

APPROVED Meeting Minutes

Town Hall- Room #014

June 11, 2019

7:30 PM

Present: Christopher Bajdek, Chair, Rebecca Weissman, Vice Chair, Allen Rutberg (*arrived 7:45*), Ann Marie Pilch, Commissioners, Sean Fay, Associate Commissioner

Ryan Clapp, Conservation Agent

Absent: Jennifer Buttaro, Shaw Lively, Utah Nickel, Commissioners

Christopher Bajdek, Chair, opened the meeting at 7:45 PM.

General Business

Public Comment

- No comment

Review/Approve Minutes of 5/14/19 & 5/28/19

- Not enough Commissioners were present from the 5/14/19 meeting to vote on these minutes. Left open until next meeting on 6/25/19.
- Not enough Commissioners present at the meeting on 5/28/19 had the opportunity to review these minutes. Left open until next meeting on 6/25/19.

Discussion: Flood Damage at 31 Westfield Drive (Jarr Brook)

- Mr. Clapp reported that he had been contacted by the homeowner at 31 Westfield Drive. When the culvert collapsed last month, a retaining wall on the property was washed out and destroyed. This retaining wall prevented the banks of Jarr Brook from extending onto the homeowner's property and flooding the house. The homeowners, in speaking with insurance, were directed to speak with the Conservation Commission regarding viability in replacing or altering the wall in order to settle the claim.
- Mr. Bajdek suggested that this could be considered an emergency action and suspend the 50q No-Disturbance Zone under the bylaw to address the issue. He noted, however, that the Commission would likely want a Request for Determination of Applicability to have the project on the record.
- Mr. PJ Kilkelly, representative for the homeowners, suggested there were two possibilities to handle the wall issue. In one, they would completely remove the wall and replace it with one in like kind. The other option was to leave the wall in place and add another layer of boulders, further encroaching on the stream.
- Dr. Rutberg noted that replacing the wall would have a temporary impact on bank and BVW, whereas adding the boulders would be a permanent impact to land under water. The consensus of the Commission was that the homeowners should replace the wall.
- Mr. Clapp noted that during the summer, the DPW will be replacing the culvert. They will be operating during lowest-flow conditions and have a bypass pump to prevent Jarr Brook from

backing up. He suggested that the homeowners should take advantage of the opportunity and perform the work simultaneously.

- Mr. Bajdek directed Mr. Kilkelly to return with an RDA and a plan and the Commission can condition appropriately. Mr. Clapp will follow up with Mr. Kilkelly.

Request for Administrative Update to Plan of Record: DEP #185-836: 465 Hopping Brook Road

Documents: Plan entitled ~~PharmaCann~~: Pharmacannis Massachusetts, Holliston Grow Facility, 465 Hopping Brook Road, Holliston, MA 01746 Layout Plan+dated 5/1/19 (rev. 5/17/19)

- Mr. Clapp reported that the contractor for the project had changed, and the new contractors had several changes they were proposing, of which a few were within the 100qbuffer zone. Such changes were approximately 440 linear feet of 8qhhigh security fence, 2 light poles associated with the fence, and a lateral expansion of rip-rap along the western side of the building.
- Mr. Craig Tripp, of GPI Consultants, Inc., was present to represent the project and the plan changes. He informed the Commission that a significant portion of the work was already completed, and these changes would help facilitate the construction and operations of the business. No grade changes were proposed under these plan changes.

Ms. Weissman made a motion to accept the changes to the plan of record for DEP #185-836: 465 Hopping Brook Road. Ms. Pilch seconded the motion. Vote passes unanimously (4-0-0).

Discussion: Expired Order of Conditions: DEP #185-781: Hopping Brook Road Extension

- Mr. Peter Bemis was present, representing the applicant. Mr. Bemis explained that the Order of Conditions had accidentally lapsed without an extension due to conflicting dates with a Planning Board decision, and that as such, neither he nor Eversource could work on the project. Mr. Bemis requested that the Commission consider a retroactive extension to the Order of Conditions, to allow work to continue without the refiling of a new Notice of Intent, which could complicate matters with various Orders of Conditions. Mr. Bemis noted that a retroactive extension has occurred before by various Commissions, and this would not be a new precedent.
- Dr. Rutberg asked when the Order had expired. Mr. Bemis responded that it had expired spring 2018.
- Mr. Bajdek inquired as to the estimated timeline for completion. Mr. Bemis said spring 2020.
- The Commission agreed that a retroactive extension would be reasonable with the appropriate paperwork and filing fees. Mr. Clapp will coordinate with Mr. Bemis and have this item on the agenda for 6/25/19.
- Mr. Bemis thanked the Commission and apologized for the mistake.

