

APPROVED Meeting Minutes

Town Hall- Room #014

November 12, 2019

7:30 PM

Present: Christopher Bajdek, Chair, Rebecca Weissman, Vice Chair, Jennifer Buttarro, Utah Nickel, Ann Marie Pilch, Allen Rutberg, Commissioners, Sean Fay, Associate Commissioner

Ryan Clapp, Conservation Agent

Absent: Shaw Lively, Commissioner

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

General Business

Public Comment

- No comment

Review/Approve Minutes of 10/15/19

Ms. Pilch made a motion to approve the minutes of 10/15/19 with the revisions stated. Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).

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).

- Mr. Clapp reported that Mr. Peter Bemis of Engineering Design Consultants, Inc., has requested that there be an alteration to the approved driveway for the single family house at #32 Adam Wheeler Lane as approved under an Order of Conditions. There is a gas line easement where the currently approved driveway is, and the gas company has informed the applicant that as approved, it is not appropriate.
- Ms. Buttarro noted that the newly proposed driveway is still within the easement, and as such, may still present an issue. However, there is less encroachment into the easement.
- Dr. Rutberg inquired if there was anything in writing from the gas company stating that the old plan was not viable and the new one is. Mr. Clapp noted there was not, and that he can request such documentation from Mr. Bemis.
- The Commission was not comfortable updating the record plan without such written statement, and as such, no vote was taken.

Request for a Certificate of Compliance: DEP #185-803: #128 Fisher Street

Documents: WPA Form 8A; As-Built Plan of Land entitled "Construction Record Drawing", dated 12/14/16 (rev. 8/16/17); letter from Andrews Survey and Engineering, Inc., dated 10/10/19. Photographs titled "All debris have been removed from the wetland buffer"

- Mr. Clapp reported that this site had been in violation due to the failure of the restoration areas, dumping within the buffer zone, and alterations to the berm on the detention basin in December 2018. Over the past year, the issues have been addressed, and the applicant is now seeking a Certificate of Compliance.
- Mr. Clapp and Dr. Rutberg made a site visit, and found the site to be in substantial compliance, except for new materials dumped within the buffer zone to the rear of the property. Mr. Clapp made the property owner aware.
- Mr. Patrick Del Duco, representative for the applicant, submitted photos showing that the debris had been removed in response to the concerns.

Dr. Rutberg made a motion to issue a Certificate of Compliance for DEP #185-803: #128 Fisher Street pending confirmation of the removed debris. Ms. Buttaro seconded the motion. Vote passes unanimously (6-0-0).

Request for a Certificate of Compliance: DEP #185-855: #43 Karen Circle

Documents: WPA Form 8A; Letter from CIVILized Solutions, dated 10/24/19; As-Built Plan of Land entitled "Septic System Construction, 43 Karen Circle, Holliston" dated 10/24/19

- Mr. Clapp reported that the homeowner at #43 Karen Circle was seeking a Certificate of Compliance for her septic system replacement. Mr. Clapp made a site visit and noted the ground was not stable, as the system had been installed only a few weeks prior. However, a partial may be appropriate, pending grass growth.

Ms. Pilch made a motion to issue a Partial Certificate of Compliance for DEP #185-855: #43 Karen Circle. Ms. Buttaro seconded the motion. Vote passes unanimously (6-0-0).

Tree Removal Request: #98 South Street

Documents: Tree Removal Request – 98 South Street

- Mr. Clapp noted that the homeowner at #98 South Street was looking to remove seven oaks on his property, as they were all either dead or in the process of dying and dropping branches on his house, shed, and other structures on his property. He views them as a safety hazard.
- The trees are all within the outer 100' of the 200' Riverfront Area, and the homeowner has expressed that he is amenable to any mitigation the Commission may suggest.
- The Commission approved this tree removal request. Mr. Clapp will contact the homeowner and suggest replanting options.

Review of Tree Removal/Mitigation Policy

- Mr. Clapp presented his proposed edits to the Tree Removal and Mitigation Policy adopted by the Commission on 4/2/19. Edits included providing information as to how to ensure mitigation is successful and emphasizing that dead trees are valuable and included in this policy.
- Ms. Pilch noted the provided plant suggestions were limited and recommended that the Commission use the plant list from Doug Tallamy's *Bringing Nature Home*. All plants in that list are viable, and provide homeowners with a larger variety of aesthetic and wildlife-friendly plants.

Ms. Pilch made a motion to update the Tree Removal and Mitigation Policy with the edits provided and discussed during the meeting. Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).

Mitigation Plan: DEP #185-856: Lot 1 Liberty Lane

Documents: Plan of Land entitled "Proposed Sewage Disposal System" dated 7/24/18 (rev. 10/4/19)

- Mr. Clapp reported that he had received a mitigation plan as required under the Order of Conditions for DEP #185-856. The plan proposes 10 yew trees, 10 mountain laurel, and 5 yellow birch trees in between 75' of the vernal pool and the property line.
- Ms. Pilch noted deer are fond of these plants and they may struggle with deer browse, but she was agreeable to this plan.

Ms. Pilch made a motion to approve the mitigation plan as shown on the plan entitled "Proposed Sewage Disposal System." Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).

