

**Meeting Minutes**

Town Hall- Meeting Room #014

July 10, 2018

7:30 PM

Present: Christopher Bajdek, Chair, Rebecca Weissman, Vice Chair, Ann Marie Pilch, Jennifer Buttaro, and Allen Rutberg, Commissioners; Utah Nickel, Associate Commissioner (Left the Meeting at 9:52 PM)

Ryan Clapp, Conservation Agent; Kristin Stearley, Conservation Assistant

Absent: Shaw Lively, Commissioner

**Christopher Bajdek, Chair, opened the meeting at 7:38 PM.**

**General Business**

**7:25 PM: Interviews – Conservation Commissioner**

- The Commission interviewed Utah Nickel for the open Commissioner position.

**Vote on Draft Meeting Minutes of June 12, 2018 and June 26, 2018**

- Draft Minutes of June 12, 2018

**Ms. Pilch made a motion to accept the draft June 12, 2018 meeting minutes as submitted. Ms. Weissman seconded the motion. Vote passes unanimously. (5-0-0)**

- Draft Minutes of June 26, 2018

**Ms. Pilch made a motion to accept the draft June 26, 2018 meeting minutes as submitted. Ms. Weissman seconded the motion. Vote passes with Chair Bajdek abstaining. (4-0-1)**

**Highlands Subdivision Bond Reduction Request**

- Dale MacKinnon requested a reduction in the amount of money being held in the bond for this project. He stated much of the restoration work has been completed and the open space signage will be purchased and installed within 2 weeks.
- Mr. Clapp stated there are several outstanding issues with the project. Among them, the open space bounds have not been installed, there is a one year survival monitoring period for the restoration plantings to ensure a 75% survival rate, and a letter from a professional botanist/environmental scientist stating substantial compliance for the plantings has not been received. The terms of the agreement need to be reviewed.
- Mr. Clapp stated a site visit needs to be scheduled. However, he would like the botanist report before moving forward. This will be arranged between himself and Mr. MacKinnon once the letter has been received. He urged members of the Commission to attend.
- Mr. Bajdek stated he would like the discussion to keep going until the Commission receives a written report and a site visit has been conducted.
- The reduction of the bond will be revisited after the botanist report.

## **Request for Complete Certificate of Compliance for DEP #185-827; #55 Boynton Street**

- Mr. Clapp reported that he conducted a site visit on July 5, 2018. He noted that the native plantings had not been completed as stated in condition #41 in the Order of Conditions.
- Mack Hendrick stated there are lots of boulders and rocks on the slope in question. There was also no clear indication in the order of the number of plantings required. He was concerned that the buffer zone would be disturbed more if he continued to remove rock to allow for the plantings. He hydro-seeded the slope with a wildflower mix and will allow it to go natural.
- The Commission was uncomfortable issuing a Complete Certificate of Compliance without inspecting the site themselves and decided to issue a Partial Certificate of Compliance with the plantings outstanding.

**Dr. Rutberg made a motion to issue a Partial Certificate of Compliance for DEP #185-827; #55 Boynton Street. Ms. Buttaro seconded the motion. Vote passes unanimously. (5-0-0)**

### **Discussion: Wenakeening Woods**

- Mr. Clapp reported that he was called out to inspect erosion control on the site. He investigated the project and found that there was no record of it in ConCom files. He spoke to Paul Saulnier who upon further investigation discovered that the project had never formally been applied for and was only informally discussed at a meeting about two (2) years ago. He did receive approval from the CPC in 2015 subject to ConCom approval.
- Mr. Saulnier expressed contrition for not receiving Commission approval for the project. He explained that they would like to expand the parking lot to accommodate six (6) parking spaces. This will include the removal of three (3) 12+diameter trees, six (6) 6+8+diameter trees and several 2+3+diameter trees.
- The Commission requested that a Request for Determination be submitted.
- Ms. Pilch requested that native species and wildlife friendly plantings be considered for the project.

### **Discussion: Enforcement - #157-165 Lowland Street**

**Documents:** WPA Form 9, Violation Notice from Ryan Clapp dated June 27, 2018,

- Mr. Clapp reported that the Form 9 and Violation Letter had been sent via certified mail to the owner on June 27, 2018. To date the receipt confirmation has not been returned to the office so the status of the receipt of the mailing is unknown at this time. Karen Sherman, Town Planner reported that a complaint was logged with her office concerning work being performed on the berm. Mr. Clapp drove by the property today and saw work dust near the area which suggested work was being done.
- The Commission would like to verify the owner has received the mailings before pursuing enforcement options.

### **Discussion: Enforcement – Gorwin Drive and Karen Circle**

- Mr. Clapp reported that Mosquito Control had received complaints about beaver dams creating stagnant water on several properties along Gorwin Drive and Karen Circle. He and Scott Moles, Health Agent, inspected the areas. They could not find beaver related issues causing the stagnant water conditions but they did discover yard waste and dumping that contributed to the damming effect. On Gorwin Drive it was noticed that the dumping was happening beyond property lines and into areas clearly marked by the Army Corps of Engineers for Brentwood.
- Mr. Clapp stated that he and Mr. Moles would be issuing a joint letter to all property owners in the area that they will be conducting site inspections over the next few upcoming weeks. If they discovered properties that had not removed their waste within 30 (thirty) days of being informed, Mr. Clapp would begin enforcement proceedings.

