

APPROVED Meeting Minutes

Town Hall- Meeting Room #014

August 21, 2018

7:30 PM

Present: Christopher Bajdek, Chair, Ann Marie Pilch, Jennifer Buttarro, and Utah Nickel, Commissioners; Sean Fay, Associate Commissioner

Ryan Clapp, Conservation Agent; Kristin Stearley, Conservation Assistant

Absent: Rebecca Weissman, Vice Chair, Allen Rutberg, Shaw Lively; Commissioners

Christopher Bajdek, Chair, opened the meeting at 7:33 PM.

General Business

Vote on Draft Meeting Minutes of August 7, 2018

Ms. Pilch made a motion to accept the draft August 7, 2018 meeting minutes. Ms. Buttarro seconded the motion. Vote passes unanimously. (4-0-0)

Continued Discussion: Update to Record Plan #D-579, #105 Arch Street

- Virginia Roach, owner, stated to the Commission that when she originally requested the Determination to replace her septic system she presented an innovative alternative system. She received quotes on the system and they were high. She would like to now move forward with a traditional mounded system that is 2' higher than the originally proposed system.
- Mr. Bajdek asked how many trees would need to be removed.
- Ms. Roach replied that a pear and twin pines would be removed. Other trees have already been removed in anticipation of the replacement system.

Ms. Pilch made a motion to update the record plan for #D-579 to the plan approved by Board of Health on July 31, 2018 and dated July 18, 2018. Ms. Buttarro seconded the motion. Vote passes unanimously. (4-0-0)

Continued Discussion: Open Space Residential Development, #289 Hollis Street

- Attorney George Connors stated he was representing the owner, Mr. Patel, in the capacity of an engineer.
- Mr. Connors presented a more detailed view of the project which showed abutting properties and how the open space would fit in.
- Ms. Pilch questioned who owned the property on each side of the proposed space.
- Mr. Connors responded that two (2) of the abutting property owners are Holliston Conservation and the third is private property.
- Ms. Pilch stated it will provide an additional buffer and a corridor so that is good.
- Mr. Bajdek stated it was laid out very nicely.
- Mr. Connors questioned if the Commission would accept the land.
- Ms. Pilch responded that he should make sure the language protects the property without a Conservation Restriction.
- It remained unclear how the disposition will be handled.

Request for Complete Certificate of Compliance on Expired Order of Conditions, #25 Washington Path (DEP #185-251)

Documents: WPA Form 8A

- Mr. Clapp reported that he performed a site inspection on 8/16/18 and found the property to be in substantial compliance.
- Mr. Clapp reported that he is wrapping the discussion for this CoC request with the next CoC request for the same address. The subdivision was created in the 1980s and received an OoC which was then attached to each lot. The construction of the houses subject to regulation were then required to file a NOI. This property has an OoC attached for the creation of the subdivision (DEP #185-244) and the construction of the house itself (DEP#185-251).
- Mr. Clapp recommends that a Complete CoC be issued for DEP#195-251 and a Partial CoC be issued for DEP #185-244 which will release this property.

Ms. Pilch made a motion to issue a Complete Certificate of Compliance for DEP#185-251; #25 Washington Path as drafted. Ms. Buttaro seconded the motion. Vote passes unanimously. (4-0-0)

Request for Partial Certificate of Compliance on Expired Order of Conditions, #25 Washington Path (DEP #185-244)

Documents: WPA Form 8A

- Mr. Clapp reported that in 2012 a Complete CoC was issued to #10 Washington Path but it really only released that particular property from the overreaching OoC. He believes a cleaner way to release individual properties from Orders that are attached to multiple properties should be to receive a Partial CoC releasing each individual property.
- Mr. Clapp recommends the issuance of a Partial CoC.

Ms. Pilch made a motion to issue a Partial Certificate of Compliance for DEP#185-244, #25 Washington Path as drafted. Mr. Nickel seconded the motion. Vote passes unanimously. (4-0-0)

Continued Enforcement: #157-165 Lowland Street

This portion of the public meeting was video recorded by Casandra Brumber. Chairman Bajdek acknowledged Ms. Brumber's recording of this portion of the meeting.

