

**APPROVED Meeting Minutes**  
Town Hall- Room #014

October 15, 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**

- Ms. Joanne Hulbert was present and expressed concerns about people using airsoft guns on the Town Forest property off of Adams Street. She has found the base of operations, and there is a significant amount of trash, cigarette butts, and nonbiodegradable pellets. She has reached out to the local police and posted signs stating this is not allowed.
- Ms. Hulbert also noted she was interested in putting together a forest management plan for the Adams Street Forest, and since the Fairbanks property abuts it, inquired if the Commission would be interested in joining the Town Forest Committee in this venture.
- Ms. Pilch expressed the need to research the Conservation Restriction, in case the land is intended as "hands-off."
- Dr. Rutberg noted the objectives for such a plan would need to be set before moving forward.

**Review/Approve Minutes of 10/1/19**

- Mr. Clapp noted there were several revisions offered by Commissioners, and read them aloud.

**Ms. Weissman made a motion to approve the minutes of 10/1/19 with the revisions stated. Ms. Buttarro 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 circulated the draft Conservation Restriction prior to the meeting.
- Based upon Ms. Hulbert's comments, Mr. Bajdek suggested a prohibition on airsoft guns on the property. Ms. Pilch responded that the language ought to be good enough as is since any use or activity that "would materially impair the agricultural and conservation interests protected by this Conservation Restriction" covers use of airsoft guns and future unanticipated undesirable activities

- Ms. Pilch suggested prohibiting manure piles, paddocks, and other such agricultural items/structures within 100' of the wetlands, as opposed to 50'. The Commission agreed this was reasonable.
- Ms. Pilch will forward typo and formatting revisions to Mr. Clapp. After incorporating them, he will send it back to the Community Farm Advisory Committee before sending it to the State.

### **Enforcement Update: Constitution Village:**

- Mr. Clapp reported that he met with Mr. Welinton Periera, the site supervisor. The stockpiles within the 100' buffer zone have been removed, and the disturbed areas and abutting piles have been hydroseeded. Basins B and D have been cleared and hydroseeded and are finished for the time being, but Basin C still needs to finish work.
- Mr. Dale MacKinnon noted that the end date of 9/26/19 was incorrect. The newly proposed deadline, per Mr. Clapp's discussion with Mr. Periera, is 10/18/19 to finish work on Basin C.

### **Review of Tree Removal and Mitigation Policy**

- Mr. Clapp noted the Commission had passed this policy on April 2, and after 6 months wanted to review its effectiveness.
- He noted that issues have arisen with several items, including replanting in the same area, and replanting success guidelines. It is not always feasible to replant in the same area, and having providing guidelines for planting instead of having homeowners suggest ways to achieve success is more appropriate. He also wanted to stress that the policy applies to both dead and living trees.
- Ms. Pilch has guidelines for plantings provided by UMASS. She will forward them to Mr. Clapp.
- Mr. Clapp will present suggested revisions for review during the next meeting.

### **Review Correspondence / Other**

- The latest issue of *Stormwater* magazine was circulated.
- A letter from MassAudubon was circulated, introducing the new Conservation Restriction Land Steward.
- Mr. Clapp reminded the Commission that Fall Town Meeting was on 10/28/19. If it goes for more than one night, the Commission meeting on 10/29/19 will have to be canceled.
- Ms. Pilch noted there is an article on the warrant for Thistledew Farm. The Open Space Committee is looking to put an Agricultural Preservation Restriction on the property, and the Town is proposing to spend \$500,000 on the project.

### **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  
Right of Entry Form (441 Washington Street); Right of Entry Form (0 Washington Street)  
Annotated plan entitled “Plot Plan of Land Off Washington Street, Holliston, Mass.  
Prepared for: Holliston Fire Dept.”, dated 11/24/14 (rev 10/15/19)

