

**APPROVED Meeting Minutes**

Town Hall- Meeting Room #019

October 9, 2018

7:30 PM

Present: Christopher Bajdek, Chair, Rebecca Weissman, Vice Chair, Ann Marie Pilch, and Utah Nickel, Commissioners

Ryan Clapp, Conservation Agent

Absent: Allen Rutberg, Jennifer Buttaro, and Shaw Lively, Commissioners, Sean Fay, Associate Commissioner.

**Christopher Bajdek, Chair, opened the meeting at 7:32 PM.**

**General Business**

**Request for Certificate of Compliance: Evergreen Square (DEP #185-441)**

**Documents:** WPA Form 8A; Plans titled %Acceptance Plan Kingsbury Drive, dated 9/23/2018, Letter from GLM Engineering, Inc., dated 9/23/2018

- Mr. Clapp reported that this subdivision was currently being discussed by the Selectmen for road acceptance. In order to do so, it would need a Certificate of Compliance.
- Mr. Clapp noted that the Commission had recently issued a Partial Certificate of Compliance for one of the two lots within wetland jurisdiction. These lots would still be bound by the Order of Conditions, but the subdivision as a whole was looking for release.
- Upon inspection, Mr. Clapp noted that the wetland replication area looked well established, especially given that it had been initially completed in 2005 and allowed to revegetate since.

**Ms. Pilch made a motion to issue a Certificate of Compliance to Evergreen Square (DEP #185-441). Ms. Weissman seconded the motion. Vote passes unanimously (4-0-0).**

**Public Comment**

- No comments.

**Review/Approve Minutes of 9/5/18 and 9/25/18**

- Not enough Commission members present from this meeting to vote on the minutes of 9/5/18. Left open until the next meeting scheduled on October 23, 2018.
- Mr. Bajdek sent Mr. Clapp some revisions to the draft minutes. These revisions corrected discrepancies with lot numbers and/or files numbers and/or addresses, and reworded portions of the discussion on Mayflower Landing.
- Mr. Clapp also noted that a mistake was made in regards to #187 and #169 Mohawk Path. These two portions of the meeting should have their descriptions switched.

**Ms. Pilch made a motion to approve the minutes of 9/25/2018 as amended. Ms. Weissman seconded the motion. Vote passes unanimously (4-0-0)**

**Continued Discussion: #58 Hopping Brook Road Filing Fees**

**Documents:** Email from Jay Talerman, Town Counsel, dated 10/1/18; Addendum A: Filing Fee Schedule, Article XXX; Memorandum from Peter Barbieri dated 10/1/18; *Emerson College vs. City of Boston & others.*, November 8, 1983; State Guidelines on Filing Fees, 2016.

- At the previous meeting on 9/25/2018, it was decided to defer the decision on the appropriate filing fees to Town Counsel. Mr. Clapp has since discussed with Town Counsel, and it was determined that the filing fee may be too high to justifiably assess, as filing fees are meant only to reimburse the Town for costs incurred by the review.
- Mr. Peter Barbieri, legal representative for the applicant, was present. He stated that the bylaw fee schedule for a residential Certificate of Compliance that was expired was \$150. As an initial suggestion, he believed that for a commercial Certificate of Compliance that was expired be equal to three (3) times the residential cost, or \$450.
- Ms. Weissman asked to clarify the initial filing fee amount. Mr. Clapp responded that it was \$5,750.
- Mr. Bajdek asked if the initial filing fee was paid at the time the original Notice of Intent was submitted. Mr. Clapp responded that it was.
- Mr. Barbieri noted that the review of As-Built and Orders of Conditions is the same, whether the Order is expired or not. He noted that higher fees may be incurred for complicated projects requiring peer reviews, but that those are billed directly to the applicant, not as part of the filing fee.
- Mr. Barbieri, upon review of the filing fee schedule, suggested that perhaps \$150 per activity charged under the filing fee schedule may be reasonable.
- Mr. Clapp noted that there were only 3 activities on the filing fee schedule that would be thus charged. The fourth activity, one of the detention basins, had previously been agreed upon to be omitted from review for a Certificate of Compliance, instead commuted to the new project.
- The Commission was agreeable to Mr. Barbieri's suggestion.
- Mr. Bajdek questioned the policy on regulation changes. Mr. Clapp will look into that. The current regulations are being updated by Mr. Charles Katuska.

