

**APPROVED Meeting Minutes**

Town Hall- Room #014

October 1, 2019

7:30 PM

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

Ryan Clapp, Conservation Agent

Absent: Shaw Lively, Commissioner

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

**General Business**

**Public Comment**

- No comments.

**Review/Approve Minutes of 8/6/19, 9/3/19, & 9/17/19**

**Ms. Buttarro made a motion to approve the minutes of 8/6/19. Ms. Weissman seconded the motion. Vote passes (5-0-1) with Dr. Rutberg abstaining.**

**Dr. Rutberg made a motion to approve the minutes of 9/3/19. Ms. Weissman seconded the motion. Vote passes (4-0-2) with Ms. Pilch and Mr. Nickel abstaining.**

**Dr. Rutberg made a motion to approve the minutes of 9/17/19. Mr. Nickel seconded the motion. Vote passes (4-0-2) with Ms. Weissman and Ms. Pilch abstaining.**

**Request for Administrative Update to Plan of Record – DEP #185-856: Lot 1 Liberty Lane**

**Documents:** Plan of Land entitled “Proposed Sewage Disposal System” revised 9-12-19.

- Mr. Ted Gowdy, representative for the applicant, presented a new plan to the Commission. This plan rotated the house, which was outside the 100’ no disturbance buffer zone to vernal pools. However, the driveway was altered to accommodate this change, increasing encroachment from 144 sqft to 252 sqft.
- Ms. Weissman expressed concerns that an increase in encroachment into a no disturbance zone does not warrant an administrative update. A new Notice of Intent is more appropriate.
- Mr. Nickel noted that the Commission had requested as minimal encroachment as possible during the original public hearing. To increase now contradicts the Commission’s requirements.
- Ms. Buttarro inquired if there was more mitigation that could be offered to offset the encroachment. Mr. Clapp noted the Commission has not received the mitigation plan as of yet, so it could be incorporated.

- Mr. Gowdy inquired if a conditional approval to alter the driveway footprint, but to maintain a maximum of 144 sqft could be appropriate. The Commission found this suggestion agreeable.

**Ms. Pilch made a motion to conditionally approve alteration of the driveway footprint for DEP #185-856: Lot 1 Liberty Lane, provided encroachment into the 100' No Disturbance Buffer Zone to vernal pools does not exceed 144 sqft, pending receipt of a plan reflecting as such. Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).**

### **Review of Conservation Restriction: 34 Rogers Road (Community Farm)**

**Documents:** Draft Conservation Restriction: 34 Rogers Road

- Mr. Clapp reported that he had been working with the Community Farm Advisory Committee on this restriction, and was in form currently approved by the Committee. Town Counsel has reviewed the restriction as well.
- The Commissioners requested additional time to review this document, and the item was tabled until the next meeting on 10/15/19.

### **Emergency Certification: Water Street, Houghton Pond Dam, Westfield Drive, Courtland Street**

**Documents:** WPA Emergency Certification Form; email from Mr. Michael Callahan dated 9/20/19

- Mr. Clapp reported that he, Mr. Callahan (Beaver Solutions, Inc.), and Mr. Sean Reese had performed several site visits to “problem areas” as noted by the DPW, including culverts at Water Street, Westfield Drive, and Courtland Street, as well as the Houghton Pond Dam. Beaver activity has been constant at these locations, causing flooding of roads and yards.
- Specific work to be done included out of season trapping at each site to abate the immediate issue, install a pipe flow device at the Houghton Pond Dam, breach dams, and install beaver-detering fencing at each site. The Board of Health has signed off and issued an Emergency Certification for each site as one Certification, and in the interest of consistency, the Commission has been requested to issue the four sites as one certification.
- Conditions on the Emergency Certification include contacting the Commission’s office prior to the commencement of work, limiting dam breaching to eight inches per breach event, with a maximum frequency of one breach per week to avoid downstream impacts.
- Mr. Clapp noted on the site visit and in follow-up email correspondence that Mr. Callahan did not believe Courtland Street issues, at least at this time, were the result of beaver activity. Given this information, the Commission did not believe ratifying that aspect of the Emergency Certification was appropriate.
- Many Commissioners expressed concerns that their input was limited due to the ratification aspect of the certification. When the Board of Health issues their certification, the Commission has limited time to issue its certification, to be ratified at the following meeting. However, Mr. Clapp noted that DPW and Beaver Solutions would be working to develop a Beaver Management Plan for the Town for a more proactive approach. The Conservation Commission stressed the importance and need for the Board of Health and Conservation Commission to have an active role in developing and reviewing the plan.