- Mr. Clapp stated that he sent to the Commission the complete documents submitted at the last meeting with his comments. He does not believe the activities are exempt from the Wetlands Protection Act and that the property is in violation of the Orders simply by not filing for a CoC within thirty (30) days of completion.
- Ms. Pilch commented that an as-built+plan documenting the work done correctly has not been provided. It is a violation of one of the conditions in the Order, to receive a CoC within thirty (30) days, which has not been done.
- Mr. Connors stated that this is an on-going operation and it is exempt from the Wetlands Protection Act. Piles of materials need to be created and depleted. The berm is not a structure but a pile of material, a feature of the site.
- He has studied the stormwater and drainage to the sediment pond. He has determined there is no discharge to the brook and he is confident that the model will contain the 10 year and 100 year stormwater. There are ongoing efforts to make sure it works.

- Mr. Connors stated that Mr. Brumber cleans out the ditch every year. In November he can provide an as-built plan once surveyors are able to access the site. They cannot access it until the foliage has died off.
- Mr. Bajdek stated that the work does fall within the Commission's jurisdiction and referred to condition #14 in the Order. The berm is a feature of the site and not just material. It is being used as noise control and therefore should have been brought to the attention of the Commission. The argument that it can be disposed of at a future date does not change the fact that it is a feature of the property and is being used by the owner as a noise control feature.
- Mr. Connors countered that the berm was in place for a long time and that they just extended it which is not altering it.
- Ms. Buttaro stated she would have liked to have had a discussion about the change before it occurred, ideally through a Request for Determination of Applicability.
- Mr. Bajdek again stated the disturbance is within the buffer zone and therefore within the Commission's jurisdiction. He works in noise control and generally the barrier is taller than the source of the noise. This berm is very tall. There is no information about the structure.
- Ms. Pilch stated that in order to get a permit from the DEP it was required to have a noise berm. She has concerns about the noise and it would be a good faith gesture for the applicant to obtain a CoC from the Commission.
- Mr. Connors stated the DEP received a lot of complaints about the noise from the property so they stepped in and required a noise consultant.
- Ms. Pilch questioned the status of the removal of invasive species, autumn olive, as well as the installation of native plantings.
- Mr. Connors stated that cattails are in place.
- Mr. Bajdek requested an operations and maintenance plan which Mr. Connors agreed to provide.
- Mr. Brumber stated that his operation is not the only operation using the ditch. He would like the other three (3) property owners held equally responsible.
- Mr. Bajdek stated that would be looked in to.
- It was agreed that the applicant will submit for a CoC within two (2) weeks of this date for DEP #185-720 and will apply for a Request for Determination of Applicability for the alteration of the berm.
- Mr. Clapp will research the documentation from DEP to make sure the conditions are met.

Discussion: Potential Violation at #194 Lowland Street: Increased Parking Lot Size & Paving

This portion of the public meeting was video recorded by Casandra Brumber. Chairman Bajdek acknowledged Ms. Brumber's recording of this portion of the meeting.

- Mr. Clapp reported that the work at this lot was brought to his attention by the Building Inspector, Peter Tartakoff. The parking lot has been expanded in size.
- Mr. Clapp reported that in September 2017 the Commission pursued some enforcement action on the property because trees were cut down and mulch was being spread for an access road. Mr. Brumber was issued a DoA for the construction of a wood chip berm and the cutting of trees. At the time it was noted that a NOI must be filed for any additional work done on the site. He provided photos of the site at the time the DoA was applied for and today that shows the change.
- Mr. Connors presented information detailing that the work was outside the 100' buffer zone.
- No enforcement is necessary since it falls out of this Commission's jurisdiction.

