

**APPROVED Meeting Minutes**

Town Hall- Room #014

January 22, 2019

7:30 PM

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

Ryan Clapp, Conservation Agent

Absent: Rebecca Weissman, Vice Chair, Sean Fay, Associate Commissioner

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

**General Business**

**Public Comment**

- No comment

**Review/ Approve Minutes of 1/8/19**

- Mr. Clapp noted that Mr. Bajdek and Ms. Pilch had offered some minor revisions to the minutes, and has revised accordingly.

**Mr. Lively made a motion to approve the minutes of 1/8/18 as written. Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).**

**Request for Administrative Update to Record Plan - DEP File #185-843: 289 Hollis Street**

**Documents:** Plot plan entitled "Proposed Sewage Disposal System," dated 7/24/18; Plot plan entitled "Proposed Sewage Disposal System," dated 7/24/18 (rev. 1/7/19).

- Mr. Clapp reported that he had received a Request for an Administrative Update to the Record Plan. Under the initial approval in August 2018, there was approximately 2,700 square feet of encroachment into the 100-foot buffer zone, with approximately 25 square feet of encroachment into the 50-foot disturbance buffer zone. The newly proposed plan makes the house smaller, with approximately 2,200 square feet of encroachment into the 100-foot buffer zone. However, there is an additional 200 square feet of encroachment into the 50-foot disturbance buffer zone proposed.
- Mr. Lively expressed concerns regarding the encroachment into the 50-foot disturbance buffer zone. He noted there were no construction details on the proposed plan and inquired as to if the deck would be cantilevered and if there would be stairs included in the plan.
- Ms. Pilch agreed with Mr. Lively, there needs to be more details in this proposed update. She also noted that the deck goes right up to the limit of work as marked by the erosion controls and expressed concerns regarding machinery and construction work so close to this limit.
- Mr. Lively noted that when the project was approved, the encroachments into the 50-foot disturbance buffer zone were approved reluctantly. The applicant has now returned asking for significantly more encroachment.

- Mr. Bajdek directed Mr. Clapp to contact the applicant and request he attend the next meeting on 2/5/19.

### **Review: Conservation Restriction, Highlands at Holliston**

#### **Documents:** Draft Conservation Restriction for Highlands at Holliston Subdivision

- Mr. Clapp reported that he had received a draft Conservation Restriction from Mr. Paul Beattie for the Highlands at Holliston subdivision. He has circulated the document to the Commission and Town Counsel beforehand.
- Mr. Clapp noted that his first impressions of the document was that it was rather hastily put together. There were several spelling, grammatical, and formatting issues. Additionally, he noted that several parts of the document contradict each other, such as referencing a Baseline Documentation Report when the application portion of the document states there is no such documentation.
- Ms. Pilch noted that a Baseline is required.
- Mr. Clapp further noted there are several references to hunting, which is not allowed on public property in Holliston, no Commission approval page, and several other concerns. He also expressed concerns regarding the designated one year monitoring period for the plantings and removal of invasive species. He has made several comments throughout the draft restriction referencing this period to ensure Fafard is held accountable.
- Mr. Clapp has forwarded his comments to Town Counsel who is currently reviewing.
- Ms. Alicia Quealy, present as a resident, inquired as to the timeframe for this Restriction to be finalized. She is hoping for road acceptance in May Town Meeting so there can be school buses. Mr. Clapp reported that the state may take a while to review the Restriction. May Town Meeting would not be possible, and it may not even be ready in time for October Town Meeting.
- Ms. Quealy inquired if the CR acceptance is required for road acceptance. Mr. Clapp and Mr. Bajdek believed it was, but Mr. Clapp will confirm with Town Counsel.

### **Request for a Certificate of Compliance - DEP File #185-720: 157-165 Lowland Street**

**Documents:** WPA Form 8A; Letter from Connorstone Engineering, Inc. dated 1/21/19; Plan of Land entitled %Topographic Plan of 157-165 Lowland Street in Holliston, Mass.+dated 1/18/19.

