

Meeting Minutes

Town Hall- Meeting Room #014

March 20, 2018

7:30 PM

Present: Christopher Bajdek, Chair, Rebecca Weissman, Vice Chair, Jennifer Buttarro, Ann Marie Pilch, Blake M. Mensing (Arrived at 7:40PM), Allen Rutberg, Commissioners

Ryan Clapp, Conservation Agent; Kristin Stearley, Conservation Assistant

Absent: Shaw Lively, Commissioner; Utah Nickel, Associate Commissioner

Chris Bajdek, Chair, opened the meeting at 7:35 PM.

General Business

Vote on Draft Meeting Minutes of 3/6/18

Dr. Rutberg made a motion to accept the draft 3/6/18 meeting minutes with the discussed edits. Ms. Buttarro seconded the motion. Ms. Pilch abstained. Vote passes (5-0-1)

Request for Certificate of Compliance, #662 Concord Street (DEP # 185-729), 126 Residential ANR Realty LLC

- Mr. Clapp reported to the Commission that Ms. Stearley had found an Extension Permit for an Order of Conditions on the property, however it was never picked up nor was the permit fee paid. The permit was not valid and the Order of Conditions had expired.
- Mr. Clapp informed the Commission that a site visit was performed on March 15, 2018. His concerns were as follows:
 - The house is a very different shape from the approved plan.
 - There is a porch constructed that was not part of the original plan.
 - There is no guard rail on the retaining wall.
 - A ledge is indicated on the western side of the property of the as-built plan.
 - The rip-rap on the eastern side of the driveway only goes half way down instead of the full length of the driveway as proposed.
 - The silt fences are not marked on the as-built plans but are still in place and are damaged.
- Dale MacKinnon of Gurriere and Halnon agreed that the Order of Conditions had expired. His records indicate that a letter from his firm dated 12/8/16 was sent to the Commission stating the completion of the project with no answer from the Commission. He would like the Commission to still issue a Certificate of Compliance and the lot be accepted ~~as is~~.
- Mr. MacKinnon stated that the rip-rap was not needed all the way down the driveway because the slope was less than 3:1. He did not feel the guardrail was necessary and not a requirement of this Commission.
- Ms. Pilch stated that the Commission will sometimes require a boundary marker but usually only when it is difficult to differentiate the protected land.

- Mr. Bajdek stated that the guardrail is not one of the Commission's requirements and perhaps it is a requirement of the Planning Board. Mr. Clapp will discuss this with the Planning Department.
- Mr. MacKinnon stated that the silt fences will be removed. The project is complete and they are no longer necessary.
- Ms. Weissman requested the measurement from flag A-10 to the porch.
- Mr. Bajdek requested the square footage of the footprint and that the applicant return when the condition of the lawn can be inspected without the obstruction of snow. There are requirements to receive a Certificate of Compliance that include the lawn be mowed twice before issuance.

Request for Certificate of Compliance, #672 Concord Street (DEP # 185-727), 126 Residential ANR Realty LLC

- Mr. Clapp reported that he attempted to inspect the property on March 15, 2018. He was asked to leave the property by the homeowner.
- Mr. Clapp noted that the DEP sign for this property is missing.
- Mr. Bajdek requested that Mr. Clapp contact the homeowner and make arrangements to inspect the property again. It is in the best interests of the homeowner to obtain a Certificate of Compliance.

Wetland Violations - #58 Hopping Brook Road – expired OoCs DEP #185-774 and DEP #195-785, Ken Driscoll, Solect Energy

- Miguel Linera of Solect Energy stated that they had received the letter from Mr. Clapp. They submitted as-built plans at the beginning of November to Planning and the Conservation Commission. Having heard nothing from the Commission the project was put to rest until spring. He understands there is more work to be done and he will work with Mr. Clapp to address the current issues and any others that may pop up.
- Mr. Linera stated that there are many design flaws within the approved plans. What was approved by the Commission does not necessarily work in reality. There are erosion issues with the stone dust finish in the parking lot and the storm water basin does not work effectively.
- Ms. Bajdek suggested another peer review for the storm water basin.
- Ms. Weissman requested Mr. Linera to provide updated storm water information /calculations to ensure the new design was sufficient.
- Mr. Linera requested that his firm be allowed to do the calculations for the basin first and include them with the new NOI application and consider a peer review after.
- Mr. Clapp noted that both Orders of Condition have expired for the property and an NOI application must be refiled within 30 days of the receipt of the violation letter.
- Mr. Clapp reported that the DEP signs are severely damaged and will need to be replaced.
- Mr. Bajdek suggested 60 days for the re-filing instead of the 30 days stated on the violation letter. Mr. Linera stated 45 days would be sufficient and they settled on 45 days for re-filing.
- Mr. Bajdek recommended Mr. Linera create a punch list and coordinate the project with Mr. Clapp.

Notice of Intent to Convert to Commercial Use Land from Agricultural and Horticultural Land at #397 Hollis Street

- Mr. Clapp informed the Commission that the Board of Selectmen have determined there is a flaw in the official notice and have communicated this to the owner's attorney. They are waiting to hear back or receive a new notification. A new notification would reset the 120-day clock.

Zach Neressian Eagle Scout – Mission Springs

- Zach Neressian from Boy Scout Troop 73 reported that he is working on a project to earn his Eagle Scout badge. He would like to construct a score board on the Mission Springs baseball field. He understands that left field will be within a 100qbuffer zone for wetlands so he is proposing to construct the score board in right center field. He has received approval from the Parks and Recreation department and has funding from a local baseball program. Gregg Lewis, a local carpenter will be engineering the score board.
- Ms. Pilch stated that this project would be out of the jurisdiction of the Conservation Commission as long as construction remained outside of the buffer zone.
- Mr. Clapp advised Mr. Neressian to talk to Peter Tartakoff, Building Official, about any permits required.

