

DRAFT Meeting Minutes

Via Remote Participation

May 31, 2022

7:30 PM

Present: Christopher Bajdek, Chair; Rebecca Weissman, Vice Chair; Eilish Corey, Utah Nickel, Ann Marie Pilch, Allen Rutberg, Commissioners; Richard Shansky, Alternate Commissioner

Ryan Clapp, Conservation Agent

Absent:

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

C. Bajdek read the following into the record:

Pursuant to the Governor's June 16, 2021 Act relative to extending certain COVID-19 measures adopted during the state of emergency suspending certain provisions of the Open Meeting Law G.L. c 30A paragraph 20, 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 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.

R. Weissman:	Present
E. Corey:	Present
U. Nickel:	Present
A. Pilch:	Present
A. Rutberg:	Present
J. Valsamis:	Present
R. Shansky:	Present
C. Bajdek:	Present

****Due to the makeup of the Conservation Commission during this meeting, R. Shansky was ineligible to vote on matters before the Commission****

General Business

Review/Approve Minutes of 5/17/2022

- The draft minutes from this meeting have not been finalized. Tabled until the next meeting on 6/14/22.

Eagle Scout Project completion – Liam Savage

- Liam Savage gave an overview of his Eagle Scout project. He constructed a 30' long boardwalk on the Daniels Conservation Land to help hikers cross a low-lying, wet area of the trail.
- The Commission thanked L. Savage for his project and congratulated him on achieving the rank of Eagle Scout.

Request for a Partial Certificate of Compliance: DEP #185-886: #74 Old Cart Path (Lot 80A)

- R. Clapp reported that this request was in relation to the construction of a single family house. The house, septic system and driveway have been constructed in accordance with the Order of Conditions. The outstanding items are a split-rail fence along the rear of the property, wetland placards, and final site stabilization.
- A. Rutberg inquired if there was any mechanism to ensure the placards were installed. Dale MacKinnon noted Jeff Pizzeri of Fafard has purchased all the placards already and will be installing them within the next few days.

A. Pilch made a motion to issue a Partial Certificate of Compliance for DEP #185-886: #74 Old Cart Path. U. Nickel seconded the motion. A roll call vote was taken.

R. Weissman:	Aye
E. Corey:	Aye
U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
J. Valsamis:	Aye
C. Bajdek:	Aye

Discussion: Disposition of Open Space for proposed Garnet Lane

- R. Clapp noted that this item had been previously discussed in a meeting on 4/27/2021. At the time, the Commission expressed concerns about taking ownership of the Open Space for this proposed road, but did not provide a final answer to Fafard.
- Angela Conforti, attorney for Fafard, noted that Garnet Lane is currently in front of the Planning Board. The zoning bylaws require that the Open Space either be owned by the town, have a Conservation Restriction on it by the town, or be owned or have a Conservation Restriction on it through a nonprofit. She noted the bulk of the Open Space is wetlands, with a tract of undeveloped land to the north in Ashland, and a Conservation Restriction to the east as well. There is a drainage basin to the west, and the Highlands at Holliston Conservation Restriction nearby as well.
- A. Pilch noted there is value in connecting Open Space, but does not believe outright ownership to be the best method. She recommends a Conservation Restriction.
- C. Bajdek noted a linear tract of land in the west. He is hesitant about accepting such small, skinny tracts of land as encroachment becomes common and difficult to enforce.
- E. Corey inquired as to who the easements belong to. A. Conforti noted that is the town takes it, the easements go to the town, but otherwise would go to a Homeowner's Association. E. Corey suggested reaching out to the Department of Public Works regarding maintenance on

the basin. A. Conforti will survey the Department of Public Works and return to the Commission with their response.

Discussion: Detention Basin “D” – Pout Lane

- D. MacKinnon noted that the elevation for the emergency overflow for the basin was incorrect, and the contractors encroached 8’ into the Conservation Restriction and 50’ No Disturbance Zone. The work has since stopped, and D. MacKinnon has done calculations that determined if the basin is now left as-is, it will function as anticipated. He inquired if the 8’ encroachment of riprap needed to be addressed.
- A. Pilch expressed frustration at the situation, as the limit of work is clearly marked and the contractor showed no regard for it. Additionally, the survey information and elevations should not have been incorrect, showing a lack of consideration for this project. There have been several issues with this project over the past few months which are unacceptable.
- C. Bajdek agreed, noting erosion controls are an obvious limit of work. Additionally, the Conservation Restriction is permanent and final, so encroachment must be fixed.
- D. MacKinnon noted they can remove the riprap and place down sod to restore the area. A. Rutberg inquired if the basin would still function without the riprap, which D. MacKinnon confirmed.
- E. Corey expressed concerns, as if this locus is incorrect, there may be others. D. MacKinnon assured her that this was an isolated incident.
- A. Pilch noted sod is an inappropriate tool for restoration. D. MacKinnon will contact Goddard Consulting for a restoration plan, and will coordinate with R. Clapp going forward.

Request for a Certificate of Compliance: DEP #185-115: #26 Old Cart Path

- R. Clapp reported that this request was in relation to a long expired Order of Conditions that the homeowner was looking to clear from their title. R. Clapp observed no issues with issuing this Certificate.

A. Pilch made a motion to issue a Certificate of Compliance for DEP #185-115: #26 Old Cart Path. A. Rutberg seconded the motion. A roll call vote was taken.

