

Meeting Minutes

Town Hall- Meeting Room #014

June 12, 2018

7:30 PM

Present: Christopher Bajdek, Chair, Rebecca Weissman, Vice Chair, Ann Marie Pilch, Jennifer Buttarro, Allen Rutberg, Shaw Lively, and Blake Mensing, Commissioners; Utah Nickel, Associate Commissioner

Ryan Clapp, Conservation Agent; Kristin Stearley, Conservation Assistant

Absent: None

Christopher Bajdek, Chair, opened the meeting at 7:35 PM.

General Business

Vote on Draft Meeting Minutes of 5/29/18

Ms. Pilch made a motion to accept the draft 5/29/18 meeting minutes as submitted. Dr. Rutberg seconded the motion. Vote passes with Mr. Bajdek, Ms. Weissman, and Ms. Buttarro abstaining. (4-0-3)

Request for a Partial Certificate of Compliance, #16 Forest Park Drive (DEP #185-786)

Documents: WPA Form 8A, letter from GLM Engineering Consultants, Inc. dated May 30, 2018,

- Mr. Clapp reported that this partial CoC is being requested for #8 Forest Park Drive. The OoC was for the construction of a home now known as #16 Forest Park Drive. The owners of #8 Forest Park Drive had conveyed a parcel of land to the new owners of #16 Forest Park Drive to combine with another parcel of land to create the lot. They would like to be released from the OoC. He recommends the issuance of a Partial Certificate of Compliance

Ms. Pilch made a motion to issue a partial Certificate of Compliance for DEP file #185-786; #16 Forest Park Drive as drafted. Mr. Mensing seconded the motion. Motion passes unanimously (7-0-0)

Request for a Complete Certificate of Compliance, #11 Minuteman Circle (DEP# 185-831)

Documents: WPA Form 8A

- Mr. Clapp reported that the owner had received a partial CoC in January of 2018 pending lawn stabilization and plaque installation. He performed a site inspection and found the plaques to be in order and the lawn has been mowed and is stabilized. He recommends the issuance of a Complete Certificate of Compliance

Dr. Rutberg made a motion to issue a Complete Certificate of Compliance for DEP file #185-831; #11 Minuteman Circle as drafted. Mr. Lively seconded the motion. Motion passes unanimously (7-0-0)

Tree Removal Request: #243 Willowgate Rise

- Mr. Clapp reported that the homeowner would like to remove three (3) trees. One has broken at the stump and is across the lawn and two (2) are near the vernal pool. The two (2) near the vernal pool have been inspected by arborists who recommend they be taken down. They pose risks to the house because of the direction they will fall.
- Ms. Pilch asked if they were unhealthy and did they pose risks to the house.
- Mr. Clapp responded that the direction they are facing will pose a risk to the house because they will fall in that direction. The trees are unhealthy and beginning to die. The ground around them is soft and roots are exposed.
- Ms. Pilch iterated that trees around a vernal pool are integral in the overall health of the pool. Losing these trees will remove some of the tree canopy for the pool.
- Mr. Clapp responded that the trees are dying and the canopy loss is happening naturally anyway. The loss of shade will be minimal.
- Dr. Rutberg questioned how they would access the site for the removal and Mr. Clapp was unclear.
- Ms. Weismann suggested that it be a requirement that no equipment be used in the vernal pool and that all debris be kept away from the pool.
- Mr. Clapp will send written permission to the owner for the removal of the trees with the conditions that the stumps remain in place and that all equipment and debris be kept away from the vernal pool.

Tree Removal Request: #38 Grove Street

- Inge Daniels, the owner of the property, provided pictures of the trees that need to be removed. One is a white ash that has snapped in two and a red maple on the creek that is also damaged. She would like to remove them because they pose a risk to her bee hives.
- Mr. Lively asked what kind of equipment would be used.
- Ms. Daniels responded that she will be using Simkins and it would be impossible for them to get any equipment back to where the trees are. She will be requesting permission from her neighbor to use their driveway to access the location.
- Ms. Pilch requested that the stumps remain in place.
- Mr. Clapp will issue written permission.

