

Holliston Conservation Commission

APPROVED Meeting Minutes

Town Hall . Meeting Room #014

April 1, 2014

7:30 PM

Present: Allen Rutberg, Chair; Ann Marie Pilch, Vice-Chair; Chris Bajdek, Shaw Lively, Jim McGrath, David Schroder, Rebecca Weissman, Commissioners

Charles Katuska, Conservation Agent
Sheri O'Brien, Conservation Assistant

Absent: None

Allen Rutberg, Chair, opened the meeting at 7:32 PM.

General Business

Proposed Bridge/Boardwalk on Fairbanks Trail at the end of Dunster Road - Eagle Scout Candidate – Peter Goeller, Holliston Troop 14

Peter Goeller, a Life Scout from Holliston Boy Scout Troop 14, presented a plan for a boardwalk that would go across a wet area in the Fairbanks Conservation Land near the end of Dunster Road. (This plan is a copy of the one used for a boardwalk in Massasoit State Park). The boardwalk will be 250' long with each section being approximately 12' long and 3' wide. It will be about a foot off the ground.

The Agent spoke to the Fire Chief and space will need to be maintained next to the bridge for a fire road. Mr. Katuska will confirm the width required for a fire road. Master Goeller also presented an e-mail from New England Mountain Biking Association (NEMBA) pledging to pay for the supplies for the bridge. The project is planned for the end of June. Other Scouts and members of NEMBA will be volunteering to assist putting the bridge together.

Proposed Amendment to the Order of Conditions for DEP File #185-677, 1014 Highland Street - Alan Stone

Mr. Stone would like to amend the Order of Conditions to modify the wetland delineation on the record plan for DEP File #185-677. His attorney, Christopher Malcom, presented a plan dated March 30, 2014 showing the wetland delineation near the culvert that goes under Highland Street. This plan changes the delineation so that it increases the jurisdictional area of the wetlands so that they extend further westward. Bruce Wilson surveyed the property and Russ Waldron performed the wetland delineation. The Agent and Commissioner Weissman visited the site on March 26, 2014 and felt that this delineation seemed reasonable as viewed from the street, although they did not have the opportunity to obtain a soil sample with an auger. The area is dominated by surface water wetlands. The Commission asked that the entire property be delineated, instead of just

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this one small area, because choosing just one segment of the property for re-delineation does not necessarily reflect the entire wetlands on the property as they currently stand.

Public Meetings & Hearings

The following two hearings were considered simultaneously:

Continued Public Hearing – Notice of Intent for DEP File # 185-769: Lot 80A Mohawk Path (Assessors Map 15, Block 1, Lot 80, proposed construction of a single-family house including the associated grading and site work, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *Holliston Residential Realty LLC*

Continued Public Hearing – Notice of Intent for DEP File # 185-770: Lot 81A Mohawk Path (Assessors Map 15, Block 1, Lot 81, proposed construction of a single-family house including the associated grading and site work, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *Holliston Residential Realty LLC*

Mr. Lavoie presented a Letter of Map Amendment (LOMA) from FEMA. FEMA took a significant area out of the 100 year flood plain. Mr. Lavoie also presented the plan (dated December 19, 2013) with the flood plain line that he sent to FEMA for Lots 79A, 80A, and 81A. (Lot 79A had an Order of Conditions issued previously on 2/5/2014 for DEP File #185-768.)

Ms. Pilch made a motion to close the hearings for DEP File # 185-769: Lot 80A Mohawk Path and DEP File # 185-770: Lot 81A Mohawk Path. Mr. McGrath seconded the motion. Unanimous. (7-0-0)

Ms. Weissman made a motion to approve and issue an Order of Conditions for DEP File # 185-769: Lot 80A Mohawk Path and an Order of Conditions for DEP File # 185-770: Lot 81A Mohawk Path. Ms. Pilch seconded the motion. Unanimous. (7-0-0)

The following two hearings were considered simultaneously:

Continued Public Hearing – Amendment to Order of Conditions for DEP File # 185-727: Lot 2 Concord Street (previously Lot 5 Squanto Path) (Assessors Map 14, Block 3, Lot 4.5), proposed modifications of property boundaries and lot layout associated with the construction of a single-family house, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *126 Residential ANR Realty LLC*

Continued Public Hearing – Amendment to Order of Conditions for DEP File # 185-729: Lot 6 Concord Street (Assessors Map 14, Block 3, Lot 4.6), proposed modifications of property boundaries and lot layout associated with the grading and site work proposed for the construction of a single-family house, *Peter Lavoie/Guerriere & Halnon, Inc.* representing *126 Residential ANR Realty LLC*

Mr. Lavoie requested a continuance as he is waiting for a variance from the ZBA.

