

APPROVED Meeting Minutes

Via Remote Participation

March 10, 2020

7:30 PM

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

Ryan Clapp, Conservation Agent

Absent: Sean Fay, Associate Commissioner

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

Mr. Bajdek read the following into the record:

Pursuant to the Governor's Order Suspending certain provisions of the Open Meeting Law G.L. c 30A paragraph 20, as well as the Select Board's Emergency Order dated 3/16/2020 the Holliston Conservation Commission will be using remote participation for this meeting. The audio of this meeting is being recorded and will be posted to the Town's webpage within 24 hours in accordance with the Governor's Emergency Action requirement of keeping the public informed of actions during this meeting. I would ask that all participants remotely attending this meeting please state your name for identification purposes each time you speak throughout the meeting.

At this time, a roll call attendance vote will be taken.

Mr. Bajdek:	Present
Ms. Weissman:	Present
Ms. Buttarro:	Present
Mr. Lively:	Present
Mr. Nickel:	Present
Ms. Pilch:	Present
Dr. Rutberg:	Present

General Business

Review/Approve Minutes of 2/18/20

Ms. Pilch made a motion to approve the minutes of 2/18/20 as written. Ms. Weissman seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttarro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Vote on Order of Conditions for DEP #185-862: #2016 Washington Street

Ms. Pilch made a motion to issue an Order of Conditions for DEP #185-862: #2016 Washington Street. Mr. Lively seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttarro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Ms. Weissman made a motion to authorize Christopher Bajdek to sign the Order of Conditions for DEP #185-862 on behalf of the Conservation Commission. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttarro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Request for an Extension for Order of Conditions: DEP #185-809: #65 Lakeshore Drive

Documents: WPA Form 7A

- Mr. Clapp noted that this project had received an extension last year. The applicant is still finishing the project and waiting for grass growth, and an Amended Notice of Intent will be submitted for footprint changes to the house.

Mr. Nickel made a motion to extend the Order of Conditions for DEP #185-809: #65 Lakeshore Drive for 1 year. Dr. Rutberg seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttarro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Ms. Pilch made a motion to authorize Christopher Bajdek to sign the Extension to the Order of Conditions for DEP #185-809 on behalf of the Conservation Commission. Ms. Buttarro seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
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Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Request for Extension for Order of Conditions: DEP #185-811: Lot 9 Prentice Street

Documents: WPA Form 7A

- Mr. Clapp noted that construction was about to begin on this project, which had been extended the previous year. Erosion controls have been installed and inspected.

Mr. Lively made a motion to extend the Order of Conditions for DEP #185-811: Lot 9 Prentice Street for 1 year. Dr. Rutberg seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Ms. Pilch made a motion to authorize Christopher Bajdek to sign the Extension to the Order of Conditions for DEP #185-811 on behalf of the Conservation Commission. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Request for a Certificate of Compliance: DEP #185-812: #90 Mill Street

Documents: WPA Form 8A

- Mr. Clapp reported that this Order had expired without work having commenced, and is therefore invalid. The applicant has submitted a new Notice of Intent for the project.

Ms. Pilch made a motion to issue a Certificate of Compliance for DEP #185-812: #90 Mill Street. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
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Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Ms. Pilch made a motion to authorize Christopher Bajdek to sign the Certificate of Compliance for DEP #185-812 on behalf of the Conservation Commission. Dr. Rutberg seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Request for a Certificate of Compliance for DEP #185-451: #194 Lowland Street

Documents: WPA Form 8A

- Mr. Clapp reported that the property owner is potentially selling this property. The buyer's attorney noted this Order of Conditions from 1999 had never commenced and had expired.

Ms. Weissman made a motion to issue a Certificate of Compliance for DEP #185-451: #194 Lowland Street. Ms. Buttaro seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Ms. Pilch made a motion to authorize Christopher Bajdek to sign the Certificate of Compliance for DEP #185-451. Ms. Buttaro seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Review Correspondence / Other

- An invoice for CMG Environmental Services for \$1,400 as related to the stormwater peer review for #1569 Washington Street was received.
- An invoice for CMG Environmental Services for \$455 as related to the stormwater peer review for #2016 Washington Street was received.

Ms. Pilch made a motion to authorize Ryan Clapp to sign the two invoices for CMG Environmental Services on behalf of the Conservation Commission. Ms. Weissman seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttarro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

- Ms. Weissman noted that she had found what appears to be a deer stand on the Fairbanks Property. Hunting is prohibited on Conservation Properties. She will share the information with Mr. Clapp.
- Ms. Pilch noted that there was some activity on the Rail Trail near wetlands for a scout project. Mr. Clapp has reached out to Mr. Robert Weidknecht regarding the issue, and the scout will present to the Commission at an upcoming meeting.