Sign Conservation Restriction – Highlands at Holliston Open Space

Documents: Conservation Restriction – Highlands at Holliston

- Mr. Clapp reported that he had received the final draft of the Conservation Restriction for the Highlands at Holliston. It has received approval from the State and has been reviewed by Town Counsel. The document is ready for local signatures.
- The Commission signed the Conservation Restriction.

Review Correspondence / Other

- Mr. Clapp circulated a Conservation Restriction Monitoring Report from the Trustees of Reservations for the NSTAR parcels on the Adams Street Forest. Overall, there were few issues, none which required the Commission's immediate attention.
- Mr. Clapp noted he had received an email from a potential buyer of the property at 361 Winter Street. The parcel has an Agricultural Preservation Restriction administered by the Commission, and the buyer was interested to see if the Commission would be interested in purchasing the portion of the property encumbered by the restriction as Open Space.
- Ms. Pilch noted there were wetlands, and as such would not be viable for connecting any trails.

- Dr. Rutberg noted a precedent may be set by this by removing the APR, which is intended in perpetuity.
- The Commission did not wish to explore this possibility.

Public Hearings/Public Meetings

Request for Determination of Applicability #D-658: #60 Dodd Drive (Assessors Map 11-8-384) for proposed replacement septic system – *CIVILized Solutions*, representing *George & Joan McAdams*.

Documents: WPA Form 1; Plan entitled “Septic System Construction” dated 10/10/19

- Mr. Eric Dickenson, representative for the applicant, waived the reading of the legal notice.
- Mr. Dickenson explained the project. The existing septic system serving #60 Dodd Drive has failed and the applicant is look to replace it. The entire project will be within existing lawn area and outside the 50’ No Disturbance Buffer Zone.
- Mr. Bajdek noted that the proposed location of the erosion controls does not provide for access by vehicles. Mr. Dickenson noted the barrier will be taken down and put back up as required for access.
- Mr. Dickenson noted a potential installer may want to rotate the leaching field 90°. there will be no increased encroachment. Ms. Weissman suggested a memo to file would be appropriate to update the plan of record.

Ms. Pilch made a motion to issue a Negative #3 Determination for #D-658: #60 Dodd Drive. Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).

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.

“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).

- Mr. Dale MacKinnon, representative for the applicant, presented revised plans avoiding encroachments into the 50’ No Disturbance Buffer Zone and the undisturbed vernal pool habitat. The road was slightly shortened, and 5 lots are proposed.
- Upon review of the plan, several Commissioners expressed concerns that the houses were proposed right up to the 50’ No Disturbance Buffer, which could have issues with homeowners wanting to cut trees. Mr. MacKinnon noted these lots were very difficult due to wetland restrictions and building setbacks.

- Ms. Buttaro suggested Mr. MacKinnon seek variances from the Zoning Board for building setbacks to avoid the 50' No Disturbance Buffer Zone.
- Ms. Weissman noted that grading was shown on the plans. She suggested Mr. MacKinnon reserve showing grading until the individual NOIs are submitted to avoid having to amend this Order of Conditions in the future.
- Mr. Clapp inquired as to the status of the proposed Conservation Restriction previously mentioned as mitigation. Mr. MacKinnon will put together a plan showing the CR.
- Ms. Weissman inquired if the project is complying with Riverfront Area performance standards. Mr. MacKinnon will provide a writeup for the next meeting.

Ms. Pilch made a motion to continue the Public Hearing for DEP File #185-849: Old Cart Path, Paul Revere Lane, Minuteman Circle, Hiawatha Trail, Governor Prentice Way until the next meeting on 11/26/19. Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).

Notice of Intent for DEP #185-859: #179 Mohawk Path (Assessors Map 14-5-88.1) for proposed regrading and restoration of an armored slope – *Grady Consulting, LLC*, representing *Rodenhiser Builders*.

Documents: WPA Form 3; Plan of Land entitled "Site Plan #179 Mohawk Path, Holliston, Massachusetts"; email from Mr. Clapp to Mr. Carlezon dated 10/9/19. Plan of Land entitled "Site Plan #179 Mohawk Path, Holliston, Massachusetts" dated 9/26/19 (rev. 11/12/19); Letter from Natural Heritage and Endangered Species Program dated 10/28/19

- Ms. Weissman recused herself, citing a personal relationship with the applicant.
- Mr. Rodenhiser noted the letter from NHESP did not allow for any new permanent encroachment into the 100' Buffer Zone due to potential impacts on blue spotted salamanders. As such, Mr. Rodenhiser has redesigned the plan to replace the existing slope with a retaining wall. The existing boulders will be removed to install the wall, which will be certified by a structural engineer. Any work within the existing disturbed area will be restored with native vegetation.
- Ms. Buttaro inquired if any other approvals would be needed. Mr. Clapp noted a building permit will be needed for this retaining wall.
- Mr. Clapp noted NHESP will receive a copy of the Order of Conditions for their review after the Order is issued.

Ms. Pilch made a motion to close the public hearing for DEP #185-859: #179 Mohawk Path. Dr. Rutberg seconded the motion. Vote passes unanimously (5-0-0).

- Mr. Clapp will prepare an Order of Conditions for the next meeting.
- Ms. Weissman returned to the meeting.

Dr. Rutberg made a motion to adjourn at 9:10 PM. Mr. Nickel seconded the motion. Vote passes unanimously (6-0-0).

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