- Mr. Clapp presented a plan drawn from a 2014 filing and annotated with Mr. Smith’s proposal. There is only encroachment on two other properties, for which Mr. Smith has acquired written permission for entering and working on them.
- Mr. Clapp noted this project is a public safety project, as without proper drainage in years past, the area has iced over in the winter. This is dangerous for fire vehicles to enter and exit in the case of an emergency.
- Mr. Clapp noted the project does encroach on the 50’ No Disturbance Buffer, with about 200 square feet of disturbance. Mr. Smith is requesting relief from this restriction citing public safety concerns.
- Mr. Bajdek expressed concerns about the scaling on the plan. It appears to encroach on other properties. Mr. Clapp noted that this is an error in scaling, but the Determination of Applicability does not grant property rights except as provided for in the Right of Entry forms secured by Mr. Smith, so there is no proposed encroachment on other properties.
- Ms. Weissman expressed concerns about maintenance on the drainage system, and if the DPW would need to constantly monitor the project. Mr. Clapp noted they would, but it would be Mr. Smith’s responsibility in securing any necessary approvals or permissions to access for maintenance.
- Mr. Clapp noted he has pulled many conditions from a standard Order of Conditions and appended them to the Determination. This gives the Commission more enforceability on this project in case of any issues.

**Ms. Pilch made a motion to issue a Negative #3 Determination for #D-656: 310R Washington Street (East Holliston Fire Station). Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).**

**Request for Determination of Applicability for #D-657: #65 Church Steet (Assessors Map 8F-3-26)** for proposed replacement septic system – *Michael Dean*, representing *Taylor Barlow*.

**Documents:** WPA Form 1; Plan entitled “#65 Church Street Septic System Upgrade” dated 9/20/19 (rev. 10-9-19)

- Mr. Dean waived the reading of the legal notice.
- Mr. Dean presented the project. He noted that Mr. Scott Moles has approved this septic design on behalf of the Board of Health. The proposed system is adjacent to the Winthrop Canal, but 4’ further away than the existing system from the banks to comply with Title 5. The area is previously disturbed and is mostly lawn, with both native and nonnative vegetation. There is a 28” oak tree to be preserved.

- Ms. Buttaro inquired as to access for construction. Mr. Dean noted it would be from Church Street. Mr. Bajdek suggested extending the erosion controls to the shed to dissuade access from other locations. Mr. Dean will revise the plan.
- Mr. Clapp noted the area is dense with Japanese knotweed. As mitigation for encroaching on the 50' No Disturbance Buffer, an option would be to remove the invasive plant. However, without the use of herbicides, as typically required by the Commission, this may be a futile effort.
- Ms. Pilch expressed concerns about digging up the roots and destabilizing the bank of the canal. She suggested a revised condition to allow glyphosate herbicide on cut stems during construction.
- Ms. Weissman inquired if there was any proposed filling of floodplain. Mr. Dean noted it was minimal, but there was no opportunity for compensatory storage.

**Ms. Pilch made a motion to issue a Negative #3 Determination for #D-657: #65 Church Street with revised conditions allowing for herbicides on the cut stems of Japanese knotweed during construction, pending receipt of a revised plan. Ms. Buttaro 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 Prentice 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

"Vernal Pool Habitat Impact Evaluation" dated 10/9/19.

- Mr. Dan Wells presented the revised habitat evaluation. He noted that there is two distinct areas described: existing disturbed land and natural upland habitat. According to his findings, vernal pool species would not use the disturbed land for habitat, or even migration corridors. This land was disturbed due to the 2001 Order of Conditions (DEP #185-530), and is longstanding. The primary focus should be to preserve the undisturbed habitat.
- Mr. MacKinnon presented a draft proposed plan showing no encroachment into the natural upland habitat.
- Dr. Rutberg inquired as to how the 2001 limit of work compares to the 50' and 100' buffer zones.
- Mr. Wells responded that it varies. In some instances, it goes right to the wetland line. He noted that the current proposal is minimized to the maximum possible extent. However, there will need to be significant mitigation proposed. To that end, the Applicant is willing to offer the Commission a Conservation Restriction on much of the Riverfront Area along these proposed lots. While the land is likely unbuildable anyway, this offers an extra layer of protection on nearly 10 acres of land.
- Ms. Pilch noted she wanted to see the proposed CR superimposed on the large plan set before making a decision. However, she and the other Commissioners were amenable to this idea. Mr. Brian Merson, an abutter from Ashland, also supported the idea.

- The Commission requested a plan showing the CR and at least the 50' buffer. House lots should not be shown on this plan.
- Mr. Bajdek inquired if 5 lots were the minimum for the project, or if the Applicant was amenable to reducing the lot number. Mr. MacKinnon noted to be worth the effort, a minimum of 5 lots are required.
- Mr. Badjek stressed the importance of maintaining the 50' No Disturbance Buffer Zone, and expressed concerns about building right up to it. Existing trees along the line have been a historic issue when building up to the 50' buffer, as future homeowners express safety concerns about them. Mr. MacKinnon will account for this in the new plans.