Ms. Pilch made a motion to continue the hearings for the Amendment to the Order of Conditions for DEP File # 185-727: Lot 2 Concord Street and the Amendment to the

Order of Conditions for DEP File # 185-729: Lot 6 Concord Street until April 16, 2014..
Ms. Weissman seconded the motion. Unanimous. (7-0-0)

Continued Public Hearing – Abbreviated Notice of Resource Area Delineation
(DEP File # 185-771): 65 Kim Place, Underwood Street, and Walnut Road – aka “Katie’s Way” (Assessors Map 4, Block 4, Lot 56.8, Map 4, Block 4, 57.2, and Map 5, Block 3 Lot 31, respectively), verification of the limits of the areas subject to wetlands protection jurisdictions, Scott Goddard/Goddard Consulting LLC representing Steve O’Leary/O’Leary Builders Inc.

Mr. Goddard made a written request to continue this hearing to the Commission’s next meeting on April 16, 2014.

Mr. Lively made a motion to continue the hearing for the ANRAD for DEP File #185-771: 65 Kim Place, Underwood Street, and Walnut Road – aka “Katie’s Way” to April 16, 2014. Ms. Pilch seconded the motion. Unanimous. (7-0-0)

The following two hearings were considered simultaneously:

Continued Public Hearing – Notice of Intent for DEP File # 185-764: Lots 17 & 18 Kingsbury Drive (Assessors Map 5, Block 3, Lots 54.3 & 54.4), proposed construction of a common driveway to serve two single family dwellings, Wall Street Development Corporation

Continued Public Hearing – Notice of Intent for DEP File # 185-763: Lot 18 Kingsbury Drive (Assessors Map 5, Block 3, Lot 54.4), proposed construction of a single family home, Wall Street Development Corporation

Mr. Petrozzi, President of Wall Street Development Corporation, made a written request to continue these two hearings to April 16, 2014.

Ms. Pilch made a motion to continue the hearings for DEP File # 185-764: Lots 17 & 18 Kingsbury Drive and DEP File # 185-763: Lot 18 Kingsbury Drive to April 16, 2014. Mr. McGrath seconded the motion. Unanimous. (7-0-0)

Continued Public Hearing – Amendment to Order of Conditions for DEP File # 185-748: 1025 Highland Street (Assessors Map 8, Block 2, Lot 47.4), installation of an irrigation well, Todd Kiley

Mr. Kiley was present with his well driller, Clifford Connolly, from Northeast Water Wells. At the last meeting on March 18th, Mr. Kiley had submitted a Well Location Plan (dated March 17, 2014) for 1025 Highland Street. This well location plan was very basic and only showed the corner of his property where the well is located along with the 100’ buffer zone line. The Commission explained that a complete final revised plan with the wetland delineation for his entire lot is necessary for his amended Order of Conditions. A Natural Resources Conservation Services (NRCS) soil map (dated 3/18/14) was presented by the Agent showing shallow to ground water soils with a restrictive horizon. Also, a well of maps created during an Axton Cross study showed that there are more than a dozen wells within ¼ mile of Mr. Kiley’s property. With this supporting information, Mr. Katuska believes that Mr. Kiley’s very deep 605’ well should not have any impact on the water level of these shallow surface water wetlands, especially since there are several other wells in the same area. The Commission requested

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that the new wetland delineation presented today (Plan dated March 30, 2014 . refer to General Business, DEP Proposed Amendment to Order of Conditions for File #185-677) from 1014 Highland Street, be included on the amended Order of Conditions plan for DEP File #185-748 before they can consider closing this hearing. In addition, Mr. Kiley still needs to submit the Holliston Bylaw fee payment for this Amendment.

