

**APPROVED Meeting Minutes**

Town Hall- Room #014

January 8, 2019

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: Sean Fay, Associate Commissioner

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

**General Business**

**Public Comment**

- No comment

**Review/ Approve Minutes of 12/18/18**

**Mr. Lively made a motion to approve the minutes of 12/18/18 as written. Dr. Rutberg seconded the motion. Vote passes (6-0-1) with Ms. Buttaro abstaining.**

**Request for a Partial Certificate of Compliance: DEP #185-705, Pleasant, Mechanic, Union Street Drainage**

- Mr. Clapp reported that Mr. Tom Smith, Highway Superintendent, had reached out to him recently about ongoing maintenance for the area of Pleasant, Mechanic, and Union Street. Mr. Smith told Mr. Clapp he was hesitant to request a Certificate of Compliance due to the necessity of the ongoing maintenance.
- Mr. Clapp suggested Mr. Smith file for a Partial Certificate of Compliance. The infrastructure improvements under the Order of Conditions have been completed, and the only aspect remaining is clearing of accumulated silt annually.
- Ms. Buttaro noted that the Certificate of Compliance can be a Complete Certificate of Compliance. Ongoing maintenance is exempt from the Wetlands Protection Act.
- Mr. Clapp agreed it is exempt, and referenced the relevant part of the Act. However, he had suggested the Partial to err on the side of caution.
- Ms. Weissman agreed with Ms. Buttaro's suggestion of a Complete Certificate of Compliance.

**Mr. Lively made a motion to issue a Complete Certificate of Compliance for DEP #185-705: Pleasant, Mechanic, and Union Street. Ms. Buttaro seconded the motion. Vote passes unanimously (7-0-0).**

**Discussion: Survey and Management Plan Winthrop Canal**

- Mr. Clapp reported that contrary to previous comments, the Central Massachusetts Mosquito Control Program will be going into the Winthrop Canal to clear blockages along its route. They

have distributed notices and permission forms to abutters. Mr. Clapp noted that activity is unlikely to start before late spring.

- Mr. Clapp noted that Mr. Lively had reached out to him regarding the possibility of a Management Plan for the canal.
- Mr. Lively stated that the Commission was having specific complaints from homeowners. The solutions were only temporary and very localized. A plan such as this would allow for the identification of specific problem areas that could be much more effectively addressed.
- Mr. Lively further noted that he had learned that in the 1970s, the federal government implemented the Comprehensive Employment and Training Act (CETA). One of the program's actions was to dig out the Winthrop Canal, corroborating Ms. Simkins's recollection that the canal was once dredged. However, he noted this was a temporary program, not an ongoing one.
- Mr. Clapp noted he found a Town Meeting article that was passed in 2013, approving a maintenance plan to be developed and implemented by the Town for the Winthrop Canal by the 2014 Town Meeting. No such plan exists. Referencing the minutes of the Town Meeting, financing this project was discussed but tabled.
- Mr. Clapp has reached out to several environmental consultants. Only Goddard Consulting, LLC, has responded with interest thus far to come up with a cost estimate.
- Mr. Clapp noted that the minutes from the 2013 Town Meeting state the Board of Selectmen were already developing such a maintenance plan.
- The Commission suggested Mr. Clapp issue a memorandum to the Selectmen on their behalf requesting the Selectmen to take the initiative on this overdue plan.

### **Review Correspondence / Other**

- An advertisement from GEI Consultants, Inc., regarding dams in Holliston was circulated.
- Holiday cards from Oxbow Associates, Inc., and Guerriere & Halnon, Inc. were circulated.
- The latest issue of *The Wren* was circulated.
- Mr. Clapp noted that he had received a question regarding hunting on Army Corps of Engineers land. He is investigating but it appears to be legal. The hunter does not plan to move forward for several months.

### **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.

- Mr. Clapp reported that he has received a request to continue the public hearing until the next meeting on 1/22/19. There is still no DEP File number and a staff meeting with the applicant has not yet occurred.

**Ms. Weissman made a motion to continue the public hearing for DEP #185-XXX: #126 Summer Street to the next meeting on January 22, 2019. Ms. Buttaro seconded the motion. Vote passes unanimously (7-0-0).**

**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 as an abutter.
- Mr. Eric Dickenson, representative for the applicant, waived the reading of the legal notice. It was not read at the previous meeting as it was continued.
- Mr. Dickenson described the project. The septic system for the house has failed, and they were looking to replace it. No septic system could go in front of the house, and had to go into the back, which encroached into the 100qBuffer Zone. Mr. Dickenson noted there was no encroachment into the 50qBuffer Zone proposed. Only one tree within the 100qBuffer Zone must be removed as a part of this project.
- Mr. Bajdek noted there was floodplain on the plan. Mr. Dickenson responded that the bottom of system was several feet above the floodplain elevation.
- Mr. Lively inquired as to how the landscape of the property will change. Mr. Dickenson explained they will be installing rip rap to the limit of work, and the system will be built into the slope.
- Mr. Dickenson noted there is a shed to be relocated as part of the project. However, he is unclear as to where it will be relocated to.
- Several Commissioners expressed concerns about the extent the existing yard encroaches into the 50qBuffer Zone. The Commission collaborated on a new standard condition requiring As-Built plans for the septic to show the wetlands, 50qNo Disturbance Buffer Zone, and 100q Buffer Zone.

