

APPROVED Meeting Minutes

Via Remote Participation

August 2, 2022

7:30 PM

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

Ryan Clapp, Conservation Agent

Absent: Jacquelyn Valsamis, Rebecca Weissman, Commissioners

Ann Marie Pilch, Chair, opened the meeting at 7:30 PM.

A. Pilch 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.

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

General Business

Review/Approve Minutes of 6/14/2022, 6/28/2022, 7/12/2022

A. Rutberg made a motion to approve the minutes of 6/14/2022. U. Nickel seconded the motion. A roll call vote was taken.

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

A. Rutberg made a motion to approve the minutes of 6/28/2022. E. Corey seconded the motion. A roll call vote was taken.

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

- The minutes from 7/12/2022 were tabled until the next meeting on 8/16/2022.

Amend Enforcement Order: #31 Partridge Way

- R. Clapp reported that the homeowner was no longer interested in the proposed grading and patio at #31 Partridge Way. Therefore, the Enforcement Order should be amended to remove a filing deadline and to have the scope be limited to restoration.

U. Nickel made a motion to amend the Enforcement Order of #31 Partridge Way. A. Rutberg seconded the motion. A roll call vote was taken.

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

Eagle Scout Project – Mellen Street Conservation Area: Will Chamberlain

- No one was present for this discussion.

Request for a Partial Certificate of Compliance: DEP #185-32: #54 Pilgrim Road

- R. Clapp reported that this Order of Conditions was for the subdivision as a whole, but encumbers the parcel at #54 Pilgrim Road. The work done on this parcel has been completed.

U. Nickel made a motion to issue a Partial Certificate of Compliance for DEP #185-32: #54 Pilgrim Road. A. Rutberg seconded the motion. A roll call vote was taken.

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

Issue Order of Conditions: Bylaw File #B-007: #15 Katie Way

- R. Clapp presented a draft Order of Conditions to the Commission for the single family house.

A. Rutberg made a motion to issue an Order of Conditions for #B-007: #15 Katie Way. U. Nickel seconded the motion. A roll call vote was taken.

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

Appointment of Community Preservation Committee representative

- R. Clapp reported that with Chris Bajdek no longer on the Conservation Commission, the Commission needs a new representative to the Community Preservation Committee.
- A. Pilch noted it is not a huge time commitment and is largely seasonal to prepare for Town Meeting
- E. Corey inquired as how long C. Bajdek had remaining on his term. R. Clapp is unsure, but will check.
- A. Rutberg stated that he is willing to step in as the Commission's representative.

E. Corey made a motion to appoint Allen Rutberg as the Conservation Commission's representative to the Community Preservation Committee. U. Nickel seconded the motion. A roll call vote was taken.

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

Review Correspondence

- R. Clapp reviewed the two annual reports for the Conservation Restriction walks at NSTAR and Fairbanks. He noted that the banked curves remain at the NSTAR parcel, and the Commission needs to develop a plan to address them, as well as the unauthorized trails and breaks in stone walls.
- A. Pilch noted she had contacted the Milford and Hopkinton Conservation Commissions regarding grant funding for the mapping of the larger parcels on the west side of town. Hopkinton expressed interest in participating, but she had not heard from Milford.
- E. Corey noted that she has done some work in finding companies to assist this type of work. She will share some information with the rest of the Commission.

- A. Pilch noted that the Envisioning Future Holliston survey had great suggestions, and noted a theme regarding trail access and management.

Public Hearings/Public Meetings

Public Hearing – Request for Amendment to Order of Conditions for DEP #185-885: #66 Old Cart Path (Assessors Map 14-5-322) for proposed single family house addition and expansion of septic system – *Guerriere & Halnon*, representing *Arun Narayanan*

Documents: Plan of land entitled “Septic Upgrade & Building Addition Site Development & Facilities Plan for 66 Old Cart Path in Holliston, Massachusetts” dated 7/12/2022

- R. Clapp read the legal advertisement into the record.
- No one was present for this hearing.

U. Nickel made a motion to continue the public hearing for DEP #185-885: #66 Old Cart Path until the next meeting on 8/16/2022. A. Rutberg seconded the motion. A roll call vote was taken.

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

Public Hearing – Request for Amendment to Order of Conditions for DEP #185-864: “0” Marshall Street (Assessors Map 7-3-19.2) for proposed invasive species management plan – *Beals & Thomas*, representing *Patrick Jackson, Marshall Street Solar*

Documents: Request for Amended Order of Conditions and Extension, Marshall Street Solar MassDEP File No. 185-864, dated 6/28/2022; Marshall Street Solar Project, by Weston & Sampson, Inc., dated 4/6/2020; Mugwort Management Plan for Infestation Area Bordering Solar Array, 39 Marshall Street, Holliston, MA, by Tom Benjamin, dated 5/13/2022; Recommendations for managing mugwort (*Artemisia vulgaris*) at 39 Marshall St., Holliston, MA, by Land Stewardship, Inc., dated 5/12/2022

- R. Clapp read the legal advertisement into the record.
- Andrew Gorman presented the project revisions to the Commission, focusing on the area proposed for invasive species management, located on the westerly side of the property. A. Gorman noted the site is has a pollinator certification through UMASS that mandates that ground cover and perimeter plantings be locally native and pollinator-friendly. To keep the certification for the site, the mugwort found onsite must be treated. He proposes a multi-year management strategy, including seasonal mowing and targeted application of herbicides by a

licensed applicator. While aware that herbicide application near the wetlands is generally unfavorable, he believes this to be the best management strategy, and noted that the hydrology of the marsh keeps the mugwort limited to the buffer zone, not within the resource area.

