

Holliston Conservation Commission

Meeting Minutes

Town Hall- Meeting Room #014

August 22, 2017

7:30 PM

Present: Chris Bajdek, Chair; Jennifer Buttarro Shaw Lively, Blake M. Mensing, Ann Marie Pilch, Allen Rutberg (Arrived at 7:40), Commissioners; Utah Nickel, Associate Commissioner Sheri O'Brien, Conservation Agent; Kristin O'Brien, Conservation Assistant
Absent: Rebecca Weissman, Vice Chair

Chris Bajdek, Chair, opened the meeting at 7:31 PM.

General Business

Request for Certificate of Compliance for DEP File #185-788: 19 Minuteman Circle- Toll Brothers Inc.

- Ms. S. O'Brien explained the original request for a complete CoC was last October; however, it was believed that more information from Natural Heritage was needed before issuing. All paper work has been found and the complete CoC can be issued.

Ms. Pilch made a motion to issue a complete Certificate of Compliance for DEP File #185-788: 19 Minuteman Circle. Mr. Lively seconded the motion. Ms. Buttarro abstained. The motion passed. (4-0-1).

Request for Minor Modification for DEP File #185-790, 791, and 792: Lots 72, 73, 74 Minuteman Circle- Mark McKibben, Toll Brothers Inc.

- Ms. K. O'Brien explained the foundation drain for the house on Lot 72 was pushing a lot of water out and flooding the neighbor's yard (Lot 73). Additionally, the northwest corner of Lot 73's septic grading is eroding into Lot 74 where a temporary trench was created to divert the water.
- Mr. McKibben proposed regrading sections of the yards on all three lots to direct water away from the houses and minimize future pooling.
- Mr. McKibben also proposed (at the home owners request) to remove leaf litter and debris between the lawn and 50' no-disturb and convert it to lawn (no trees would be cut). The owners would also like to remove the portion of stone wall that extends into the would-be lawn.
- The Commission wanted more information before making a decision and required a Request for an Amended Order of Conditions be submitted for each lot.

Tree Removal Request- 15 Minuteman Circle- Mark McKibben, Toll Brothers Inc.

- Ms. K. O'Brien inspected a tree just past the 50' no-disturb line at 15 Minuteman Circle. One trunk of the split tree appeared to have been severely damaged during construction and had a very large slit and crack extending up the trunk. The tree is bending towards the house and is within a few feet of the second floor.
- The Commission agreed only the damaged trunk of the split tree can be cut and the stump must remain in place.

Request for Minor Modification for DEP File #185-803: 128 Fisher Street- Art Allen, EcoTech Notice of Violation for 194 Lowland Street

- Many of the trees/shrubs planted in the mitigation areas did not survive their first year, in part due to gypsy moth and deer browsing.
- Staff and Mr. Allen compiled a list of new plantings that should handle predation better.
- Ms. S. O'Brien explained the replacement species and number of each to be planted.
- The seed mix is growing in well.

- They have requested a CoC and offered approximately \$6,500 bond (twice the cost of the replacement plants) for replacement plantings.
- The bond was discussed.

Ms. Pilch made a motion to issue a Minor Modification for DEP File #185-803:128 Fisher Street for replacement plantings. Mr. Mensing seconded the motion. Unanimous. (6-0-0).

Notice of Violation for 194 Lowland Street

- MaryAnn DePinto presented for Michael Brumber.
- The Notice of Violation was issued due to tree clearing and the creation of parking lot and the beginning of the access road within the 50-100qbuffer zone.
- Ms. DePinto said the cut trees were used to create a wood chip berm around the parking lot and used wood chips to cover any open soils.
- The intent of the access road to provide easier access between his two properties on either side of Lowland Street.
- There is an old berm between the limit of work and the pond. The site is currently stable.
- There was difficulty getting a surveyor to the property before the meeting and they have requested this be continued to the next meeting on September 5, 2017. The Commission agreed.

Vote on 8/8/17 Draft Meeting Minutes

- Ms. K. O'Brien explained the statement added after the minutes were distributed for review.

