

**APPROVED Meeting Minutes**

Via Remote Participation

October 11, 2022

7:30 PM

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

Ryan Clapp, Conservation Agent

Absent: Jacquelyn Valsamis, Commissioner

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

**A. Pilch read the following into the record:**

Pursuant to the Governor's July 16, 2022 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 as soon as possible 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:	Present
R. Shansky:	Present
A. Pilch:	Present

**General Business**

**Review/Approve Minutes of 8/30/2022, 9/13/2022, 9/27/2022**

- A. Rutberg noted that there were a few minor typos in the draft minutes of 8/30/2022 and offered corrections.

**A. Rutberg made a motion to approve the minutes of 8/30/2022 as corrected. U. Nickel seconded the motion. A roll call vote was taken.**

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

The minutes 9/13/2022 & 9/27/2022 were tabled until the next meeting on 10/25/2022.

### **Discussion: Proposed irrigation well at #3 Pout Lane (Lot 83E Pout Lane)**

- R. Clapp noted that the property owner is interested in installing an irrigation well at #3 Pout Lane. He noted that the proposed well is outside the 50' No Disturbance Zone, but would be within the buffer zone.
- R. Weissman inquired if the Order of Conditions for #3 Pout Lane was still active. R. Clapp responded that it was.
- The Commission determined that the best way forward for this project was for the property owner to contact Guerriere & Halnon to amend the Order of Conditions.

### **Review of Holliston Rail Trial Easement: DEP #185-785: #58 Hopping Brook Road**

- P. Barbieri noted that part of the Select approval was the granting of an easement to the Town for access to the Rail Trail. There has been a response from Town Counsel that has been accepted by P. Barbieri.
- A. Rutberg inquired if any of the revisions were substantial. P. Barbieri noted they were not and reviewed the revisions with the Commission.
- R. Clapp requested a copy of the revised easement language. P. Barbieri will provide that language to him.
- The Commission offered its support to this easement.

### **Review Correspondence**

- R. Clapp noted that registration was open for the MACC conference. Any interested Commissioners should contact him for registration.
- R. Clapp reported that he had been contacted by Representative Jake Auchincloss's office regarding a climate summit to be held soon. R. Clapp is awaiting further details.
- R. Clapp reported that the Community Farm Conservation Restriction is still being worked on. There is a question of ownership of the land which will be resolved at a future Select Board meeting.
- A. Pilch noted that after the previous meeting, she and R. Clapp walked the site with the two honor society students for their proposed cleanup project at Ruthellen Road and Maple Street. She will be the adult supervisor/contact person for the project, and she noted the students have ideas on trail improvement as well as educational opportunities.

- E. Corey noted that several trees had come down across the trail and damaged one of the new Boy Scout boardwalks.
- A. Pilch noted that the DPW had removed the burning bush at the entrance to the Brentwood Conservation Area, and thanked the DPW for their efforts.

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

**Public Hearing – Request for Amendment to Order of Conditions for DEP #185-909: #599 Concord Street (Assessors Map 14-4-6)** for proposed removal and reconstruction of original structure and foundation, relocation of septic system, and relocation of detached garage – *GLM Engineering*, representing *Tony Cruz, Cruz Solutions, Inc.*

**Documents:** Request for Amendment – DEP File No. 185-909; Plan of Land entitled “Proposed Site plan, 599 Concord Street, Holliston, Massachusetts”, dated 10/12/2021 (rev. 9/18/2022)

- R. Clapp read the legal advertisement into the record.
- J. Hastings presented the project. They are proposing to amend the Order of Conditions after the fact to remove the existing foundation, relocate the septic system and relocate the detached garage. The need to remove the foundation arose from the hearings with the Planning Board, and was not conveyed to the Conservation Commission until the building and foundation had been removed. An additional 30 plantings were added within the buffer zone as a part of this project.
- A. Pilch inquired if the footprint proposed is the same as the footprint originally approved. J. Hastings confirmed this, but noted that there was minor reduction in impervious surface due to reduction of the driveway.
- A. Pilch inquired if the debris had been removed from the site. J. Hastings noted that the debris had been removed, but what remains is the fill that will be used to backfill the foundation of the building.
- E. Corey inquired if any more materials would be stockpiled onsite. J. Hastings noted there may be stockpiling for the detached garage, but is unsure.

