

**APPROVED Meeting Minutes**

Via Remote Participation

June 28, 2022

7:30 PM

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

Ryan Clapp, Conservation Agent

Absent: Utah Nickel, Commissioner

**Christopher Bajdek, Chair, opened the meeting at 7:32 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:	Absent
A. Pilch:	Present
A. Rutberg:	Present
J. Valsamis:	Present
R. Shansky:	Present
C. Bajdek:	Present

**General Business**

**Review/Approve Minutes of 6/14/2022**

- This item was tabled until the next meeting on 7/12/2022

**Elect slate of officers for FY23**

- With this meeting being C. Bajdek's last on the Commission, new officers are required.
- R. Weissman noted that she will be unavailable most of the summer. Couple with her obligations with the MACC Board of Directors, she is unable to take on the role of chair.

**E. Corey made a motion to appoint A. Pilch as chair of the Conservation Commission. A. Rutberg seconded. A roll call vote was taken.**

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

**R. Weissman made a motion to appoint A. Rutberg as vice chair of the Conservation Commission. A. Pilch seconded. A roll call vote was taken.**

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

**Request for a Certificate of Compliance: DEP #185-854: #115 Fairview Street**

- R. Clapp reported that this request was in relation to an Order of Conditions for a single family house. He has inspected the site and found it to be in compliance.

**A. Pilch made a motion to issue a Certificate of Compliance for DEP #185-854: #115 Fairview Street. R. Weissman seconded the motion. A roll call vote was taken.**

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

**Request for a Certificate of Compliance: DEP #185-907: #98 Courtland Street**

- R. Clapp reported that this request was in relation to an Order of Conditions for a replacement septic system. He has inspected the site and found it to be in compliance.

**A. Rutberg made a motion to issue a Certificate of Compliance for DEP #185-907: #98 Courtland Street. A. Pilch seconded the motion. A roll call vote was taken.**

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

**Request for a Partial Certificate of Compliance: DEP #185-502: #4 Katie Way**

- R. Clapp reported that this request was in relation an Order of Conditions the subdivision as a whole. However, the individual lot does not have wetlands.

**A. Pilch made a motion to issue a Partial Certificate of Compliance for DEP #185-502: #4 Katie Way. R. Weissman seconded the motion. A roll call vote was taken.**

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

**Review of restoration plan: Basin “D” – Pout Lane**

- The Commission reviewed the draft restoration plan addressing the encroachments from the detention basin into the area protected under the 50’ No Disturbance Zone and a Conservation Restriction. The Commission approved the plan, and directed R. Clapp to contact Fafard with the approval to get work underway.

**Issue Order of Conditions: DEP #185-923: #211 & 0 Prospect Street**

- R. Clapp reviewed the draft Order of Conditions. Special conditions in this Order pertained to the restoration of altered wetland, monitoring requirements, and wetland protection during construction.

**R. Weissman made a motion to issue an Order of Conditions for DEP #185-923: #211 & 0 Prospect Street. A. Rutberg seconded the motion. A roll call vote was taken.**

R. Weissman:	Aye
E. Corey:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
J. Valsamis:	Aye

R. Shansky: Aye  
C. Bajdek: Aye

### **Review Correspondence**

- The Commission thanked C. Bajdek for his many years of service as a Commissioner and as chair of the Conservation Commission.

### **Public Hearings/Public Meetings**

**Notice of Intent for DEP #185-922: Lake Winthrop (Assessors Map 8-7-67.1)** for proposed invasive vegetation removal – *Mark Frank, Holliston Parks & Recreation*

**Documents:** WPA Form 3; Division of Fisheries and Wildlife determination, signed by Everose Schluter, dated June 10, 2022

- R. Clapp reviewed the letter from NHESP. The determination allows for the project to move forward, however, a survey for pondmussels must occur annually before the benthic mats are place. This annual requirement is not required, however, if the mats are in place for the whole season on June 1 to September 30.
- S. Lively noted he has quotes from 2 biologists and interest from others to do the survey work
- R. Clapp was unsure regarding the timing in the letter. The letter states the survey is not required if the mats are in place for the entire period from June 1 – Sept 30. Since the Parks Department would be looking to install mid-July, he is unsure if that meets the condition, and if another survey would be required next year. A. Pilch clarified that the NHESP determination covers this concern for the first year.
- C. Bajdek reiterated that the interested abutters on the lake should lobby the Select Board to establish a committee to work on the lake. A. Pilch further noted that this can be mentioned on the Envisioning Future Holliston Survey #2 to tell the town that this is important.