**Ms. Weissman made a motion to ratify the Emergency Certification for Water Street, Houghton Pond Dam, and Westfield Drive, but not Courtland Street. Ms. Buttaro seconded the motion. Vote passes (4-0-2) with Dr. Rutberg and Mr. Nickel abstaining.**

**Tree Removal Request: #35 Kingsbury Drive**

**Documents:** Tree Removal and Mitigation Policy, received 9/21/19.

- Mr. Clapp reported that he had learned of tree work proposed at 35 Kingsbury Drive. He has spoken with the tree removal company and the new homeowner, and has received a Tree Removal Request from the homeowner.
- Four red oaks were proposed for removal. Each tree was dead and posed a hazard to the house and the homeowner's family. Mr. Clapp has visited the site and flagged the trees with the homeowner.
- The request notes that replacement/mitigation in the same location is not feasible due to the existence of ledge. The homeowner instead proposes planting 2 apple trees, a dogwood tree, and 4 hydrangeas outside of the buffer zone.
- Dr. Rutberg expressed concern about accepting these as mitigation, as it seems the applicant was planning to plant them as a separate project from the tree removals. He does not want to set a precedent, and would rather waive the mitigation requirement altogether.
- The Commission agreed with Dr. Rutberg's suggestion, and requested Mr. Clapp also provide the homeowner with the list of wildlife-friendly plants from *Bringing Nature Home*, by Doug Tallamy, as a suggestion for future planting.
- Mr. Clapp was directed to issue an approval to the homeowner, waiving the mitigation requirements.

**Review Correspondence / Other**

- Email correspondence from Ms. Joanne Hulbert was circulated about people using airsoft guns on the Town Forest. Trails have been blocked off with caution tape for the activity. This is not allowed on this property, which directly abuts the Fairbanks Conservation Property. The police have been notified.
- Mr. Clapp gave a status update on the enforcement activities for Constitution Village. Fafard is far behind schedule and were working today (10/1/19), despite the noted deadline of 9/26/19. Work is far from completed, and Mr. Clapp will meet onsite with Mr. MacKinnon on 10/2/19. An email from Mr. MacKinnon explaining the situation was circulated. The work was greater than Fafard has expected, and they anticipated a new end date of 10/7/19.

**Public Hearings/Public Meetings**

**Request for Determination of Applicability for D-656: 310R Washington Street (East Holliston Fire Station) (Assessors Map 11G-2-30) for proposed drainage structure improvements – Holliston Highway Department.**

**Documents:** WPA Form 1; Sketch Plan of Proposed Work 310R Washington Street

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Drafted for the Commission by: Ryan Clapp  
Approved by the Commission: 10-15-19**

Right of Entry Form (441 Washington Street); Right of Entry Form (0 Washington Street)

- Mr. Clapp presented a sketch plan with updates from Mr. Smith showing the headwall and detention basins. From MassGIS, Mr. Clapp has shown property lines for the project.
- Mr. Clapp noted there is minor encroachment into the 50' No Disturbance Buffer Zone.
- Ms. Buttaro inquired as to the origin of the delineations. Mr. Clapp responded they were from a 2015 Notice of Intent for an addition to the building.
- Mr. Bajdek expressed concerns that the property lines may not be accurate, and show a third property owner whose permission has not been granted. There have been past issues with trespassing, and the Commission wanted to avoid such issues with this project.

**Dr. Rutberg made a motion to continue the public meeting for D-656: 310R Washington Street until 10/15/19. Mr. Nickel seconded the motion. Vote passes unanimously (6-0-0)**

**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 3; 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.

Memorandum from Dan Wells, Goddard Consulting, Inc., dated 5/30/19.

"Habitat Evaluation, Constitution Village, Holliston, MA DEP File #185-0849" dated 8/27/19

- Mr. MacKinnon requested a continuance to the next meeting on 10/15/19.

**Ms. Buttaro made a motion to continue the Public Hearing for DEP File #185-849: Old Cart Path, Paul Revere Lane, Minuteman Circle, Hiawatha Trail, Governor Prence Way until the next meeting on 10/15/19. Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).**

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

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