

**APPROVED Meeting Minutes**

Via Remote Participation

September 29, 2020

7:30 PM

Present: Christopher Bajdek, Chair; Jennifer Buttaro, Shaw Lively, Ann Marie Pilch, Allen Rutberg, Commissioners

Ryan Clapp, Conservation Agent

Absent: Rebecca Weissman, Vice Chair, Utah Nickel, 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:	Absent
Ms. Buttaro:	Present
Mr. Lively:	Present
Mr. Nickel:	Absent
Ms. Pilch:	Present
Dr. Rutberg:	Present

**Public Hearings/Public Meetings**

**Abbreviated Notice of Resource Area Delineation for DEP #185-XXX: "0" Birchwood Road (Assessors Map 8-2-15.P)** for proposed resource area confirmation – *Goddard Consulting, Inc.*, representing *Matt Jackson*

**Documents:** WPA Form 4A; Plan of Land entitled "Wetland Plan, Map 8 Parcel 15.P, Holliston, MA," dated 8/24/2020

- Mr. Clapp read the legal advertisement into the record.
- Ms. Nicole Hayes, representative for the applicant, presented the ANRAD to the Commission. There are 10 flags in the field associated with the bank of an intermittent stream and the

associated bordering vegetated wetlands. She noted that the vegetation was consistent with wetlands towards the stream, and consistent with uplands away from it.

- Mr. Clapp noted that the bank and delineation was very clear. There was an approximately 3' bank marking the edge of the wetlands in addition to vegetation. He also noted that any depressions onsite are from test pits, and do not meet the definition of a vernal pool under both the state and bylaw.
- Mr. Lively inquired regarding the area beyond the property line. Mr. Clapp responded that area was not reviewed as it was beyond the scope of the ANRAD, which is property-specific.
- Mr. Luiz Garcia, representative for the property owner, inquired as to what an ANRAD was. Ms. Hayes noted that no work was proposed under this application, but if work is done within a jurisdictional area, they will file a Notice of Intent application.
- Ms. Anna Nolan, abutter, inquired as to what the consequences of an ANRAD were. Mr. Clapp responded that an ANRAD "locks in" the delineation of the wetlands for a period of 3 years. Work is not proposed under this application, and he notes that if work in the future is proposed within the buffer zone, a separate filing will be submitted.

**Ms. Pilch made a motion to continue the public hearing for DEP #185-XXX: "0" Birchwood Road until 10/6/2020. Dr. Rutberg seconded the motion. A roll call vote was taken.**

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

**Notice of Intent for DEP #185-881: Lot 3B Old Cart Path (Assessors Map 14-5-33.B)** for proposed single family house – *Guerriere & Halnon, Inc.*, representing *Constitution Village, LLC*

**Documents:** WPA Form 3; Plan of Land entitled "Resource Area Plan of Land, Lot 3B in Holliston, MA" dated 8/12/2020

- Mr. Clapp read the legal advertisement into the record.
- Mr. Michael Hassett presented the project to the Commission. The applicant proposes a single family house along Old Cart Path in an area that has previously had extensive work done as previously permitted. The area is already padded and prepared for the construction of a single family house. He noted that Mr. Clapp had already provided several preliminary comments, to which the applicant had no issue with. Specifically, these comments related to addition of another line of erosion control at the top of the armored slope, and wetland markers along the top of the slope.
- Mr. Lively noted that the armored slopes that are already existing onsite were old, and inquired if any trees have grown in or will grow in them, potentially destabilizing the slope. Mr. Hassett showed other locations in the subdivision with similar slopes. There is light vegetation on them, but no significant tree growth. Ms. Pilch inquired when the slopes were constructed. Satellite imagery provided by Mr. Hassett indicated that they were built in approximately 2013.
- Mr. Clapp inquired if a stormwater report was required, as it is triggered when 4 or more single family houses are proposed at once. Mr. Hassett noted that it is a requirement, but has been addressed with the Pout Lane stormwater report.

- Mr. Clapp noted that wetland flagging was not in place on this or any other sites proposed. Mr. Hassett will direct the applicant to reflag prior to construction.

