

APPROVED Meeting Minutes

Via Remote Participation

November 10, 2020

7:30 PM

Present: Christopher Bajdek, Chair; Rebecca Weissman, Vice Chair, Jennifer Buttarro, Shaw Lively, Utah Nickel, Ann Marie Pilch, Allen Rutberg, Commissioners

Ryan Clapp, Conservation Agent

Absent:

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

Mr. Bajdek read the following into the record:

Pursuant to the Governor's Order Suspending certain provisions of the Open Meeting Law G.L. c 30A paragraph 20, as well as the Select Board's Emergency Order dated 3/16/2020 the Holliston Conservation Commission will be using remote participation for this meeting. The audio of this meeting is being recorded and will be posted to the Town's webpage within 24 hours in accordance with the Governor's Emergency Action requirement of keeping the public informed of actions during this meeting. I would ask that all participants remotely attending this meeting please state your name for identification purposes each time you speak throughout the meeting.

At this time, a roll call attendance vote will be taken.

Mr. Bajdek:	Present
Ms. Weissman:	Present
Ms. Buttarro:	Present
Mr. Lively:	Present
Mr. Nickel:	Present
Ms. Pilch:	Present
Dr. Rutberg:	Present

General Business

Review/Approve Minutes of 10/20/2020

- Mr. Bajdek offered a minor typo correction.

Ms. Pilch made a motion to approve the minutes of 10/20/20. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Abstain
Ms. Buttarro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye

Ms. Pilch:	Aye
Dr. Rutberg:	Abstain

Vote to Authorize Christopher Bajdek to sign all documents issued by the Conservation Commission on 11/10/2020

Mr. Nickel made a motion to authorize Christopher Bajdek to sign all documents issued by the Conservation Commission on 11/10/2020. Ms. Buttaro seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Vote on Order of Conditions: DEP #185-889: #194 & “0” Lowland Street

- Mr. Clapp presented a draft Order of Conditions to the Commission. He noted that this Order had specific conditions related to the Riverfront Area restoration, fuel and hazardous material storage and cleanup, and references subdivision and granting of the land surrounding the property.

Ms. Pilch made a motion to issue an Order of Conditions for DEP #185-889: #194 & “0” Lowland Street. Mr. Lively seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Abstain
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Abstain

Request for a Certificate of Compliance: DEP #185-829: #32 Adam Wheeler Lane

- Mr. Clapp reported that this project was for a single family house. The project has been completed with final lawn stabilization, and he recommends a Certificate of Compliance for the project.

Ms. Weissman made a motion to issue a Certificate of Compliance for DEP #185-829: #32 Adam Wheeler Lane. Ms. Pilch seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Request for a Certificate of Compliance: DEP #185-852: #56 Boynton Road

- Mr. Clapp reported that the developer had built the project using unapproved plans that altered the paving and stormwater management structures, which had only become apparent since paving a few weeks ago. The revised plans had been submitted to the Planning Board earlier this year, but upon peer review, had several outstanding items that needed to be addressed before the Planning Board approved the plans. No submittal was made to the Conservation Commission. Mr. Clapp also noted that mitigation plantings were still outstanding.

Ms. Pilch made a motion to deny a Certificate of Compliance for DEP #185-852: #56 Boynton Road. Dr. Rutberg seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Discussion: Septic Repair - #106 Donna Road

- Mr. Clapp reported that this septic system was facing an issue that several systems were facing at the beginning of the pandemic. With people staying at home, systems that were beginning to fail were now rapidly declining. In the interest of not compounding a public health hazard, the homeowners requested that the system be installed prior to the public hearing for the project, as the septic system was backing up into the house. The applicant had submitted the Notice of Intent this afternoon, to be heard on 11/24/2020.
- The Commission was agreeable to this, understanding that a filing would still need to be done for the project. A revision to the plan was requested, relocating the proposed erosion controls to avoid unnecessary tree removals.

Ms. Pilch made a motion to issue an emergency authorization for a septic system repair at #106 Donna Road. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye

Dr. Rutberg: Aye

- Mr. Clapp will coordinate with the homeowners and installers.

Discussion – land donation: “0” Lakeshore Drive (Parcel ID 5.A-1-145)

- Mr. Clapp reported that the property owner was interested in donating this parcel to the Town. In reviewing the parcel, Mr. Clapp noted the parcel was isolated from other Open Space, was approximately 1/10th of an acre in size and did not have much value as Open Space for the Conservation Commission. The Commission agreed with this assessment.

