

Holliston Conservation Commission

Meeting Minutes

Town Hall- Meeting Room #014

November 28, 2017

7:30 PM

Present: Rebecca Weissman, Vice Chair, Jennifer Buttarro, Shaw Lively, Blake M. Mensing, Allen Rutberg, Commissioners; Utah Nickel, Associate Commissioner
Charles Katuska, Acting Conservation Agent

Absent, Chris Bajdek, Chair; Ann Marie Pilch, Commissioner

Rebecca Weissman, Vice-Chair, opened the meeting at 7:30 PM.

General Business

Discussion: Review of Staffing Applications

- Mr. Katuska noted that 14 applications had been received for the position of Conservation Agent and 6 applications received for Conservation Assistant. Application packages had been delivered to the Commissioners prior to the meeting tonight. Following discussion, the Commission identified applicants to be interviewed for each position as follows;
 - Conservation Agent . K. Taveras, S. Slonka-Roy, D. Henkels, A. Gorman
 - Conservation Assistant . K. Stearley, A. Ahronian, R. Clapp, K. DiNatale
- Mr. Katuska directed to communicate with the selected candidates to schedule interviews. Interviews to be held during the Commissions next regularly scheduled meeting, December 12, 2017. Commissioners agree to begin the evening meeting at 7:00 PM, with interviews to be scheduled for both before and after the public hearings.

Discussion: Commission Officers

- Chairman Bajdek has reported that his current responsibilities prohibit him from chairing the Commission in the manner required. Chairman Bajdek further requests, through Mr. Katuska, that Commissioners consider their availability and inclination to serve as Chairman of the Commission. Discussion ensues without resolution and the matter will be considered again on December 12.

Discussion: Highlands at Holliston Conservation Restriction

- No progress to report. Awaiting engineered plan showing design of necessary rip-rap swale.

Request for Certificate of Compliance: DEP #185-633, 85 Rockland Street

- Mr. Mounir Tayara, Novus Homes, appearing. Mr. Tayara reports that this project, initially approved under this Order in 2005, has been completed under the requirements of Determination of Applicability D-583 issued in 2016. Insofar as the Order had expired prior to any work being performed, the Applicant is entitled to a Certificate of Compliance under the original order indicating that the work never commenced before the Order expired.

Dr. Rutberg made a motion to issue a Certificate of Compliance for DEP #185—633, noting the “Invalid Order of Conditions” provision as drafted. Ms. Buttarro seconded the motion. Unanimous. (5-0-0).

Request for Extension of Order of Conditions, DEP #185-783, 53 Old Cart Path (Lot 76A)

- Written request for Extension received from Jim Sullivan, Guerriere & Halnon, Inc., prior to expiration of original Order of Conditions.

Mr. Rutberg made a motion to issue an Extension to the Order of Conditions DEP #185—783, as drafted. Ms. Buttaro seconded the motion. Unanimous. (5-0-0).

Vote on 10/31/17 Draft Meeting Minutes

- Commissioners offer corrections/comments as necessary.

Dr. Rutberg made a motion to approve the Meeting Minutes of October 31, 2017, with edits and corrections as offered. Mr. Lively seconded the motion. Unanimous (4-0-0), with Ms. Buttaro abstaining.

Vote on 11/14/17 Draft Meeting Minutes

Dr. Rutberg made a motion to approve the Meeting Minutes of October 31, 2017, with edits and corrections as offered. Ms. Buttaro seconded the motion. Unanimous (5-0-0).

Review Correspondence

- The Commission signed an invoice for Mead Talerman & Costa, LLC, for continuing work on the Highlands at Holliston Conservation restriction
- The Commission signed an invoice for Charles J. Katuska, PWS for labor and expenses necessary to staff the Conservation office as interim Conservation Agent.

PUBLIC HEARINGS/PUBLIC MEETINGS

Continued Public Hearing – Abbreviated Notice of Resource Area Delineation DEP File # 185-830: 185 Cedar Street (Assessors Map 14-3-1) proposed wetland delineation . Joyce Hastings, GLM, Inc representing David Adams, Indian Ridge Realty Trust

- By telephone earlier today, Ms. Hastings said the revised wetland delineation plan is expected to be transmitted to the peer review consultant next week and asked to continue the hearing to the next meeting.

Dr. Rutberg made a motion to continue the hearing for 185 Cedar Street until the December 12, 2017 meeting. Ms. Buttaro seconded the motion. Unanimous. (6-0-0).

Continued Public Hearing –Notice of Intent DEP File # 185-834: 245 Washington Street (Assessors Map 11-5-69.1 & 69.2 proposed 16-house development . Peter Conant, Own A Home MA, Applicant

- Mr. Peter Conant, applicant, appears for the project
- DEP File number 185-834 has been assigned to this project.
- Mr. Katuska informed both Mr. Conant and the Commission that, pursuant to advice received from the MA State Ethics Commission, he is barred from assisting Mr. Conant, the Applicant, in the drafting and processing of the required conservation restriction.
- There are no further Commission questions or comments on the application. No public comment offered.

Mr. Lively made a motion to close the public hearing for DEP # 185-834: 245 Washington Street. Mr. Mensing seconded the motion. Unanimous. (6-0-0).

- The Commission reviewed a Draft Order of Conditions, prepared by Ms. Kristen O'Brien and finalized by Mr. Katuska, representing an approval of the project with 51 special conditions. Mr. Katuska noted again that, due to this project's status as a 40B %Affordable Housing+ project, the Order of Conditions is to be issued solely under M.G.L. Ch. 131, s.40, the state Wetlands Protection Act.

- Upon inquiry, the Commission informs Mr. Conant that, relative to lands to be covered by the required conservation restriction, public access is not a requirement. Upon further discussion, the Commission agrees that public access is not necessarily a desirable component of the conservation restriction to be recorded for this property
- Mr. Katuska reviews each of the 51 draft special conditions of approval. Mr. Conant questions only draft special condition #49; ~~PERMANENTLY~~ RESTRICTED UNITS. All houses that are sold as an Affordable home shall be permanently restricted units and shall remain an Affordable home for all future sales. This condition is intended to apply in perpetuity and will survive the expiration of this Order of Conditions.+ Mr. Conant notes that this condition duplicates language in the Zoning Board of Appeals Comprehensive Permit and the state's Certificate of Approval. Commission members assert that, with the waiver of the requirements of the local Wetlands Protection Bylaw, it is critical to tie the permanence of the affordable units to the state-law-only Order of Conditions. Mr. Conant accedes.
- There is discussion over the location, purpose and preservation of the one marked permanent bound proposed under special conditions #42 and #48. Mr. Conant is advised that the permanent marker plaque required is available, at cost, from the office of the Conservation Commission in Town Hall.

Dr. Rutberg made a motion to issue the Order of Conditions for DEP # 185-834: 245 Washington Street, with the 51 special conditions drafted. Ms. Buttaro seconded the motion. Unanimous. (6-0-0).

Mr. Lively made a motion to adjourn the meeting at 9:25 PM. Dr. Rutberg seconded the motion. Unanimous. (6-0-0).