**Dr. Rutberg 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 10/29/19. Ms. Buttaro seconded the motion. Vote passes unanimously (6-0-0).**

**Notice of Intent for DEP #185-858: #1182 Washington Street (Assessors Map 8-7-5)** for proposed replacement septic system – *Land Planning, Inc.*, representing *SAL & SOBS Real Estate, LLC*.

**Documents:** WPA Form 3; Plan of Land entitled "Repair of Subsurface Sewage Disposal System" dated 9/13/19.

- Mr. William Halsing, representative for the applicant, waived the reading of the legal notice.
- Mr. Halsing noted that the project proposed to replace the existing failed septic system. The lot is limited in where such a system could be located, as it abuts Chicken Brook. However, there is a location that is suitable that minimally encroaches on the 50' No Disturbance Buffer Zone. He noted that straw wattles and silt fences will be used to protect the wetlands. Mr. Moles has approved the system on behalf of the Board of Health.
- Mr. Bajdek inquired what the finished grade would be. Mr. Halsing noted that it would be about 1 foot higher than it currently is. There is also no filling of floodplain proposed with this project.
- Mr. Clapp noted there were two wetland flags missing on site. However, they were away from the limit of work and did not believe they were necessary for this project.

**Ms. Pilch made a motion to close the public hearing for DEP #185-858: #1182 Washington Street. Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).**

**Notice of Intent for DEP #185-XXX: #179 Mohawk Path (Assessors Map 14-5-88.1)** for proposed regrading and restoration of an armored slope – *Grady Consulting, LLC*, representing *Rodenhiser Builders*.

**Documents:** WPA Form 3; Plan of Land entitled "Site Plan #179 Mohawk Path, Holliston, Massachusetts"; email from Mr. Clapp to Mr. Carlezon dated 10/9/19.

- Ms. Weissman recused herself, citing a personal relationship with the applicant.
- Mr. Rob Carlezon, representative for the applicant, waived the reading of the legal notice.
- Mr. Rodenhiser presented the plan, which was to remove the armored slope, regrade the land, and aggressively replant with native species as suggested by a landscape architect. He cited

safety concerns, and noted there would be a retaining wall constructed on site as well. The entirety of the project is within the 100' No Disturbance Buffer Zone to vernal pools.

- Ms. Pilch inquired as to how the existing trees will be affected. Mr. Carlezon noted any significant tree is outside the limit of work. Ms. Pilch noted root disruption is a concern, to which Mr. Carlezon noted there were only four trees of significant size near the property.
- Mr. Rodenhiser noted that even without the trees, the property is still heavily vegetated.
- Dr. Rutberg inquired as to how much earth removal was proposed. Mr. Clapp noted the Notice of Intent stated 90 cubic yards.
- Mr. Rodenhiser noted that was only for the boulders. In total, it would be approximately 350 cubic yards.
- Mr. Bajdek inquired why the project is encroaching on the buffer zone as much as it is. As proposed, it also encroaches on the 50' No Disturbance Buffer Zone.
- Mr. Carlezon responded that there had to be some slope on the property for drainage.
- Mr. Bajdek suggested that a swale could be an option, to which Mr. Rodenhiser was agreeable.
- Ms. Buttaro noted the project was within NHESP jurisdiction. Mr. Clapp noted there was no response from NHESP as of yet.
- Ms. Pilch inquired as to what the forest floor would look like. She suggested initial mulch, then leaving the area alone in order to allow succession to take place.
- Dr. Rutberg polled the Commission for initial thoughts on the project. Many Commissioners were uncomfortable with the large encroachment proposed, and suggested removing the proposed retaining wall altogether. Mr. Bajdek suggested the applicant submit alternative designs to minimize encroachment.
- Mr. Rodenhiser agreed, and will work with Mr. Carlezon for alternatives for the next meeting.

**Dr. Rutberg made a motion to continue the public hearing for DEP #185-859: #179 Mohawk Path until the next meeting on 10/29/19. Ms. Pilch seconded the motion. Vote passes unanimously (5-0-0).**

- Ms. Weissman returned to the meeting.

**Ms. Pilch made a motion to adjourn at 9:50 PM. Dr. Rutberg seconded the motion. Vote passes unanimously (6-0-0).**

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