- Mr. Clapp noted that he had received this Request for a Certificate of Compliance earlier this afternoon. Mr. Brumber was required to submit this information by the last meeting in January, and as such has met this deadline. However, due to the timing of this submittal, the Commission was limited in its ability to review.
- Mr. Clapp presented the plan to the Commission.
- Ms. Buttarro noted that the berm was not shown on this plan. Mr. Clapp suggested that it may be because the applicant is solving the various issues on his property piecemeal, and wants to draw the Commission's attention to the specific issue at hand.
- Mr. Clapp noted that there were no wetland buffer zones drawn on the plan.
- Several Commissioners expressed concerns that the plan did not show a significant amount of information and was confusing. Mr. Clapp noted that he has notified Mr. Brumber that there

must be a site visit between now and the next meeting to compare the plan to the actual property and hopefully resolve some of the confusion of the Commission.

- A Certificate of Compliance was not issued this evening.

### **FY20 Budget**

- Mr. Clapp presented the Commission with a draft budget for Fiscal Year 2020. The Financial Committee guidelines allowed for a 2.5% increase in salary lines and a 1.5% budget increase overall.
- Mr. Clapp reported that his proposed salary line item increased significantly (79.38%). However, this was due to Ms. Stearley's acceptance of another position and the Commission consolidating the department from two part time staff to one full time. To that end, clerical salaries decreased 100%. Mr. Clapp's proposed salary line budget remains within the Financial Committee guidelines.
- Mr. Clapp noted that communications are to drastically increase (280%). This is across all departments as there has been an issue with the Town's phone bills. Mr. Clapp has worked with Ms. Sharon Emerick, Town Accountant, to determine the amount of increase.
- Mr. Clapp is proposing to decrease the budget for office supplies and educational materials. None of the educational materials budget has been expended as of yet. Mr. Clapp notes there is an extensive library on wetlands, stormwater, soils, plants, and other relevant subjects in his office. He also notes any expenditure from this account would likely be for materials for the MACC Annual Conference in March.
- Mr. Lively inquired if an educational pamphlet on the Town's Open Spaces would be a possible expenditure from this account.
- Ms. Pilch noted that the development, printing, and distribution of such a document likely would go over the approved FY19 budget of \$200.
- Mr. Clapp noted there are other revolving accounts such expenditures could be drawn from.
- Mr. Lively noted that it appeared the filing fee accounts were dropping. Mr. Clapp reported that was not the case. The document referenced is dated 12/31/18, and does not factor in two significant deposits summing to approximately \$13,000 since, nor does it project filing fees out to the end of the fiscal year. The revenues for this account outweigh the expenses, providing protection to the funds available to the Commission.

**Ms. Pilch made a motion to accept the draft budget for Fiscal Year 2020. Ms. Buttaro seconded the motion. Vote passes unanimously (6-0-0).**

- Mr. Clapp will present the budget to the Board of Selectmen on 2/4/19 and the Financial Committee on 2/5/19.

### **Review Correspondence / Other**

- Mr. Clapp has received an Emergency Action Plan for the Houghton Pond Dam presented by Lenard Engineering. He will circulate the document.
- Mr. Clapp has received correspondence from Mr. Charles Katuska. He will be beginning his drafting of the Bylaw regulations and has sent an outline. Mr. Clapp will circulate the outline.
- Mr. Clapp has received correspondence from Mr. Nick Rossi at MassAudubon. They are facilitating a private conservation restriction with the intent of creating a wildlife sanctuary.

Since the restriction is private, the Commission does not need to sign off on it, but the Board of Selectmen does. Mr. Clapp is currently reviewing the document with Mr. Rossi.

- Mr. Clapp has received directive from Mr. Jeff Ritter, Town Administrator, to redraft a Winthrop Canal Maintenance Plan/Policy based on the initial plan from 2013. He is currently working with the Board of Health and will be working with the Department of Public Works. The Commission offered various suggestions to the policy. The policy will need approval from the Board of Selectmen, Board of Health, DPW, and Conservation Commission.