**A. Pilch made a motion to close the public hearing for DEP #185-922: Lake Winthrop. A. Rutberg seconded the motion. A roll call vote was taken.**

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

- R. Clapp presented a draft Order of Conditions.
- Janice Miller, abutter inquired if the harvest would need to be done every year. S. Lively responded that hopefully not, as the benthic mats should inhibit growth.

**A. Rutberg made a motion to issue an Order of Conditions for DEP #185-922: Lake Winthrop.  
A. Pilch seconded the motion. A roll call vote was taken.**

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

**Public Hearing – Notice of Intent for DEP #185-XXX: #369 Concord Street (Assessors Map 11-6-251) for proposed restoration of altered buffer zone and installation of horse paddocks – Goddard Consulting, representing Rayane Da Costa Lima**

Documents: WPA Form 3; Plan of Land entitled “Topographic Plan, 369 Concord Street, Holliston, Mass” dated 11/28/2021

- R. Clapp read the legal advertisement into the record.
- Mitch Maslanka, Goddard Consulting, noted that he was hired to apply for the work done on site at 369 Concord Street that was unpermitted after the fact. He reviewed the location of wetlands onsite, noting that there are three proposed replanting areas in the buffer zone, as well as an area proposed for horse paddocks.
- C. Bajdek inquired if the Commission’s policy on replanting was followed. M. Maslanka noted he considered it, but given the size of clearing followed DEP’s guidance that operates based on area. C. Bajdek inquired how the area of replanting matches the area of clearing. M. Maslanka noted Planting area 1, a previous parking lot, covers the sparsely vegetated areas throughout. Otherwise the areas relatively match up to the areas cut.
- C. Bajdek inquired if the concrete pad behind house has been removed. M. Maslanka responded that no, but the structure on top of it was removed.
- A. Pilch noted that any mitigation plantings within the buffer zone should be native plantings. Noted that the peach trees and pear trees are nonnative. A. Rutberg noted as a rule, pesticides are prohibited in the buffer zone and without pesticides, the fruit from the trees may be inedible. Blueberries and mulberries, which are also proposed, are OK, but the others are questionable. He suggested American elderberry as another fruit that is OK and often found within a buffer zone. R. Weissman also noted serviceberry is a good option.
- R. Clapp inquired if the peach and pear could be planted as ornamentals, separate from mitigation. A. Rutberg noted temptation to use pesticides may be too great in his opinion in the future, to which the Commission agreed.
- E. Corey inquired as to how disturbed soils would be restored. M. Maslanka noted the area was not grubbed and soils were not disturbed. Areas outside the buffer zone have been grubbed for the most part, but not within the buffer zone.
- R. Clapp expressed concerns about encroachment into the no disturbance zone for the paddocks. Runoff from horse manure will go right over the paved driveway into the wetlands. M. Maslanka will discuss with the homeowner to limit outside the 50’ no disturbance zone and revegetate the areas within the no disturbance zone.

- A. Pilch further noted that 3 trees are proposed to be removed near Concord Street for the corrals. M. Maslanka noted those trees are safety hazards for the horses. A. Rutberg inquired what type of tree and their health. It is not obvious that there's a safety risk as trees coexist with horses in many situations. M. Maslanka noted they are black birches, and recommends a site visit.
- A. Rutberg inquired if there were plans for a shelter for the horses in the corrals. M. Maslanka will confirm with the homeowner.
- Darryl Abbey, abutter, noted that the neighbors seem to want to use the property wisely. He believes the store is currently being used as a stable onsite. A dumpster in the front is also being used to store the horse manure. He inquired if there were plans for permanent structures or if it would be continuing in use as-is. M. Maslanka is unclear on future use, but will work with homeowner in the future. He noted there is significant work outside the buffer zone. Gail Abbey also noted that prior to the tree removal, the property was heavily overgrown with fallen trees. A. Pilch noted that regardless, the homeowner should have contacted the Commission beforehand