National Honors Society Proposal – Holliston High School - Isabella

- Mr. Clapp reported that the student has elected to work with the Holliston Trail Committee on this project.

Camping Request – Adams Street Forest by Boy Scout Troop #51

- Mr. Clapp presented the application to the Commission. Bryce Harrison of Troop 51 is requesting to camp on the Adams Street Conservation Land and plan to spend 1 night about ½ - 1 mile from the parking lot. They are working on an Eagle Scout project the next day. There will be 6-8 boys and 2 adults and no cooking. Mr. Bajdek signed the permit.

Warren Woods Conservation Restriction

- Mr. Clapp reported he has been contacted by Nick Rossi of Mass Audubon who is working on the project. Mr. Rossi questioned the town's interest in forestry on the Warren Woods property. Mr. Clapp asked the Commission's thoughts on this.
- The Commission responded that there is no interest on their part to allow forestry on this property.

Highlands @ Holliston – no pesticides

- Mr. Clapp received correspondence from Paul Beattie regarding DEP directives and multiple town departments banning the use of pesticides in wellhead protection zones 2 and 3. Sean Reese, DPW Director has overturned the use of pesticides by Oxbow Associates at the Highlands site. This is in response to residents' concerns regarding a BU report on drinking water. While there are no issues in this area, the public protest has precipitated this proactive action on his part. Oxbow Associates will proceed by aggressively flush cutting the Russian and Autumn Olive and brush hog until the sprouting ceases with a start date in March.

657 Concord Street – Administrative Update to the OoC

- Mr. Clapp reported that the applicant would like to construct a 16x16 deck.
- Dale MacKinnon of Gurriere and Halnon corrected Mr. Clapp's statement by mentioning the plan is to alter a deck not add a deck. They would like to extend the deck by 5' further out. This will require the use of 2 more piers and include the stairs. It will be located slightly within the 50' no disturb buffer zone however this has been degraded by the house construction itself.
- Mr. Clapp requested that this be considered a minor change and administratively handled.

Ms. Pilch made a motion to allow an Administrative Update to the Orders of Conditions for 657 Concord Street. Mr. Mensing seconded the motion. Vote passes unanimously (6-0-0)

FY17 ConCom Annual Report

- Mr. Clapp reported that he is working to complete this report that is past due as a result of staff turnover. He is noticing that the number and types of applications vary from previous years. He will complete this form and submit it.

Review Correspondence

- Correspondence was reviewed and the following invoices were authorized for payment:
 - Oxbow Associates in the amount of \$375.65.
 - MRMC c/o TeamWork Occ Health in the amount of \$135.00.
 - AD Print in the amount of \$29.00.
- Mr. Clapp reported that the Board of Selectmen have requested a formal local public hearing from the DEP regarding the American Recycling Materials, Inc. Draft Permit Application, 157-165 Lowland Street permit application. No date has been determined.
- Mr. Clapp mentioned he has been in communication with the owner of 8 Adam Wheeler Lane who is contemplating constructing a retaining wall. He would like to know the Commission's thoughts on the use of artificial stone versus real stone. The commission would need to see samples before making any comments.

PUBLIC HEARINGS/PUBLIC MEETINGS

Request for Determination of Applicability File # D 625: #262 High Street (Assessors Map 11-5-18) for proposed patio expansion, installation of a fire pit, construction of a wood gazebo, extension of the vinyl fencing and removal of invasive species . *Greg Balewicz, owner*

- Mr. Clapp read the legal notice into the record.
- Mr. Balewicz stated that back in December he had Mr. Katuska, then Interim Conservation Agent visit the property and Mr. Katuska flagged the wetlands.
- Mr. Balewicz would like to install a 6' solid vinyl fence which will enclose the grassy area of his property outside the existing chain link fencing surrounding the pool. He plans to expand the patio area next to the pool with pavers and would eventually like to construct a wood gazebo and a fire pit. He wants to extend the fencing so he can have full use of his yard and needs the fencing to protect his dog and to keep animals such as skunks out of his pool.

- Mr. Bajdek stated that putting a fence within the wetlands area will create a barrier for the wildlife who inhabit the wetlands such as turtles and salamanders.
- Dr. Rutberg stated that wildlife protection has an explicit value within the law.
- Mr. Bajdek suggested the use of an electric fence for the dog.
- Ms. Pilch mentioned there needs to be a 4+gap under the fence to allow wildlife to pass.
- Dr. Rutberg stated that fencing along the wetlands to keep animals out is not typically allowed and that the applicant would need to check with the Building Department to determine code requirements for fencing around pools.
- Ms. Pilch stated she would like to see a plan where wildlife passage is possible.
- Mr. Bajdek suggested pulling the fence line back towards the house as a compromise.
- Mr. Balewicz said he would be flexible with the placement of the fencing as long as he has the ability to put it all the way down to the ground.
- Ms. Pilch recommended this hearing be continued until the April 3, 2018 meeting so Mr. Balewicz can research fencing with the Building Department.

Ms. Pilch made a motion to continue this hearing until the April 3, 2018 meeting. Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0)

Dr. Rutberg made a motion to adjourn the meeting at 9:15 PM. Ms. Pilch seconded the motion. Vote passes unanimously. (6-0-0).