Christopher Malcolm, Esq., will still file an official Amendment to the Order of Conditions for DEP File #185-677, 1014 Highland Street on Alan Stone's behalf.

Mr. Kiley made a request to continue the hearing to April 16, 2014.

Ms. Pilch made a motion to continue the hearing for the Amendment to Order of Conditions for DEP File #185-748, 1025 Highland Street to April 16, 2014. Ms. Weissman seconded the motion. Unanimous. (7-0-0)

****New Public Meeting - Request for Determination of Applicability - #D-518:**

60 Stagecoach Road (Assessors Map 14, Block 1, Lot 80) . proposed installation of a new septic system pump chamber and leaching field, *Paul Saulnier/CIVILized Solutions*. representing *James and Kimberly Ross*

The Agent read the legal notice that was published in the *MetroWest Daily News* on March 29, 2014.

Mr. Saulnier presented plans dated March 14, 2014 to repair a septic system using a Presby system, so that it can be put 2 feet closer to ground water. The existing septic tank will be used with a new pump chamber and new leaching field. There will be no stockpiling on site. The leaching field is placed as far from Jarr Brook as possible. No work will be done within 50 feet of the bank of Jarr Brook and all work is being completed in existing lawn and landscaped area.

Ms. Pilch made a motion to issue the following Determinations for RFD #D-518, 60 Stagecoach Road:

Positive #2B Determination: the boundaries of the riverfront and bank are NOT confirmed as accurate;

Positive #5 Determination: the work is subject to review by the Holliston Conservation Commission pursuant to the Holliston Wetlands Administration ByLaw (Article XXX); and

Negative #3 Determination: the work is within the Buffer Zone, but will not alter an Area subject to protection under the Act, therefore, the work does not require a Notice of Intent.

Conditions:

- 1) Erosion control barrier must be installed prior to any tree removals or land disturbance for septic system replacement work. Conservation Commission office must be notified (508-429-0607) following installation of the erosion control barrier. Erosion controls are to be maintained onsite in functional condition until all areas disturbed for septic system reconstruction are fully restabilized with vegetation.
- 2) There will be no stockpiling on site.
- 3) Project access will be from the street along the west side of the house as indicated on the record plan.

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- 4) **FERTILIZERS/PESTICIDES/HERBICIDES.** Fertilizers utilized for landscaping and lawn care shall be low phosphate content, slow-release variety, and shall be used in moderation. Pesticides and herbicides shall not be used within 100 feet of the wetland resource area.

Mr. McGrath seconded the motion. Unanimous. (7-0-0)

****New Public Hearing – Notice of Intent for DEP File # 185-773: “0” Concord Street Brooksmont Meadow Open Space Residential Development (Assessors Map 11, Block 8, Lot 347 – located south of 420 Concord Street),** proposed construction of a 3 lot open space residential development, including 2 open space lots, an extension of a stub road, and associated utilities, drainage, and stormwater management, *Dean Schofield/Schofield Brothers* representing *Dennis Morgan/Brooksmont Realty Trust*

The Agent read the legal notice that was published in the *MetroWest Daily News* on March 29, 2014.

Dennis Morgan was present along with his representatives, Mr. Schofield and Mr. Saulnier. Mr. Schofield submitted the abutter notification receipts for the project.

Mr. Schofield explained that this project was being filed as a ~~limited~~ project under the WPA, because less than 5,000 square feet of wetlands will be disturbed. The Agent cited the Wetlands Protection Act (310 CMR 10.53) and believes that this project does not automatically fall under the definition of a ~~limited~~ project, because using the limited project status is not a right and the ~~limited~~ project determination is made at the discretion of the issuing authority (the Conservation Commission) after careful consideration of all of the data and information available.

For the wetland/intermittent stream crossing, there is a proposed permanent alteration of 520 ft² of wetlands and 1,040 of ft² of replication area. There are no endangered species on the property according to NHESP. There will be a temporary loss of 650 ft² of wetlands, which will be disturbed and restored. In the 50qNo-Disturb Zone, there will be a permanent disturbance of 8,899 ft² and a temporary disturbance of 4,163 ft². In the 50-100qbuffer zone, there will be a permanent disturbance of 50,245 ft². A table dated 4/1/2014 with the Analysis of Land Disturbance was submitted by Dean Schofield.

