

APPROVED Meeting Minutes

Town Hall- Room #014

January 7, 2020

7:30 PM

Present: Rebecca Weissman, Vice Chair, Shaw Lively, Ann Marie Pilch, Utah Nickel, Allen Rutberg, Commissioners, Sean Fay, Associate Commissioner

Ryan Clapp, Conservation Agent

Absent: Christopher Bajdek, Chair, Jennifer Buttaro, Commissioner

Rebecca Weissman, Vice Chair, opened the meeting at 7:30 PM.

General Business

Student Group Presentations: Robert Adams Middle School 7th Grade

- Ms. Diana DeLuca, teacher at Robert Adams Middle School, explained that as the capstone on their unit on environmental science, the 7th grade had worked on projects that directly relate to local environmental conservation. Project topics included:
 - Wetland protection and law
 - Invasive plant management
 - Rare species, including blue-spotted salamanders and Blanding's turtles
 - Gypsy moth management
 - Vernal pools
- The seventh grade students presented their projects to the Commission and others in attendance.
- The Commission commended the students on their work, and expressed interest in making this an annual event.

Public Comment

- No public comments

Review/Approve Minutes of 11/26/19

- A quorum of Commissioners present at the meeting on 11/26/19 were not available. Left open until the next meeting on 1/21/2020

Vote on Order of Conditions: DEP #185-859: #179 Mohawk Path

Documents: Draft Order of Conditions #185-859

- Mr. Clapp presented a draft Order of Conditions to the Commission. He noted there were special conditions regarding the review by the Natural Heritage and Endangered Species Program, given the concerns expressed by them.

Conservation Commission Minutes 1-7-20

Drafted for the Commission by: Ryan Clapp

Approved by the Commission: 2-4-20

Dr. Rutberg made a motion to issue an Order of Conditions for DEP #185-859: #179 Mohawk Path. Mr. Lively seconded the motion. Vote passes (4-0-1) with Ms. Weissman abstaining.

Tree Removal Request: #214 Winthrop Street

Documents: Tree Removal Request

- Mr. Clapp reported that the homeowner at #214 Winthrop Street was concerned about several trees on his property that he would like to have removed. The trees in question were dead and rotten, and had potential to drop on the propane tank, driveway, and garage.
- Ms. Pilch noted that one of the trees appeared to be in good health, and was approximately 50' from the propane tank. Mr. Clapp responded that the property owner was concerned about a "domino effect" on the trees between it and the tank. Since two trees were proposed for removal between the healthy tree and the propane tank, the Commission agreed that removal of those two trees would eliminate the risk of a domino effect and as such, the tree should stay.
- The Commission approved 5 out of 6 trees requested by the applicant, and accepted the proposed mitigation of highbush blueberries and removal of invasive plants.

Discussion: Shed Viability #43 Oak Street

- Mr. Clapp reported that the homeowner at #43 Oak Street was interested in building a shed on his property. However, the only possible location was within the 50' No Disturbance Buffer Zone. Before going forward with a Request for Determination of Applicability, he wanted to gauge if the Commission would be receptive to this project.
- Mr. Lively responded that provided the shed was low-impact, such as if it were built on sonatubes, he would be receptive. The other Commissioners agreed.

Review Correspondence / Other

- Mr. Clapp noted that DEP was considering three minor changes to the Wetlands Protection Act regulations. There will be hearings on 1/8/20 and 1/9/20.
- The latest issue of *Stormwater* magazine was circulated.
- Mr. Clapp noted that registration for the MACC Annual Conference on 2/29/2020 would open soon, and requested that if any Commissioners were interested in going to send him the details.
- Mr. Clapp reminded the Commission that during the next meeting they would be reviewing the draft Article XXX Regulations.

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 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.

Plans entitled "NOI Subdivision Modification Grading & Drainage Plan Constitution Village in Holliston, Mass." Dated 11/15/18 (rev. 11-12-19).

Riverfront Performance Standards Analysis prepared by Dan Wells, Goddard Consulting, LLC, dated 11/26/19.

Plan of Land Entitled "Subdivision Modification Erosion Control Plan Constitution Village in Holliston, Mass," dated 11/18/18 (rev. 11/25/19)

Plan of Land Entitled "Subdivision Modification Index Sheet Constitution Village in Holliston, Mass." Dated 11/18/18 (rev. 11/25/19)

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 1/21/2020. Mr. Lively seconded the motion. Vote passes unanimously (5-0-0).

