

APPROVED Meeting Minutes

Town Hall- Room #014

February 5, 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 1/22/19

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

Ms. Pilch made a motion to approve the minutes of 1/22/18 with Mr. Bajdek's revisions. Dr. Rutberg seconded the motion. Vote passes (6-0-1) with Ms. Weissman abstaining.

Tree Removal Request: #23 Minuteman Circle

- Mr. Clapp reported that he had received a request to allow for removal of trees within the 50q buffer zone from the homeowner at #23 Minuteman Circle. The homeowner was concerned for the safety of his family and property, as the trees were overhanging his house, and were they to fall they would cause significant damage and/or injury.
- Mr. Clapp visited the site and noted 8 trees of concern total and flagged them. Mr. Tony Antony, homeowner, confirmed with Mr. Clapp that these were the trees he was concerned about. Mr. Clapp conferred with Mr. Sean Reese, DPW Director and Tree Warden, who agreed these trees were hazardous.
- Mr. Clapp noted that the root of this issue was that the houses in this development were built so close to the 50qno-disturbance buffer zone that such an issue was inevitable. He expressed concerns over setting a precedent for other homeowners in the development.
- Ms. Weissman affirmed that this issue was mentioned to Fafard when the subdivision was initially permitted.
- Mr. Lively noted this is unlikely to be the last time the Commission receives a significant tree removal request such as this. He suggested the Commission develop a policy regarding handling tree issues in this subdivision.
- Ms. Weissman suggested compensatory mitigation as a requirement, or even a no-build zone extending beyond the 50qno-disturbance zone to further protect the wetlands and buffer zone. The Commission supported the development of a mitigation policy. Mr. Clapp will research such policies in other towns and present findings at the next meeting.

- Mr. Clapp suggested the Commission allow Mr. Antony to schedule for the cutting of these trees, but for him to return for the meeting on 2/19/19 to discuss mitigation measures.
- The Commission gave approval for Mr. Antony to remove the flagged trees with the condition of compensatory mitigation to be discussed. Mr. Clapp will issue a letter authorizing the removal.

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.

This portion of the meeting was filmed by Ms. Cassandra Brumber

- Mr. Clapp reported that he had received a Request for a Certificate of Compliance for DEP File #185-720: 157-165 Lowland Street.
- Mr. Clapp made a site visit yesterday with Mr. Michael Brumber, property owner, to assess the drainage structures associated with this Order and Request. He noted that during the site visit, New England Emulsions was discharging stormwater into the stormwater trench, offering an opportunity to witness the structure in operation. Mr. Clapp noted the structure was working properly and was in favor of issuing a Certificate of Compliance.
- Mr. Brumber noted that the Order of Conditions DEP #185-74 holds Mr. Herb Brockert of the abutting HEB Land Development was responsible for maintenance of the stormwater system. Mr. Brumber noted that as such, and given that parts of the stormwater system were on HEB Land Development property, New England Emulsions property, and his property, he should not be held solely responsible for the maintenance of the system.
- Mr. Brumber further referred to the court case *Conservation Law Foundation, Inc. v. American Recycled Materials, Inc.*, which found that his operation (American Recycled Materials, Inc.) did not discharge stormwater into Bogastow Brook. As such, he is maintaining a stormwater system he does not even use.
- Mr. Clapp suggested mediating a discussion between the three property owners to determine a maintenance schedule reflecting each property owner's responsibilities for stormwater upkeep.

Ms. Pilch made a motion to issue a Certificate of Compliance for DEP File #185-720: 157-165 Lowland Street. Dr. Rutberg seconded the motion. Vote passes unanimously (7-0-0).

Ms. Brumber ended filming

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. Ted Gowdy, representative for the applicant, noted that the new proposal encroached less into the buffer zone. However, he understands the concern the Commission has that the deck encroaches further into the 50'no-disturbance buffer zone.
- Ms. Pilch noted that this leaves no margin of error, as it is right on the limit of work.

- Dr. Rutberg asked about access to the deck and what the deck will be built on. Mr. Gowdy noted that the deck will be built on helical piles with crushed stone underneath.
- Mr. Gowdy noted that landscaping and certain details were not on this plan. These details included access stairs to the deck, a walkway, patio, front porch, and bulkhead.
- Ms. Weissman emphasized that these need to be on the plan.
- Mr. Lively suggested Mr. Gowdy show all possible proposals on the plan to prevent the need to come back to ask for more.
- Mr. Gowdy also requested to amend the wetland boundary markers on the plan from concrete posts to boulders.
- Ms. Pilch stressed that there shall be no encroachment beyond the limit of work.
- Mr. Gowdy will return with a new plan showing the discussed stairs, walkway, bulkhead, patio, and porch, as well as the boulder details.