Public Hearings/Public Meetings

Request for Determination of Applicability #D0664: #15 Boulder Road (Assessors Map 9-3-3.4) for proposed septic system relocation – *Grady Consulting, LLC*, representing *Shawn Utke*

Documents: WPA Form 1; Plan of Land Entitled “XXXX” dated “XXXXX”

- Mr. Clapp read the legal advertisement into the record.
- No one was present for this project. Tabled until later in the meeting (was not readdressed).

Notice of Intent for DEP #185-865: #90 Mill Street (Assessors Map 8-1-284.8) for proposed single family house – *GLM Engineering*, representing *F&D Central Realty Corp., Inc.*

Documents: WPA Form 3; Plan of Land Entitled “XXXX” dated “XXXXX”

- Mr. Clapp read the legal advertisement into the record.
- Ms. Joyce Hastings, representative for the applicant, presented the project to the Commission. The property had previously had an Order of Conditions for a single family house. However, the Order had expired prior to any work commencing. This is the same plan that had been

previously approved by the Commission. The only part of the project within the buffer zone is part of the driveway and a well onsite.

Ms. Pilch made a motion to close the hearing for DEP #185-845: #90 Mill Street. Ms. Weissman seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Ms. Pilch made a motion to issue an Order of Conditions for DEP #185-845: #90 Mill Street. Dr. Rutberg seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Ms. Pilch made a motion to authorize Christopher Bajdek to sign the Order of Conditions for DEP #185-845 on behalf of the Conservation Commission. Mr. Lively seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Notice of Intent for DEP #185- XXX: #1569 Washington Street (Assessors Map 5-3-62) for proposed gravel storage area – *GLM Engineering*, representing *Michael Alves*

Documents: WPA Form 3; Plan of Land entitled “XXXXX,” dated “XXXXX”

- Mr. Clapp read the legal advertisement into the record.
- Ms. Hastings, representative for the applicant, requested a continuance until the next meeting on 5/5/2020.

Ms. Pilch made a motion to continue the public hearing for DEP #185-XXX: #1569 Washington Street until the next meeting on 5/5/2020. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttarro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Notice of Intent for DEP #185-864: “0” Marshall Street (Assessors Map 7-3-19.2) for proposed site remediation and solar field – *Weston & Sampson*, representing *Marshall Street Solar, LLC*

Documents: WPA Form 3; Stormwater Report dated 12/18/19; Plan Set entitled “Marshall Street Solar Project,” dated 12/19/19; Letter from Weston & Sampson dated 1/7/2020
MORE DOCUMENTS

- Ms. Weissman recused herself citing a conflict of interest.
- Mr. Stephen Weihe presented the revisions to the plans to the Commission. They have dramatically reduced encroachments into the 100’ Buffer Zone. Encroachments are now limited to two stormwater outlets and minimal grading associated with the buffer zone to the wetland in the northeastern portion of the property.
- Mr. Weihe presented documentation of predatory fish populations in both wetlands. Thus, they do not qualify as vernal pools and do not have a 100’ No Disturbance Buffer Zone.
- Mr. Weihe noted that the first review of the stormwater report resulted in 44 issues. Those issues have been reduced to 4, and Mr. Weihe hoped the hearing could close this evening.
- The Commission commended Mr. Weihe for his willingness to work with them on the project, and to reduce the encroachment into the buffer zone.
- Mr. Jason Santos, an abutter, expressed his appreciation for the accommodations Weston & Sampson made for the abutters.

Dr. Rutberg made a motion to close the public hearing for DEP #185-864: “0” Marshall Street. Ms. Pilch seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Recused
Ms. Buttarro:	Aye
Mr. Lively:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

Ms. Pilch made a motion to continue the public hearing for DEP #185-XXX: “0” Marshall Street to the next meeting on 3/24/2020. Dr. Rutberg seconded the motion. Vote passes unanimously (5-0-0).

Ms. Weissman returned to the meeting and resumed her role as Vice Chair.

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)

- Mr. Clapp reported that Mr. MacKinnon was prepared for this evening's meeting. However, as only four Commissioners are eligible to vote and Mr. Bajdek was not present, the hearing could not commence.
- The Commission recommended that Mr. MacKinnon withdraw and resubmit the Notice of Intent.

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 3/24/2020. Ms. Buttaro seconded the motion. Vote passes unanimously (6-0-0).

Ms. Pilch made a motion to adjourn at 9:00 PM. Ms. Buttaro seconded the motion. Vote passes unanimously (6-0-0).

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