Review Correspondence / Other

- The latest issue of *Stormwater* magazine was circulated.

- Mr. Clapp reported that he had been a part of a Municipal Vulnerability Preparedness workshop the previous week. This was part of a grant application the town was applying for to partially fund the Sustainability Coordinator position, as well as to address other areas of town as they relate to the impacts of climate change. There will be a public session in the next few weeks, and Mr. Clapp will inform the Commission of its date.

Public Hearings/Public Meetings

Notice of Intent for DEP File #185-849: 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 3; 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.
Memorandum from Dan Wells, Goddard Consulting, Inc., dated 5/30/19.

- Mr. Clapp reported that he had received a response to Oxbow Associates peer review from Goddard Consulting, Inc., on behalf of Guerriere & Halnon, Inc. Mr. Clapp directed the representatives from Guerriere & Halnon to request a continuance until 6/25/19 in order to allow Oxbow Associates to review and respond.

Ms. Weissman made a motion to continue the public hearing for DEP #185-849: Old Cart Path, Paul Revere Lane, Minuteman Circle, Hiawatha Trail, Governor Prence Way to the meeting on 6/25/19. Ms. Pilch seconded the motion. Vote passes unanimously (4-0-0).

Notice of Intent for DEP File #185-854: Lot 33A Fairview Street (Assessors Map 8-2-80.1) for proposed construction of a single family house - *GCG Associates, Inc.*, representing *Bruce Issadore, Pinecrest Community & Investment Trust*.

Documents: WPA Form 3; Three Plans entitled %Fairview Street Overall Plan,+Fairview Street Septic Design Layout,+and %Fairview Street Septic Details+dated 2/20/19 (revised 5/21/19); Review memo from R. Clapp dated 5/13/19.

- Mr. Clapp reported that he had received the file number from MassDEP for this project, and that they had no further comment. This was the only item preventing the Commission from closing the hearing on 5/28/19.

Ms. Pilch made a motion to close the public hearing for DEP #185-854: Lot 33A Fairview Street. Ms. Weissman seconded the motion. Vote passes unanimously (4-0-0).

- Mr. Clapp presented a draft Order of Conditions to the Commission.

Ms. Pilch made a motion to issue an Order of Conditions for DEP #185-854: Lot 33A Fairview Street as written. Dr. Rutberg seconded the motion. Vote passes unanimously (4-0-0).

Request for Determination of Applicability for D-653: #88 Travis Road (Assessors Map 11-8-94) for proposed construction of an addition and a shed - *JD Marquedant & Associates, Inc.*, representing *Ryan Fernandes*.

Documents: WPA Form 1; Plan entitled #88 Travis Road, Holliston MA Sketch Plan of Land+ dated 5/23/19; review memo from R. Clapp dated 6/3/19.

- Mr. Clapp read the legal notice into the record.
- Mr. Marquedant described the project. The applicant proposes an addition off the side of the house and an 8x12qshed off the opposite side. Jarr Brook and associated wetlands are near to the property to the east and south.
- Mr. Clapp expressed concerns regarding side yard offsets, to which Mr. Marquedant responded that they will maintain a 10qoffset. Mr. Clapp also noted the proposed project was within the 50qNo Disturbance Buffer Zone.
- Ms. Pilch expressed concerns regarding lawnmower oil leaking from the shed into Jarr Brook. The applicant, Mr. Ryan Fernandes, noted they can store machinery in the garage instead.
- Ms. Weissman suggested offsetting disturbance with mitigation plantings.
- Ms. Pilch suggested 6-8 plantings. Mr. Clapp will send the applicant the list of approved plants.
- Mr. Bajdek inquired as to how long lumber stockpiling would be on site. Mr. Fernandes responded that it would remain about 5 weeks.

Ms. Pilch made a motion to issue a Negative #3 Determination for D-653: #88 Travis Road with conditions as stated. Dr. Rutberg seconded the motion. Vote passes unanimously (4-0-0).

Dr. Rutberg made a motion to adjourn at 8:50 PM. Ms. Pilch seconded the motion. Vote passes unanimously (4-0-0).

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