

APPROVED Meeting Minutes

Town Hall- Room #014

December 18, 2018

7:30 PM

Present: Christopher Bajdek, Chair, Rebecca Weissman, Vice Chair, Ann Marie Pilch, Allen Rutberg, Jennifer Buttaro, Shaw Lively, and Utah Nickel, Commissioners

Ryan Clapp, Conservation Agent

Absent: Jennifer Buttaro, Sean Fay, Associate Commissioner

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

General Business

Public Comment

- No comment

Review/Approve Minutes of 9/5/18, 10/9/18, 10/23/18, and 11/13/18

Ms. Pilch made a motion to approve the minutes of 10/9/18 as drafted. Mr. Nickel seconded the motion. Vote passes (4-0-2), with Dr. Rutberg and Mr. Lively abstaining.

Dr. Rutberg made a motion to approve the minutes of 11/13/18 as drafted. Mr. Nickel seconded the motion. Vote passes (4-0-2), with Mr. Lively and Ms. Weissman abstaining.

Dr. Rutberg made a motion to approve the minutes of 12/4/18 as drafted. Mr. Lively seconded the motion. Vote passes (5-0-1), with Ms. Weissman abstaining.

Continued discussion: Winthrop Canal issues

- Mr. Clapp reported that he and Ms. Lynda Simkins had met with Ms. Katrina Proctor of Mosquito Control the previous week. Ms. Proctor had noted that the scale of cleaning out and or/dredging the canal was outside of the scope of work that Mosquito Control could do.
- Ms. Simkins noted that this was because the banks of the canal were overgrown. She noted that the Open Space and Recreation Plan had a goal to clean up and maintain the Winthrop Canal. She noted the canal is full of debris and is shallow. The Town owns the opposite side of the canal. Why can the DPW not clear back 5-10 feet so Mosquito Control can access the canal? It was noted that while the Town may own the land opposite the canal for her property, this was not universally the case for the entire length of the canal.
- Ms. Pilch noted the Open Space and Recreation Plan is a comprehensive document. The Commission's legal matters take precedence, and as such not everything has been or can be addressed.
- Ms. Simkins inquired as to if there was a possibility for the canal to be filled in. Commissioners replied that this was impossible, as the canal creates natural drainage for the Lake Winthrop

watershed. Without the canal, there would be nowhere for the water to go and there would be widespread flooding.

- Mr. Lively reiterated that the Conservation Commission is not in charge of wetlands. Rather, the Commission controls what happens on or near wetlands.
- Mr. Bajdek noted that the Commission may develop plans or hire third party consultants in some cases, but is not responsible for implementing them. There is only one staff member for the Conservation Commission, who is responsible for facilitating and drafting wetlands permits and working with other town boards. The DPW is responsible for implementation.
- Dr. Rutberg said that the directive to DPW comes from the Board of Selectmen. The Conservation Commission then reviews how the DPW would implement the work, then the DPW would do the work.
- Mr. Bajdek noted that the Department of Conservation and Recreation's website had information on state grants to fix dams, possibly including the Lake Winthrop dam. He also noted the Army Corps of Engineers Flood Damage Reduction Program helps design and implement projects to lower flood damage.
- Ms. Weissman suggested the State Division of Ecological Restoration could be another possibility for funding and implementation.
- Mr. Bajdek suggested he and Mr. Clapp meet with Mr. Jeff Ritter, Town Administrator, to ask the Selectmen for a long term management plan for the canal. He noted that hearing from concerned residents provides additional support to the request.
- Mr. Clapp noted the Selectmen were working to restore several dams in town, as per requirements from the Office of Dam Safety. Mr. Lively suggested trying to link the projects together.

157-165 Lowland Street discussion/site walk

Documents: Email from Mr. Clapp, dated 12/17/18

- As mentioned in the previous meeting on 12/4/18, the filing deadline for several items at 157-165 Lowland Street and 194 Lowland Street had passed at the end of November.
- Mr. Clapp made a site visit on 12/17/18 with Mr. Brumber, Mr. Connors, and Mr. Click at Mr. Brumber's site on 157-165 Lowland Street. During the site visit, Mr. Brumber noted that surveying the stormwater trench for a Request for a Certificate of Compliance has been impossible due to the amount of rain this autumn.
- However, Mr. Connors noted that the next time the ground freezes, they will cut the existing vegetation low and survey the property. Mr. Connors committed to having a Request submitted by the Commission's meeting on January 8, 2019.
- Ms. Pilch expressed reservations about extending deadlines as such. She inquired as to how to ensure compliance.
- Dr. Rutberg suggested the Commission exercise its authority to fine Mr. Brumber if deadlines are not met, and wanted the minutes to reflect as such.
- In the interest of attaining compliance, Mr. Clapp suggested, at Mr. Connor's request, the project be handled piecemeal. Once the Certificate of Compliance is handled, next steps and timeline should then be discussed.
- Mr. Clapp will send Mr. Brumber a follow-up regarding the Commission's discussions.

Complaint Regarding Snow Removal at Fire Station (59 Central Street)

Documents: Formal Complaint from Tor Kinlok, 36 Exchange Street, to Tom Smith. Highway Superintendent, dated 11/19/18, E-Mail from Fire Chief Michael Cassidy, dated 12/3/18.

*GIS overlay of 59 Central Street, entitled %Snow Plow Procedures, December 18, 2018+(titled at meeting).