Items Discussed Outside of Formal Meeting Not Requiring Votes on May 1, 2018 Due to Lack of Quorum

- *The Commission acknowledged that a discussion was held outside a formal hearing but in a public setting on May 1, 2018 on the following items:*
- **Eagle Scout project approval at Brentwood Conservation Land – Ian Davis**
 - Mr. Clapp questioned how far the posts for the kiosk sign was planted into the ground and Mr. Davis stated he planted them 3qdeep in the ground. He also reported that he inspected the work on April 24, 2018 and everything looked good.
 - Mr. Bajdek and Ms. Pilch commended Mr. Davis on his project and Mr. Bajdek signed off on the Eagle Scout project.
 - Ian Davis, Eagle Scout, presented his completed project to commissioner
- **Wetland Violation - #30 Hargrave Avenue**
 - Mr. Clapp reported that he has connected with the owner and will be meeting him on May 2, 2018 to inspect the site at noon. There is trash and debris reportedly dumped in the wetlands behind the property.

- **Wetland Violation - #44 Exchange Street**
 - Mr. Clapp reported that he received a call about clearing of vegetation, construction of a fence and shed and filling of the wetlands. This is in a riverfront area. He has sent a violation notice and will also meet with the homeowner on May 2, 2018.
 - Tor Kinlok who abuts this property attended the meeting and stated in addition to the work going on at 44 Exchange Street, the fire station located behind the properties on Central Street is also creating wetland issues. They were permitted to extend the pavement 10q over the property lines. They have not properly addressed erosion control measures which is degrading the wetlands. They are also plowing snow into the wetlands.
- **Tree Removal Request - #83 Westfield Drive**
 - Mr. Clapp reported that trees have fallen into a creek off the property. The yard is now flooding due to the re-direction of water. DPW will complete the work while leaving the stumps in place.
- **Tree Removal Request - # 125 Dodd Drive**
 - Mr. Clapp reported that this was on a previous agenda and the Commission wanted to determine who owns and is responsible for the easement on this property. It is a town owned easement and the town will be responsible for the upkeep.
- **Tree Removal Request - #49 Fairview Lane (Poitras)**
 - Mr. Clapp reported Sean Reese of the DPW has inspected the trees and deemed them unsafe. Mr. Clapp noted that Mr. Reese has arborist experience. Mr. Reese mentioned that there was crown die back on the trees and the ground is too soft to support their root system which Mr. Clapp believed was his reasoning for deeming them unsafe. The DPW will remove the two (2) trees in question while leaving the stumps in place.
- **Discussion: Filing fee schedule #58 Hopping Brook Road**
 - Mr. Clapp reported there is a letter of violation on this property and the filing of a NOI is a requirement in the mitigation. The applicant only provided fees for the building when filing the application.
 - After reviewing the plans it was determined that the applicant should be charged fees for the site work, two (2) detention basins with one being in a river resource area, the parking lot and the construction of the road.
 - Mr. Clapp will request the additional fees from the applicant before the application will be considered complete and placed on an agenda.
- **Review Correspondence**
 - A letter from the firm Money for Your Trees was received noting some forestry work to be done on a property on Oak Street. Mr. Clapp will investigate further why ConCom received the notice and what purview the ConCom may have on the property.
 - A copy of *Mass Wildlife* was received.
 - An invoice from Mead Talerman & Costa in the amount of \$162.79 was approved for payment.
 - Mr. Bajdek reported that he attended a meeting of the Farm Advisory Board regarding the installation of a septic system at the Rogers Road property. There is a draft conservation restriction for the property but it has not yet been finalized. It does not appear that the septic system will fall under ConCom purview. Mr. Bajdek believes the conservation restriction will be held by the Farm Bureau when it is made final.

- **Request for Determination of Applicability File #D-628: #90 Appleyard Lane (Assessors Map 9-15-128)** for proposed demolition of an existing shed and construction of a new 12x16 shed, *Tyler Bennet*
 - Tyler Bennet attended the meeting and reported that this is a hardship for him. He suffered a house fire and needs to demolish the rest of his house. The only salvageable items he has are currently stored in the garage which needs to be demolished so they can begin the house reconstruction. He needs the shed to store his items.
 - The Commissioners present empathized with Mr. Bennet's situation but could not hear the application because they did not have a quorum of commissioners.
- *End of May 1, 2018 discussion items.*

Discussion: 157-165 Lowland Street RCC Permit

- Mr. Clapp reported that the DEP approved the permit. Part of the approval was granted because a 27' berm was constructed for noise mitigation. The berm is constructed in the wetlands and there is no OoC for its construction. The DEP approval also states that the owner is not exempt from wetlands review. There was a meeting among town department heads today, June 12, 2018 and it was determined that there would be no appeal from the town. An enforcement order should be issued by the Conservation Commission and the town attorney, Jay Talerma, will attend the next ConCom meeting to help draft the enforcement order.

