

Holliston Conservation Commission

APPROVED Meeting Minutes

Via Remote Participation

January 10, 2023

7:30 PM

Present: Ann Marie Pilch, Chair; Allen Rutberg, Vice Chair; Eilish Corey, Utah Nickel, Nicole Smith, Rebecca Weissman, Commissioners;
Ryan Clapp, Conservation Agent

Absent: Richard Shansky, Alternate 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
N. Smith:	Present
R. Weissman:	Present
R. Shansky:	Absent
A. Pilch:	Present

General Business

Review/Approve Minutes of 10/25/2022, 11/15/2022, 11/29/2022, 12/13/2022, and 12/27/2022

- **A. Rutberg made a motion to approve the minutes of 10/25/2022. R. Weissman seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
N. Smith:	Aye
R. Weissman:	Aye
A. Pilch:	Aye
- The minutes of 11/15/2022, 11/29/2022, 12/13/2022, and 12/27/2022 were tabled until the next meeting on 1/24/2023.

Request for a Partial Certificate of Compliance: DEP #185-864: “0” Marshall Street

- R. Clapp reported that this Request was related to the solar field on Marshall Street. While the solar field itself has been constructed and stabilized in compliance with the Order of Conditions, no work has commenced as of yet on the invasive species management plan. Borrego Solar, the site contractor for the solar field portion, has completed their work and is looking to close out their portion of the project.
- **A. Rutberg made a motion to issue a Partial Certificate of Compliance for DEP #185-864: “0” Marshall Street. E. Corey seconded the motion. A roll call vote was taken.**

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

Request for Certificate of Compliance: DEP #185-882: Lot 31B Old Cart Path

Request for Certificate of Compliance: DEP #185-884: Lot 77 Old Cart Path

Request for Certificate of Compliance: DEP #185-887: Lot 81 Old Cart Path

Request for Certificate of Compliance: DEP #185-867: Lot 82 Old Cart Path

Request for Certificate of Compliance: DEP #185-876: Lot 83A Pout Lane

Request for Certificate of Compliance: DEP #185-877: Lot 83B Pout Lane

Request for Certificate of Compliance: DEP #185-878: Lot 83C Pout Lane

Request for Certificate of Compliance: DEP #185-879: Lot 83D Pout Lane

Request for Certificate of Compliance: DEP 3185-880: Lot 83E Pout Lane

- These 9 Requests for Certificates of Compliance were discussed simultaneously.
- R. Clapp reported that he and N. Smith had walked the sites on Old Cart Path and Pout Lane with J. Federico and M. Belinski from Guerriere & Halnon and Fafard. He had several further comments regarding the Pout Lane sites as referenced in an email sent to the Commission and Guerriere & Halnon. As of yet, no work had commenced to address the issues previously mentioned during the meeting on 12/13/2022.

Review Correspondence

- R. Clapp had met with R. Walker from the DPW. He is looking for winter projects, and R. Clapp suggested the restoration of the stone walls outlined in the monitoring report from the Trustees of Reservations for the NSTAR Parcel.
- R. Clapp noted that the 555 Hopping Brook Road project will be on the agenda for the Planning Board on 1/12/2023.

Public Hearings/Public Meetings

Public Meeting – Request for Determination of Applicability for #D-734: #76 Central Street (Assessors Map 8F-3-18) for proposed roofed additions – GLM Engineering, representing Mark Dellicker, Seventy-Six Central Street, LLC

Documents: WPA Form 1; Plan of Land entitled “Proposed Addition Plan, 76 Central Street, Holliston, MA” dated 11/15/2022