A supplemental report was submitted to the Conservation Commission on March 26th as required after DEP's review of the Notice of Intent. The DEP requires a water quality certificate or a deed restriction that provides notice to subsequent purchasers limiting the amount of fill for the completed project to be less than 5,000 square feet. The supplemental report explains that they chose to use the ~~deed~~ restriction+option.

There is a wetland that is centrally located on the property where they are proposing the 3 lot Open Space Residential Development. Mr. Schofield presented the concept plan that the Planning Board approved on February 5, 2014. The impact on both the wetlands and the 50q no-disturb zone were minimized as much as possible. The ~~road~~+may be a private drive depending on what the Planning Board decides for their final approved plan.

All of the roof run-off for each house will be recharged to each lot and the run-off from the road will go into a dry well to recharge on-site. The sewage disposal systems were placed as far

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away from the wetlands as possible. All utilities will be underground. The erosion controls will be the limit of work for each lot.

The stream crossing (4 x 6 box culvert) is also governed by the Massachusetts Army Corps of Engineers and a Stormwater Pollution Prevention Plan (SWPPP) is required by the EPA. The stream is not defined by a bank, but is more of a wetlands flow path. The box culvert will create a more channelized flow pattern.

An alternate plan without the stream crossing was also presented showing two driveways coming off of Concord Street and the third driveway coming off of Dodd Drive. With this alternate plan, less of the 50-foot no-disturb zone would be impacted (6,042 square feet vs. 8,899 square feet for the OSRD); and with the alternate plan, more of the 50 to 100-foot buffer zone will be disturbed (67,054 square feet vs. 50,245 square feet for the OSRD). The alternate plan also did not comply with the Planning Board's OSRD requirements to have all of the lots coming off of one road and needing protected open space.

A stormwater management plan was submitted. The Commission is concerned about the large amount of encroachment into the 50-foot no-disturb zone. Mr. Schofield cited two precedents that have been set in Holliston for work in the 50-foot no-disturb zone at 320 Winter Street and Woodland Crossing from Winter Street to Wingate Road. These projects will have to be evaluated for the rationales behind the disturbances in the 50-foot no-disturb zone.

Mr. Morgan explained that a lot of thought went into the plan so that the impact to the wetlands was as minimal as possible. The Commission agreed that it was a well thought out plan; however, they still have concerns about the significant amount of disturbance in the 50-foot no-disturb zone. There are concerns, such as the snow being plowed into the wetlands because the road is right on the wetlands line.

The Commission agreed that they needed to visit the site themselves. Mr. Schofield agreed to flag the stream crossing and the center line of the road by April 10th.

Mr. Morgan agreed to a continuance until April 16, 2014 so that the Commissioners have a chance to visit the site.

Ms. Pilch made a motion to continue the hearing for DEP File # 185-773: "0" Concord Street Brookmont Meadow Open Space Residential Development to April 16, 2014. Mr. McGrath seconded the motion. Unanimous. (7-0-0)

Mr. McGrath left the meeting at 9:41 PM.

****New Public Hearing – Notice of Intent for DEP File # 185-774: 58 Hopping Brook Road (Assessors Map 4, Block 6, Lots 10, 12.2, and 19)** proposed construction of ground-mounted solar photo-voltaic project to generate electricity and a gravel parking lot to be used for access to the Upper Charles Rail Trail, *Robert Truax/GLM Engineering* representing *Ken Driscoll/SED Two LLC*

The Agent read the legal notice that was published in the *MetroWest Daily News* on March 29, 2014.

Mr. Truax presented plans for the solar project at 58 Hopping Brook Road. Lot 1A at the front of the site on Route 16 will still be used for the plaza building that was approved by the Commission at 2016 Washington Street, in the Order of Conditions for DEP File # 185-736.

Lots 2 and 2A will be used for the solar project with 271 solar panels on 17.9 acres. The access road will come off of Hopping Brook Road, so that the wetland crossing/common driveway off of Route 16 will be eliminated. Therefore, they would like to eliminate the original Order of Conditions for the common driveway at 2016 Washington Street, DEP File # 185-719 and add the stub road off of Route 16 to this Order of Conditions for this solar project.

