

**APPROVED Meeting Minutes**

Town Hall- Room #014

April 30, 2019

7:30 PM

Present: Christopher Bajdek, Chair, Rebecca Weissman, Vice Chair, Jennifer Buttarro, Shaw Lively, Ann Marie Pilch, Allen Rutberg, Commissioners

Ryan Clapp, Conservation Agent

Absent: Utah Nickel, Commissioner, Sean Fay, Associate Commissioner

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

**General Business**

**Public Comment**

- No comment

**Review/Approve Minutes of 4/16/19**

- Dr. Rutberg offered minor revisions to clear up some language in the executive session minutes, as well as a rewording regarding Mr. Clapp's discussions with Mr. Generazio.

**Ms. Pilch made a motion to approve the minutes of 4/16/19 with Dr. Rutberg's edits. Dr. Rutberg seconded the motion. Vote passes (5-0-1) with Ms. Weissman abstaining.**

**Ms. Pilch made a motion to approve the Executive Session minutes of 4/16/19 with Dr. Rutberg's edits. Dr. Rutberg seconded the motion. Vote passes (5-0-1) with Ms. Weissman abstaining.**

**Request for a Certificate of Compliance: DEP #185-816: 657 Concord Street**

**Documents:** WPA Form 8A; Plan of Land entitled %Certificate of Compliance Plot Plan of Land, 657 Concord Street, Holliston, Mass.+Dated 7/5/18.

- Mr. Clapp reported that the homeowner had reached out to him regarding the removal of silt fences at this property. He had previously been before the Commission requesting a Certificate of Compliance, but was denied based on the fact that there was little grass growth and the ground was not stabilized, and it was suggested he return in spring 2019. Mr. Clapp made a site visit and noted that the ground was now stabilized, and the property was in compliance. However, the mitigation plantings on either side of the driveway needed further establishment, so a Partial Certificate of Compliance was recommended, with a note that the homeowner should request a Complete Certificate in fall 2020.

**Ms. Buttarro made a motion to issue a Partial Certificate of Compliance for DEP #185-816: 657 Concord Street. Ms. Weissman seconded the motion. Vote passes unanimously (6-0-0).**

**Violation Notice and Update:**

- **245 (Lot 5) Prentice Street: DEP #185-810**
- **Lot 9 Prentice Street: DEP #185-811**

**Documents:** Violation Notices for DEP #185-810 and DEP #185-811, dated 4/18/19

- Mr. Clapp reported that Mr. Chris Canney, Building Inspector, had brought an issue at 245 Prentice Street to his attention. With Mr. Canney, Mr. Clapp made a site visit and documented several issues, including:
  - No DEP sign
  - No wetland flagging in place
  - Work commencing without installation of sediment controls
  - Direct discharge of water into the 50' buffer zone
  - Significant stockpiling of materials within the 100' buffer zone
  - Sediment washout into the 50' buffer zone
- Accordingly, Mr. Clapp issued a violation notice to the builder at 245 Prentice Street. He also noted there was no flagging or sign at Lot 9 Prentice Street and sent a notice as well. The violation notice also noted that the Orders of Conditions are set to expire on May 18, 2019.
- Mr. Lively inquired as to what the next steps would be. Mr. Clapp responded that the letter called for the builder to cease and desist all activities onsite until sediment controls were in place, sediment outwash was cleared up, and the limit of work was marked. Mr. Clapp required a formal meeting with the builder in order to recommence work. Said meeting occurred on April 25, and he was allowed to continue work. Mr. Clapp noted that GLM Engineering is responsible for replacing the wetland flags and requesting an extension to the Order of Conditions.
- Mr. Clapp also noted that the exposed soil profiles seen in the excavated area called the wetland delineation into doubt. Ms. Weissman noted that an Order of Conditions confirms the wetland bounds for three years, so even if there was an issue, there was no legal basis to revise the delineation. Mr. Clapp suggested that the Commission could implement further conditions, however, in order to protect the wetland resource area.
- Mr. Clapp informed the Commission that they should expect a Request for an Extension Permit for both lots at the next meeting.

**Re-issue Certificates of Compliance:**

- **DEP #185-739: Lot 70 Mohawk Path**
- **DEP #185-768: Lot 79A Mohawk Path**
- **DEP #185-770: Lot 81A Mohawk Path**
- **B-001: Lot 85 Mohawk Path**
- **B-002: Lot 86A Mohawk Path**

**Documents:** Letter from Scott Miccile, Toll Brothers, dated 4/24/19

- Mr. Clapp reported that Mr. Miccile from Toll Brothers had reached out to him regarding several Certificates of Compliance that had been previously issued by the Commission. The

originals had been misplaced by Toll Brothers, and could not be recorded at the Registry of Deeds.

- Mr. Clapp prepared the documents for reissue prior to this meeting, noting that the date reflected both the original issue date and the reissue date. There was no need for a vote on this matter, as the Certificates of Compliance had already been voted upon and issued.

### **Review Correspondence / Other**

- The latest issue of *Massachusetts Wildlife* was circulated.
- Mr. Clapp informed the Commission that Ms. Mary Greendale and other concerned residents and parties would be attending the next meeting on May 14<sup>th</sup>. Ms. Karen Sherman forwarded him an email with a memorandum attached explaining her talking points. Mr. Clapp had previously spoken to Ms. Greendale regarding the Commission's role in tree and woodland management, but she wanted to speak to the Commission as well to establish a plan. It was suggested that Mr. Clapp reach out to the Department of Conservation and Recreation for their input.

### **Public Hearings/Public Meetings**

**Notice of Intent for DEP File #185-849: Old Cart Path, Paul Revere Lane, Minuteman Circle, Hiawatha Trail, Governor Prence Way (Assessors Map 14)** for proposed construction of a roadway and drainage alteration - *Guerriere & Halnon, Inc.*, representing *Constitution Village, LLC*.

**Documents:** WPA Form 8A; Plan Set entitled %Constitution Village Subdivision Modification in Holliston, MA,+dated 11/15/18; email from Mr. Clapp dated 12/26/18; Response Memorandum from Mr. George Mihov dated 12/31/18.

\*Peer Review letter from Oxbow Associates, dated 4/10/19.

- Mr. Clapp noted that Mr. Mihov, of Guerriere & Halnon, had requested a continuance this evening, as they are still forming a response to the peer review from Oxbow Associates.

**Mr. Lively made a motion to continue the public hearing for DEP #185-849: Old Cart Path, Paul Revere Lane, Minuteman Circle, Hiawatha Trail, Governor Prence Way to the meeting on 5/14/19. Ms. Buttaro. Vote passes unanimously (6-0-0).**

**Dr. Rutberg made a motion to adjourn at 8:25 PM. Ms. Pilch seconded the motion. Vote passes unanimously (6-0-0).**

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