

APPROVED Meeting Minutes
Town Hall- Room #014

November 26, 2019
7:30 PM

Present: Christopher Bajdek, Chair, Rebecca Weissman, Vice Chair, Jennifer Buttarro, Allen Rutberg, Commissioners

Ryan Clapp, Conservation Agent

Absent: Shaw Lively, Utah Nickel, Ann Marie Pilch, Commissioners, Sean Fay, Associate Commissioner

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

General Business

Public Comment

- No comment

Review/Approve Minutes of 11/12/19

Dr. Rutberg made a motion to approve the minutes of 11/12/19. Ms. Buttarro seconded the motion. Vote passes unanimously (4-0-0)

Discussion: Lake Winthrop Beach Restoration

- Mr. Mark Frank, Director of Parks and Recreation, was present to discuss a project the department was planning.
- The Parks Department would like to replace beach sand at Stoddard Park and Pleasure Point with washed sand. The beach has largely eroded away, taking away from the recreational and aesthetic use of the beach. He noted that in the past, beach nourishment had happened, but there was no record in the Conservation files. It was agreed that nourishment in this case could be treated as a normal maintenance procedure.
- Mr. Frank also noted that there are erosion issues that he would like to address via a swale. He would like to do this project as a Determination of Applicability, as otherwise it would be cost-prohibitive. Mr. Frank further noted that he believed the project would qualify as such, as there would be no contact with the wetland resource itself, no beach expansion, and outside of NHESP jurisdiction.
- Ms. Buttarro requested the swale be outside the 50' No Disturbance Buffer Zone. Mr. Frank found this agreeable.
- Mr. Clapp suggested a Request for Determination of Applicability with a stormwater report, to ensure there were no negative issues with installation and that installation would successfully resolve the erosion issues.

- Provided the project remained outside of the 50' No Disturbance Buffer Zone, had a stormwater report, and was low-impact, the Commission agreed a Request for Determination would be appropriate.

Request for Administrative Update to Record Plan: DEP #185-829: #32 Adam Wheeler Lane

Documents: Plan entitled "Relocated Driveway, 32 Adam Wheeler Lane, Holliston, Massachusetts (Middlesex County).

Email from Kathleen Aruda, dated 11/26/19

- Mr. Peter Bemis was present on behalf of the applicant. He noted that the previous design of the driveway was not in compliance with the regulations regarding gas lines. The new design would cross at a 90° angle, which is in compliance.
- Mr. Clapp noted he had been forwarded an email from Ms. Kathleen Aruda from Algonquin Gas by Mr. Bemis, stating that Algonquin found the newly proposed plan in compliance.

Dr. Rutberg made a motion to approve the change to the record plan for DEP #185-829: #32 Adam Wheeler Lane as an administrative update. Ms. Buttaro seconded the motion. Vote passes unanimously (4-0-0).

Request for a Certificate of Compliance: DEP #185-847: Westfield Drive Culvert

Documents: Letter from AP Associates, Inc., dated 11/8/19; WPA Form 8A; As-Built Plan entitled "Record Drawing" dated October 2019.

- Mr. Clapp reported that he had received the Request for a Certificate of Compliance for the Westfield Drive culvert replacement project. The project was done over the summer, and went well, with only a few minor issues immediately resolved. The area has been restabilized with grass, and Mr. Clapp believes the project should be issued a Certificate of Compliance.

Ms. Weissman made a motion to issue a Certificate of Compliance for DEP #185-859: Westfield Drive Culvert. Dr. Rutberg seconded the motion. Vote passes unanimously (4-0-0).

Vote on Order of Conditions: DEP #185-859: #179 Mohawk Path

- Mr. Clapp noted that the Commission was without quorum able to vote on this Order, as Ms. Weissman must recuse herself. The item was left open until the next meeting. Mr. Clapp will seek a waiver from the applicant of the 21-day timeframe.

Review Correspondence / Other

- Mr. Clapp noted that DEP was considering three minor changes to the Wetlands Protection Act regulations. There will be hearings on 1/8/20 and 1/9/20.
- The Commission signed an invoice from Mr. Charles Katuska for \$1000 for drafting regulations for Holliston Article XXX. The Commission discussed a timeframe for review, and established that there will be a review during the meeting on 1/21/20, with Mr. Katuska being present on the following meeting on 2/4/20.

- A notice from the Massachusetts Association of Conservation Commission dues owed for FY21 was circulated.

Public Hearings/Public Meetings

Notice of Intent for DEP File #185-849: 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 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.

"Habitat Evaluation, Constitution Village, Holliston, MA DEP File #185-0849" dated 8/27/19

"Vernal Pool Habitat Impact Evaluation" dated 10/9/19.

