

APPROVED Meeting Minutes

Via Remote Participation

May 17, 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
R. Shansky:	Present
C. Bajdek:	Present

General Business

Review/Approve Minutes of 4/19/2022 & 5/3/2022

A. Pilch made a motion to approve the minutes of 4/19/2022. A. Rutberg seconded the motion. A roll call vote was taken.

R. Weissman:	Abstain
E. Corey:	Abstain
U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
R. Shansky:	Aye

C. Bajdek: Aye

- R. Weissman noted a typo on the minutes of 5/3/2022

A. Pilch made a motion to approve the minutes of 5/3/2022 as corrected. 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: Abstain
R. Shansky: Abstain
C. Bajdek: Aye

Interview Conservation Commission candidate – Jacquelyn Valsamis

- J. Valsamis introduced herself to the Commission. She has recently graduated from WPI with a Master's Degree in Environmental Engineering. She has researched the Conservation Commission's role in protecting Open Space and wetlands, and is excited for this opportunity.
- The Commission asked J. Valsamis questions regarding availability, responsibilities, and further discussed the role of the Conservation Commission with her.

A. Pilch made a motion to recommend Jacquelyn Valsamis to the Select Board for appointment to the Conservation Commission. 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
R. Shansky: Aye
C. Bajdek: Aye

Review of proposed Article XXXI Regulations

- The Commission reviewed the proposed Article XXXI Regulations as reviewed by Brian Winner, town counsel. B. Winner was present and answered questions the Commission had.
- Following review, the Commission decided to continue this discussion during the next meeting on 5/31/2022.

Discussion: Japanese knotweed removal at #49 Church Street

- Alex D'Anjou recently purchased #49 Church Street. The property, adjacent to the Winthrop Canal, is overrun with Japanese knotweed. R. Clapp had advised hand cutting, but due to the

proximity of the Winthrop Canal, advised that he may need to file if he uses a landscaping company and herbicides.

- A. Pilch noted that likely the only viable option is chemical treatment, not hand removal.
- R. Weissman noted application must be done by licensed herbicide applicator, and if there is application within the wetland itself, there are additional requirements from DEP. She noted that an RDA would likely be sufficient, as an NOI dissuades homeowners from invasive species management, to which the Commission agreed. R. Clapp with follow up with A. D'Anjou on filing an RDA.

Discussion: Invasive vegetation at entrance to Brentwood Conservation Area

- A. Pilch reported that she had observed a large burning bush specimen at the entrance to the Brentwood Conservation Area that she had not previously noticed.
- R. Clapp has contacted Robert Walker at DPW, who confirmed he would be able to remove it. A. Pilch has requested that she be notified when he does, and that the adjacent leaf litter be used to cover the area.

Request for a Certificate of Compliance: DEP #185-906: #20 Hargrave Avenue

- R. Clapp reported that this request was in relation to a septic system installation. He has inspected the site and confirmed it was constructed in compliance with the Order of Conditions and is stabilized with vegetation.

A. Pilch made a motion to issue a Certificate of Compliance for DEP #185-906: #20 Hargrave Avenue. 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
R. Shansky:	Aye
C. Bajdek:	Aye

Review Correspondence

- R. Clapp noted that MassAudubon had sent a letter that they would be visiting the Mellen Street and Warren Woods Conservation Restrictions this week. However, he has not received a date for the visit.
- C. Bajdek informed the Commission that his term will be ending at the end of June, and he will not be seeking reappointment to the Commission. The Commission thanked C. Bajdek for his years of service to the Commission and the town.