**R. Weissman made a motion to close the public hearing for DEP #185-909: #599 Concord Street. A. Rutberg seconded the motion. A roll call vote was taken.**

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

**U. Nickel made a motion to issue an Amended Order of Conditions for DEP #185-909: #599 Concord Street. E. Corey seconded the motion. A roll call vote was taken.**

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

R. Weissman: Aye  
R. Shansky: Aye  
A. Pilch: Aye

**Public Meeting – Request for Determination of Applicability for #D-727: #600 Central Street (Assessors Map 9-4-62)** for proposed access road and battery energy storage facility – *TRC Companies*, representing *BWC Bogastow Brook, LLC*

**Documents:** WPA Form 1: Plan of Land entitled “Conceptual Site Layout Sketch” dated July 2022

- R. Clapp noted that the applicant had requested a continuance until the meeting on 10/25/2022.

**U. Nickel made a motion to continue the public meeting for #D-727: #600 Central Street until the next meeting on 10/25/2022. A. Rutberg seconded the motion. A roll call vote was taken.**

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

**Public Hearing – Notice of Intent for DEP #185-931: 1485 Washington Street (Assessors Map 5-3-59.1)** for second story addition and drainage system, replacement of pavement, and restoration of altered buffer zone – *CDW Consultants*, representing *Brian Donoghue, AnyFence Co.*

**Documents:** WPA Form 3; Plan set for 1485 Washington Street, dated 8/9/2022; Stormwater Management Report dated 8/9/2022

- R. Clapp reported that the applicant had requested a continuance to the meeting on 10/25/2022.

**U. Nickel made a motion to continue the public hearing for DEP #185-931: #1485 Washington Street until the next meeting on 10/25/2022. E. Corey seconded the motion. A roll call vote was taken.**

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

**Public Hearing – Notice of Intent for DEP #185-928: “0” Bartzak Drive (Assessors Map 14-4-21.4) for proposed construction of a solar power generation system and associated site work – Beals Associates, representing John Clifford, Bartzak PV, LLC**

**Documents:** WPA Form 3; Plan Set entitled “Plans to Accompany Permit Documents for Large-Scale Solar Power Generation System, 0 Bartzak Drive, Holliston, Massachusetts” dated 7/27/2022, “Tree Inventory Plan” dated 7/27/2022; letter from Beals Associates, Inc., dated 10/7/2022

- D. Howe and P. Connelly and C. Knowles were present to represent the applicant.
- D. Howe provided an update on the proceedings. They had provided a letter to the Commission addressing several questions and concerns that had been brought to the attention of the Commission during the previous hearing. Regarding a wildlife study for the vernal pool, they have hired Oxbow Associates to perform the work. They have requested written permission from the three adjacent property owners to access the site. Beals Associates have sent letters to the property owners and are waiting for responses.
- Regarding the Operation and Maintenance for vegetation, D. Howe noted that Galehead would maintain the area under the solar panels as a meadow. Outside of the solar panels, they are proposing to leave the eastern area of the site to grow back to a natural area. The vegetation within the 100’ buffer zone will be cut to 4’ in height and allow the area to grow back. They will maintain that area to ensure growth does not exceed 4’ in height.
- Regarding the tree replacement, they have reviewed the tree replacement policy, and they would need 21 shrubs or 7 trees to meet the standard. To do so, they have added a staggered row of shrubs for screening along Praying Indian Way.
- D. Howe reiterated there is no intention for tree cutting on other people’s property.
- Regarding long-term ownership, Galehead cannot guarantee they will be the property owner for the lifespan of the project, which is 35 years. Commonly, the developer will sell the solar project after it has been permitted or constructed to another solar company. At this time, however, Galehead owns the property and are committed to maintaining the project while they own it, and will stipulate conditions from the Conservation Commission and Planning Board as part of any sale.
- Regarding the peer review, the Planning Board has initiated a peer review on the stormwater report. They have submitted responses to the Planning Board today, which has not been enough time for the Commission to review the comments to the stormwater report.
- R. Clapp noted that the staggered double row of shrubs is outside of the buffer zone and the Commission’s jurisdiction. He inquired if there was any ability for mitigation within the buffer. D. Howe believes the plantings are best suited where they have proposed them. However, the shrubs can be relocated closer to or within the buffer zone. R. Weissman noted that since this is to meet the requirements of the tree removal policy. D. Howe noted that the policy is largely for hazard tree removal, not permitted tree removal.
- R. Shansky confirmed that the area with the 4’ high trees and vegetation is to maximize southern exposure. He inquired if the area were to be overtaken by invasives and if the Commission could condition the Order for invasive removal. R. Clapp noted the boilerplate Order of Conditions has some conditions for invasive species removal. A. Pilch suggested that there may be need for some individual conditions specifically for invasive species management.
- Dina Rize inquired regarding the residential sound ordinance. Are they compliant with that ordinance? A. Pilch noted that is a Planning Board question. Also inquired if Oxbow will be

confirming if the area is a vernal pool, and if the solar panels will reflect light into the pool of water and dry it up? A. Pilch noted that would have to do with the angle, but would be a good question for Oxbow.