Mr. Lively made a motion to accept the 08/08/17 minutes as amended. Dr. Rutberg seconded the motion. Ms. Buttaro abstained. The motion passed. (5-0-1).

Review Correspondence

- It was reviewed.

PUBLIC HEARINGS/PUBLIC MEETINGS

****New Public Hearing – Abbreviated Notice of Resource Area Delineation DEP File # 185-TBD: 185 Cedar Street (Assessors Map 14-3-1) proposed wetland delineation . Bruce Wilson, GW Site Solutions representing David Adams, Indian Ridge Realty Trust**

- Mr. Adams was present. Ms. S. O'Brien read the legal notice advertised in the *MetroWest Daily News* on August 15, 2017.
- Mr. Adams explained that he has been in Holliston as a resident and a builder for a long time. He has owned this property for approximately 20 years and attempted about 15 years ago to build a 55+ community. The community was voted down at the 2016 Fall Town Meeting. He has not finalized the type of development we would like to build.
- Staff intends to visit the site when the wetlands delineation peer review is submitted.
- The property was once a quarry and the Isolated Land Subject to Flooding was once a mining pit.
- Ms. K. O'Brien explained a few of the inconsistencies found in the ANRAD. These need to be addressed before it is sent for a peer review.
- An abutter who was present explained there is a culvert by Indian Ridge Road South (near Flag #50), which was historically overlooked. It directs water from the intermittent stream and he wanted to ensure that it was accounted for in the designs.
- Several abutters expressed concern about proper water flow management to protect their homes and septic systems. Staff informed them that when a development is designed it must have a stormwater management report, which is when these concerns can be better addressed.

- Mr. Adams gave permission for all Commissioners and staff to walk the property.

Ms. Pilch made a motion to continue the hearing 185 Cedar Street until the September 5, 2017 meeting. Ms. Buttaro seconded the motion. Unanimous. (6-0-0).

Highlands at Holliston Conservation Restriction

- Lisa Mead, Town Counsel, explained Jeff Roelofs, attorney for Fafard, will provide information about the Highlands at Holliston CR for the Commission to discuss in Executive Session. Mr. Roelofs provided a printed proposal, a map of the open space, and explained the size and current status of the proposed open space. He did not state specifically what they were proposing.
- The primary components include the building inspector denying the final two occupancy permits for the development because they have not met all requirements of the special permit (primarily a holder for the CR). While one buyer has backed out, the other wishes to enroll his son in school in town, but needs to become a resident to do so.
- Mr. Roelofs requested the Commission determine if they are willing to negotiate an agreement resulting in the Commission holding the Conservation Restriction and that the occupancy permit be released for the one lot.
- Mr. Roelofs, Paul Beattie, and Elizabeth Mainini left the room.

At 8:28 PM, Mr. Bajdek suggested the following motion. I move pursuant to G.L. c. 30A sec 21(a)(3), that the Commission go into Executive Session to discuss strategy with respect to Highlands at Holliston Subdivision and Conservation Restriction and the threat of litigation related thereto. As the Chair, I have determined that the public discussion of which will have a detrimental impact on the litigating position of the Commission. So moved by Dr. Rutberg. Ms. Pilch seconded the motion.

Roll Call to go into Executive Session

Mr. Bajdek: yes
 Ms. Weissman: absent
 Ms. Buttaro: yes
 Mr. Lively: yes
 Mr. Mensing: yes
 Dr. Rutberg: yes
 Ms. Pilch: yes

The Motion Passed.

Mr. Bajdek announced the Commission will be coming back out into open session.

At 9:19 PM the Commission left Executive Session and returned to Open Session.

Ms. S. O'Brien Resignation

- Ms. S. O'Brien announced her resignation, effective Thursday August 24, 2017. Her father is still not well and she wants to be with him.
- Her options were discussed but she feels this is her best option.
- A resignation letter was submitted on August 22, 2017 to the Selectman office.
- The Commission stated they appreciate the work she has done and wish her the best.

Mr. Lively made a motion to adjourn the meeting at 9:27 PM. Dr. Rutberg seconded the motion. Unanimous. (6-0-0).