

Approved Meeting Minutes

Town Hall- Meeting Room #014

August 7, 2018

7:30 PM

Present: Christopher Bajdek, Chair, Rebecca Weissman, Vice Chair, Ann Marie Pilch, Jennifer Buttarro, Allen Rutberg, Shaw Lively and Utah Nickel, Commissioners; Sean Fay, Associate Commissioner

Ryan Clapp, Conservation Agent; Kristin Stearley, Conservation Assistant

Absent: None

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

General Business

Vote on Draft Meeting Minutes of July 10, 2018

Ms. Weissman made a motion to accept the draft July 10, 2018 meeting minutes. Dr. Rutberg seconded the motion. Vote passes unanimously. (7-0-0)

National Honors Society Project: Invasive Plant Species Removal along the Holliston Rail Trail – Isabella Ceresia

Documents: Holliston Rail Trail: Invasive Plant Species Removal, Ambassador Member, Isabella Ceresia dated July 16, 2018

- Isabella Ceresia distributed her project thesis to the Commission.
- She explained that she and a group of student volunteers will hand remove invasive species (bittersweet, black swallow wart, Japanese knotweed and winged euonymus) from approximately 330m each side of the Rail Trail from the Exchange Street Bridge to the Arch Street Bridge. They will use standard garden tools. It will be a recurring project and she plans to return to continue removing the plants. All materials will be bagged and removed from the site for safe disposal.
- Ms. Pilch cautioned Ms. Ceresia to not pull plants out by the root on slopes for due to ground disturbance and erosion controls.
- Mr. Lively questioned how long the project would be. Ms. Ceresia responded that she is entering her sophomore year and will continue the project for several years and it may be continued by future NHS students.
- The Commission saw no issue with the project and granted permission to start. They stated she should keep in touch with Mr. Clapp.

Bullard Memorial Farm – Introductions from George Fiske, Director

- Mr. Fiske introduced himself to the Commission. The property is a farm and has a trail network. It recently became a non-profit organization and the trustees are determining the best use of the property. The Board has agreed that they will open portions of the property to the public for passive use and continue to use other portions for agricultural purposes. He is getting the word out.

Tree Removal Request - #724 Prentice Street

- Mr. Clapp reported that he visited the site a few weeks ago. There are five (5) or six (6) trees that are on the edge of the buffer zone which he has flagged. The winter storms heavily damaged the trees and they continue to drop branches on the house and the power lines. The homeowner would like permission to remove the trees.
- Ms. Pilch questioned how close to the house they were and what their size was. She wondered if they could be pruned.
- Mr. Clapp responded that they were about 10-15 feet away from the house and they were 15-28 DBH each. He also stated they were pine trees.
- Mr. Lively questioned the owner's preference for the trees. Did they want to prune or remove?
- Mr. Clapp responded that they would like to remove the trees.
- The Commission directed Mr. Clapp to allow for the limbing of the trees if possible but if not, their removal and that the stumps should remain in place.

Request for Complete Certificate of Compliance on Expired Order of Conditions, #662 Concord Street (DEP #185-729)

Documents: WPA Form 8A, Letter from Guerriere and Halnon, Inc. dated 7/3/18, Plot Plan titled "Final As-Built Lot 6 Concord Street" dated 12/8/16.

- Mr. Clapp reported that he performed a site inspection on 8/2/18 and found the property to be in substantial compliance.
- Mr. Clapp stated that unrelated to the OoC he discovered an 8x12 shed had been constructed on the property at approximately 70 feet (between the 50 and 100 foot buffer zone). It was permitted by the Building Department but never came before ConCom. He will issue a letter to the homeowner reminding them of their responsibilities when working in buffer zones.
- He recommends the issuance of the Complete Certificate of Compliance.

Ms. Pilch made a motion to issue a Complete Certificate of Compliance for DEP#185-729; #662 Concord Street as drafted. Dr. Rutberg seconded the motion. Vote passes unanimously. (7-0-0)

Request for Complete Certificate of Compliance on Expired Order of Conditions, #672 Concord Street (DEP #185-727)

Documents: WPA Form 8A, Letter from Guerriere and Halnon, Inc. dated 7/3/18, Plot Plan titled "As-Built Lot 2A Concord Street" dated 5/5/18

- Mr. Clapp reported that he performed a site inspection on 8/2/18 and found the property to be in substantial compliance. He noted the grass is stable and the plantings are healthy.
- Mr. Clapp recommends the issuance of the Complete Certificate of Compliance.