Discussion: Alternate Voting Members of the Commission

- Mr. Clapp stated that quorum has been a concern lately. He has begun researching the addition of voting alternates. He has polled other Conservation Commissions in the area that have alternate voting members to determine why they decided to have alternates as well as how it is working. All have had success.
- Mr. Clapp would like to know if this is something the Commission supports. Those present agreed that voting alternates would be a welcome addition.
- Mr. Clapp will research further how to add voting alternates to the Commission.

Discussion: Notary Public Signatures

- Mr. Clapp is in the process of obtaining his Notary Public license to better serve the Commission. He requested the required signatures from the Commissioners to complete his application.
- The document was signed by the Commission members present.

Review Correspondence

- MACC provided identification cards for 2019. They were distributed to the Commissioners.
- An invoice dated August 21, 2018 in the amount of \$1096.35 from Charles Katuska for a peer review was approved.
- An invoice dated August 13, 2018 in the amount of \$84.26 from GateHouse Media for legal notice publication was approved.
- The latest edition of *The Wren* was circulated.
- SVT program calendar was circulated.

Public Comment

- Kathleen and Robert Skerry are concerned with work being done by an abutting neighbor on Central Street, Nick\$ Garage. The owner of Nick\$ Garage has begun work on the retaining wall and fence installation. He has not done what he applied for after obtaining the DoA. He had submitted plans for a concrete or concrete block wall to be put in place of the rail road and telephone pole retaining wall. He has instead sloped the hill differently and installed stone rip rap. This has resulted in the filling of the drainage ditch, reducing its dimensions. They are concerned with flooding since the grading has changed and the mouth of the drainage ditch has been narrowed. While it does not fall within the jurisdiction of this Commission, they wanted the Commission to know that the owner trespassed on their property and removed plant life (invasive species, Japanese Knotweed) as well as installed the erosion control barrier on their property.
- Mr. Clapp did inspect the site and determined that the work conducted did not match what was approved in the DoA. He has requested the owner not proceed with any more work and to resubmit a new survey/Determination of Applicability application.
- Mr. Chris Gaboriault of GLM stated they will do a survey of the area. The owner's initial survey was completed by GLM.

PUBLIC HEARINGS/PUBLIC MEETINGS

This portion of the meeting was started at 8:20 PM

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 received notification from the owner requesting the hearing be continued to the next meeting. He has stated that he continues to look for landscapers he can work with. If he is unable to develop a landscaping plan by the colder months he will withdraw his request.

Ms. Pilch made a motion to continue the meeting for #D-629: #8 Adam Wheeler Lane to the September 5, 2018 meeting. Ms. Buttaro seconded the motion. Vote passes unanimously. (4-0-0)

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

- Sam Hiser provided a hand drawn map of the proposed work. The fence location was indicated and is proposed to be a 3 or 4 rail split rail fence. All tree removal within the fence does not fall within the 100qbuffer zone. There is a section of land outside the fence that falls within the 50q. 100qbuffer zone that was indicated that he would like to clear. It is approximately 1500-2000 square feet. There are about forty-two (42) trees tagged for removal as well as scrub growth. They are above 3+in diameter. There are about forty (40) more that are less than 3+in diameter. They encroach about 15q20qinto the 100qbuffer zone from the proposed fence. He would like to remove these trees to enhance the view of the Rail Trail. He intends to begin the work in October.
- Ms. Pilch requested that all the trees subject to removal be flagged so she and members of the Commission may observe them before the work is done.
- Mr. Clapp reviewed the draft determination with the Commission and recommended an N#3 determination.
- Ms. Pilch requested that the flagging of the trees be a condition on the DoA.

Ms. Pilch made a motion to issue a Negative #3 Determination with conditions as amended for #D-631: #1380 Washington Street. Ms. Buttaro seconded the motion. Vote passes unanimously. (4-0-0)

Notice of Intent DEP File #185-841: #815 Winter Street (Assessors Map 14-1-14) for proposed installation of a replacement septic system *Rob Carlezon, Grady Consulting, LLC* representing *Handy Family Trust*

Documents: WPA Form 3, Letter from Grady Consulting LLC dated 7/6/18, Plot Plan titled %Septic Repair Plan; #815 Winter Street+dated 7/6/18

- Mr. Clapp reported that there were no new comments for this application. The DEP was delayed in issuing a file number at the last meeting. They have since issued the file number, #185-841, and they have no further comments.
- Mr. Clapp commented on the draft conditions.