**Ms. Pilch made a motion to continue the public hearing for DEP #185-881: Lot 3B Old Cart Path Road until 10/6/2020. Ms. Buttaro seconded the motion. A roll call vote was taken.**

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

**Notice of Intent for DEP #185-882: Lot 31A Old Cart Path (Assessors Map 14-5-33.C & 34.B)** for proposed single family house – *Guerriere & Halnon, Inc.*, representing *Constitution Village, LLC*

**Documents:** WPA Form 3; Plan of Land entitled “Resource Area Plan of Land, Lot 31A in Holliston, MA” dated 8/12/2020

- Mr. Clapp read the legal advertisement into the record.
- Mr. Hassett presented the project to the Commission. This lot is adjacent to the previously discussed lot, and shares the existing armored slope. The applicant proposes a single family house on the lot, with only grading and site work within the 100’ buffer zone; the house itself will be outside the buffer zone. He noted that a split rail fence is proposed along the top of the slope. He noted that they will be installing wetland bounds, and inquired if it would be appropriate to add them to the fence as opposed to on a boulder.
- Ms. Pilch noted that a fence is less permanent than a boulder. She suggested a combination of the two to improve readability and longevity. The Commission agreed this would be reasonable.
- Mr. Bajdek noted that the contours shown end on the armored slope before reaching the road. Inquired what was happening in the location. Mr. Hassett noted that there is both armored and unarmored slope. He will revise to clarify the issue.

**Ms. Pilch made a motion to continue the public hearing for DEP #185-882: Lot 31A Old Cart Path Road until 10/6/2020. Ms. Buttaro seconded the motion. A roll call vote was taken.**

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

**Notice of Intent for DEP #185-883: Lot 32B Old Cart Path (Assessors Map 14-5-34.A & 33.C)** for proposed single family house – *Guerriere & Halnon, Inc.*, representing *Constitution Village, LLC*

**Documents:** WPA Form 3; Plan of Land entitled “Resource Area Plan of Land, Lot 32B in Holliston, MA” dated 8/12/2020

- Mr. Clapp read the legal advertisement into the record.

**Conservation Commission Minutes 9-29-20**  
**Drafted for the Commission by: Ryan Clapp**  
**Approved by the Commission: 10-20-2020**

- Mr. Hassett presented the project to the Commission. The applicant proposes a single family house on a lot directly abutting the previously discussed lot. He noted that there were adjacent buffer zones to bylaw-specific potential vernal pools identified in the hearing for #185-849. He noted that the result of that hearing allowed for building up to the 50' for these resource areas. He noted that he will revise the plans to add wetland bounds as previously suggested.
- Mr. Clapp inquired if any changes were proposed to the access road to Detention Basin C. Mr. Hassett confirmed there were none proposed.

**Ms. Pilch made a motion to continue the public hearing for DEP #185-883: Lot 32B Old Cart Path Road until 10/6/2020. Dr. Rutberg seconded the motion. A roll call vote was taken.**

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

**Notice of Intent for DEP #185-884: Lot 77 Old Cart Path (Assessors Map 14-5-3.A)** for proposed single family house – *Guerriere & Halnon, Inc.*, representing *Constitution Village, LLC*

**Documents:** WPA Form 3; Plan of Land entitled “Resource Area Plan of Land, Lot 77 in Holliston, MA” dated 8/12/2020

- Mr. Clapp read the legal advertisement into the record.
- Mr. Hassett presented the project to the Commission. Of all the lots discussed this evening, this was the only one that was undeveloped. He noted that the grades are not as severe on this lot, with no armored walls proposed. He noted that several retaining walls were proposed. However, and will add wetland bounds at the tops on the retaining walls.
- Mr. Lively expressed concerns regarding root systems being damaged near the 50' no disturbance buffer zone. As such, these trees could be considered “hazardous” in the future and require removal, shrinking the size of the buffer zone. Mr. Hassett noted that the house could be moved approximately 10' closer to the street, away from the wetlands to alleviate the concerns. The Commission agreed this was the best course of action.
- Ms. Pilch inquired regarding the retaining wall height. Mr. Hassett noted that they are 4' tall, to which Ms. Pilch expressed concern that bringing in 4' of fill on top of tree roots can cause them to die as time goes on.
- Mr. Lively inquired if trees on the opposite side of the tree line could be identified for protection if they are of a certain size. Mr. Hassett noted that this was something that could be considered and will review.

