

**Meeting Minutes**

Town Hall- Meeting Room #014

May 15, 2018

7:30 PM

Present: Christopher Bajdek, Chair, Ann Marie Pilch, Jennifer Buttarro, Allen Rutberg, Commissioners; Utah Nickel, Associate Commissioner

Ryan Clapp, Conservation Agent; Kristin Stearley, Conservation Assistant

Absent: Rebecca Weissman, Vice Chair, Shaw Lively, Blake Mensing, Commissioners

**Christopher Bajdek, Chair, opened the meeting at 7:30 PM.**

**General Business**

**Vote on Draft Meeting Minutes of 4/17/18, and 5/1/18**

- April 17, 2018 minutes continued to the May 29, 2018 meeting.
- May 1, 2018 minutes continued to the May 29, 2018 meeting.

**Request for Certificate of Compliance, #63 Dalton Road (DEP #105-020)**

- Mr. Clapp reported that the original filing was to construct the road for this subdivision back in 1976. The file indicates that individual owners of plots have applied in the past for a Partial Certificate of Compliance which releases their individual plots. He inspected the property with the homeowner's consent on May 10, 2018 and recommends the issuance of a Partial Certificate of Compliance.

**Ms. Pilch made a motion to issue a partial Certificate of Compliance for DEP file #185-020: #63 Dalton Road as drafted. Dr. Rutberg seconded the motion. Motion passes unanimously (4-0-0)**

**Request for Certificate of Compliance, #63 Dalton Road (DEP #185-557)**

- Mr. Clapp reported this is for a septic system. He inspected the property with the homeowner's consent on May 10, 2018. He found the installation to be in compliance. The only discrepancy on the plans were the indication of a swing set and sandbox that are now blacktopped with a basketball hoop.

**Ms. Pilch made a motion to issue a complete Certificate of Compliance for DEP file #185-557: #63 Dalton Road as drafted. Dr. Rutberg seconded the motion. Motion passes unanimously (4-0-0)**

### **Release of Enforcement Order - #607 Marshall Street**

- Mr. Clapp reported that this enforcement order was from 1997 and was incorrectly recorded at the Registry of Deeds. The Commission at the time had no authority to do so. The current owner is looking to get it released.
- Mr. Clapp and Ms. Stearley researched the property and determined that it has been subdivided since the enforcement order was issued and recorded. When it was subdivided, the portion known as #607 Marshall Street was no longer attached to the enforcement order. The wetlands on the original property have also changed over time and they are not in the vicinity of the property in question. This property is no longer within the jurisdiction of the Conservation Commission.
- Mr. Clapp spoke to the attorney of the owner and the easiest way to remove this enforcement from the property is to file a letter approved by the Commission. The letter was reviewed by the Commission.

**Ms. Pilch made a motion to release the enforcement order for #607 Marshall Street. Ms. Buttaro seconded the motion. The motion passes unanimously (4-0-0)**

### **Written Statement to Charles Kingsbury - #214 Winthrop Street**

- Mr. Clapp presented a drafted letter to Mr. Kingsbury explaining that because of special condition #38 on his Order of Conditions which prohibits the use of pesticides, the Commission cannot allow the use of pesticides to control gypsy moths.
- The members of the Commission present signed the letter.

### **Discussion: Fence - #36 Exchange Street**

- Mr. Clapp reported that he believed a RDA would be required because the property is within two (2) wetland resource zones, 200qpf a riverfront buffer and a flood plain. He decided to start with an informal discussion with the Commission.
- Tor Kinlock, owner, explained that he wanted to install a 3qwood picket fence just along the front of his property. He would like the fence to keep his children safe when they play in the yard. His house is located very close to the sidewalk and street.
- The Commission had no issues with the proposed work and the owner is allowed to proceed with his project.

### **Discussion: Forest Cutting Plan - #75 Oak Street**

- Mr. Clapp reported that a forest cutting plan was received on May 1, 2018. The forest cutting plans work as an alternative to ConCom approvals and are conducted on a state level. The property in question has a vernal pool and wetlands. Mr. Clapp met with both the state forester and the representative from the company who will be doing the work to determine the scope. There has been some confusion in the notifications to ConCom but at this point the project has been approved by the state with a start date of as early as May 1, 2018. May 18, 2018. Ongoing comments will be permitted. When the start date is determined Mr. Clapp will be informed.
- Mr. Bajdek questioned what happens if the work has not started by May 18, 2018 and Mr. Clapp will research this.