- Mark Halstead inquired what the different outcomes would be if this is or is not a vernal pool. A. Pilch noted that if it is a vernal pool, the 100' no disturbance buffer zone would hold. If not, it is a buffer zone, a regulated area.
- Tom Keefe noted that Galehead is not directly responding to the cuttings of trees. Are they waiving the right to clear trees for sunlight to access solar panels. D. Howe noted they are not answering questions outside of the areas subject to the Commission's jurisdiction. T. Keefe unsatisfied with answer.
- T. Keefe noted that the last meeting indicated that there was select cutting, and now it is clear cutting to 4' height trees. These will be logs sticking out of the ground and logs on the ground. The scope of this project is very large. A. Pilch noted that the Commission has not agreed to anything at this time. D. Howe noted that the newest landscaping plan has 6" DBH trees or larger would be cut to 4' high. A row of silt fences have been added to really demarcate where the limit of tree clearing is for the contractor so they know it will be selective clearing in that area.
- T. Keefe noted with the tree removal, there will be additional runoff into the wetlands and adjacent parcels. He noted that in the Planning Board hearing, the silt fences will be removed. A. Pilch noted it is standard practice to remove silt fences after construction and stabilization. D. Howe noted there are standard practices to limit erosion and flooding on adjacent properties. They have designed the plans with those practices in mind, including the use of the mulch berm. He noted that erosion controls are not removed until the project is completed and stabilized. T. Keefe requested this in writing for future litigation. D. Howe noted the response is included in the peer review letter.
- R. Clapp read a comment from D. Dimmock regarding the visual barrier. A. Pilch noted the barrier is outside the buffer zone, so is a Planning Board question.

**U. Nickel made a motion to continue the public hearing for DEP #185-928: "0" Bartzak Drive until the next meeting on 10/25/2022. A. Rutberg seconded the motion. A roll call vote was taken.**

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

**Public Hearing – Notice of Intent for DEP #185-927: #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 (rev. 10/6/2022); Letter from Goddard Consulting, LLC, dated 10/6/2022; Planting Plan dated 6/9/2022 (rev. 10/6/2022)

- M. Maslanka noted that erosion control plans and manure management have been revised, as well as a revised planting plan. The revised site plan shows the paddocks have been relocated outside of the 50' No Disturbance Buffer Zone, with a proposed planting area between the limit of work and wetlands. The manure is proposed to be stored in a covered dumpster outside of the 50' No Disturbance Zone, a convenient location that is outside of the No Disturbance Zone, and will be serviced weekly. Next to the paddock in the front will be a 6" soil berm to divert runoff.
- The planting plan consists of red mulberry tree and highbush blueberries. He has revised the planting plans from the historic gravel area being replanted to be left as is, but expanded on the other planting areas.
- M. Maslanka reviewed the various locations of planting areas and paddocks.
- A. Pilch inquired if the disturbed ground would be stabilized. M. Maslanka noted the narrative describes the stabilization.
- A. Pilch noted along the driveway and one of the planting areas, the planting areas are not very descriptive. She noted that the grass strips along the driveway make the area tidier and neater, but needs to be specific, as right now it is a mix of grass and native plants propose. U. Nickel inquired if it could be a native seed mix, but A. Pilch noted the applicant wants something mowable. M. Maslanka will speak with the applicant. E. Corey suggested a clover mix, noting that while not native, it may be a good option. U. Nickel suggested barren strawberry, but A. Pilch noted that that plant tends to spread.
- E. Corey noted there was originally a plan to remove several trees in the front of the property. M. Maslanka noted that is no longer proposed.
- E. Corey suggested a berm along corral 2 unless there are other measures to avoid runoff going downstream. M. Maslanka agreed.
- E. Corey noted that wetland placards would be beneficial around where the corrals abut the planting areas as a permanent reminder to not encroach on those areas.

**E. Corey made a motion to continue the public hearing for DEP #185-927: #369 Concord Street until the next meeting on 10/25/2022. U. Nickel seconded the motion. A roll call vote was taken.**

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

**A. Rutberg made a motion to adjourn at 9:33 PM. E. Corey seconded the motion. A roll call vote was taken.**

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

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