Review Correspondence

- The latest issue of *Erosion Control* magazine was shared.
- The ConCom received an e-mail from a school group stating it used the materials on the web page and found it helpful.
- The MACC is still trying to collect the fee from the annual conference for Mr. Clapp. Mr. Clapp was unable to attend and is disputing the charge. Mr. Lively suggested the fee be paid if the MACC will apply it to the conference for next year.
- Mr. Clapp stated that as of now he has received two (2) letters of interest in the open commissioner position. The closing date is June 22, 2018 and he will have an update for the Commission after that.

PUBLIC HEARINGS/PUBLIC MEETINGS

Request for Determination of Applicability File #D-629: #8 Adam Wheeler Lane (Assessors Map 6-3-40) for proposed construction of a retaining wall with backfill and a privacy fence, *Davood Ansari Oghol Beig*

Documents: WPA Form 1, Plan submitted by the property owner, %Adam Wheeler Lane+dated 5/1/18

- Mr. Clapp reported that he spoke to the owner who has not connected with a landscaper. He would like the application continued to the next meeting.
- Dr. Rutberg advised Mr. Clapp to keep an eye on the project.
- Mr. Lively reiterated that no work can commence.

Ms. Pilch made a motion to continue the meeting for #D-629: #8 Adam Wheeler Lane to the June 26, 2018, 2018 meeting. Mr. Mensing seconded the motion. The motion passes unanimously (7-0-0)

Notice of Intent DEP File #185-816 Amendment #2: #657 Concord Street (Assessors Map 14-4-3) to amend the Order of Conditions to complete the construction of a single family house, a partially constructed front porch, install water service, paved driveway and construct a 16x16 deck, *Daniel Hazen of Guerriere and Halnon, Inc.* representing *657 Concord Street Realty LLC*

Documents: WPA Form 3, Plot Plan %657 Concord Street+dated 3/19/18, Plot Plan titled %657 Concord Street Proposed Deck+, dated 3/19/18, Revised Plot Plan %657 Concord Street Site Development and Facilities Plan+dated 5/29/18, Revised Plot Plan %657 Concord Street Site Development & Facilities Plan+dated July 26, 2018

- Mr. MacKinnon of Guerriere and Halnon, representing Daniel Hazen of Guerriere and Halnon was present at the meeting.
- Mr. Clapp reported that the applicant had made the DEP sign more permanent. He also stated that the revised plans received were not that much different from what was originally filed with the addition of mitigation plantings on the left which shall be blue rug juniper plants.
- Mr. Bajdek stated he appreciated that the applicant was responsive to the Commission's requests.
- Mr. Clapp recommended the issuance of the Order of Conditions with fifty (50) conditions.

Ms. Pilch made a motion to issue an Order of Conditions for DEP File #185-816 Amendment #2; #657 Concord Street with the conditions as stated. Dr. Rutberg seconded the motion. The motion passes with Ms. Buttaro abstaining (6-0-1)

Notice of Intent DEP #185-835: Open Space "J" Highlands Village Subdivision (Assessors Map 14-5-32.1) to install new erosion control measures for an existing swale, *Dale MacKinnon of Guerriere and Halnon, Inc.* representing *Rick Terrill of Holliston Residential Realty LLC*

Documents: WPA Form 3, Letter from Guerriere and Halnon dated 4/12/18, Plot Plan %Watershed Plan of Swale Open Space Area J in Holliston MA+dated 4/3/18, email from Brian Butler of Oxbow Associates dated 5/25/18, untitled response from Dale MacKinnon received at the meeting 5/29/18, Formal Peer Review Letter from Brian Butler of Oxbow Associates dated 6/8/18, Letter from Dale MacKinnon dated 5/20/18

- Mr. Clapp reported that the peer review from Oxbow Associates was received via email on June 8, 2018 at 9:00 PM. It was forwarded to Mr. MacKinnon on Tuesday, June 12, 2018.