Conservation Commission Minutes 1-10-23

Drafted for the Commission by: Ryan Clapp

Approved by the Commission: 2-21-23

- R. Clapp read the legal advertisement into the record.
- J. Hastings, representative for the applicant, presented the project to the Commission. The applicant proposes to construct a roofed addition over a paved patio and bulkhead to allow for a safer access to the basement and back of the building. The footprint of the addition is relatively small at approximately 250 square feet, with no stockpiling proposed onsite. No grade changes are proposed with this project. Erosion control will be installed prior to commencement of work and will be maintained throughout the project. J. Hastings noted that DEP had concerns if the area was within Bordering Land Subject to Flooding. However, she had filed a Letter of Map Amendment several years earlier, removing the building from BLSF.
- E. Corey inquired if there would be gutters on the roof. J. Hastings noted that since there are none on the existing building, there are no plans to put gutters on the addition.
- A. Rutberg asked what the profile of the roof would be. J. Hastings responded that it would match the profile of the existing roof.
- R. Clapp noted that DEP also expressed concerns about proximity to the Winthrop Canal. J. Hastings noted there are no grade changes proposed, and they are just covering existing surfaces onsite. A. Rutberg and N. Smith agreed this could be approved under a Determination of Applicability.
- R. Weissman noted that there is a regulation in the WPA that exempts manmade canals from Riverfront Area. R. Clapp noted that the canal has been treated as a perennial stream in the past, and that the canal itself is natural, but heavily worked on over the years.
- **A. Rutberg made a motion to issue a Negative #3 Determination for DEP #185-734: #76 Central Street. E. Corey seconded the motion. A roll call vote was taken.**
 - A. Rutberg:** Aye
 - E. Corey:** Aye
 - U. Nickel:** Aye
 - N. Smith:** Aye
 - R. Weissman:** Aye
 - A. Pilch:** Aye

Public Hearing – Notice of Intent for DEP #185-XXX: Parcel D. Prentice Street (Assessors Map 7-4-55.D) for proposed single family house – *GLM Engineering*, representing *Thomas Murch, Murch Prentice Realty Trust*

Documents: WPA Form 3; Plan Set entitled “Proposed Site Plan, Parcel D – Prentice Street, Holliston, Massachusetts” dated 12/7/2022

- R. Clapp read the legal advertisement into the record.
- J. Hastings presented the project to the Commission. The applicant proposes the construction of a single family house on a 7-acre parcel, approximately 600’ back from the street. In order to access the parcel, the applicant will need to cross the wetlands onsite with a box culvert. The filled wetlands equal approximately 3,550 square feet, with a proposed replacement of 3,900 square feet. The location of the crossing was chosen to minimize the number of trees required to be taken out. J. Hastings noted that in discussion with R. Clapp, she has been made aware that Article XXXI Regulations require replication of 2:1, so this will need to be revised. Portions of the house, well, driveway and septic system encroach on the 100’ buffer zone.
- N. Smith inquired if the utilities would be underground or overhead. J. Hastings believes that the utilities will be installed above the culvert, but below the gravel for the driveway, and will remain buried.
- A. Pilch asked as to the nature of the existing site. J. Hastings noted that the lot is wooded, though many trees are down. The site was once disturbed and has since grown back in.