### **Tree Removal Request - #214 Winthrop Street**

- Mr. Clapp reported that the property owner, Charles Kingsbury, called about a week ago concerned with trees and limbs that have fallen on the power lines to his home during the winter storms. He would like to remove the trees for safety purposes within the next month. Mr. Clapp inspected the property and verified the trees and limbs are impeding the wires.
- The Commission authorized permission to remove the trees.

### **Tree Removal Request - #53 Roy Avenue**

- Mr. Clapp reported that several trees have fallen on the property during the winter storms within the 100-foot buffer. He has inspected the property and verified the trees in question. A letter from Tree Specialists recommends the removal of the trees was received and circulated among the Commissioners.
- The Commission sees no issues with the work and authorized the work to be completed.

### **Tree Removal Request - #10 Connolly Way**

- Mr. Clapp reported that he received a call from the property owner regarding trees and debris in the drainage easement on her property. He inspected the property and discovered ConCom open space placards. It is a bit of a mystery why they are there but the subdivision may have had to provide some open space. He will continue to research what open space is. The owner has also requested constructing a stone wall. The Commission is comfortable with this as long as they stay off the boundary markers.

### **Review Correspondence**

- An invoice from W.B. Mason in the amount of \$42.28 was authorized for payment.
- Mr. Clapp is still waiting for the proposal from Oxbow Associates to conduct a peer review on the #58 Hopping Brook NOI for the open space %~~1~~swale.
- Mr. Clapp reported that Chuck Katsuska has provided a proposal to peer review the Solect NOI.
- Mr. Bajdek requested the open position on the Commission be advertised so interviews can begin. This will be posted on the town's website, the *Holliston Reporter* and possibly *MetroWest*.
- Mr. Clapp reported that he has inspected the roadwork being done on Kuniholm Drive. It is progressing as planned. He needed to adjust some of the straw wattles.
- Mr. Clapp requested an increase in his hours due to the increase in work load based on the season. He requested four (4) extra hours.

**Ms. Pilch made a motion to increase Mr. Clapp's hours from 20 to 24 with the extra 4 hours to be paid out of the by-law fund through September 30, 2018. Dr. Rutberg seconded the motion. The motion passes unanimously (4-0-0)**

## **PUBLIC HEARINGS/PUBLIC MEETINGS**

**Notice of Intent DEP File #185-834: #260 Adams Street (Assessors Map 4-2-41)** proposed construction of single family including the associated septic system, grading and site work, *John Finnegan, Metrowest Engineering Inc.* representing *Timothy Messer*

- Mr. Clapp reported that the application was approved at the April 17, 2018 meeting. The Order of Conditions have been prepared and modeled after another order issued within the last year for similar work. There are 45 conditions.

**Ms. Pilch made a motion to issue the Order of Conditions for DEP #185-834: #260 Adams Street with the drafted 45 special conditions. Ms. Buttaro seconded the motion. The motion passes unanimously (4-0-0)**

**Request for Determination of Applicability File #D-628: #90 Appleyard Lane (Assessors Map 9-15-128)** for proposed demolition of an existing shed and construction of a new 12x16 shed, *Tyler Bennet*

- Tyler Bennet waived the reading of the legal notice. He reported that this is a hardship for him. He suffered a house fire and needs to demolish the rest of his house. The only salvageable items he has are currently stored in the garage which needs to be demolished so they can begin the house reconstruction. He needs the shed to store his items. He stated that the shed will remain in the same location but will increase in size from 8x8 to 12x16. It will have a crushed stone foundation and be placed on cement blocks.
- Mr. Clapp stated that while the shed is slightly bigger it will still be located in a disturbed zone.