The access road will be a 24' wide gravel road with paved shoulders and it will skirt the 50' no-disturb zone off of Hopping Brook Road. There will be a gravel parking lot with approximately 25-26 parking spaces on the Conservation Land adjacent to the solar project. The 10' trail to the rail trail will be comprised of the same stone dust as currently used for the rail trail. Mr. Truax noted that the Stormwater Management Report does not include the access road and parking lot. The Commission requested construction details for the parking lot.

There are three detention basins for the project. One of the basins has 3,985 square feet in the riverfront area. They received variances from the ZBA to go less than 50' from the property line, and can actually go up to 2' from the NStar property line, which reduces the work in the buffer zone and the riverfront area. The majority of the work for this project is to regrade the site. Surface soils will be stockpiled onsite to be re-used to restabilize the reshaped slopes where the solar panels will be located. No work is proposed in the 50' no-disturb zone. Zoysia grass will be planted under the solar panels which are on posts.

They will be coming back to the Commission with another Notice of Intent for a commercial building that will be placed in what is now the staging area. They are going to store material in the staging area that they will leave there until they build the new building. The material will be outside the 100' buffer zone and surrounded by erosion controls. When they come back to the Commission for approval for the new building, they plan to pave the access road to the building and add more drainage.

Peter Barbieri emphasized that they only have 3 weeks to file with the state to get the energy credits for this year and they need the local permits, such as this one, to do so. The Planning Board will be meeting on April 10th and they are hoping for PB approval on that date, and then they are hoping to get approval from the Conservation Commission on April 16th.

The Planning Board hired an outside consultant, Westcott Site Services, to review the stormwater management report and he found the calculations acceptable (2/10/14 report from Westcott Site Services). However, the Agent has several concerns regarding the stormwater management report; therefore, he has asked an outside consultant, AP Associates, to review it. Also, the alternatives analysis for the stormwater detention basin in the riverfront area was done for the ZBA and does not meet the requirements for the Wetlands Protection Act. The Commission asked Mr. Truax to revise the alternatives analysis to meet the requirements of the WPA (310 CMR 10.58(4)(c)).

On a site visit today, the Agent observed and heard wood frogs calling in the wetlands (at the intersection of the rail trail and Hopping Brook Road). These wood frogs seem to be indicative of a potential vernal pool. Mr. Katuska will visit the site again to do a more thorough evaluation of the wetland delineation.

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If an Order of Conditions is issued on April 16th, the initial grading will be completed within 3-4 months and the final loaming and construction completed by mid-December 2014.

In order to close the hearing and issue an Order of Conditions at the next meeting, the Commission needs:

- 1) an alternatives analysis for the detention basin in the riverfront area . R. Truax
- 2) erosion controls should be added to the plan . R. Truax
- 3) construction detail for the parking lot . R. Truax
- 4) review of wetland delineation/potential vernal pool . C. Katuska
- 5) outside consultant review of the Stormwater Management report provided with the NOI . ConCom/AP Associates, Inc.

Ms. Pilch made a motion to continue the hearing for DEP File # 185-774: 58 Hopping Brook Road to April 16, 2014. Mr. Lively seconded the motion. Unanimous. (6-0-0)

****New Public Hearing – Notice of Intent for DEP File #185-775: “0” Rolling Meadow Drive – Lakefront Property (Assessors Map 5, Block 5, Lot 79)** proposed improvements to the existing path from Rolling Meadow Drive to Lake Winthrop, *John Lemoureux/Rolling Morse Inc.*

The Agent read the legal notice that was published in the *MetroWest Daily News* on March 29, 2014.

Mr. Lemoureux, President, Rolling Morse, Inc. was present to represent the neighborhood association. Ms. Weissman recused herself from this hearing as she is a resident of Rolling Meadow Drive and she assisted Mr. Lemoureux in the preparation of the NOI.