Most of what was discussed in the preliminary review was repeated in the formal review and was addressed at the last meeting.

- The application does not describe or elaborate the restoration and replication of disturbance and alteration to the Bank and BVW.
 - No description of delineation, vegetation types and plant species list is provided.
 - There are no signatures for the owner/applicant.
 - No description of the ditch stabilization, equipment used, additional disturbance required, methods for transporting/deploying the soil, equipment access routes, seeding and matting.
 - Alteration of the Bank will occur in the 50' no disturb zone. This should be considered for review.
- Mr. MacKinnon responded to the second comment from Oxbow Associates that related to notating the vegetation in the intermittent stream. Mr. MacKinnon would like to be relieved of this burden because he is doing work below the stream and does not feel it is relevant. He has also widened the 20' easements to 40'. He provided a signature page at the meeting. He provided a response to the preliminary review from Oxbow Associates which was submitted at the meeting.
 - Mr. Clapp stated that the easement is not for the top of the swale and the HOA will be responsible for the maintenance. He will be including this in the OoC when they are ready to be drafted.
 - Mr. MacKinnon has responded to Oxbow Associates formal review and will make it part of the plan he submits to Planning and Zoning that the HOA is aware of the ConCom OoC.
 - Mr. MacKinnon stated he was disappointed in the delayed response from Oxbow Associates and would like to move forward with receiving his OoC for the project at the next meeting.
 - Ms. Pilch stated that it is typical to get a response back from the consultant once the applicant has rebutted the review. This is the first formal review. They need to respond to Mr. MacKinnon's rebuttal.
 - The Commission also expressed its dissatisfaction in the response time from Oxbow Associates.
 - The Commission was also concerned with the maintenance going forward and may want to put something in the OoC when it is time.

Dr. Rutberg made a motion to continue the hearing for DEP#185-835; Open Space "J" Highlands Village Subdivision to the June 26, 2018 meeting. Mr. Mensing seconded the motion. The motion passes unanimously (7-0-0)

Request for Determination of Applicability for #D-631: #1380 Washington Street (Assessors Map 5-1-15) for proposed removal of a stand of cedar trees, saplings and scrub overgrowth to clear and restore a pasture, *Samuel Hiser, owner*

Documents: WPA Form 1, Map of #1380 Washington Street

- Mr. Clapp reported that he and Ms. Weissman visited the site on June 8, 2018. The scope of the project is larger than was applied for or described. The original pasture is outside of the 100' buffer zone but the owner would like to enlarge it.
- Ms. Weissman stated that the owner wants to significantly clear trees and dense shrub overgrowth. She provided him some markers for the 100' buffer zone but ran out of time. The homeowner indicated he would mark the rest of the area and she would return over the weekend to inspect. Mr. Clapp will make a preliminary review on June 14, 2018.
- Mr. Clapp indicated that the owner would need more time to work on the project.

Ms. Pilch made a motion to continue the meeting for #D-631: #1380 Washington Street to the June 26, 2018 meeting. Ms. Buttaro seconded the motion. The motion passes unanimously (7-0-0)

Notice of Intent DEP #185-840: #682 and #692 Concord Street (Assessors Map 14-3-4.3 and 4.4) to complete construction of the common road for use of #682, #692 and #702 Concord Street, *Dale MacKinnon of Guerriere and Halnon, Inc.* representing *Rick Terrill of 126 Residential ANR Realty, LLC*

Documents: WPA Form 3, Letter from Guerriere and Halnon dated 5/14/18, Plot Plan %As-Built Special Permit Plan for Common Driveway Lot #3A, #4A, and #5A Concord Street+dated 5/7/18, Revised Plot Plan Submitted on 6/12/18 %As-Built Special Permit Plan for Common Driveway Lot #3A, 4B, and 5A Concord Street+

- Dale MacKinnon entered into the record a new plot plan which changed lot 4A to 4B.
- Mr. Clapp stated the erosion controls in place are in poor shape and will add a condition that the erosion controls must be maintained in good order. He has put together forty-seven (47) conditions. Condition #27 states that the Commission retains the right to inspect erosion control measures and he will coordinate with Mr. MacKinnon to inspect the site when it is prepared. It is also a requirement that a minimum of seven (7) concrete wetland bound markers shall be installed.

