

**APPROVED Meeting Minutes**

Via Remote Participation

May 5, 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 4/14/20**

**Mr. Lively made a motion to approve the minutes of 3/10/20 as written. Ms. Buttarro 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

### **Septic Issues within buffer zones**

- Mr. Clapp reported that he had been informed by Mr. Paul Saulnier and Mr. Eric Dickinson of CIVILized Solutions that many septic systems were failing in Holliston. Many systems were about to be filed for, either as Requests for Determination of Applicability or Notices of Intent. However, with the people staying at home, the systems were on an accelerated track to failure, and in some cases, were in failure. To avoid compounding an additional public health issue, after meeting with and walking each site with Mr. Saulnier, Mr. Clapp issued Emergency Authorizations for 5 systems: 35 Underwood Street, 82 Wedgewood Drive, 117 Heritage Way, 45 Courtland Street, and 185 Fiske Street.
- Mr. Clapp noted these systems were not relieved from the requirements to file, however. Ms. Karon Skinner-Catrone, representative for CIVILized Solutions, noted that she would fill out the appropriate applications to be on the next meeting agenda for 5/26/20. Mr. Clapp noted that the resulting permits may require additional mitigation or other measures to be taken after the fact in the conditions.

### **Vote on Order of Conditions: DEP #185-864: “0” Marshall Street**

**Documents:** Draft WPA Form, Order of Conditions

- Mr. Clapp presented the draft Order of Conditions to the Commission.

**Ms. Pilch made a motion to issue an Order of Conditions for DEP #185-864: “0” Marshall Street. Dr. Rutberg 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 authorize Christopher Bajdek to sign the Order of Conditions for DEP #185-864 on behalf of the Conservation Commission. 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

### **Request for a Partial Certificate of Compliance: DEP #185-845: #7 Deer Run Road**

Conservation Commission Minutes 5-5-20  
Drafted for the Commission by: Ryan Clapp  
Approved by the Commission: 5-26-20

**Documents:** WPA Form 8A

- Mr. Clapp reported the applicant was requesting a partial Certificate of Compliance for a single family house. The remaining work is to allow for grass growth and ground stabilization.

**Ms. Pilch made a motion to issue a Partial Certificate of Compliance for DEP #185-845: #7 Deer Run Road. 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

**Ms. Pilch made a motion to authorize Christopher Bajdek to sign the Partial Certificate of Compliance for DEP #185-845 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 an Extension to the Order of Conditions for DEP #185-781: Extension of Hopping Brook Road**

**Documents:** WPA Form 7A

- Mr. Peter Bemis, representative for the applicant, requested additional time to allow for the wetland replication areas to establish. He noted that last year he had requested a two year continuance, but was granted a one-year. Since he is requesting an additional year, he also is requesting a fee waiver for the extension.
- The Commission agreed that it was reasonable to waive the fee in this circumstance, but noted that if he requires another extension next year, the fee will be paid in full.

**Ms. Pilch made a motion to Extend the Order of Conditions for DEP #185-781: Extension of Hopping Brook Road until 4/29/21. 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 Order of Conditions for DEP #185-781 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 an Extension to the Order of Conditions for DEP #185-825: 8 Arch Bridge**

**Documents:** WPA Form 7A

- Mr. Robert Weidknecht, chair of the Trails Committee, requested a one year extension to the Order of Conditions for vegetation removal, as he needed one more limited herbicide application.

**Ms. Pilch made a motion to Extend the Order of Conditions for DEP #185-825: 8 Arch Bridge until 4/5/21. 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

**Ms. Pilch made a motion to authorize Christopher Bajdek to sign the Extension Order of Conditions for DEP #185-825 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

**Tree Removal Request: #40 Bullard Lane**

- Mr. Clapp reported that he had received a tree removal request at 40 Bullard Lane. The request was for 3 large white pine trees, all greater than 20" DBH.
- Mr. Clapp noted that while the trees themselves seemed healthy, recently, ice storms had fallen several large, also seemingly healthy trees near the property. However, these three pines were closer to the house and propane tanks, posing a potential risk.
- Ms. Carol Khouri, property owner, reiterated her concerns, and noted she was willing to replant with any requirements the Commission imposed.
- Ms. Pilch noted that these trees were very old to have gotten so large, and noted that pines do tend to have shallower root systems. Mr. Clapp noted that on the largest tree, the soil was mounded up to the trunk and therefore the roots were likely even shallower.
- Acknowledging the safety and property damage concerns, the Commission agreed that the three trees could be removed.
- Mr. Bajdek inquired if the trunks should be removed or left in place. The area is already densely vegetated. Mr. Clapp suggested leaving the largest trunk and hauling the other two.
- Mr. Clapp and Ms. Khouri will coordinate regarding mitigation plantings and the scheduling of the tree removals.