### **Discussion: Commissioner Opening**

- This portion of the meeting was started at 9:52 PM at which time Associate Commissioner, Utah Nickel left the meeting.
- The Commission discussed the candidates and selected Mr. Nickel to be presented to the Board of Selectmen for appointment to the Conservation Commission.
- The Commission also recommended Sean Fay as an Associate Commissioner and would like to direct Ian Schmidt towards Conservation Associates.

**Dr. Rutberg made a motion to present candidate Utah Nickel to the Board of Selectmen for the position of Conservation Commissioner. Ms. Weissman seconded the motion. Vote passes unanimously. (5-0-0)**

### **Review Correspondence**

- A letter of appreciation to Blake Mensing for his service to the Commission was signed by the Commission and will be mailed to him.
- An invoice in the amount of \$71.40 was approved for payment to Guerriere and Halnon for the abutter Certificate of Mailing for DEP #185-838.
- A brochure from UMASS Amherst regarding forestry and the benefit of forests was reviewed.
- A flyer from Middlesex Conservation District was reviewed regarding their 2018 bulb and perennial sale.

### **PUBLIC HEARINGS/PUBLIC MEETINGS**

**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**

**Documents:** WPA Form 1, Plan submitted by the property owner, %Adam Wheeler Lane+dated 5/1/18

- Mr. Clapp reported that he received notification from the owner requesting the hearing be continued to the next meeting.

**Ms. Pilch made a motion to continue the meeting for #D-629: #8 Adam Wheeler Lane to the July 24, 2018 meeting. Ms. Buttaro seconded the motion. Vote passes unanimously (5-0-0)**

**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*

**Documents:** WPA Form 3, Letter from Guerriere and Halnon dated 4/12/18, Plot Plan %Watershed Plan of Swale Open Space Area J in Holliston MA+dated 4/3/18, email from Brian Butler of Oxbow Associates dated 5/25/18, untitled response from Dale MacKinnon received at the meeting 5/29/18, Formal Peer Review Letter from Brian Butler of Oxbow Associates dated 6/8/18, Letter from Dale MacKinnon dated 6/20/18

**Ms. Pilch made a motion to close the hearing for DEP#185-835; Open Space “J” Highlands Village Subdivision. Dr. Rutberg seconded the motion. Vote passes unanimously (5-0-0)**

**Notice of Intent DEP #185-838: 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*

**Documents:** WPA Form 3, Letter from Guerriere and Halnon dated 4/12/18, Plot Plan %Watershed Plan of Swale Open Space Area J in Holliston MA+dated 4/3/18, email from Brian Butler of Oxbow Associates dated 5/25/18, untitled response from Dale MacKinnon received at the meeting 5/29/18, Formal Peer Review Letter from Brian Butler of Oxbow Associates dated 6/8/18, Letter from Dale MacKinnon dated 6/20/18

- Mr. MacKinnon waived the reading of the legal notice.
- Portions of Conservation Commission meeting minutes from meetings on 5/15/18, 5/21/18, 6/12/18, and 6/24/18 that pertained to Notice of Intent DEP#185-835: Open Space %+ Highlands Subdivision were read into the record by Ms. Stearley.
- The peer review conducted by Oxbow Associates (dated 5/25/18 and 6/8/18) and the responses to the peer review by Dale MacKinnon of Guerriere and Halnon (5/29/18 and 6/20/18) were read into the record by Mr. Clapp.
- Mr. Clapp reported he received a letter from Oxbow Associates on 6/25/18 stating they had no further comments.
- Mr. Clapp commented on the conditions to the order which included special provisions for a pre-construction meeting, maintenance plan, etc.
- Mr. Clapp recommended issuing an OoC with conditions.
- Mr. MacKinnon suggesting amending a draft condition for the maintenance plan placing liability on the Applicant for initial maintenance four (4) months following construction.
- Noted that the correct DEP number for this application is #185-838.

**Ms. Pilch made a motion to close the hearing for DEP#185-838; Open Space “J” Highlands Village Subdivision. Dr. Rutberg seconded the motion. Vote passes unanimously (5-0-0)**

**Ms. Pilch made a motion to issue an Order of Conditions for DEP File #185-838; Open Space “J” Highlands Subdivision with the conditions as stated. Ms. Buttaro seconded the motion. The motion passes unanimously. (5-0-0)**

**Request for Determination of Applicability for #D-631: #1380 Washington Street (Assessors Map 5-1-15)** for proposed removal of a stand of cedar trees, saplings and scrub overgrowth to clear and restore a pasture, *Samuel Hiser, owner*