- R. Weissman asked if the box culvert had been designed in accordance with stream crossing standards. J. Hastings will provide the calculations.
- A. Rutberg noted the stone wall appears to block the replicated wetlands. J. Hastings noted there is a connection, and would not like to alter the stone wall.
- N. Smith asked where snow would be plowed so as not to go into the wetlands. J. Hastings noted it would be plowed behind the driveway near the house.
- R. Clapp noted that he had received comments from abutters regarding tires in the wetlands. J. Hastings is unsure of the location of these tires
- R. Clapp noted that he had received comments from abutters that the land in question had been categorized as “unbuildable”. He checked with the Town Assessor, who explained that when land is categorized as unbuildable, it is merely an assumption. This assumption can be overcome by engineering and designing plans that are in legal compliance with land use regulations.
- E. Corey noted that the land disturbance would be greater than one acre, so that should trigger a stormwater bylaw review with the Planning Board. J. Hastings noted that the Conservation Commission is the first permitting stop, then they will be going to the Planning Board. E. Corey cautioned that if a stormwater report results in changes, the applicant may need to amend the Order of Conditions.
- N. Smith asked how the amount of wetland filling was calculated. J. Hastings noted that they measured the amount needed for the box culvert, and will double the area for the replication area.
- U. Nickel asked if the area within the 50’ No Disturbance Zone being disturbed would be mitigated with native plantings. J. Hastings noted the plan is to keep existing shrubs to the maximum extent possible without hindering the ability to drive on the driveway. A. Pilch confirmed that within the buffer zone, the Commission would like to see wetland seed mix or other natives in that area.
- Jamie Ring, 427 Prentice Street, confirmed the location of the cars and tires. The car is located in the area being discussed, however the tires are further back and outside of the area being discussed by the Commission. She noted that when they originally purchased the house, they were assured this site was unbuildable. This is not the case, and she wants to be sure that their privacy and sound barrier is maintained. She is concerned about wildlife being displaced into their yard, and is concerned about impacts to the aquifer, as they are all on well water in this area. She is also concerned about wildlife habitat, particularly the deer being displaced.
- A. Pilch asked if the area being used to cross the wetlands would have an “edge” or if snow would simply fall into the wetlands. J. Hastings noted that there is a low point, which would collect the snow, but no edge.
- Dawn Neborsky, 401 Prentice Street, requested to be able to see the plans for the expanded replication area. She also noted that there are some issues with the stream as it exists. There is significant erosion, and they have had to contact the Highway Department to address sediment buildup.
- Nuwan Kurukulasuriya, 421 Prentice Street, noted that when he moved in 10 years ago, he was assured there was no possibility of the lot being built upon. If this project gets approved, he wants to ensure there is forest cover remaining onsite.
- **R. Weissman made a motion to continue the public hearing for DEP #185-XXX: Parcel D Prentice Street until the next meeting on 1/24/2023. N. Smith seconded the motion. A roll call vote was taken.**
 - A. Rutberg: Aye**
 - E. Corey: Aye**
 - U. Nickel: Aye**
 - N. Smith: Aye**
 - R. Weissman: Aye**

A. Pilch: Aye

Public Hearing – Notice of Intent for DEP #185-XXX: #58A Hopping Brook Road (Assessors Map 4-6-35.2) for proposed commercial building – *GLM Engineering*, representing *Richard Gordon, Hopping Brook Development, LLC*

Documents: WPA Form 3; Plan of Land entitled “Proposed Sewage Disposal System, #58 Hopping Brook Road, Holliston, Massachusetts” revision date 11/28/2022; Stormwater Management Report, Proposed Commercial Building, 58 Hopping Brook Road, Holliston, Massachusetts, revision dated 4/30/2018

- R. Clapp read the legal advertisement into the record.
- J. Hastings presented the project to the Commission. In August 2022, they amended the Order of Conditions to expand the Order of Conditions for 58 Hopping Brook Road (now 58A Hopping Brook Road). However, they did not extend the Order of Conditions, and the Order of Conditions expired in October 2022. The applicant has refiled the Notice of Intent, with no changes made from the previous Order of Conditions. J. Hastings reviewed the locations of the two wetland systems and buffer zones, and noted that the detention basin onsite is currently existing, as it was associated with the solar field.
- R. Clapp confirmed the dates of the stormwater report and plans was consistent with the previous Amended Order of Conditions.
- A. Rutberg asked if the existing foundation would be used or removed. R. Clapp noted that he had spoken with M. Kaferlein, Building Inspector, and recalls that the foundation would be removed.
- **U. Nickel made a motion to continue the public hearing for DEP #185-XXX: #58A Hopping Brook Road until the next meeting on 1/24/2023. A. Rutberg seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: 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 reported that the applicant had requested a continuance to the next meeting on 1/24/2023.
- **R. Weissman made a motion to continue the public meeting for #D-727: #600 Central Street until the next meeting on 1/24/2023. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: 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 (rev. 10/18/2022); Stormwater Management Report dated 8/9/2022 (rev. 10/12/2022); letter from CDW Consultants re: Notice of Intent – AnyFence Co.

- R. Clapp noted that this hearing had already been continued to 2/7/2023.

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; Preliminary Vernal Pool Assessment, 0 Bartzak Drive, Holliston MA, from Oxbow Associates, Inc., dated 12/8/2022

- R. Clapp noted that this hearing had already been continued to 4/4/2023.

U. Nickel made a motion to adjourn at 9:16 PM. A. Rutberg seconded the motion. A roll call vote was taken.

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

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