Ms. Pilch made a motion to close the hearing for DEP #185-841: #815 Winter Street. Ms. Buttaro seconded the motion. Vote passes unanimously. (4-0-0)

Ms. Pilch made a motion to issue an Order of Conditions for DEP #185-841; #815 Winter Street with the conditions as drafted. Ms. Buttaro seconded the motion. Vote passes unanimously. (4-0-0)

Notice of Intent DEP File #185-XXX: #289 Hollis Street for #D-638: (Assessors Map 8-5-4) for proposed demolition of the existing house and the grading and site work associated with the construction of a new single family house . *Vito Colonna of Connorstone Engineering, Inc.* representing *Chetak Patel of RCVA, LLC*

Documents: WPA Form 3, Plot Plan titled %289 Hollis Street Proposed Sewage Disposal System+dated 7/24/18, Letter from Connorstone Engineering, Inc. dated 8/6/18

- George Connors waived the reading of the legal notice.
- Mr. Connors presented a plot plan that depicted the proposed location for the new house, septic system and driveway. He indicated that the house will be constructed mostly between the 50q100qbuffer zone and that a few trees would need to be removed to install the new septic system.
- Mr. Bajdek commented that the new house will be less in the 50qno disturb buffer than the existing house.
- Mr. Connors stated that the new house location is on an elevated hill which will require the least amount of fill to be brought in to the site.
- Ms. Pilch questioned why the new construction would need to encroach on the 50qno disturb buffer zone at all. There seemed to be room enough on the survey presented to shift the house out of that zone.
- Mr. Connors replied that the house could not go beyond required building code setbacks. It is as far forward as he can make it on the lot.
- Mr. Connors also stated that they will install four (4) concrete wetland markers as indicated on the plan.
- Mr. Bajdek asked when the project would start.
- Mr. Connors replied that he is still acquiring permissions from other departments so the start date is uncertain.
- Mr. Clapp reported that the DEP has not assigned a number to this application so the hearing cannot be closed until it is received.

Ms. Pilch made a motion to continue the hearing for DEP #185-XXX: #289 Hollis Street to the September 5, 2018 meeting. Ms. Buttaro seconded the motion. Vote passes unanimously (4-0-0)

Request for Determination of Applicability for #D639: #94 Hollis Street (Assessors Map 8-6-15) for proposed installation of a replacement septic system . *Joyce Hastings, GLM Engineering Consultants, Inc.* representing *Monica Ruiz*

Documents: WPA Form 1, Plot Plan titled ~~Proposed~~ Proposed Sewage Disposal System, #94 Hollis Street+dated July 31, 2018

- Chris Gaboriault standing in for Joyce Hastings waived the reading of the legal notice.
- Mr. Gaboriault stated the owners have a failed cesspool that needs to be replaced. The site is small so they are constrained to a limited area. They are keeping the new system as small as possible. He has indicated they will use an impervious barrier to keep the grading minimal and will use the driveway for access to the site. A straw wattle erosion control barrier will be erected while they remove the old system. Some shrubs and scrub trees will need to be removed to install the new system.
- Mr. Clapp stated the Determination could not be released unless the application was signed.
- Mr. Gaboriault provided the signature page.
- Mr. Clapp read the conditions and recommended the issuance of an N#3 Determination.

Ms. Pilch made a motion to issue a Negative #3 Determination with conditions as drafted for #D-639: #94 Hollis Street. Ms. Buttaro seconded the motion. Vote passes unanimously. (4-0-0)

Ms. Pilch made a motion to adjourn the meeting at 9:50 PM. Ms. Buttaro seconded the motion. The vote passes unanimously. (4-0-0)

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