Plans entitled "NOI Subdivision Modification Grading & Drainage Plan Constitution Village in Holliston, Mass." Dated 11/15/18 (rev. 11-12-19).

Riverfront Performance Standards Analysis prepared by Dan Wells, Goddard Consulting, LLC, dated 11/26/19.

Plan of Land Entitled "Subdivision Modification Erosion Control Plan Constitution Village in Holliston, Mass," dated 11/18/18 (rev. 11/25/19)

Plan of Land Entitled "Subdivision Modification Index Sheet Constitution Village in Holliston, Mass." Dated 11/18/18 (rev. 11/25/19)

- Mr. MacKinnon presented the requested plans and Riverfront Analysis for the subdivision modification.
- Mr. Clapp noted that the analysis references the Stormwater Report submitted with the Notice of Intent. The plans have changed dramatically, and as such, the Stormwater Report will require revisions. Mr. Clapp noted that MassDEP had issues with the report initially, and the Commission has not been able to address these concerns yet.
- Mr. Bajdek expressed concern over the quantification of the Riverfront Area. He notes that 7.2% is proposed altered, but comparing to the plans, that does not seem correct. Additionally, RFA Performance Standards allow for only 10% of each individual lot to be altered. It appears that one lot hypothetically shown alters much more than 10%. He does not want the applicant to create their own hardship and need relief from regulations.
- Mr. MacKinnon noted that the lots have not been yet recorded, so they can be altered to comply with the standards. Mr. MacKinnon also noted that it appears the numbers are incorrect. It should be far less than 7.2% altered.
- Dr. Rutberg noted that the individual lots are not being discussed in this hearing. The current Notice of Intent is for the roadway only.
- Mr. Clapp agreed, stating that the house lots will have individual Notices of Intent in the future.
- Mr. MacKinnon noted that at this point, he believes that the plan should go back to the Planning Board. He wants approvals at the same time so there are no revisions that would require an Amended Order of Conditions and new Notice of Intent.
- Mr. Clapp warned Mr. MacKinnon that as this hearing continues, fewer and fewer Commissioners will be eligible to vote due to attendance at all sessions of the public hearing. If it gets to the point where not enough Commissioners can vote, he suggested Mr. MacKinnon withdraw and resubmit the Notice of Intent.

- Mr. MacKinnon agreed, and will work with the Commission to ensure no administrative issues arise.

Dr. Rutberg made a motion to continue the Public Hearing for DEP File #185-849: Old Cart Path, Paul Revere Lane, Minuteman Circle, Hiawatha Trail, Governor Prence Way until the next meeting on 1/21/2020. Ms. Buttaro seconded the motion. Vote passes unanimously (4-0-0).

Annotated Notice of Resource Area Delineation DEP #185-XXX: #1485 Washington Street (Assessors Map 5-3-59) for proposed wetland delineation – *JD Marquedant & Associates, Inc.*, representing *Paul Champney*.

Documents: WPA Form 4A; Plan of Land entitled “Sketch Plan of Land, Site Location 1485 Washington Street, Holliston, MA” dated 11/5/19; Email from Mr. Clapp dated 11/20/19; DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

- Mr. Marquedant waived the reading of the legal notice.
- Mr. Marquedant explained that his client was looking to perform a feasibility study on what he will be able to do with his property. Nothing is currently proposed, he just wants to know where the resources are on his property, and as such, the ANRAD was filed.
- Mr. Clapp noted the two flag series near the existing pond are marked by MassGIS as a potential vernal pool. Given the time of year, this cannot be verified.
- Mr. Marquedant noted that the land does not lend itself to being a buildable area. He requested that the Order specifically note that it does not confirm the vernal pool.
- Ms. Weissman requested transect data for the two isolated wetlands to confirm they were not continuous with the larger wetland. Mr. Marquedant provided the data requested.
- Mr. Clapp noted there were other, unmarked flags on the property. They looked new, and were the same color. Mr. Marquedant noted that they were random survey points, and had no significance to the delineation.
- Mr. MacKinnon noted that a vernal pool buffer zone is regulated as no touch. Mr. Clapp noted that the buffer can be reduced with a proper habitat evaluation, and that the two isolated wetlands are not applicable, as they are isolated and the bylaw states that the wetland must be contiguous to the vernal pool to extend the 100’ no touch.
- Mr. Clapp noted there was no DEP File Number issued yet, and as such, the hearing could not be closed.

Dr. Rutberg made a motion to continue the public hearing for DEP #185-XXX: #1485 Washington Street until the next meeting on 12/10/19. Ms. Weissman seconded the motion. Vote passes unanimously (4-0-0).

Dr. Rutberg made a motion to adjourn at 8:48 PM. Ms. Buttaro seconded the motion. Vote passes unanimously (4-0-0).

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