Public Hearings/Public Meetings

Request for Determination of Applicability for #D-716: #157-165 Lowland Street (Assessors Map 9-3-16.1) for proposed construction of a 7,200 sqft building, paved area, septic system, and site improvements – *Connorstone Engineering*, representing *Master Paving Corporation and Middlesex Asphalt Services, Inc.*

Documents: WPA Form 1; Plan of Land entitled “Proposed Site Plan of 157-165 Lowland Street, Holliston, MA” dated 4/7/2022

Letter to Conservation Commission from Keefe Bailey, Sarah Baroud, Cherie and Pat Hafford, Sarah Hill, and Audrea and Michael Szabatura, dated 4/29/2022

- George Connors presented the project to the Commission. He noted the site is an existing contractor yard with a recycling plant. The applicant proposes to knock down existing buildings and construct a formal contractor garage and septic system, as well as paving. There is an existing noise berm onsite that is proposed to be extended, with fencing on top to avoid truck operation on it. He noted that site drainage is kept onsite, as the entire berm collects and maintains the 100-year floodplain.
- C. Bajdek inquired if the project was subject to the stormwater standards. G. Connors noted it was, but the way the application has been submitted places that jurisdiction with the Planning Board. He noted the flood elevation is 157', as determined by FEMA floodmaps.
- R. Shansky noted the site operations will be changing to no longer allow brick, and inquired if that increases the concrete mix. G. Connors noted that brick was a very small portion, so its omission does not change proportions significantly.
- A. Pilch requested that there be a comparison between impervious and pervious surfaces before and after.
- E. Corey inquired if there was any pretreatment of stormwater. G. Connors noted there was not, and the applicant would pump out accumulated sediment every now and again. E. Corey inquired if there was a mounding analysis. G. Connors noted there was and it could be provided. E. Corey inquired if the site was a Land Under Higher Potential Pollutant Load. G. Connors noted it was not.
- R. Weissman noted this should be a Notice of Intent. The project is within buffer zone and riverfront area, with earthwork adjacent to wetlands. She acknowledged that it was an existing disturbed area, but a Notice of Intent gives the Commission more authority in enforcing performance standards. R. Clapp agrees, also noting Mia McDonald at DEP had sent comments to a similar effect. There is no stormwater report and there must be further due diligence. R. Clapp noted G. Connors had sent a rebuttal to M. McDonald's comments earlier today, but has not received further response.
- Audrea Szabatura, abutter, inquired as to the difference between an RDA and an NOI. R. Clapp noted that an RDA seeks a determination from the Commission that a project is nonjurisdictional subject to conditions, whereas an NOI acknowledges the project is jurisdictional, and seeks an Order of Conditions permitting the project subject to conditions to best protect the wetlands. A. Szabatura also noted that she had submitted a letter to the Commission, which R. Clapp had circulated. A. Pilch noted the letter provided, while thorough, would be more helpful with full citations to help the Commission evaluate the information.
- Cherie Hafford, abutter, inquired if a previous owner has disturbed the area, does that mean future owners have a lower performance standard? G. Connors noted the berm and buildings were constructed in the 1950's-1960's, predating the Wetlands Protection Act. R. Weissman noted there are provisions in the Act for leniency on performance standards for redevelopment sites.

- A. Szabatura noted a pipe dumping into the brook. G. Connors noted that when an NOI was submitted in 2011 there was a requirement that the berm be build and the low area become a drainage ditch with a structure to block flow into the brook. This structure is maintained by all abutting property owners.

R. Weissman made a motion to issue a Positive 1, 2B, 3, 4, 5, & 7 Determination for #D-716: #157-165 Lowland Street. A. Pilch seconded the motion. A roll call vote was taken.

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

Notice of Intent for DEP #185-919: #243 Willow Gate Rise (Assessors Map 9-6-55) for proposed pool and shed – *Colonial Engineering*, representing *Sean & Belinda Hanlon*

Documents: WPA Form 3; Plan of Land entitled “Proposed Pool & Shed Plan of Land in Holliston, MA” dated 2/22/22 (rev. 5/11/2022); Report entitled “Installation of pool and wetland habitat – 243 Willow Gate Rise, Holliston,” by Karon Skinner Catrone, dated 5/2/2022

- R. Clapp noted that from the previous hearing, the outstanding item remaining was mitigation plantings for the pool. The applicant has since submitted a revised plan showing mitigation plantings. The Commission reviewed the plantings and found them agreeable.

A. Pilch made a motion to close the public hearing for DEP #185-919: #243 Willow Gate Rise. U. Nickel seconded the motion. A roll call vote was taken.