Ratify Emergency Certification – Route 16 culvert (near Cranberry Lane)

- Mr. Clapp reported that he had issued an Emergency Certification for the replacement of the culvert on Route 16 on the Holliston-Sherborn town line. The culvert had collapsed underneath, with structural issues below the surface not readily visible from the road. However, water is backing up and pits are forming in the road. The DPW is planning to replace this culvert starting Monday, November 16 and ideally finishing on Wednesday, November 18. The delay is to avoid rain and to set up a detour with abutting towns.

Ms. Pilch made a motion to ratify the Emergency Certification for the replacement of the culvert on Route 16. Dr. Rutberg seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Review Correspondence / Other

- Mr. Lively suggested funding professional signage on Conservation Lands. There has been an uptick in construction of kiosks by Eagle Scouts, so supplementing these kiosks with signage would be a good addition to these properties. Ms. Pilch noted that the Commission is lacking decent trail maps. The ones provided are very old. Mr. Clapp will look into this and coordinate with the Boy Scouts.
- Dr. Rutberg noted that the recently constructed boardwalk on the Poitras Land was damaged by the recent storms.
- Mr. Nickel noted that along a trail along Fieldstone Drive, the development appears very close to the Open Space and he is concerned about encroachment. Mr. Clapp will review with Ms. Sherman.

Public Hearings/Public Meetings

Request for Determination of Applicability for #D-682: #6 Brandon Lane (Assessors Map 7-3-46.1) for proposed swimming pool – Michael Kilgore

Documents: WPA Form 1; Plan of Land entitled “6 Brandon Lane Pool Plan in Holliston, MA,” dated 11/3/2020; “Proposed Pool Construction Sequencing,” dated 11/3/2020.

- Mr. Mark Arnold, representative for the applicant, presented the project to the Commission, supplementing information provided at the previous public meeting. The tree line is approximately 65’ from the wetlands, serving as the limit of work. The applicant proposes a pool surrounded by a patio, with 2’ retaining walls to avoid grade changes. The entire project is located within existing lawn area. He noted that there are several trees that are damaged or otherwise pose a threat along the tree line that the owner is looking to remove.
- Ms. Pilch inquired as to which trees were damaged. Mr. Arnold noted that a red maple and yellow birch were damaged. The other trees proposed for removal overhang the proposed pool and if they were to be damaged would pose a significant hazard.
- Ms. Pilch inquired as to the possibility of mitigation plantings. Mr. Arnold noted that the edge of wood is thick with native species, and is concerned that additional plantings may cause undue disturbance.
- Ms. Pilch inquired if there were any invasive plant species present onsite. Mr. Arnold does not recall observing any, but is willing to remove them if they are observed.

Ms. Pilch made a motion to issue a Negative #3 Determination for #D-682: #6 Brandon Lane. Dr. Rutberg seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttarro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Request for Determination of Applicability for #D-683: #25 Bald Hill Road (Assessors Map 11-2-121) for proposed irrigation well – CIVILized Solutions, representing Jack Harper

Documents: WPA Form 1; Plan of Land entitled “Application for Irrigation Well, 25 Bald Hill Road, Holliston, Massachusetts,” dated 9/21/2020

- Mr. Clapp reported that the applicant had requested a continuance to the meeting on 11/24/2020.

Dr. Rutberg made a motion to continue the public meeting for #D-683: #25 Bald Hill Road until 11/24/20. Mr. Lively seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttarro:	Aye

Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Notice of Intent for DEP #185-892: #45 Washington Street (Assessors Map 12-2-11) for proposed commercial building – *Legacy Engineering, LLC*, representing *Gill Realty Trust*

Documents: WPA Form 3; Plan Set entitled “45 Washington Street, Holliston, MA Site Plan,” dated 9/8/2020

