

APPROVED Meeting Minutes

Via Remote Participation

February 16, 2021

7:30 PM

Present: Christopher Bajdek, Chair; Rebecca Weissman, Vice Chair; Jennifer Buttarro, Shaw Lively (left 9:33), Utah Nickel, Ann Marie Pilch, Allen Rutberg, Commissioners

Ryan Clapp, Conservation Agent

Absent:

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 1/19/21 & 2/2/21

Dr. Rutberg made a motion to approve the minutes of 1/19/21. 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:	Abstain
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

- The minutes of 2/2/21 were tabled until later in the meeting.
- Mr. Nickel offered minor typo corrections.

Ms. Pilch made a motion to approve the minutes of 2/2/21. Ms. Weissman seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Abstain
Mr. Lively:	Absent (left before readdressed)
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Abstain

Vote to Authorize Christopher Bajdek to sign all documents issued by the Conservation Commission on 2/16/2021

Ms. Pilch made a motion to authorize Christopher Bajdek to sign all documents issued by the Conservation Commission on 2/16/2021. 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: Article XXX Regulations S. 2.04-2.06

- The Commission reviewed and revised the draft of the proposed Article XXX Regulations.

Issue Order of Conditions: DEP #185-896: #56 Adam Wheeler Lane

- Mr. Clapp presented a draft Order of Conditions for DEP #185-896: #56 Adam Wheeler Lane for the replacement septic system.

Ms. Pilch made a motion to issue an Order of Conditions for DEP #185-896: #56 Adam Wheeler Lane. Ms. Pilch seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	Abstain
Mr. Nickel:	Aye
Ms. Pilch:	Aye

Dr. Rutberg: Abstain

Issue Amended Order of Conditions: DEP #185-885: Lot 78 Old Cart Path

- Mr. Clapp presented a draft Order of Conditions for DEP #185-885: Lot 78 Old Cart Path for the revised single family house layout.

Ms. Pilch made a motion to issue an Amended Order of Conditions for DEP #185-885: Lot 78 Old Cart Path. Ms. Weissman seconded the motion. A roll call vote was taken.

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

Request for a Partial Certificate of Compliance: DEP #185-730: #41 Pleasant Street

- Mr. Clapp reported that the portion this request related to was the site work on #41 Pleasant Street that was incorporated into the Order of Conditions for the Mudville drainage project. The invasives have been cleared, debris removed and the wetland bounds have been installed.

Ms. Pilch made a motion to issue a Partial Certificate of Compliance for DEP #185-730: #41 Pleasant Street. 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

Review Correspondence / Other

- Mr. Clapp noted that Eversource sent out notice for power line vegetation clearing in 2021.
- Mr. Clapp reported that he had been notified that there was a structure built on the Brentwood Conservation Land, possibly for hunting use. He has requested that the person reporting it meet him there to show its location. Depending on the severity of the issue, the State Environmental Police may need to be involved.

Public Hearings/Public Meetings

Notice of Intent for DEP #185-897: #49 Hill Street (Assessors Map 6-1-20) for proposed addition – GLM Engineering, representing Fuada Kasollja-Zawol

**Conservation Commission Minutes 2-16-21
Drafted for the Commission by: Ryan Clapp
Approved by the Commission: 3-16-21**

Documents: WPA Form 3; Plan of Land entitled "Proposed Site Plan, 49 Hill Street, Holliston, Massachusetts" dated 1/13/21

- Ms. Hastings noted the only outstanding item from the previous meeting was the DEP number, which has since been issued. Mr. Clapp noted that DEP inquired as to the square footage of encroachment onsite into the Riverfront Area. Ms. Hastings noted that information was enclosed in the Notice of Intent.
- Ms. Pilch inquired if the septic system would need upgrading for this project. Ms. Hastings noted that it would not.

Ms. Pilch made a motion to close the public hearing for DEP #185-897: #49 Hill Street. Ms. Weissman seconded the motion. A roll call vote was taken.

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

- Mr. Clapp will draft an Order of Conditions for the next meeting on 3/2/21.