Ms. Pilch made a motion to issue an Order of Conditions for DEP File #185-840: #682 and #692 Concord Street with the conditions as stated. Ms. Weissman seconded the motion. The motion passes unanimously. (7-0-0)

Notice of Intent DEP File #185-839: #58 Hopping Brook Road (Assessors Map 4-6-11.1, 11.2, 12.1) to construct a 5400 sq. ft. commercial building, parking, septic system, access driveway, utilities and related grading. *Robert Truax of GLM Engineering Consultants, Inc.* representing *Ken Driscoll of 2016 Washington Street, LLC*

Documents: WPA Form 3, Storm Water Management Report for #58 Hopping Brook Road dated 9/18/14 and revised on 11/20/14, 12/17/14 and 4/30/18, Set of Plans %Site Development Plan; Proposed Commercial Building; 58 Hopping Brook Road+dated 1/19/15 and revised on 3/20/15 and 4/18/18, Formal Peer Review from Charles Katuska dated 6/10/18

- Robert Truax waived the reading of the legal notice.
- Mr. Truax stated that this is a re-filing of a permit. The foundation for the building is in place, the parking area for the Rail Trail has been constructed, the septic is not in place and the drainage basins have been constructed. The basins need to be cleaned up and re-graded. He stated the site needs to be cleaned up and finished, construct the building and the only change will be that they will pave the handicap area in the Rail Trail parking lot.
- Dr. Rutberg asked if the parking lot grading is what was represented in the plans. Mr. Truax stated it was relatively close to the plan.
- Mr. Bajdek asked what the building use would be and Mr. Truax stated it would be a small office for their contracting group and materials storage.
- Mr. Lively questioned if there would be vegetation between the parking lot and the trail. Also he stated that the stone dust present in the lot doesn't work well where there is a slope. Perhaps reclaimed asphalt would be a better choice.
- Ms. Weissman questioned if the trail committee would need to approve any change in materials in the parking lot.
- Mr. Lively stated that consideration needs to be given to the maintenance of this parking lot because it will be the town's responsibility

- Mr. Truax suggested putting a swale on one side of the parking lot to help with water management.
- Mr. Lively questioned the milestones for this project and stated that much more oversight and communication needs to happen as this project progresses.
- Mr. Truax stated that the new plans show screening plantings between the building and the parking lot and the trail and the parking lot.
- Mr. Lively asked about signage for the project.
- Peter Barbieri stated there will be simple signage for the trail and parking lot and signage is indicated on the plans.
- Mr. Clapp stated that Charles Katuska performed a peer review of the plans.
 - He states that the current application fails to address the linkage between this project and the solar field project.
 - There is no narrative which should be supplied.
 - The current application has plans which should be updated to reflect work done on the site over the past 4+ years.
 - The lot numbers indicated are incorrect and should be corrected as well as proper abutter notification should be conducted based on corrected information.
 - The Stormwater Management Report is complicated to review because of the linkages between this project and the solar field project.
- Mr. Truax does not understand why the two projects need to be linked.
- Mr. Barbieri stated he would take the narrative from the original application and submit it for this application.
- Mr. Truax and Mr. Barbieri asked if they need to complete a new survey that indicates what is in place currently and the Commission stated it was not necessary.
- Mr. Barbieri stated he would get the corrected lot I.D. numbers and submit them. The Commission stated they would not need to perform a new abutter notification if they submit the corrected lot I.D. numbers.
- Mr. Truax indicated that he will provide updated information on the operations and maintenance of the storm basins in the field once they are stabilized.
- Ms. Pilch indicated that the Commission will need a written reply from the applicant to the peer review and a written rebuttal from the consultant, Mr. Katuska. Mr. Katuska would not need to be present at a meeting unless so requested by the Commission. The applicant needs to supply a schedule of the work and information on the parking lot and detention basin.

Mr. Lively made a motion to continue the hearing for DEP#185-839: #58 Hopping Brook Road to the June 26, 2018 meeting. Dr. Rutberg seconded the motion. The motion passes unanimously (7-0-0)

Ms. Pilch made a motion to adjourn the meeting at 9:35 PM. Mr. Mensing seconded the motion. The motion passes unanimously (7-0-0)

*****All documents shall be kept in the Conservation Commission Office files*****