- Mr. Dan Merriken, representative for the applicant, presented the project to the Commission. Countryside Auto is a used car dealership looking to redevelop the existing property while maintaining the same use. He noted that portions of the existing development are located within the 50’ No Disturbance Buffer Zone. He also noted that the FEMA maps show a Zone A onsite, but it is not consistent, crossing grades in several locations. However, he is still treating it as the 100-year floodplain.
- The plan for the project is to demolish the existing building and build a larger one. There are currently no stormwater structures onsite other than a single detention basin, so they are proposing stormwater improvements. He noted that on the provided plan, the westerly basin will be revised to be largely outside the 50’ No Disturbance Zone per DEP Stormwater Standards.
- Mr. Lively inquired as to how much paving there would be onsite. Mr. Merriken noted that there would be a net loss of approximately 1000 square feet of impervious surface onsite.
- Ms. Weissman noted that the catch basin designs were proprietary, and inquired as to how they function. Mr. Merriken noted that these basins have two forms of pretreatment and is more efficient to remove TSS from runoff.
- Mr. Lively inquired as to how storm runoff into the street would change. Mr. Merriken noted that the runoff on the west will go into the detention basin, and in the east, a small amount would go into the road, but less than it currently does.
- Mr. Clapp noted that the site has heavily overgrown with invasive species. Mr. Merriken will work with a botanist for a plan of action to address the plants.
- Ms. Weissman inquired if the project complies with floodplain performance standards. Mr. Merriken stated that he finds the mapped floodplain inaccurate, but will regardless develop a written statement as to how it complies with floodplain standards.
- Mr. Merriken noted that the plans have also been submitted to the Planning Board and ZBA for review. As such, he requested a continuance to the meeting on December 8, 2020.

Ms. Pilch made a motion to continue the public hearing for DEP #185-892: #45 Washington Street to the meeting on 12/8/2020. Ms. Buttaro seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye

Dr. Rutberg: Aye

Notice of Intent for DEP #185- 866: #1569 Washington Street (Assessors Map 5-3-62) for proposed gravel storage area – *GLM Engineering*, representing *Michael Alves*

Documents: WPA Form 3; Plan Set entitled “Site Plan of Land, Scooby Truck Sales, 1569 Washington Street, Holliston, Massachusetts,” dated 2/24/20 (rev. 3/8/20)

- Mr. Clapp noted that a vote had already been taken to continue this hearing until 11/24/2020.

Notice of Intent for DEP #185-875: “0” Marilyn Street (Assessors Map 9-2-60.1) for proposed wireless communications facility – *Ecotec, Inc.*, representing *Brian Leyden, New Cingular Wireless PCS, LLC*

Documents: WPA Form 3; Plan Set entitled “Holliston Marilyn Street, NSTAR R/W #7, STR #31, LINES 240-01, 342-603 (230 KV) dated 5/19/20 (rev. 10/12/20) ; Letter from Everose Schluter, MassWildlife, dated 8/26/2020; Riverfront Area Alternatives Analysis; Mitigation Planting Protocols; “Vernal Pool Habitat Impact Assessment for Possible Vernal Pool,” dated 10/20/2020.

- Ms. Buttaro recused herself as an abutter to the project.
- Mr. Scott Jordan, representative for the applicant, addressed the outstanding items from the previous meeting. They have provided a revised mitigation planting protocol, increasing the number of mitigation plantings from 6 to 8. Additionally, they have provided a vernal pool habitat evaluation. The evaluation reviewed the suitability for habitat within the work areas for vernal pool species. These species, with the exception of the American Toad, exclusively require tree cover and leaf litter for suitable habitat. The American Toad prefers forests as well, but may survive in fields. The applicant notes that the entirety of the project is within a field-type environment, which is unsuitable for vernal pool species, and given the scope of the project, there should be no impact. The Commission agreed with this assessment.
- Mr. Mike Pensack, abutter, inquired as to what prevents Eversource from clearing the mitigation plantings. Mr. Jordan noted that Eversource only cuts trees that reach a certain height, and they are exclusively proposing shrubs for this reason.
- Mr. Pensack noted that the alternatives analysis with the Zoning Board notes 12 other siting locations, and he believes these should be reviewed. He also noted that AT&T coverage in Holliston is without issue. He is concerned that in choosing this site, this sets a precedent for building near vernal pools.
- Ms. Weissman noted that the scope of alternatives is limited only to the project itself. Assuming that performance standards are met, the Commission cannot require review of an alternative site. She also noted that the FCC is the agency that reviews the project siting, and while other sites may have been reviewed, they were not necessarily suitable.
- Mr. Bajdek noted with building near a potential bylaw-only vernal pool, this is consistent with how the Commission has reviewed such projects in the past. The bylaw provides for a reduction of the no-disturbance zone to a buildable buffer zone subject to the results of a habitat evaluation, which the applicant has provided.
- Mr. Simon Brighenti, representative for AT&T, noted that the ZBA has already reviewed and approved this project. He noted that AT&T had been denied access by other landowners on

other potential sites. Additionally, a consultant had been hired by the ZBA during their review to review coverage options and found this to be the best site.

Ms. Pilch made a motion to close the public hearing for DEP #185-875: “0” Marilyn Street. Dr. Rutberg seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Recused
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Mr. Lively made a motion to adjourn at 9:24 PM. Ms. Pilch seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

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