#### **Review Correspondence / Other**

- No correspondence

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

**Request for Determination of Applicability #D-664: #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 "Site Plan, #15 Boulder Road, Holliston, Massachusetts" dated 2/25/20

- Mr. Clapp read the legal advertisement into the record.
- Mr. Clapp noted the project history. A year earlier, Mr. Utke requested an opinion on a garage encroaching on the 50' No Disturbance Buffer Zone, as the septic system's location limited his ability to put the garage anywhere else. The Commission was not receptive to the project.
- Since then, Mr. Utke has worked with Grady Consulting to relocate the existing septic tank. It is now proposed to be further away from the wetlands than it currently is, and the Request for Determination of Applicability is only for incidentals associated with construction, as the tank is proposed just outside the 100' buffer zone.

**Ms. Pilch made a motion to issue a Negative #3 Determination for #D-644: #15 Boulder Road. 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

**Ms. Pilch made a motion to authorize Christopher Bajdek to sign the Determination of Applicability #D-664 on behalf of the Conservation Commission. 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

**Request for Determination of Applicability #D-665: #270 High Street (Assessors Map 11-5-19)**  
for proposed replacement septic system – *CIVILized Solutions*, representing *Bernard Braun*.

**Documents:** WPA Form 1; Plan of Land entitled “Septic System Construction, #270 High Street, Holliston,” dated 3/29/20

- Mr. Clapp read the legal notice into the record.
- Ms. Karon Skinner-Catrone, representative for the applicant, presented the project to the Commission. The existing septic system serving #270 High Street has failed and the homeowner needs a new system installed. The entire project is outside the 50’ No Disturbance Buffer Zone, but does encroach on the 100’ buffer zone. Appropriate erosion controls will be installed prior to construction.
- Mr. Clapp noted there was a shed beyond the wetland line. He suggested conditions relating to not rebuilding said shed once it is no longer usable, and limiting materials stored within. The Commission agreed this would be a reasonable condition to incorporate into the Determination of Applicability.

**Ms. Weissman made a motion to issue a Negative #3 Determination for #D-665: #270 High 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. Weissman made a motion to authorize Christopher Bajdek to sign the Determination of Applicability #D-665 on behalf of the Conservation Commission. Ms. Buttaro 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- 866: #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 “Site Plan of Land, Scooby Truck Sales, 1569 Washington Street, Holliston, Massachusetts,” dated 2/24/20 (rev. 3/8/20)

- Mr. Clapp noted the applicant has requested a continuance until the meeting on 6/9/2020.

**Ms. Pilch made a motion to continue the public hearing for DEP #185-866: #1569 Washington Street until the meeting on 6/9/2020. 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

**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.

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. MacKinnon presented revised plans to the Commission. He noted that the town does not want to accept hydrodynamic separators due to the upkeep costs. As such, he is recommending a water quality swale for Basin D, and noted that stormwater standard 7 allows for stormwater filtration improvements to the best of the developer's ability for redevelopment. Mr. MacKinnon inquired if the Commission would consider this as redevelopment.
- Ms. Weissman inquired if the basins would be taking in stormwater from other parts of the road. One of these basins is new, and would therefore not be considered redevelopment. Mr. MacKinnon confirmed that all stormwater from Paul Revere Lane would be related to the new basin, where he is proposing a water quality swale outside of the 50' No Disturbance Zone.
- The Commission was comfortable accepting Mr. MacKinnon's suggestion, provided the new basin meets all stormwater standards, and stormwater is separated as discussed.
- Mr. MacKinnon noted that otherwise, the stormwater report is just waiting on final sign-off from the peer reviewer.
- Mr. MacKinnon noted that the exact location of the proposed Conservation Restriction is still in question. Mr. Clapp suggested following the 50' No Disturbance Buffer Zone, and having conditions requiring signed agreements from property buyers acknowledging the CR to minimize the need for physical bounds.
- Ms. Weissman suggested following the 50' No Disturbance Zone for the new development areas is the simplest solution, and following the base of the armored wall for the rest of the development. The Commission agreed this was the best approach.
- Mr. MacKinnon will revise the plans showing the location of the CR.

**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 5/26/2020. 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 adjourn at 9:15 PM. 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



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