**A. Pilch made a motion to continue the public hearing for DEP #185-XXX: #369 Concord Street until the next meeting on 7/12/2022. R. Weissman seconded the motion. A roll call vote was taken.**

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

**Public Hearing – Notice of Intent for DEP #185-925: “0” Old Cart Path (Assessors Map 14-5-2.1, 2.2, 3.A) for proposed stormwater basin for a four-lot residential subdivision – Guerriere & Halnon, representing Constitution Village, LLC**

**Documents:** WPA Form 3; Plan Set entitled “‘Garnet Lane’, a Definitive Open Space Residential Subdivision in Holliston, Massachusetts” dated 12/2/21 (rev. 5/20/22)

- R. Clapp read the legal advertisement into the record.
- Robert Duff, Guerriere & Halnon, noted that this project has also been submitted to the Planning Board, who have taken the responsibility for peer reviewing the stormwater report. R. Duff noted that the stormwater basin is the only work proposed within the 100’ buffer zone, with no encroachment proposed within the 50’ no disturbance zone.
- R. Clapp noted that with the Planning Board peer review and the basin being the only thing in the buffer zone, the Commission cannot act on this tonight.
- C. Bajdek confirmed that individual house lots will be separate NOIs, and the road itself is outside the buffer zone.

**A. Pilch made a motion to continue the public hearing for DEP #185-925: 0 Old Cart Path until the next meeting on 7/12/2022. A. Rutberg seconded the motion. A roll call vote was taken.**

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

**Public Hearing – Notice of Intent for DEP #185-926: “0” Hill Street (Assessors Map 6.1-1-6.C) for proposed stormwater basin for a two-lot residential subdivision – Legacy Engineering, representing Community Development Partners, LLC**

**Documents:** WPA Form 3; Plan Set entitled “Hidden Cove Definitive Subdivision” dated 3/11/2022

- R. Clapp read the legal advertisement into the record.
- Dan Merriken, Legacy Engineering, presented the project to the Commission. The proposal is for a 2 lot residential subdivision with a detention basin within the 100’ buffer zone. There is a cleared power line easement going through the site. The wetlands have been delineated and the BLSF is also marked, though no work is proposed within BLSF. No houses are proposed within the 100’ buffer zone, just the basin and a French drain to collect runoff. He also noted there is just under 8 acres of open space and wanted to know how the Commission wants the disposition, either through fee ownership or through a Conservation Restriction.
- A. Pilch inquired if there would be any public access to open space. D. Merriken is not opposed to an easement through a lot, but it is a private way, not a town-owned road. A. Pilch noted that without public access, the Commission may not be interested in outright ownership.
- R. Clapp noted that while he has not visited the site yet, he noted the delineation was done in 2015 and inquired if the delineation was revisited, and if the flags were still present. D. Merriken noted it has not been revisited, but will send his surveyor out with R. Clapp to review the site.
- E. Corey inquired if the peer reviewer for the Planning Board had information on who would maintain the French drain. D. Merriken noted it would be the responsibility of the owner of Lot 1. E. Corey requested this be explicitly stated in the O&M plan.
- R. Weissman confirmed that a land surveyor would need refresh the wetland flags, not a botanist.

**A. Pilch made a motion to continue the public hearing for DEP #185-926: 0 Hill Street until the next meeting on 7/12/2022. R. Weissman seconded the motion. A roll call vote was taken.**

R. Weissman:	Aye
E. Corey:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
J. Valsamis:	Aye
R. Shansky:	Aye

C. Bajdek: Aye

**A. Pilch made a motion to adjourn at 9:53 PM. A. Rutberg seconded the motion. A roll call vote was taken.**

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

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