R. Weissman:	Aye
E. Corey:	Aye
U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
J. Valsamis:	Aye
C. Bajdek:	Aye

Request for a Certificate of Compliance: DEP #185-466: #26 Old Cart Path

- R. Clapp reported that this request was in relation to a long expired Order of Conditions that the homeowner was looking to clear from their title. R. Clapp observed no issues with issuing this Certificate.

A. Pilch made a motion to issue a Certificate of Compliance for DEP #185-466: #26 Old Cart Path. A. Rutberg seconded the motion. A roll call vote was taken.

R. Weissman:	Aye
E. Corey:	Aye
U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
J. Valsamis:	Aye
C. Bajdek:	Aye

Request for a Certificate of Compliance: DEP #185-467: #26 Old Cart Path

- R. Clapp reported that this request was in relation to a long expired Order of Conditions that the homeowner was looking to clear from their title. R. Clapp observed no issues with issuing this Certificate.

A. Pilch made a motion to issue a Certificate of Compliance for DEP #185-467: #26 Old Cart Path. A. Rutberg seconded the motion. A roll call vote was taken.

R. Weissman:	Aye
E. Corey:	Aye
U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
J. Valsamis:	Aye
C. Bajdek:	Aye

Review of Proposed Article XXXI Regulations

- The Commission reviewed the draft Article XXXI Regulations. R. Clapp will address the comments and request a table of contents from Town Counsel.

Review Correspondence

- R. Clapp noted that he has not yet heard from MassAudubon when they will be visiting Mellen Street and Warren Woods, but will keep the Commission updated.
- A. Pilch noted with C. Bajdek resigning from the Conservation Commission, the Commission will need to elect new officers. She suggested the idea of rotating, similar to how the Select Board operates.

Public Hearings/Public Meetings

Notice of Intent for DEP #185-XXX: Lake Winthrop (Assessors Map 8-7-67.1) for proposed invasive vegetation removal – Mark Frank, Holliston Parks & Recreation

Documents: WPA Form 3

- M. Frank noted that there have been some changes since the previous hearing. They have amended the NOI to limit the amount of space being proposed to just the swimming areas. They now proposed to do an initial cut of the weeds, and rather than retreatment, place benthic mats on the lakebed in the swimming areas. These have been used in the past intermittently as a less-invasive, cost-conscious approach. The mats would be placed in July and removed in December, and if implemented properly, there should be no need for subsequent cuts. They have notified DEP and NHESP and are waiting on comments.
- R. Weissman noted there may be a need for mussel surveys and. Relocation, depending on NHESP's response. The NHESP response is critical to determining a way forward, but S. Lively noted the mats aren't huge, less than an acre of coverage so a mussel survey and relocation could be possible.
- E. Corey inquired why the mats stopped being used. M. Frank noted that the effectiveness of the mats was limited in that the mats got slick and slimy and people complained. However, there is a new material that is used now that limits the sliminess
- Sue Schlotterbeck inquired regarding any residents around the lake doing something similar adjacent to their properties, as they often struggle due to the thick weeds. C. Bajdek noted homeowners would need to come to the Commission, but also noted that the previous iteration of this application discussed idea, but responsibility became a difficult question. Therefore, abutter maintenance of invasive weeds was removed from the conversation. There might be a need for a Lake Winthrop Commission to assume responsibility for maintenance of the lake, which would be a beneficial oversight committee, and recommends reaching out to the Select Board. S. Schlotterbeck noted there used to be a Lake Winthrop Watershed Association, but nothing was done. A. Rutberg noted he was a liaison to the LWWA and the jurisdictional question prevented the group from making progress, and agrees a governing body would be very helpful.

A. Rutberg made a motion to continue the public hearing for DEP #185-XXX: Lake Winthrop until the next meeting on 6/14/2022. R. Weissman seconded the motion. A roll call vote was taken.

R. Weissman:	Aye
E. Corey:	Aye
U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
J. Valsamis:	Aye
C. Bajdek:	Aye

Notice of Intent for DEP #185-921: #763 Winter Street (Assessors Map 11-7-31) for proposed in-ground pool – Goddard Consulting, representing Scott & Christel Dipippo

Documents: WPA Form 3; Plan of Land entitled "Site Plan for NOI", dated 4/28/2022; "Lawn Restoration Sequencing, May 19, 2022, 763 Winter Street – Holliston, Massachusetts, DEP File Numbers 185-0921" by Goddard Consulting, LLC

- Mark Arnold noted that since the last hearing, the outstanding item was mitigation plantings. He has submitted a planting plan designed to replant the area between the wetlands and 25' from them with native vegetation.

A. Rutberg made a motion to close the public hearing for DEP #185-921: #763 Winter Street. U. Nickel seconded the motion. A roll call vote was taken.

R. Weissman:	Aye
E. Corey:	Aye
U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
J. Valsamis:	Abstain
C. Bajdek:	Aye

A. Pilch made a motion to issue an Order of Conditions for DEP #185-921: #763 Winter Street. A. Rutberg seconded the motion. A roll call vote was taken.

R. Weissman:	Aye
E. Corey:	Aye
U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
J. Valsamis:	Abstain
C. Bajdek:	Aye

A. Rutberg made a motion to adjourn at 9:32 PM. U. Nickel seconded the motion. A roll call vote was taken.

R. Weissman:	Aye
E. Corey:	Aye
U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
J. Valsamis:	Aye
C. Bajdek:	Aye

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