Mr. Lemoureux explained that the trail has been there for years, but when they looked into improving the path, it was discovered that it was never permitted by the Commission. Therefore, they would like to improve the path while at the same time seeking ~~%original~~+approval for the trail. The area used to be a Girl Scout camp and it is believed the path has been there since the time of the camp.

The path is divided into three sections. There is a section at the top of the hill, closest to Rolling Meadow drive, which is an existing concrete path that will remain in place. The next section downhill from the existing solid concrete is cracked and broken concrete, which will be removed. The furthest section downhill consists of a gravel path, which will also be removed. The broken concrete and gravel sections will be replaced with stone dust. The broken concrete and gravel will most likely be removed using small equipment like a Bobcat, depending on what contractor they hire.

They would also like to build two kayak/canoe racks and will leave the two benches that are currently located in the area near the lake.

The Commission requested that some education and signs be posted to ask the users to stay on the path. In addition to signs, Mr. Lemoureux thought that information about staying on the path and respecting the resource areas could be considered for their homeownersqbylaw.

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They have not received a determination letter from Natural Heritage as of today. The Commission decided that no erosion controls were necessary, because the site is relatively flat.

The abutter notification receipts for the project were submitted. Mr. Lemoureux agreed to continue the hearing until April 29, 2014.

Ms. Pilch made a motion to continue the hearing for DEP File #185-775: "0" Rolling Meadow Drive – Lakefront Property to April 29, 2014. Mr. Schroder seconded the motion. Unanimous. (6-0-0)

General Business Continued

David Thorn, a member of the Planning Board, was present to observe the meeting, and he introduced himself.

Re-Issuance of Certificate of Compliance for DEP File #185-545, Indian Ridge Road, South – (previously James Road)

The Registry of Deeds would not record the Certificate of Compliance as it was originally issued by the Commission (2/5/14), because two of the lot numbers had been changed and did not match the recorded subdivision plan. The Certificate was re-signed with the correct lot numbers.

Open Space Updates

65 & 75 Gretchen Lane . The Agent notified the Board of Selectmen that the Commission had voted to recommend that the BoS accept these two lots by the town to be under the care and custody of the Conservation Commission.

Lake Winthrop Revitalization Committee

A group from the committee is meeting this Saturday, April 5, 2014 to walk from the rail trail to the lake to see if there is the possibility of a potential connector trail from the rail trail to Lake Winthrop.

The Committee met with Carl Nielsen, from the ESS Group, on March 31, 2014 and found him to be very educational and helpful. They Committee talked a lot about the beach areas and what to do to improve them with Mr. Nielsen. He felt that a lake draw down would probably not useful, as it would only go down about a foot and a half. Mr. Nielsen recommended a mussel survey and nutrient loading study.

Mr. Bajdek explained that the Community Preservation Committee (CPC) needs an update regarding the Lake Winthrop Management Plan as the funds are due to expire at the end of this fiscal year (FY2014). Basically, the CPC would like to know what has been accomplished and how much of the allocated funds have been spent. A time extension can be requested from the CPC, if there are Plan-related action items that have not yet commenced and that could be funded out of the unspent monies.

FY2015 Budget

The Selectmen agreed to the Commission's proposal to fund 25% of the FY2015 ConCom staff salary budget out of the Bylaw Fund and/or the Wetlands Protection Act Fund. The remaining 75% of the salary budget will be funded by the OmniBus budget. The FinCom still needs to review and approve this allocation.

Review Mail

The mail was reviewed.

Certificates of Land Transfer

The Commission signed a check request for \$450 for the recording of 6 land transfers at the South Middlesex Registry of Deeds. These six Conservation Land parcels (off Juniper Road (3 lots), Alpine/Hanlon Road, Mellen Street, and Adams Street) were acquired through tax title foreclosure and were approved at the October 2013 special town meeting. This invoice will be paid out of the Conservation Fund, because the recording fees are necessary for open space protection.

Bylaw Review

The Selectmen approved the review of the Holliston Wetlands Administration Bylaw (Article XXX) by MacGregor and Associates.

At 10:55 PM, Ms. Pilch made a motion to adjourn the meeting. Mr. Lively seconded the motion. Unanimous. (6-0-0)

The next Conservation Commission meeting will be on WEDNESDAY, April 16, 2014.