**Documents:** WPA Form 1, Map of #1380 Washington Street

- Mr. Hiser reported to the Commission that he would like to remove cedar trees which boarder the defunct pasture on three sides in a W-shape. He indicated this would entail the removal of six (6) cedar trees. He would also like to clear a section outside the parameters of the original pasture to enlarge it which would entail the removal of twelve (12) saplings less than 3-in diameter as well as scrub overgrowth.
- Ms. Weissman stated that when she performed a site visit she noted the old pasture followed the 100qbuffer zone line faithfully. She has no concerns with the former pasture or the removal of the cedars. Her concern lies with what will be done to expand the pasture which contains a thicket of saplings within the 50q. 100qzone.
- Mr. Hiser stated that grading is a concern in the area and he will have to scrape and remove surface boulders.
- The Commission requested that the trees subject to removal be flagged and that Mr. Clapp perform a site visit.
- The Commission also stated they need to know the square footage of the expanded area, how far into the buffer zone the expansion will encroach, the dimensions of the area and how will the material be disposed of.
- Ms. Weissman requested information on the proposed fence which shall include the location and type, as that will approximately mark the limit of work.

**Ms. Pilch made a motion to continue the meeting for #D-631: #1380 Washington Street to the July 24, 2018 meeting. Ms. Buttaro seconded the motion. Vote passes unanimously (5-0-0)**

**Notice of Intent DEP File #185-839: #58 Hopping Brook Road (Assessors Map 4-6-11.1, 11.2, 12.1)** to construct a 5400 sq. ft. commercial building, parking, septic system, access driveway, utilities and related grading. *Robert Truax of GLM Engineering Consultants, Inc.* representing *Ken Driscoll of 2016 Washington Street, LLC*

**Documents:** WPA Form 3, Storm Water Management Report for #58 Hopping Brook Road dated 9/18/14 and revised on 11/20/14, 12/17/14 and 4/30/18, Set of Plans %Site Development Plan; Proposed Commercial Building; 58 Hopping Brook Road+dated 1/19/15 and revised on 3/20/15 and 4/18/18, Formal Peer Review from Charles Katuska dated 6/10/18, Response to the Peer Review from GLM dated 6/26/18

- Mr. Clapp reported he received comments from GLM rebutting the peer review by Mr. Katuska today but that did not leave enough time for Mr. Katuska to review and respond before this evening meeting.
- Mr. Barbieri stated this application only deals with the commercial lot. The solar lot is separate from this lot. The purpose of this NOI is to clean up what is on the lot currently and to fix the parking lot. The construction will be done in phases with phase I dealing with the drainage and landscaping. Phase II will deal with the construction of the building. They intend to use reclaimed asphalt in the parking lot.

**Ms. Weissman made a motion to continue the hearing for DEP#185-839: #58 Hopping Brook Road to the July 24, 2018 meeting. Dr. Rutberg seconded the motion. Vote passes unanimously (5-0-0)**

**Request for Determination of Applicability for #D-636: #9 Westfield Drive (Assessors Map 11-8-29) for proposed replacement septic system installation . Paul Saulnier, CIVILized Solutions representing Lee and Ellyn Cohen**

**Documents:** WPA Form 1, Plot Plan titled %Septic System Construction, 9 Westfield Drive+ dated 6/12/18

- Paul Saulnier waived the reading of the legal notice.
- Mr. Saulnier reported that the current system has failed. A new location has been selected for the replacement system in an effort to save three (3) large trees on the property. The current location and the proposed location are all lawn.
- Mr. Clapp performed a site visit and he noticed a significant amount of yard waste dumped on the edge of the wetland within the 50qno disturb zone. He spoke to the owner about it and the owner will remove the waste.
- Mr. Clapp recommended the issuance of a Negative 3 Determination with conditions as drafted.

**Ms. Pilch made a motion to issue a negative 3 Determination of Applicability for #D-636; #9 Westfield Drive with conditions as drafted. Dr. Rutberg seconded the motion. Vote passes unanimously (5-0-0)**

**Request for Determination of Applicability for #D-637: #230 Ashland Street (Assessors Map 14-1-146) for proposed construction of a 12x16qdeck and a 12x12qshed . Peter Fabbri, owner**

**Documents:** WPA Form 1, Plot Plan titled %Proposed Location of Deck/Proposed Location of Shed+dated 6/19/18

- Peter Fabbri waived the reading of the legal notice.
- Mr. Clapp stated this project was up for review because of the River Protection Act. The shed is well within the 100qbuffer zone and the deck just skims the 100qbuffer zone. He made a site visit but did not see any concerns.
- Ms. Pilch questioned the conditions of the area and Mr. Fabbri responded that it is all currently lawn.
- Ms. Pilch questioned the grading of the lot and Mr. Fabbri stated that where the work will occur there is no sloping. The area is flat.
- Mr. Clapp recommended the issuance of a Negative 3 Determination.

**Ms. Pilch made a motion to issue a negative 3 Determination of Applicability for #D-637; #230 Ashland Street with conditions as drafted. Dr. Rutberg seconded the motion. Vote passes unanimously (5-0-0)**

**Ms. Pilch made a motion to adjourn the meeting at 10:04 PM. Ms. Buttaro seconded the motion. The motion passes unanimously (5-0-0)**

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