- Mr. Clapp reported that he had spoken with Mr. Smith regarding the Commission's request for additional information on snow plow procedures at the Fire Station in response to the complaint made against the Highway Department.
- Mr. Smith furnished Mr. Clapp with a GIS overlay that notes two temporary snow storage areas, one on the east and one on the west of the building. On the west, the snow will be plowed into the roadway to be picked up, and the eastern pile will be pushed into the parking lot on Exchange Street. The rear drive of the Fire Station will be unusable during this time, but emergency vehicles can still access the front doors.
- The Commission appreciated the efforts of the Highway Department and Mr. Smith to develop the new procedure. The new plan was found agreeable to the Commission.

Enforcement discussion: 128 Fisher Street

Documents: Violation Notice dated 12/5/18, WPA Form 7A

- Mr. Clapp reported that he had issued the violation letters to the involved parties at 128 Fisher Street. He had made a site visit with Mr. Greg Carey of Clean Energy Collective, LLC, and Mr. Dan Wells of Goddard Consulting, LLC earlier today.
- Mr. Carey noted that Clean Energy Collective, LLC, were not the offenders in this case. Rather the encroachments into the wetlands and buffer zones were done by the property owner. They have met with the property owner, who has committed to working with the Commission and Clean Energy Collective. As of now, the plan is to prepare a scope of work and survey the property.
- Mr. Wells noted that the planting plan had failed. However, the purpose of the planting plan was to stabilize the ground and provide a barrier of protection to the wetlands. While the plants that have grown in now are not what was approved, it serves the same purpose. He suggested installing signage to prevent further encroachment and allow succession to take over.
- Mr. Carey noted the Order of Conditions expired on 12/17/18. However, having submitted the request for an extension on 12/13/18, he noted the Commission could exercise its discretion in whether or not to extend the Order.
- Mr. Clapp inquired as to if one year would be enough to resolve the issues at the property. Mr. Carey responded it would.

Mr. Lively made a motion to extend the Order of Conditions DEP File #185-803 until December 17, 2019. Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).

- Mr. Carey noted that they will be filing for an Amended Order of Conditions in the near future.
- Mr. Lively inquired if there was anything that could be done in the meantime. Mr. Preservati, owner, suggested that he could remove the encroaching boulders if there is no frost.
- Mr. Clapp will meet onsite with Mr. Preservati on Thursday.

Review Correspondence / Other

- Mr. Clapp reported the Commission had receive a Notice of Noncompliance for Dams from the Department of Conservation and Recreation.
 - Mr. Clapp noted the Selectmen are taking the lead on handling the dams. Mr. Ritter forwarded Mr. Clapp an email from DCR informing the Town that since there have been dam studies done by Lenard Engineering, and the Town is making progress, to disregard the enforcement aspect.
- Mr. Clapp reported he had received a Notice of Intent for Constitution Village. He will be sending it out for peer review and will be meeting with Ms. Sherman and Mr. Talerma, Town Counsel, Thursday morning.
- Mr. Clapp visited the site on Woodland Street Mr. Lively had noted. There is heavy disturbance, with smashed cars, dirt piles, and other debris.
 - Mr. Clapp has spoken with Mr. Smith and confirmed the Highway Department uses it as a temporary stockpile area for clearing out Town detention basins. Mr. Clapp informed Mr. Smith he will need to file for this to continue.
 - Mr. Clapp met with the Martial Arts studio owner, who is interested in purchasing or leasing the land, cleaning it up, and building a park. Mr. Clapp has informed the Parks Department.

Public Hearings/Public Meetings

Notice of Intent for DEP #185-XXX: #126 Summer Street (Assessors Map 5-1-3) for proposed outdoor storage - *GLM Engineering*, representing *Jonathan Bennett, Bennett Trucking, Inc.*

Documents: WPA Form 3, Plot Plan Entitled ~~Proposed~~ Site Plan, 126 Summer Street, Holliston, Massachusetts, dated 10/30/18 (rev. 11/8/18, 11/9/18), Letter from GLM Engineering Consultants, Inc., dated 10/30/18.

*Memorandum from Mr. Scott Moles, Board of Health Director, dated 12/13/18.

- Mr. Clapp reported that he had received correspondence from Ms. Joyce Hastings, representative for the applicant. They had still not received a file number from DEP. As such, Ms. Hastings requested that discussion be continued to the next meeting on January 8, 2019.
- Mr. Clapp noted that it had been mentioned in a Planning Board meeting that the dumpsters may not always be empty, as previously indicated. Additionally, their contents may be more varied.
- Mr. Clapp read a memorandum from Mr. Moles, Board of Health Director, regarding the Board of Health concerns with the dumpsters.
- Ms. Hastings has requested an informal meeting with Mr. Clapp, Mr. Moles, and Ms. Sherman before the next meeting.

Dr. Rutberg made a motion to continue the public hearing for DEP #185-XXX: #126 Summer Street to the next meeting on January 9, 2019. Ms. Pilch seconded the motion. Vote passes unanimously (6-0-0).

Request for Determination of Applicability for #D-648: #40 Fisher Street (Assessors Map 1-1-26) for proposed replacement septic system - *CIVILized Solutions*, representing *Kevin & Cynthia Bravo*.

Documents: WPA Form 1; Plot Plan entitled "Septic System Construction, 40 Fisher Street, Holliston," dated 11/19/18 (rev. 12/17/18).

- Dr. Rutberg recused himself.
- Mr. Clapp reported that he had received correspondence from Mr. Eric Dickenson of CIVILized Solutions. Neither he nor Mr. Paul Saulnier could attend this evening, and requested a continuance to January 8, 2019.

Mr. Lively made a motion to continue the public meeting for #D-648: 40 Fisher Street to January 8, 2019. Ms. Pilch seconded the motion. Vote passes (5-0-1).

Mr. Lively made a motion to adjourn at 9:00 PM. Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).

* indicates new documentation provided

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