Annotated Notice of Resource Area Delineation DEP #185-860: #1485 Washington Street (Assessors Map 5-3-59) for proposed wetland delineation – *JD Marquedant & Associates, Inc.*, representing *Paul Champney*.

Documents: WPA Form 4A; Plan of Land entitled "Sketch Plan of Land, Site Location 1485 Washington Street, Holliston, MA" dated 11/5/19; Email from Mr. Clapp dated 11/20/19; DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

- Mr. Clapp reported that the Commission had been prepared to close the hearing pending receipt of a DEP file number. The number has since been received.

Dr. Rutberg made a motion to close the public hearing for DEP #185-860: #1485 Washington Street. Mr. Nickel seconded the motion. Vote passes unanimously (5-0-0).

- Mr. Clapp presented a draft Order of Resource Area Delineation to the Commission

Mr. Lively made a motion to issue an Order of Resource Area Delineation for DEP #185-860: #1485 Washington Street. Ms. Pilch seconded the motion. Vote passes unanimously (5-0-0).

Request for Determination of Applicability for #D-659: #555 Hopping Brook Road (Assessors Map 4-6-15.A) for proposed resource area confirmation – *Engineering Design Consultants, Inc.* representing *CRG Real Estate Development*

Documents: WPA Form 1; Plan Set entitled “Existing Conditions and Tree Clearing, 555 Hopping Brook Road, Holliston, Massachusetts,” dated 11/27/19

- Mr. Peter Bemis, representative for the applicant, waived the reading of the legal notice.
- Mr. Bemis presented the project to the Commission. The applicant is looking to build a large, 800,000+ square foot distribution center on Hopping Brook Road. No work is proposed currently within the 100’ buffer zone, and all tree clearing is approximately 250’ from the edge of wetlands at its closest point.
- Mr. Clapp and Mr. Bemis walked the property and reviewed the delineation several weeks earlier. Mr. Bemis noted the delineation was based off of Oxbow Associates’ delineation several years earlier, and found that it was still accurate. Mr. Clapp agreed with the assessment.
- Mr. Bemis also noted there was a small isolated wetland only protected under Article XXX, and would like the Commission to determine it as nonjurisdictional. He noted that it had been permitted in the center of a paved cul-de-sac, and would not have served many ecosystem services as permitted anyway. Mr. Bemis noted that he could work around if it were jurisdictional, but would rather not.
- Ms. Weissman asked Mr. Clapp his opinion. Mr. Clapp agreed, noting the isolated wetland is now a pine grove as opposed to a typical wetland.
- Ms. Weissman expressed concerns about the current active Order of Conditions for the extension of Hopping Brook Road. She did not want a disconnect between this Determination and the Order. Mr. Clapp suggested removing this request from the Determination and treating this as a plan change for the Order instead. The Commission found this agreeable, provided there was written documentation regarding the isolated wetland and revocation of jurisdiction.
- With these alterations, the Commission was comfortable issuing a Determination establishing the wetland delineation and noting that if there is to be any encroachment on the 100’ Buffer Zone, there must be an additional filing.

Mr. Lively made a motion to issue a Positive 2a Determination, Negative 1, 4, 6 Determination for #D-659: #555 Hopping Brook Road. Ms. Pilch seconded the motion. Vote passes unanimously (5-0-0).

Notice of Intent for DEP #185-XXX: #1014 Highland Street (Assessors Map 8E-1-8) for proposed single family house – *Michael Brumber*, representing *Allen Stone*

Documents: WPA Form 3; Plan entitled “Septic System Construction, 1014 Highland Street, Holliston,” dated 12/9/15 (rev. 9/19/18)

- There was no one present representing the applicant for the hearing.

Mr. Lively made a motion to continue the Public Hearing for DEP #185-XXX: #1014 Highland Street to the next meeting on 1/21/2020. Dr. Rutberg seconded the motion. Vote passes unanimously (5-0-0).

Ms. Pilch made a motion to adjourn at 8:45 PM. Dr. Rutberg seconded the motion. Vote passes unanimously (5-0-0).

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