Review: Conservation Restriction, Highlands at Holliston

Documents: Draft Conservation Restriction for Highlands at Holliston Subdivision

- Mr. Clapp has reviewed the Restriction with Town Counsel and Mr. Paul Beattie, attorney for Fafard. He sent the revised Restriction to the Commission in advance of the meeting.
- Dr. Rutberg voiced concerns over language in the Reserved Rights and Exceptions in regards to Recreational Activities, Wildlife Habitat Improvement, and Signs. No other Commissioners voiced concerns regarding the Restriction.
- Mr. Clapp will inform Mr. Beattie the Commission has given authorization to send the Restriction to the State with the revisions as discussed.

Review Correspondence / Other

- Mr. Clapp has received correspondence that the Conservation Associates will be holding their winter walk this upcoming Saturday, 2/9/19. He will circulate the information.
- Notice from Eversource that they will be applying herbicides along the powerline rights-of-way in Holliston was circulated.
- The 2019 Spring Plant Sale Catalog from Middlesex Conservation District was circulated.
- Mr. Clapp inquired if the Commission had any concerns regarding the private Conservation Restriction facilitated by MassAudubon on Highland Street. No issues were voiced. Mr. Clapp will send the Restriction to the Board of Selectmen for review.
- Ms. Pilch had reviewed the draft regulation outlines provided by Mr. Chuck Katuska. She noted the old regulations were not online and asked Mr. Clapp to send them to her. Mr. Clapp noted that he had spoken with Mr. Katuska about the outline, believing that the old outline was adequate, with some adjustments.

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 2/19/19. There is still no DEP File number. There was a staff meeting among land use departments on 1/25/19 and new information was sent to DEP by the Applicant as a result.

Dr. Rutberg made a motion to continue the public hearing for DEP #185-XXX: #126 Summer Street to the next meeting on February 19, 2019. Ms. Buttaro seconded the motion. Vote passes unanimously (7-0-0).

Request for Determination of Applicability for #D-651: #135 Dodd Drive (Assessors Map 11-8-375) for proposed replacement septic system - CIVILized Solutions representing Paul Barden

Documents: WPA Form 1; Plan entitled ~~%~~Septic System Construction, 135 Dodd Drive, Holliston, dated 1/9/19.

- Mr. Paul Saulnier, representative for the Applicant, waived the reading of the legal notice.
- Mr. Saulnier explained the project. The existing septic system for the property has failed. The new proposed system is outside of the 50qbuffer zone from wetlands to the north and east of the property, but has approximately 2,000 sf of disturbance within the 100qbuffer zone.
- Mr. Clapp noted some concerns regarding the project. There was a shed located beyond the wetland line, the fire pit must be relocated outside of the 50qbuffer zone, and the burn pile must be removed from the 50qbuffer zone.
- Mr. Saulnier noted that the shed has been there for over 20 years. The homeowner has no intention of relocating the fire pit, rather he would like to remove it completely, and the homeowner will clean up the burn pile.
- Ms. Pilch noted that she would like a condition preventing oil, gas, fertilizers, or other potentially harmful pollutants from being stored in the shed.
- Mr. Bajdek noted that he would like a condition that once the shed reaches the end of its usable life, it be permanently removed and not be replaced.
- Mr. Lively noted that buffer zones are extensive across the property. A condition will be added for two wetland boundaries on wooden posts to be permanently placed along the wetland boundary.

Ms. Pilch made a motion to issue a Negative #3 Determination for #D-651: #135 Dodd Drive with conditions as discussed. Ms. Buttaro 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 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.

**Conservation Commission Minutes 1-22-19
Drafted for the Commission by: Ryan Clapp
Approved by the Commission: 2-19-19**

- Mr. Clapp has received correspondence from Mr. Mihov, representative for the applicant, requesting the public hearing be continued to the next meeting on 2/19/19. Mr. Clapp has reached out for a peer review proposal for the project.

Ms. Buttaro 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. Dr. Rutberg seconded the motion. Vote passes unanimously (7-0-0).

Ms. Pilch made a motion to adjourn at 9:30 PM. Dr. Rutberg seconded the motion. Vote passes unanimously (7-0-0).

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