Dr. Rutberg made a motion to issue a Complete Certificate of Compliance for DEP#185-727, #672 Concord Street as drafted. Ms. Buttaro seconded the motion. Vote passes unanimously. (7-0-0)

Discussion – Certificate of Compliance - #B002, Lot #86 Mohawk Path

- Mr. Clapp reported that this is a one of a few Bylaw-only OoC this Commission has issued. This Order related to a vernal pool just off the property when a 200qbuffer zone existed. The Bylaws were rewritten in 2015 and this 200qvernal pool buffer zone no longer exists. He asked the Commission how they would like to proceed in regards to a CoC.
- Ms. Pilch stated that this applied before the Bylaw change. Therefore, the applicant should apply for a CoC and be held to the pre-Bylaw change standard.
- Mr. Clapp will inform the applicant that they need to file for a CoC.

Request to Update Record Plan for Determination of Applicability - #D-579, #105 Arch Street

- Mr. Clapp reported that the owner applied for a non-traditional septic system with minimum grading and fill but has since discovered the cost is prohibitive. They would like to use a more cost effective system that is mounded requiring more fill and is substantially different from the system approved by the Commission.
- Mr. Clapp noted that WPA regulations state septic systems in general are presumed to protect the eight (8) interests of the act regardless of the amount of fill.
- Mr. Lively noted that objectively, this is the type of plan that the Commission would approve, however, he and other Commissioners had questions for the applicant.
- The applicant was not present at the meeting and the Commission had questions that could not be addressed. They have requested that the applicant appear at the next meeting to discuss the project further.

Request to Amend Condition - #D-633, #777 Washington Street

Documents: Amended Special Conditions for #D-633, #777 Washington Street dated 6/27/18

- Mr. Clapp reported that the contractor who will perform the job of replacing the septic system for this property has requested an amendment to the Special Conditions issued with the DOA. The condition for storage of equipment on the property is unattainable. The septic system is being replaced under the parking lot. As they tear up the concrete there will be nowhere for the equipment to go. Mr. Clapp has drafted amended Special Conditions appended to #D-633 and detailed in #4, #5, #6, and #7.

Dr. Rutberg made a motion to approve the amended Special Conditions appended to #D-633 as drafted. Ms. Pilch seconded the motion. Vote passes unanimously. (7-0-0)

Request for Administrative Update to Record Plan - #7 Katie's Way (DEP #185-806)

- Mr. Clapp reported that the homeowner has requested to extend his lawn area an additional 20q30qinto the buffer zone which would encroach upon the 50qno disturb buffer zone. He would like to know from the Commission how to proceed with this request. Should the owner apply for an amended OoC? May the Order be administratively updated? Is the Commission amenable to this request?
- Mr. Bajdek responded that builders are getting closer and closer to resources and the Commission is trying to protect that last 50q He sympathizes with the owner wanting a larger yard but he is unwilling to set precedent with the last 50q
- Mr. Lively also stated he did not want to set a precedent by extending into the 50qno disturb zone.

Ratify Enforcement Order - #157-165 Lowland Street

This portion of the public meeting was video recorded by Casandra Brumber. Casandra Brumber identified herself to Chairman Bajdek but did not sign the meeting attendance sheet. Chairman Bajdek acknowledged Ms. Brumber's recording of this portion of the meeting.