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

- R. Clapp presented a draft Order of Conditions to the Commission.

A. Pilch made a motion to issue an Order of Conditions for DEP #185-919: #243 Willow Gate Rise. 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
R. Shansky:	Aye

C. Bajdek: Aye

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

- R. Clapp read the legal advertisement into the record.
- Shaw Lively, chair of the Parks and Recreation Commission, presented the issue at hand. The public beaches on Lake Winthrop are currently hazardous to swimmers and boaters due to an overgrowth of invasive vegetation. The Parks Department proposes to mechanical cutting of these weeds, as the swimming area shrinks every year, and in many places, the weeds are so thick they are impassable. S. Lively also proposed the idea of private homeowners being able to maintain vegetation off their property through this Notice of Intent.
- Mark Frank noted that they are concerned for lake management and line-of-site for lifeguards. To avoid unnecessary disturbance to land under water, the contractor has a harvester that can cut at a desirable length. At this time, the Parks Department proposes for a cut 18” off the bottom of the lake twice a year. He noted that this is not a total solution, but this could be treated as a trial run to see if this is effective.
- A. Pilch requested clarification on what the problem vegetation was. S. Lively noted it is largely milfoil, but cutting will inevitably have collateral damage to native species.
- A. Pilch noted that with abutting property owners included, the Commission’s ability to enforce terms of an Order of Conditions would be difficult and limited. C. Bajdek noted that ownership of the lake itself is through the State Department of Conservation and Recreation, but perhaps if there was a collective program or committee for the lake, which would help this project move forward. S. Lively agreed, noting that the ownership question is why the lake is in such dire straits. Acknowledging the Commission’s position, S. Lively agreed to remove the homeowner aspect of the Notice of Intent and focus solely on the swimming areas.
- A. D’Anjou inquired regarding the cost for this project. M. Frank noted it is significant, and therefore not viable to treat the entire lake.

A. Pilch made a motion to continue the public hearing for DEP #185-XXX: Lake Winthrop until the next meeting on 5/31/2022. 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
R. Shansky: 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

- R. Clapp read the legal advertisement into the record
- Mark Arnold, Goddard Consulting, presented the project to the Commission. The applicant is proposing an in-ground pool and associated patio, grading and fencing. He noted there is BVW in the rear of the property, as well as Jarr Brook on the north side of the house casting a riverfront. However, all work is restricted to the outer riparian zone. There is an expansive lawn in the rear of the parcel, and the grade of the property is away from the house and directs to the rear into the wetlands. No tree clearing or other disturbance is proposed, and the only work within the 50' No Disturbance Zone is temporary.
- C. Bajdek noted that the pool has already begun. M. Arnold noted there was confusion with the building department regarding what permits had been issued. However, work ceased once they realized the issue and they have installed erosion controls, which R. Clapp has inspected.
- A. Pilch noted that the plan states that existing lawn to be allowed to renaturalize, and is unclear on what area that is referring to. M. Arnold noted that area is within the erosion control line, the temporary disturbance in the 50' No Disturbance Zone is to return to lawn. A. Pilch noted that's not how she would define renaturalize.
- A. Pilch noted the lawn goes to the wetland border. M. Arnold corrected her, noting the lawn cuts into the wetlands itself. A. Pilch believes this should be addressed with mitigation plantings, to which the Commission agreed.
- A. Pilch expressed concerns about amphibian migration. She requested that there be some consideration, such as the frog logs from 243 Willow Gate Rise.
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- Kathy Clapp, abutter, expressed concerns as several years ago, spotted turtles were observed in this area, preventing the homeowners to clear trees. R. Weissman noted spotted turtles are no longer state-listed species of concern.

A. Pilch made a motion to continue the public hearing for DEP #185-921 until the next meeting on 5/31/2022. 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
R. Shansky:	Aye
C. Bajdek:	Aye

A. Pilch made a motion to adjourn at 10:40 PM. 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

R. Shansky: Aye
C. Bajdek: Aye

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