**Ms. Pilch made a motion to issue a Negative #3 Determination for #D-648: 40 Fisher Street, with conditions as discussed. Ms. Buttaro seconded the motion. Vote passes (6-0-1) with Dr. Rutberg abstaining.**

**Request for Determination of Applicability for #D-649: #105 Woodland Street (Assessors Map 1-3-33) for proposed replacement septic system - *GLM Engineering, Inc.*, representing *Michael & Karen McCall*.**

**Documents:** WPA Form 1; Plot Plan entitled %Proposed Sewage Disposal System, 105 Woodland Street, Holliston, Massachusetts,+dated 12/03/18 (rev. 1/07/2019)

- Mr. Chris Gaboriault, representative for the applicant, waived the reading of the legal notice.
- Mr. Gaboriault distributed revisions to the plan of record to the Commission, incorporating Mr. Clapp's review comments.

- Mr. Gaboriault described the project. The existing septic system has failed. The new system is to be located as far as possible from the wetlands. The only encroachments into the 50' buffer zone is for some proposed grading. Two trees within the buffer zone are to be removed: a 3" ornamental and an 8" crabapple.
- Mr. Lively inquired about the shed to the south of the property. Mr. Clapp responded that as they were outside the 50' and not within floodplain, they were considered exempt accessory structures.
- Per Mr. Clapp's request, the silt fencing was expanded along the north side of the house.
- Given the nature of the house's location on an island, the Commission recommended the additional condition requiring As-Builts to show buffer zones.
- Mr. Clapp noted there was a burning pile to the east of the house. Mr. Clapp has contacted the Fire Chief, who informed him burning permits require piles to be 75' away from any structure. Mr. Clapp noted there was nowhere on the property 75' from a structure that was also 50' from the wetlands. Ms. Pilch was of the opinion that there should be no burning onsite, a sentiment shared by the Commission.
- Mr. Clapp noted that the Request did not have the property owner's signature. Mr. Gaboriault informed the Commission they will acquire it. Mr. Clapp will hold on to the Determination until the signatures are received.

**Dr. Rutberg made a motion to issue a Negative #3 Determination with conditions as discussed. Ms. Weissman seconded the motion. Vote passes unanimously (7-0-0).**

**Notice of Intent for DEP File #185-XXX: Old Cart Path, Paul Revere Lane, Minuteman Circle, Hiawatha Trail, Governor Prentice Way (Assessors Map 14) for proposed construction of a roadway and drainage alteration - Guerriere & Halnon, Inc., representing Constitution Village, LLC.**

**Documents: WPA Form 8A; Plan Set entitled "Constitution Village Subdivision Modification in Holliston, MA," dated 11/15/18; email from Mr. Clapp dated 12/26/18; Response Memorandum from Mr. George Mihov dated 12/31/18.**

- Mr. Clapp read the legal notice into the record.
- Mr. Mihov, representative for the applicant, presented the project. Constitution Village is a subdivision in Holliston bordering Ashland and Sherborn. Dopping Brook and associated wetlands are on site. The proposal is to build a new roadway serving five (5) house lots, and reconfigure the existing detention basins on site. The existing basins do not function as intended.
- Mr. Lively stated that in addition to this Notice of Intent, there will need to be Notices of Intent for each individual house lot.
- Ms. Weissman inquired as to what changes were proposed in Detention Basin D. Mr. Mihov stated that the roadway will be going directly through it.
- Mr. Bajdek noted that with no hydraulic connection from the subdivision to the detention basins, they are not functioning as intended. Mr. Clapp noted that while the detention basins are not functioning as intended, there is a pipe with very turbid water that outlets into the area.
- Ms. Buttaro inquired as to if the subdivision has a Certificate of Compliance. Mr. Clapp responded they did not.
- Ms. Buttaro inquired as to if the basins are in an easement, and who maintains them. Mr. Mihov stated they were in an easement and maintained by the Homeowners Association.

- Ms. Pilch expressed concerns regarding proximity of houses to wetlands and basins. She did not want the applicant to create their own hardship and create lots that are unbuildable without encroaching on the 50 foot no-touch zone.
- Mr. Clapp noted the wetland delineations used by the applicant in this Notice were initially measured when the subdivision was permitted in 2001. The wetlands have not been re-delineated since.
- Dr. Rutberg stated that the Commission needs to know the extent of the current wetlands.
- Several members of the Commission voiced concerns that after 18 years of drainage and construction with non-functioning detention basins, the wetland boundaries have likely changed.
- Mr. Mihov responded that he can have surveyors reflag the wetlands, to be checked by a peer review consultant hired by the Commission.
- Ms. Weissman noted that a peer review consultant would not be able to verify the wetlands at this time. Delineations can only be done in the growing season. If they are done in winter, they must be reverified in spring.
- Given the overarching issue of current delineations, Mr. Clapp has not sent the NOI for peer review. Once it is settled, he will. Mr. Clapp noted he will be sending it out to two consultants: one for ecological and wetlands assessment and one for engineering and stormwater.
- Mr. Bajdek inquired if anyone in the audience would like to offer questions or comments.
- Ms. Julia Dimmick inquired if the drainage structure at the intersection of Old Cart Path and Praying Indian Way would be altered. It is currently under the jurisdiction of the Homeowners Association. Mr. Clapp responded that it was not, all alterations are further down Old Cart Path.
- Mr. Bennett Bolton inquired as to if Doping Brook was intermittent or perennial. He notes the NOI classifies it as perennial, but he believes it may be intermittent. Mr. Clapp will confirm with StreamStats and the peer review consultant will additionally confirm in the future.

**Ms. Pilch made a motion to continue the public hearing for DEP #185-XXX: Old Cart Path, Paul Revere Lane, Minuteman Circle, Hiawatha Trail, Governor Prence Way to the meeting on 1/22/19. Dr. Rutberg seconded the motion. Vote passes unanimously (7-0-0).**

**Dr. Rutberg made a motion to adjourn at 9:05 PM. Ms. Pilch seconded the motion. Vote passes unanimously (7-0-0).**

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