**Ms. Pilch made a motion to continue the public hearing for DEP #185-884: Lot 77 Old Cart Path Road until 10/6/2020. Dr. Rutberg seconded the motion. A roll call vote was taken.**

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

**Notice of Intent for DEP #185-885: Lot 78 Old Cart Path (Assessors Map 14-5-32.A & 32.B)** for proposed single family house – *Guerriere & Halnon, Inc.*, representing *Constitution Village, LLC*

**Documents:** WPA Form 3; Plan of Land entitled “Resource Area Plan of Land, Lot 78 in Holliston, MA” dated 8/12/2020

- Mr. Clapp read the legal advertisement into the record.
- Mr. Hassett presented the project to the Commission. The applicant proposes a single family house on a lot to the right of lot 77. He noted that this lot was previously disturbed, so tree clearing will be minimal, and will add a second layer of erosion control and wetland bounds as previously discussed. There are no armored slopes or retaining walls on this site, so boulders will be the best option for the bounds.
- Mr. Bajdek inquired as to where the wetland bounds would be located. Mr. Hassett noted they would be along the proposed erosion controls. Mr. Bajdek believes this to be unnecessary as it would follow the 100’ buffer zone, not the 50’ or the wetlands themselves. The Commission agreed, as the buffer zone itself is not a resource area.
- Mr. Hassett suggested a slight increase in clearing to get ahead of future clearing by abutters. Ms. Pilch believes this to be a precursor to additional encroachment, and the Commission agreed this would not be a good idea.
- Ms. Susan Blum, abutter, expressed concerns regarding an existing Conservation Restriction and wetlands in Ashland. She inquired if work was to be done on the detention basin. Mr. Hassett noted that under this application, no work is proposed to the detention basin.

**Ms. Pilch made a motion to continue the public hearing for DEP #185-885: Lot 78 Old Cart Path Road until 10/6/2020. Ms. Buttaro seconded the motion. A roll call vote was taken.**

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

**Notice of Intent for DEP #185-886: Lot 80 Old Cart Path (Assessors Map 14-5-32.C)** for proposed single family house – *Guerriere & Halnon, Inc.*, representing *Constitution Village, LLC*

**Documents:** WPA Form 3; Plan of Land entitled “Resource Area Plan of Land, Lot 80 in Holliston, MA” dated 8/12/2020

- Mr. Clapp read the legal advertisement into the record.
- Mr. Hassett presented the project to the Commission. The applicant is proposing to construct a single family house on the lot to the right of Detention Basin B on Old Cart Path. There is a retaining wall and armored slope proposed, and Mr. Hassett noted the applicant is agreeable to installation of wetland bounds on these structures.
- Ms. Pilch inquired if the riprapped area was to be in the yard. Mr. Hassett noted that it would be, but at the bottom of a 10’ slope.
- Mr. Bajdek noted that the limit of work is within the drainage easement, and believes the limit of work should be pulled away. Mr. Hassett will review, but believes that as long as the performance of the swale is not affected, this should not be an issue.

- Ms. Cindy Bolton, an abutter, expressed concerns about the removal of several pine trees that may be serving as natural erosion controls. Mr. Hassett noted that the pines referenced will not be removed; no work is proposed beyond the existing tree line except for 1 or 2 trees that may be needed to be removed as a necessity of circumstance. The silt fences will be inspected, repaired and adjusted before construction begins and throughout, so issues should not arise.
- Mr. Brian Merson, abutter, requested clarification if the slopes on the basin would be changed. Mr. Hassett noted changes have to go through the Planning Board and Conservation Commission, but under this Notice of Intent they are not proposing alterations. Mr. Merson expressed that the plans are not clear in that regard and should clearly show “proposed” and “existing” conditions.

**Ms. Pilch made a motion to continue the public hearing for DEP #185-886: Lot 80 Old Cart Path Road until 10/6/2020. Dr. Rutberg seconded the motion. A roll call vote was taken.**

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

**Notice of Intent for DEP #185-887: Lot 81 Old Cart Path (Assessors Map 14-5-34.B & 35.B)** for proposed single family house – *Guerriere & Halnon, Inc.*, representing *Constitution Village, LLC*

**Documents:** WPA Form 3; Plan of Land entitled “Resource Area Plan of Land, Lot 81 in Holliston, MA” dated 8/12/2020

- Mr. Clapp read the legal advertisement into the record.
- Mr. Hassett presented the project to the Commission. The applicant proposes a single family house on this lot, with an armored slope towards the rear of the property. The 50’ no disturbance buffer zone and Conservation Restriction are located to the rear at the bottom of the slope. They will incorporate the previous comments this evening, including additional erosion control and installation of wetland bounds.
- Mr. Bajdek noted that this was the most straightforward project of the evening, considering that it is previously disturbed and there is minimal encroachment into the 100’ buffer zone.

**Ms. Pilch made a motion to continue the public hearing for DEP #185-886: Lot 80 Old Cart Path Road until 10/6/2020. Ms. Buttaro seconded the motion. A roll call vote was taken.**

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

**Mr. Lively made a motion to adjourn at 9:35 PM. Ms. Pilch seconded the motion. A roll call vote was taken.**

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

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