**Ms. Pilch made a motion to reduce the filing fee for the Certificate of Compliance for the expired DEP #185-774: #58 Hopping Brook Road from \$5,750 to \$450. Ms. Weissman seconded the motion. Vote passes unanimously (4-0-0)**

- The issuance of this Certificate of Compliance was pending the resolution of the filing fees. It was approved at the previous meeting, and was now distributed to the Conservation Commission for signatures. Mr. Clapp will issue the Certificate of Compliance upon receipt of the \$450.

**Request for Certificate of Compliance: #187 Mohawk Path, Lot #86A (#B-002)**

**Documents:** WPA Form 8A, Letter from Guerriere & Halnon, Inc. dated 9/11/18, Plot Plan titled "Final As-Built Plan, Lot #86A", dated 10/23/15

- Mr. Clapp reported that at the previous meeting, this item was continued at the request of the applicant, as Mr. Clapp had noted on his site visit that there was a missing wetland bound. Mr. Clapp has since discussed with the applicant, and it was determined that this was not a wetland bound, but rather a Right of Way marker. As such, there were no further issues noted by Mr. Clapp.

**Ms. Pilch made a motion to issue a Complete Certificate of Compliance for B-002: #187 Mohawk Path as drafted. Mr. Nickel seconded the motion. Vote passes unanimously. (4-0-0)**

## **Request for Certificate of Compliance: #169 Mohawk Path, Lot #90A (#B-006)**

**Documents:** WPA Form 8A, Letter from Guerriere & Halnon, Inc. dated 9/11/18, Plot Plan titled %Final As-Built Plan, Lot #90A+, dated 1/27/16

- Mr. Clapp reported that at the previous meeting, this item was continued at the request of the applicant, as Mr. Clapp had noted on his site visit that there was a wetland bound in place that did not have a plaque affixed to it. Since the previous meeting, the applicant has purchased and installed the wetland plaque. There were no further issues noted by Mr. Clapp.

**Ms. Pilch made a motion to issue a Complete Certificate of Compliance for B-006: #169 Mohawk Path as drafted. Ms. Weissman seconded the motion. Vote passes unanimously (4-0-0)**

## **Review Correspondence/ Informal Business**

- The Commission received a Thank-You note from Ms. Kristin Stearley for her time as Conservation Assistant.
- Three Notices of Failure to Comply with Certificate of Non-Compliance and Dam Safety Order from the Massachusetts Department of Conservation and Recreation. Mr. Clapp noted that Mr. Jeff Ritter, Town Administrator, and the Board of Selectmen were taking the lead on these projects and they were already underway.
- Information about writing a Conservation Restriction was sent to the Commission following Mr. Clapp's meeting with Ms. Kristine Westland from the Community Farm Advisory Committee the previous week.
- Ms. Karen Sherman, Town Planner, informed Mr. Clapp that the Planning Board had convinced Mr. Louis Petrozzi to donate a parcel of land off of Kingsbury Drive to the Conservation Commission. The Commission would like to know more about the land in question, and Mr. Clapp will further discuss with Ms. Sherman.

## **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, with revisions made by Village Green Landscaping, dated 10/1/2018

- Mr. Clapp has received an updated planting plan from Mr. John Russ of Village Green Landscaping. This plan has updated the erosion control measures and changed several plant species to those from the list provided at the previous meeting.
- Ms. Pilch reviewed the plants and found them suitable.
- Upon further review, it was noted that the scanned plan did not have a complete legend. The Commission expressed concern over accidentally approving something on this plan unknowingly.
- In an effort to complete this application, the following language in the narrative and conditions was suggested: %No man-made structures within 50 feet of the wetlands are permitted under this Determination of Applicability.+
- Ms. Pilch believed that with this language, the Commission could issue a Determination of Applicability, pending the receipt of a new, readable plan.