### **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 2/5/19. There is still no DEP File number. Mr. Clapp will be meeting with the applicant, Ms. Hastings, Ms. Sherman (Town Planner), Mr. Moles (Health Agent), and Mr. Canney (Building Inspector/Zoning Enforcement Officer) on Friday to discuss the project.

**Mr. Lively made a motion to continue the public hearing for DEP #185-XXX: #126 Summer Street to the next meeting on February 5, 2019. Ms. Buttaro seconded the motion. Vote passes unanimously (6-0-0).**

**Request for Determination of Applicability for #D-650: #235 Hanlon Road (Assessors Map 7-3-32)** for proposed acceptance of changes to Plan of Record and Use of Septic System - *Clean Properties, Inc.*, representing *Bernadette McCool*.

**Documents:** WPA Form 1; Plan of Land entitled %Proposed Sewage Disposal System, Lot #3 Hanlon Road, Holliston, MA+dated 8/3/83; Plan of Land entitled %Proposed Sewage Disposal System, Lot #3 Hanlon Road, Holliston, MA+dated 8/3/83 (rev. 8/22/83, 10/3/83, 10/4/83, 10/12/83, and 11/29/83).

- Mr. Clapp provided background on this project. Under the Request for Determination of Applicability #D-7, this septic system was approved in August 1983. This then went to the Board of Health, where the project was revised 5 times before approval in December 1983.
- The Commission's initial approval allowed for a 4 bedroom system with a garbage grinder. The Board of Health's approval was for a 3 bedroom system with a garbage grinder. The plan was never brought back for update to the Conservation Commission for approval.
- The applicant is looking to sell her property as a 4 bedroom system with no garbage grinder. The system is designed to handle the flow required to be considered a 4 bedroom system. She has been paying taxes as if it is a 4 bedroom system for 36 years. However, because #D-7 is 33 years expired, no update to the record plan can be made.
- Mr. Clapp emphasized that no work was proposed under this Request. It was merely to resolve long-standing administrative issues.

- Mr. Clapp noted the Board of Health was scheduled to review this issue on 1/17/19, but the meeting was canceled.
- Ms. Pilch noted that since this is such a long-standing issue, she had no issue with accepting the changes to the plan of record.
- Mr. Clapp noted that this would be a Negative #2 Determination, stating that the project is within the buffer zone, but does not remove, alter, fill, or dredge. He has drafted conditions of this approval, including reclassifying the system based on the 1983 approval from the Conservation Commission and emphasis that no work is approved under this Determination.
- Ms. Pilch expressed concerns about putting a condition of reclassification. That decision should be left to the Board of Health. The receipt of this Determination should constitute approval and support from the Commission.

**Ms. Pilch made a motion to issue a Negative #2 Determination for #D-650: #235 Hanlon Road with conditions as discussed. Ms. Buttaro seconded the motion. Vote passes unanimously (6-0-0).**

**Notice of Intent for DEP File #185-XXX: Old Cart Path, Paul Revere Lane, Minuteman Circle, Hiawatha Trail, Governor Prence 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 has received correspondence from Mr. Mihov, representative for the applicant. He has a crew reflagging the site based on the 2001 delineations and they are approximately halfway done. He has requested a continuance to the next meeting on 2/5/19.
- Mr. Bajdek wondered whether the date for the continuation should be pushed until March, since there is likely not to be any update between now and then. However, since the applicant requested 2/5/19, he acknowledges the Commission should accept it.
- Mr. Brian Merson, present for the project as a resident, asked the Commission to see the plans. He lives in Ashland and has seen significant development in the past 16 years. The Commission noted that significant amounts of work are proposed with this project.
- Mr. Merson inquired as to if Dopping Brook was considered a perennial or intermittent stream. He noted that Ashland considers in intermittent. Mr. Clapp believes it to be perennial, and the plans reflect that assessment, showing a 200qRiverfront Buffer Zone. However, USGS StreamStats is inconclusive.

**Mr. Lively 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 2/5/19. Ms. Buttaro seconded the motion. Vote passes unanimously (6-0-0).**

**Mr. Lively made a motion to adjourn at 9:30 PM. Ms. Buttaro seconded the motion. Vote passes unanimously (6-0-0).**

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