Documents: Letter from Three Oaks Environmental, LLC dated 7/25/18; Letter from Goddard Consulting LLC dated 8/6/18; Letter from Connorstone Engineering Inc. dated 7/26/18; Letter from Attorney George Connors dated 8/6/18

- Attorney George Connors representing Michael Brumber of #157-165 Lowland Street requested the ratification not be completed until he had an opportunity to plead his case.
- He stated that the operation of the site pre-dates the River Protection Act and the Wetlands Protection Act and that it has been active since the 1960s as a recycling facility of asphalt. The two OoCs received on the property were #185-050 and #185-720.
- He then produced the four (4) documents listed above to buttress his argument. There were not enough copies for all Commissioners present and pages and attachments were missing from the documents presented.
- The Commission was unable to respond to Attorney Connors. They did not receive the documents prior to the meeting, the documents were incomplete and there were not enough copies for each Commissioner.
- The Commission requested that Attorney Connors submit complete copies of each of the documents he presented to Mr. Clapp for distribution among the Commission.
- The Commission will revisit this at the next scheduled meeting to be held on August 21, 2018.

Enforcement - #157-165 Lowland Street

- On hold until the next scheduled meeting to be held on August 21, 2018.

Discussion – Tree Damage Poitras Memorial Conservation Area

- Mr. Clapp reported that he received a call before the meeting from a resident whose property abuts the Poitras area. A tree has fallen and is blocking a portion of the trail. There is another tree in the area that may be a potential issue. He would like to know what the Commission is going to do to address the safety issues these trees pose.
- Mr. Clapp did drive by the area in question between #43 and #47 Fieldstone Drive and saw the tree in question. He did not determine it an immediate safety hazard but if it is blocking the trail then it should be investigated further. He will make a more thorough site visit.

Discussion - #289 Hollis Street Open Space Residential Development

- Ted Gowdy explained to the Commission that he has a plan before the Planning Board regarding subdividing a lot. He showed on a plan where the lots would be located and the open space. The Planning Board generally wants the open space to encompass the lots but in this circumstance that would create a very thin line between the lot, the open space and the road. He would prefer to move the lots closer to the road and locate the open space all in the rear of the lots. This would require obtaining a waiver from the Planning Board. He would like to know the Commission's thoughts on the open space.
- The Commission would like to gain the open space and would be in support of the developer gaining the waiver from the Planning Board.

Discussion – Slate of Officers for 2019

- Mr. Clapp reported that the Town Clerk would like the Commission to discuss and/or vote on a slate of officers for FY2019.
- The Commission does not feel it necessary to elect new officers at this time. Christopher Bajdek will remain the Chairman and Rebecca Weissman will remain the Vice Chairman.

Ratify Meeting Schedule – Calendar Year 2019

- Mr. Nickel requested the dates be sent out through a calendar invite.

Ms. Pilch made a motion to accept the meeting schedule for Calendar Year 2019 as drafted. Dr. Rutberg seconded the motion. Vote passes unanimously. (7-0-0)

Collect Signatures – Warren Woods Conservation Restriction

- Mr. Clapp reported that this Conservation Restriction has been in the works for a number of years. Once it is fully ratified the town will receive \$150,000.
- The Commission signed the CR.

Review Correspondence

- A copy of *Erosion Control* magazine was circulated.
- A copy of *Massachusetts Wildlife* magazine was circulated.
- An invoice in the amount of \$893.00 dated June 25, 2018 from Massachusetts Association of Conservation Commissions was approved for payment.
- An invoice in the amount of \$1,102.77 dated July 25, 2018 from Mead Talerman & Costa LLC was approved for payment.
- An invoice in the amount of \$210.04 dated July 23, 2018 from Mead Talerman & Costa LLC was approved for payment.
- An invoice in the amount of \$513.75 dated July 16, 2018 from Oxbow Associates, Inc. was approved for payment.

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. He has stated that he will be meeting with a landscaper in the middle of August.

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. (7-0-0)

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

- The applicant did not appear.
- Mr. Clapp reported that at the last meeting the Commission requested the applicant provide a plan detailing the fence location and the limit of work. He was requested to make a tally of the number of trees to be removed and the square footage of disturbance.
- Mr. Bajdek tabled the application at 8:05 PM to allow the applicant more time to attend the meeting.
- Mr. Bajdek returned to this application after all hearings were concluded at 9:45 PM and the applicant still had not arrived to represent the application.