- Mr. Clapp noted in the conditions he had reinforced the fertilizer/pesticide/herbicide condition, given that this was for landscaping, and added a condition ensuring any fill used in the project was clean fill.

**Ms. Weissman made a motion to issue a Negative #3 Determination for #D-629: #8 Adam Wheeler with conditions as drafted, pending the submission of a new plan. Mr. Nickel seconded the motion. Vote passes unanimously. (4-0-0)**

**Request for Determination of Applicability File #D-645: #20 Hargrave Avenue (Assessor's Map 10-2-8) for proposed drainage improvements via grading - Mainsail Properties, LLC**

**Documents:** WPA Form 1, Untitled Plan submitted by property owner dated 5/23/1963 (revised 9/25/2018)

- The applicant was not present for this discussion, nor was anyone in the audience present for this discussion. The reading of the legal notice was waived.
- Mr. Clapp explained that this project sought to alter the grade on the property to improve drainage. In its current conditions, the apartment building's basement floods, causing mold.
- Ms. Pilch inquired as to the relation to the septic system, as it was not marked on the plan. Mr. Clapp noted that when this was presented to him, it was also presented to Scott Moles, Health Agent. Mr. Moles had no issues with the proposal and would not affect the septic system.
- Mr. Bajdek noted that the plan itself was just a plot plan. No grading was shown and the narrative provided was not descriptive enough for the Commission to understand the scope of the project.
- Mr. Clapp explained that upon a site visit he noted two swales on either side of the property. He believed the intent of the project was to allow for the drainage to run off into the swales, rather than pool by the basement.
- Given the lack of information and that the applicant was not present, the Commission directed Mr. Clapp to request the applicant be present at the next meeting.

**Ms. Pilch made a motion to continue the public meeting for #D-645: #20 Hargrave Avenue, to the next meeting on October 23, 2018. Ms. Weissman seconded the motion. Vote passes unanimously (4-0-0).**

**Request for Determination of Applicability File #D-646: #120 Brook Street (Assessor's Map 12-2-5) for proposed replacement septic system - Christine Merritt**

**Documents:** WPA Form 1, Plan submitted by property owner, %Septic System Construction, 120 Brook Street, Holliston+dated 9/25/2018.

- Mr. Paul Saulnier, representative for the applicant, waived the reading of the legal notice.
- Mr. Saulnier explained that the existing septic system was located in the back of the house. However, since there are wetlands on either side of the property, the applicant and Mr. Saulnier elected to move the septic system towards to road in order to minimize the impact on each wetland. Mr. Saulnier also noted that there was floodplain on the plan, generated by MassGIS. However, the elevations in actuality seem to contradict the existence of the floodplain.

- Mr. Clapp noted there were two tree removals proposed with this plan: one 10+pine and one 18+cedar. Another 18+cedar is located nearby, and Mr. Saulnier stated they would do their best to ensure that the tree is not negatively impacted by the septic replacement.
- Mr. Bajdek noted that there were no erosion controls marked on the plan. Mr. Saulnier will submit a new plan with erosion controls.
- Ms. Pilch asked as to the necessity of erosion controls, given the elevations and locations of the wetlands. It was determined that installing erosion controls should be installed to ensure there is no unintended impact to the wetlands.

**Ms. Pilch made a motion to issue a Negative #3 Determination for #D-646: #120 Brook Street with conditions as drafted. Ms. Weissman seconded the motion. Vote passes unanimously (4-0-0)**

**Mr. Nickel made a motion to adjourn the meeting at 8:55 PM. Ms. Weissman seconded the motion. The vote passes unanimously. (4-0-0)**

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