**Ms. Buttaro made a motion to issue a Negative 3 Determination of Applicability for #D628; 90 Appleyard Lane as drafted. Dr. Rutberg seconded the motion. The motion passes unanimously (4-0-0)**

**Request for Determination of Applicability File #D-629: #8 Adam Wheeler Lane (Assessors Map 6-3-40)** for proposed construction of a retaining wall with backfill and a privacy fence, *Davood Ansari Oghol Beig*

- Mr. Ansari waived the reading of the legal notice.
- Mr. Clapp and Ms. Weissman inspected the property and determined the wetland bounds. At the time they noticed an area of gravelly rock. They mentioned the area of gravelly rock should be removed and revegetated.
- Mr. Ansari reported that he would like to construct a 2 ½' high retaining wall with backfill along the rear of his property to stop erosion and runoff into the wetlands. He has tried to re-plant his lawn and each year it gets eroded by water runoff from the street to the back of his land. He would also like to install a privacy fence on the wall.
- Dr. Rutberg expressed concerns regarding a patio shown on the plan. Mr. Clapp noted that Mr. Ansari should have notified the Commission but it is an exemption.
- The Commissioners noted their reservations about this plan and did not think the homeowner had done enough research into alternate solutions. They would like the homeowner to research if the erosion can be mitigated by plantings and suggested he work with a landscaper. They are also uncomfortable with a privacy fence located within the 50' no disturb buffer. They would like the owner to come back with alternative plans.

**Ms. Pilch made a motion to continue the meeting for application until the May 29, 2018 meeting. Dr. Rutberg seconded the motion. The motion passes unanimously (4-0-0)**

**Notice of Intent DEP File #185-816 Amendment #2: #657 Concord Street(Assessors Map 14-4-3) to amend the Order of Conditions to complete the construction of a single family house, a partially constructed front porch, install water service, paved driveway and construct a 16x16 deck, Daniel Hazen of Guerriere and Halnon, Inc. representing 657 Concord Street Realty LLC**

- Mr. MacKinnon of Guerriere and Halnon, representing Daniel Hazen of Guerriere and Halnon, waived the reading of the legal notice.
- Mr. MacKinnon stated this is an additional request to the original application and includes the waterline for the water service, to complete a partially constructed front porch which falls within the 50 foot disturb buffer, and to construct a 16x16 deck. The porch is constructed on pilings.
- Mr. Clapp reported that he has inspected the site and the silt fence is not in good condition and has failed. There is debris outside the silt fence, the fence is torn and has been crushed in certain locations. A DEP sign has not been posted on the property.
- The Commissioners noted that the grading was not indicated on the plan.
- The Commissioners would like more details from the applicant before making a decision. These include an erosion control plan, information on the retaining wall, finished grades within limits, and they would like the DEP sign installed.

**Ms. Pilch made a motion to continue the hearing for DEP #185-816 Amendment #2; #657 Concord Street to the May 29, 2018 meeting. Ms. Buttaro seconded the motion. The motion passes unanimously (4-0-0)**

**Notice of Intent DEP #185-835: Open Space "J" Highlands Village Subdivision (Assessors Map 14-5-32.1) to install new erosion control measures for an existing swale, Dale MacKinnon of Guerriere and Halnon, Inc. representing Rick Terrill of Holliston Residential Realty LLC**

- Mr. MacKinnon waived the reading of the legal notice.
- Mr. Clapp reported that he is still waiting for an estimate from Oxbow Associates to have the application peer reviewed.
- Mr. Clapp also reported that Attorney Beattie has requested an extension for the final agreement until this application is decided upon. Mr. Clapp reported that the landscaping required in the final agreement is separate from the application at hand for the swale. They are each independent of the other.
- Mr. MacKinnon indicated that his proposal includes the installation of twenty (20) check dams which should hold back 12+ of water each. He has redesigned the catch basin to make the water enter from the side. The new basin will be 24" by 36". This should handle the flow of water better than the currently installed double catch basin.
- Mr. MacKinnon questioned what was under peer review, just the work in the 100 foot buffer or the whole project. The whole project will be reviewed as it pertains to the areas within the buffer zone.
- Mr. MacKinnon wanted to know if he could begin work on the project on areas that are outside the buffer zones. The Commission could not comment on any area outside its purview.

**Ms. Pilch made a motion to continue the hearing for DEP#185-835; Open Space "J" Highlands Village Subdivision to the May 29, 2018 meeting. Dr. Rutberg seconded the motion. The motion passes unanimously (4-0-0)**

**Ms. Pilch made a motion to adjourn the meeting at 9:50 PM. Dr. Rutberg seconded the motion. The motion passes unanimously (4-0-0)**