Ms. Pilch made a motion to continue the meeting for #D-631: #1380 Washington Street to the July 24, 2018 meeting. Dr. Rutberg seconded the motion. Vote passes unanimously. (7-0-0)

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 that Charles Katuska has finished his peer review and has no further comments.
- Mr. Clapp reported that the applicant had two (2) expired Order of Conditions for the adjoining properties, the solar field and the commercial building. They were DEP #185-774 and DEP #185-785. The current application for the commercial building includes detention basin #5 which had been included on the Order for the solar field. This creates an administrative issue. He would like a condition or an agreement with the applicant that the basin is being commuted to the new file and that the expired Order will receive a Certificate of Compliance. He reported that Mr. Barbieri does not want this agreement as a condition in the Order. However, Mr. Truax had no objection to putting this agreement in the Order of Conditions for forty-five (45) days after the issuance of the Order.
- Mr. Clapp reported that at the time of application, the applicant will be responsible for 100% of the original Bylaw fees which is approximately \$6700.00.
- Mr. Clapp commented on the drafted conditions.

Dr. Rutberg made a motion to close the hearing for DEP#185-839: #58 Hopping Brook Road. Ms. Pilch seconded the motion. Vote passes unanimously. (7-0-0)

Ms. Weissman made a motion to issue an Order of Conditions for DEP #185-839; #58 Hopping Brook Road with the conditions as drafted and the submission of a Certificate of Compliance request within forty-five (45) days for DEP #185-774. Dr. Rutberg seconded the motion. Vote passes unanimously. (7-0-0)

Notice of Intent DEP File #185-XXX: #815 Winter Street (Assessors Map 14-1-14) for proposed installation of a replacement septic system *Rob Carlezon, Grady Consulting, LLC* representing *Handy Family Trust*

Documents: WPA Form 3, Letter from Grady Consulting LLC dated 7/6/18, Plot Plan titled %Septic Repair Plan; #815 Winter Street+dated 7/6/18

- Mr. Clapp read the legal notice into the record.
- Mr. Carlezon stated the system has failed. He noted that the new system will need to be elevated above the existing grade and a retaining wall is required by the Board of Health. He stated there was really no other place on the property to put the new system other than what is proposed on the plan. The proposed location for the new system is currently a lawn area. He is proposing to use a silt sock for erosion control.
- Mr. Bajdek questioned the location of the access point for the work and also where the stockpiling would be placed.
- Mr. Carlezon replied that access would be from the driveway and that the stockpiling was not indicated on the plan but would remain on the gravel portion of the driveway. There is nowhere else on the property to locate it. They will install erosion control around the stockpile area.
- Mr. Clapp reported that the DEP has not assigned a number to this application and as such this file cannot be closed until receipt of the number.

Ms. Pilch made a motion to continue the hearing for DEP #185-XXX; #815 Winter Street until the August 21, 2018 meeting. Dr. Rutberg seconded the motion. Vote passes unanimously. (7-0-0)

Request for Determination of Applicability for #D-638: Wenakeening Woods on Summer Street (Assessors Map 5-1-18) for proposed expansion of the existing parking lot to accommodate six (6) parking spaces with an approximate area of 54x48q. *Paul Saulnier of CIVILized solutions* representing *Upper Charles Conservation Land Trust*

Documents: WPA Form 1, Plot Plan titled %Site Plan, Wenakeening Woods Parking Lot+ dated 7/30/18

- Mr. Clapp read the legal notice into the record.
- Mr. Clapp reported that the applicant was not present but much of the project was discussed at the last meeting on July 10, 2018 during General Business.
- Mr. Bajdek directed Ms. Stearley to read the minutes from July 10, 2018 as they pertained to this application.
- Ms. Stearley read the minutes into the record.
- Mr. Clapp recommended the issuance of a Negative #3 Determination with drafted conditions.

Ms. Pilch made a motion to issue a negative 3 Determination of Applicability for #D-638; Wenakeening Woods on Summer Street with conditions as drafted. Dr. Rutberg seconded the motion. Vote passes with Mr. Lively abstaining. (6-0-1)

Ms. Pilch made a motion to adjourn the meeting at 10:35 PM. Ms. Dr. Rutberg seconded the motion. The vote passes unanimously. (7-0-0)

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