

**Meeting Minutes**

Town Hall- Meeting Room #014

April 3, 2018

7:30 PM

Present: Christopher Bajdek, Chair, Rebecca Weissman, Vice Chair, Jennifer Buttarro, Blake M. Mensing, Allen Rutberg, Commissioners; Utah Nickel, Associate Commissioner

Ryan Clapp, Conservation Agent; Kristin Stearley, Conservation Assistant

Absent: Ann Marie Pilch, Shaw Lively, Commissioners

**Chris Bajdek, Chair, opened the meeting at 7:30 PM.**

**General Business**

**Vote on Draft Meeting Minutes of 3/20/18**

**Mr. Mensing made a motion to accept the draft 3/6/2018 meeting minutes with the discussed edits. Dr. Rutberg seconded the motion. Vote passes unanimously. (5-0-0)**

**Discussion: Skip Kelleher, Brooksmont Meadows Conservation Restriction**

- Skip Kelleher of Minglewood reported to the Commission that the state has changed its approach to conservation restrictions and the application forms are dramatically different. He has had to file a new application for the Brooksmont Meadows Conservation Restriction.
- Mr. Clapp reported that both he and Chuck Katuska have forwarded their comments regarding these parcels.
- Mr. Bajdek asked how long the turnaround from the state will be and Mr. Kelleher responded that it will take about 3 months.
- Mr. Kelleher reported that once the state has reviewed comments from agents, etc. it will then be presented to boards. When it is ready to come before this Commission he asked how it wished to proceed.
- Mr. Bajdek responded that the Commission would like to review the CR and sign off on it.

**Discussion: Anna Place (Deer Run) Conservation Restriction**

- Attorney George Connors representing Chelcie Development reported to the Commission that they have submitted a new application to the state based on the new application procedures in place. There are storm water basins that encroach on the open space. They connect from Underwood Street to Prentice Street. The basins will be maintained by the homeowners association. He would like to know if the Commission is interested in accepting the conservation restriction.
- Mr. Clapp reported that he has forwarded comments from Chuck Katuska on this conservation restriction although with the new application process many of Mr. Katuska's comments are no longer valid. He also noted that he would inform Karen Sherman, Town Planner, of the results from this evening's vote.

**Dr. Rutberg made a motion to accept the conservation restriction responsibility for the property. Ms. Buttarro seconded the motion. Vote passes unanimously. (5-0-0)**

#### **Discussion: #662 Concord Street, DEP #185-729**

- Mr. Clapp reported that this was in response to Gueriere and Halnon requesting a Certificate of Compliance on the property. He mentioned there is a Superseding Order of Conditions on the property. He also explained that there are several variations of plans floating around on this property. The most recent ConCom has is from 2012 and Board of Health has one dated 2016. He reported that the ~~was~~ built+plans submitted reflect accurately what is on the property but not the plans that are part of the file. The silt fence is in disrepair and the DEP sign is missing from the property.
- Ms. Weismann mentioned that the Superseding Order of Conditions may have stemmed from an appeal for the fence.
- Mr. Bajdek stated that the outcome of the last meeting was to postpone any decisions until the snow had melted and the grass had been mowed twice.

#### **Discussion: #8 Adam Wheeler Lane; Artificial v. natural stone and preparation for the hearing on 4/17/18**

- Davood Ansari, homeowner reported that he is experiencing severe lawn erosion due to the slope of his yard. This is landing in the wetland buffer zone. He would like to build a retaining wall that will stop the erosion and eventually he would like to construct a fence. He provided photographs of his yard. He would like to know from the Commission what supporting documentation he would need to provide for the application
- Ms. Weissman asked if backfill would be used for the retaining wall and Mr. Ansari answered in the affirmative.
- Mr. Bajdek stated that he would need to provide the contours of the land, the height, fill materials, indicate where the 50qand 100qbuffer zones are located, the materials of the wall and determine if the stream is intermittent or perennial. The resources need to be accurately shown on the plan.
- Mr. Ansari asked where he could research the topographic information.
- Mr. Bajdek recommended he look at the MASS GIS system. He mentioned he should look for OLIVER and the LIDAR contour data.
- Ms. Weissman and Mr. Clapp will meet with Mr. Ansari to determine the wetlands on the property.

#### **Update: #657 Concord Street issues with Administrative Update and incorrect plan**

- Mr. Clapp reported that Dale MacKinnon of Gueriere and Halnon incorrectly proposed a deck expansion on the property. After discussing the project with Peter Tartakoff, Building Official, it was determined that the demolished house on the property had had a deck and a deck for the rebuilt house was not part of the plan. The deck is in fact a new addition and not an alteration to an existing plan. He also noted that a covered front porch is being constructed which extends 130 square feet into the 50qno disturb buffer zone without ConCom approval.
- Dan Hazen of Gueriere and Halnon stated that they would like to construct a 16q16qdeck on the house and complete the covered front porch. The porch will be constructed using sonotubes.
- Mr. Clapp requested Commission input to determine if the scope of work proposed is more than an Administrative Update and the applicant will need to file for an amended Order of Conditions. Both the porch and the deck will be combined in the amended OoC application.