- A. Pilch inquired as to what herbicide is to be used. A. Gorman noted it is a glyphosate herbicide. He understands that it is a controversial option, but believes the mugwort infestation is so severe that there is no other option.
- A. Pilch inquired as to what precautions are taken to avoid infiltration and drift to the wetlands. A. Gorman noted there is no impermeable barrier proposed between the limit of work and resource area, but noted that a licensed applicator takes precautions to avoid this type of issue and there are strict regulations regarding herbicide applications.
- R. Shansky requested the procedure be described in more detail. A. Gorman informed the Commission that the project will start with cutting the mugwort in August before it can disperse in the fall, followed by a foliar spray of herbicide. For the first two years, there will be 1-2 mowings during the summer and 1-2 treatments in the summer. If this proves successful, they will then put in new native, fast-growing plantings to allow the area to recolonize with natives and crowd out invasives. R. Shansky inquired if the herbicide is applied manually or via machinery. A. Gorman noted that it is done by hand, and noted that it is specifically done during certain conditions to avoid dispersal by wind and precipitation. He is also willing to incorporate any monitoring the Commission is looking to condition.
- EC noted the report addresses a few other invasives and inquired if they will they be treated as well. A. Gorman responded that at this time, they are not proposing to do any management for those, as there is not a lot of space in the upland for them to colonize. Mugwort disperses via wind and seed dispersal in the herbaceous layer, but less concerned about the spread of autumn olive and other woody invasives in to the certified area.
- A. Rutberg noted that turtle habitat is marked on the plan and requested information regarding its status. A. Gorman noted it has already been established as a small pocket of area with specific textures for soil substrate to facilitate nesting.
- A. Pilch inquired if DEP had comments on the revisions, and R. Clapp noted that no, but they would if there was an egregious issue.
- A. Pilch noted with mugwort as prevalent as it is, the buffer zone is not functioning as it should. Removal would improve the function of the buffer zone and quality of the wetlands, despite application of herbicides.
- A. Pilch would like to condition that there be no forecasted precipitation within 48 hours of the foliar application.
- A. Gorman also noted he is requesting a 3-year extension to the Order to account for the invasive species management.

**A. Rutberg made a motion to close the public hearing for DEP #185-864: “0” Marshall Street”.
U. Nickel seconded the motion. A roll call vote was taken.**

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

A. Rutberg made a motion to extend the Order of Conditions for DEP #185-864 until 5/5/2026. U. Nickel seconded the motion. A roll call vote was taken.

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

Public Hearing – Request for Amendment to Order of Conditions for DEP #185-839: #58 Hopping Brook Road (Assessors Map 4-6-35.2) for proposed expansion of existing building foundation – *GLM Engineering*, representing *Richard Gordon, Hopping Brook Development*

Documents: Plan set entitled “Site Development Plan, Proposed Commercial Building, 58 Hoping Brook Road, Holliston, Massachusetts” dated 1/19/2015 (rev. 6/1/2022)

- Robert Truax reviewed the site proposal, requesting an expansion of the existing building foundation currently approved under the Order. He noted that R. Clapp, A. Pilch, and E. Corey had visited the site. He explained that some of the project has already been undertaken for the parking area and drainage, and there is an existing foundation that will be removed, since it has been sitting for so long the Building Inspector will not accept it as structurally sound. They propose to remove it and enlarge it approximately 26’ closer to the wetland, which places some of the building within the buffer zone. No work is proposed within the 50’ no disturbance zone, and there is no change proposed to the drainage or septic system. He noted there was some discussion during site visit regarding drainage improvements behind the building, but recommends putting it outside the buffer zone, off the end of the building instead of behind the building. He will revise plans to show this but wanted to see how the Commission feels prior to doing so.
- A. Pilch requested clarification if the full paved area was previously permitted. R. Truax noted it was part of the previous Order.
- A. Pilch inquired regarding the lawn area surrounding the building. R. Truax noted it is a previously disturbed area that has revegetated. A. Pilch would like to see an alternative than mowed lawn, at least for the areas within the buffer zone, such as a shrub layer or wetland seed mix. R. Truax noted the applicant would have no issue with a wetland seed mix. A. Pilch also noted that at least 3 mature pines need to be removed for this project and requested shrub plantings behind the building to mitigate the removal.
- R. Clapp noted the prevalence of buckthorn in the back of the building. A. Pilch noted it could be managed without herbicide application, and recommends cutting the buckthorn and using a barrier to cover the cut trunk with heavy duty materials for a full growing season.

U. Nickel made a motion to continue the public hearing for DEP #185-839: #58 Hopping Brook Road until the next meeting on 8/16/2022. A. Rutberg seconded the motion. A roll call vote was taken.

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye

R. Shansky: Aye
A. Pilch: 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 reported that he had received a request to continue this hearing until the next meeting on 7/26/2022.

A. Rutberg made a motion to continue the public hearing for DEP #185-XXX: #369 Concord Street until the next meeting on 7/26/2022. U. Nickel seconded the motion. A roll call vote was taken.

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
J. Valsamis: Aye
R. Weissman: Aye
A. Pilch: 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 reported that he had received a request to continue this hearing until the next hearing on 8/2/2022.

A. Rutberg made a motion to continue the public hearing for DEP #185-925: 0 Old Cart Path until the next meeting on 8/16/2022. U. Nickel seconded the motion. A roll call vote was taken.

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
R. Shansky: Aye
A. Pilch: 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 reported that he had received a request to continue this hearing until the next hearing on 8/16/2022.

U. Nickel made a motion to continue the public hearing for DEP #185-926: 0 Hill Street until the next meeting on 8/16/2022. A. Rutberg seconded the motion. A roll call vote was taken.

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

U. Nickel made a motion to adjourn at 8:56 PM. A. Rutberg seconded the motion. A roll call vote was taken.

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

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