver population, this seems unlikely. Mass Wildlife has leased the rights to a large portion of ACOE's land, so it would seem reasonable that they could help with the wildlife management of the beaver population explosion.

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

Phase I – There are 3 parcels of land included in this Phase I CR.

The Commission discussed several of its concerns regarding the language of the CR. Mr. Seaberg agreed that grass or otherwise altered areas should to be restored to a natural state; and after the areas are returned to a natural state, then baseline documentation reports for all three parcels would be completed and provided.

Other issues discussed: Of course, the detention basins would still need to be mowed. There was also a question about mowing of "...the existing woods road which abuts the southern boundary." The CR states that there will be no public access and only access by the Grantor (Homeowner's Association) will be allowed. The Commission explained that the ConCom will also need access to the property if it is going to be the holder of the CRs.

Mr. Seaberg is going to look at the CR again to clarify these issues. He will also provide the CR in a Word document so that it can be edited and "red-lined" with the Commission's comments.

## Public Meetings & Hearings

**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.

Michael Dean of Guerriere and Halnon filled in for Peter Lavoie and reviewed the most recent plans dated 2/20/13. At the last meeting on 2/12/13, the Commission asked that the rip-rap slope be designed by a structural engineer prior to their approval, because it is right up against the 50' buffer zone. Mr. Lavoie brought this request back to his client. These new plans dated 2/20/13 were revised so that rather than referring to a rip-rap slope "designed by others," they now refer to the engineering structural detail on the Structural Plans entitled "Definitive Detail Sheet for 'Constitution Village' in Holliston, MA" Sheet 41 of 44, dated March 12, 2001 (and revised through January 25, 2002). Sheet 41 is a plan from the overall subdivision approval.

Both Mr. Dean and Don Seaberg agreed that the limit of the "wall" is indeed the limit of 2' toe of the rip-rap slope (and not the limit of the rip rap slope itself); therefore, the limit of the 2' toe will not extend beyond the 50' No-Disturb Line. Mr. Dean and Mr. Seaberg agreed that no work will be done in the 50' No-Disturb Zone and the limit of the work will be staked in the field prior to the commencement of work as a condition for each of the three Orders of Conditions.

Three Orders of Conditions will be drafted for the meeting on March 12, 2013.

**Ms. Pilch made a motion to close the hearings for DEP Files #185-744, 185-745, 185-746 - Lot 3.4A, Lot 3.4B, Lot 3.4C, respectively, Old Cart Path. Mr. Maccagnano seconded the motion. Unanimous. (5-0-0)**

**Continued Public Hearing - Notice of Intent for DEP File # 185-747: 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.*

*As an abutter, Mr. McGrath recused himself from this hearing.*

Jessica Roberts (Tighe and Bond), Michael Zylich (NStar), and Tom O'Loughlin (Consulting Engineering Group) were present. An updated summary packet was e-mailed on February 19, 2013. Another packet was re-submitted on February 20<sup>th</sup>. The Natural Heritage (NHESP) approved the straw wattle layout. The straw wattles will be 25' in length. They will be placed overlapping about 1' in length with a minimum space of 8 to 10 "in between the wattles. This will allow the blue-spotted salamander to migrate through the gaps.

Mr. O'Loughlin presented the site plan for the mobile substation entitled "Mobile Transformer Substation Figure 5, STA 130, Holliston" dated February 25, 2013. The plan is to grade the site for the substation. There will be less than a 2' change in elevation with the grading of the site, because the site is relatively flat anyway. The location of the straw wattles is indicated. The proposed locations of the distribution poles are shown. NStar believes that the work on the access road is exempt under the WPA and that they can submit a maintenance letter for the road. However, the road is being modified due to the addition of a transformer substation which changes this from transmission lines to a transmission and distribution facility. Such a major change in use would make a maintenance letter unsupportable, unless NStar can demonstrate that there will not be any change in the hydraulics of the 100-year flood plain.

Mr. Zylich explained that there would be no net fill and the ruts from tire tracks would be raised to the actual true level of the road with some fines and turtle stone gravel. Mr. McGrath, as a citizen in the audience (not as a Commissioner), confirmed that the center line of the road has not changed in the 20 plus years he has lived in this neighborhood. A condition will be added to the Order of Conditions that states that there will be no net fill, so that the hydraulics of the 100 year flood plain will not be affected.

The Agent will draft an Order of Conditions that he will share with the client before the next meeting.

**Ms. Pilch made a motion to continue the hearing for DEP File #185-747, NSTAR Property, Fiske & Marilyn Streets until March 12, 2013. Mr. Bajdek seconded the motion. Mr. McGrath recused himself, and therefore, did not vote. The motion passed. (4-0-0)**

### **General Business Continued**

#### **FY14 ConCom Budget – March 7, 2013 FinCom Meeting**

The budget will be presented to the FinCom on March 7, 2013.

#### **Request for Certificate of Compliance: DEP File #185-393, 401 Prentice Street, Nicholas "Tony" O'Brien**

Tony O'Brien requested a Certificate of Compliance for his property at 401 Prentice Street. Prior to owning this property, Mark Tripp owned it and there were several violations on the property. Mr. Tripp had requested a Certificate of Compliance in 2007, but after resolving most of the violations, never returned to the Commission for a CoC. Therefore, Mr. O'Brien requested a CoC for DEP File #185-393. The Agent visited the site with Mr. O'Brien today and found the last issue of fixing a retaining wall had been resolved.

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

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

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**Ms. Pilch made a motion to issue a Certificate of Compliance for DEP File #185-393, 401 Prentice Street with one ongoing Condition regarding Underground Storage Tanks. Mr. McGrath seconded the motion. Unanimous. (5-0-0)**

#### **Ben Medeiros from Boy Scout Troop 14**

Master Medeiros was present and asked if there was something that young people could do to help with the beaver issues. The Commission suggested that he report any dams or lodges that he or his friends might find. He explained that there was beaver activity and trees had been "cut down" by the beavers behind the St. Mary's cemetery off of Central and Fiske Streets.

#### **Maintenance & Repair of Holliston's Dams**

Karen Fung, Holliston's Dam Safety Officer and Mark Ahronian, Tree Warden, went out last week and tagged the trees that they would like to remove from the Linden Pond Dam, Lake Winthrop Dam, Houghton's Pond Dam, Weston Pond Dam, and Factory Pond Dam. A Linden Street resident inquired about the large number of trees marked today. The Agent will visit the Linden Pond Dam tomorrow. A memo was received from Ms. Fung outlining the number of trees to be cut down.

A public announcement regarding the tree cutting will be put in the Holliston Reporter, on HCAT, and on the town website.

#### **Review Mail**

An invoice from Community Newspapers was signed.

#### **Boundaries of Conservation Land**

A letter from Thom Gilbert was reviewed. He requested that the boundaries of the Conservation Land off of Bullard Street be marked. The Commission does not typically mark its property lines. The Agent will speak with Mr. Gilbert.

#### **Internship**

A letter was received from the Holliston High School's intern program with an essay by our intern, Marc Bowles, about his internship, which he felt was a positive learning experience.

#### **755 Concord Street - Violation**

Mr. Quergach and the Agent will meet tomorrow about a restoration plan for his property.

**At 9:04 PM, Mr. Maccagnano made a motion to adjourn the meeting. Mr. McGrath seconded the motion. Unanimous. (5-0-0)**

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