### **#229 Underwood Street – Minor Exemption for fencing**

- Mr. Clapp reported that the applicant, Stacey Lander is under contract to purchase the property. She would like to install a fence for her dogs. He informed her that she could receive a minor exemption under the state WPA but needs to remain in the outer 50% of the 100' buffer zone. She must also maintain a 4" gap from the ground to the bottom of the fence so as not to impede the migration of wildlife.
- Stacey Lander presented a picture of a black aluminum fence with a 4" space between the balusters that she felt met the criteria for not being a barrier to wildlife. She would like to construct the fence in the inner 50% of the buffer zone and so will proceed with her application.

### **Kuniholm Drive roadwork**

- Mr. Clapp reported that the DPW is scheduled to repave the road and 250' within the buffer zone. Although the DPW is concerned with timing, the project starts on 5/14/18, they have submitted an application for a Request for Determination. This will be on the agenda for 5/1/18 and Mr. Clapp waived the by-law fee.
- Plans must be submitted that include erosion control measures for the meeting.

### **#49 Fairlaine Way – Tree removal request**

- Mr. Clapp reported that a tree on the Poitras Conservation Land fell into the property and crushed part of the homeowner's fence. The DPW removed the tree for the homeowner.
- Shoukry Ibrahim, homeowner, stated that he has a concern about two (2) other pine trees on the conservation land and would like them to be taken down. ±
- Mr. Clapp stated that he looked at the trees but because of the fence he was limited to taking pictures from the driveway.
- Mr. Bajdek stated that the Commission has a protocol for cutting down trees that includes that they must be an imminent threat or diseased.
- Ms. Buttaro stated that the tree policy is listed on the web site.
- Mr. Mensing stated they need Mr. Clapp to look at the trees and based on the protocols will determine if they can be cut.
- Mr. Clapp will make arrangements with the homeowner to inspect the trees.

### **DEP Hearing scheduled for #165 Lowland Street (Brunner property) on April 11, 2018 at 7:00 PM**

- Mr. Clapp reported that the Board of Selectmen have scheduled the hearing for April 11, 2018 at 7:00 PM at Holliston Town Hall with the DEP. Mr. Clapp along with other department heads have forwarded their comments for the hearing. He will send a reminder to the Commission about the hearing if any member would like to attend.

### **#120 High Street Dam**

- Mr. Clapp reported that he received a call from the homeowner that the drainage system needs to be cleaned out. He has forwarded the request to the DPW.

### **Discussion: #214 Winthrop Street; Gypsy moth spraying**

- Mr. Clapp reported that the homeowner has requested he be allowed to spray four (4) trees on the property for gypsy moths. The Order of Conditions and the land deed both state that there shall be no pesticide spraying within the 100qbuffer zone. There are no other alternatives for the homeowner to address this problem and he cannot grant permission because of the restrictions in place.

### **Strawberry Hill – Tree removal request**

- Mr. Clapp reported he received a call about a tree falling on a property out of the Strawberry Hill conservation land. She did not provide the address, her name or her number so Mr. Clapp can do nothing until he receives more information from her.

### **Review Correspondence**

- No correspondence to review.
- Mr. Mensing reported that he will no longer be able to fulfill his duties with the Commission beyond his current term. He intends to complete his term through June.

### **PUBLIC HEARINGS/PUBLIC MEETINGS**

**Request for Determination of Applicability File # D 625: #262 High Street (Assessors Map 11-5-18)** for proposed patio expansion, installation of a fire pit, construction of a wood gazebo, extension of the vinyl fencing and removal of invasive species . *Greg Balewicz, owner*

- Mr. Balewicz stated that the fire pit and gazebo are not as important to him as the fence is. He needs the fence for the protection of an in-ground pool and his dog. He prefers a vinyl stockade fence style for privacy.
- Mr. Clapp reported that building code requires the fence be no more than 2+above the ground for a pool enclosure.
- Mr. Balewicz stated that he revised the plan for the fence and has pulled it in further from the wetlands as a compromise.
- The Commission felt some native plantings along the back of the fence should also be installed. They recommended at least eight (8) plants from the list of native plants such as blueberry or winterberry be planted. They also need to see a 75% survival ratio for the plantings.

**Dr. Rutberg made a motion to issue a negative 3 Determination of Applicability for #D625; #262 High Street that shall only include the fence and shall require the installation of eight (8) native plantings. Ms. Buttaro seconded the motion. Vote passes unanimously. (5-0-0)**

**Ms. Weissman made a motion to adjourn the meeting at 9:45 PM. Ms. Buttaro seconded the motion. Vote passes unanimously. (5-0-0).**