Notice of Intent for DEP #185-898: 0 Birchwood Road (Assessors Map 8-2-15.P) for proposed single family house – *Goddard Consulting*, representing *Matt Jackson*

Documents: WPA Form 3; Plan of Land entitled "Proposed Sewage Disposal System," dated 12/9/20 (rev. 2/3/21)

- Mr. McGuire, representative for the applicant, presented the project revisions. Wetland markers have been added to the site to demarcate the limit of lawn, and the location of the drainage easement has been located. However, no work is proposed in the easement so there is no proposed impact.
- Mr. Clapp spoke with Ms. Karen Sherman as to the need for a special permit or variance from the Zoning Board of Appeals. The site is preexisting nonconforming and therefore does not need to meet current zoning requirements, though this decision will ultimately be made when a building permit is submitted. Additionally, he has received concerns from abutters in regards to the reliability of the perc tests. He has deferred this question to Mr. Scott Moles, Health Agent..
- Mr. Clapp noted that DEP had requested that the remediation onsite be conceptual and subject to change if original topsoil is uncovered. DEP is also concerned with competition from the proposed mitigation plantings. Mr. McGuire agreed that the restoration plan should be conceptual, and noted that much of the remediation will be subject to the direction of the soil or wetland scientist supervising the site.
- Ms. Weissman noted that Canada mayflower may be easily competed, and inquired as to the nature of ferns onsite. Mr. Clapp recalled that there were many existing onsite, though could not recall species as they are currently snow-covered. Mr. McGuire noted that the restoration plan may be amended to incorporate ferns.

- Ms. Kristin Stoetzel, abutter, inquired if the decision for the septic system design or zoning requirements goes before another board if it could be reviewed in public. Mr. Clapp noted these two decisions are typically administratively decided, but it is all public record. He can connect concerned individuals to the Building Inspector and Health Agent.
- Mr. Mike Sullivan, civil engineer, noted that his firm did the perc test for the site. He noted that the site passed exceptionally well, and that the issue with previous failures in the 1980s was that there was a correction factor for perc tests that has since been removed, which would cause otherwise passing perc tests to fail.
- Mr. Ben Stoetzel, abutter, expressed concern that most abutter concerns are not Conservation related, but the approval from this board may give the optics that there are no outstanding concerns.
- Ms. Anna Nolan, abutter, noted that the site is half as large as what current zoning regulations allow. Mr. Bajdek noted that for preexisting nonconforming sites, they are not required to meet current regulations.
- Mr. Eric Barber, abutter, echoed concerns that a similar lot across the street was denied a variance. This lot also has wetlands, and he believes as such it should be more restrictive as far as zoning concerns. Mr. McGuire noted that zoning is outside the jurisdiction of the Conservation Commission. There are no proposed impacts to the wetlands, as the 50' No Disturbance Buffer Zone is largely intact.
- Mr. Mike Sullivan noted that a special permit and variance from the Zoning Board of Appeals are vastly different. The site across the street requested a variance, requiring demonstration of hardship, but this site would only need a special permit, if that. However, the applicant is prepared to file with ZBA if they so decide it is required.

Ms. Weissman made a motion to close the public hearing for DEP #185-898: #0 Birchwood Road. Ms. Pilch seconded the motion. A roll call vote was taken.

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

- Mr. Clapp will draft an Order of Conditions for DEP #185-898: #0 Birchwood Road for the next meeting on 3/2/21.

Notice of Intent for DEP #185- 894: #53 High Street (Assessors Map 11.G-5-9.B) for proposed replacement septic system – *Connorstone Engineering*, representing *Vanessa Nixon*

Documents: WPA Form 3; Plan of Land entitled “Proposed Sewage Disposal System,” dated 12/15/2020

- Mr. Mike Sullivan, representative for the applicant, presented the project to the Commission. The existing septic system is failing and requires replacement. The newly proposed system is outside the 50' No Disturbance Buffer Zone, but encroaches on the 100' buffer zone. The area is existing lawn, with no tree removals proposed.

Ms. Weissman made a motion to close the public hearing for DEP #185-894: #53 High Street. 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

- Mr. Clapp will draft an Order of Conditions for the following meeting on 3/2/21.

Ms. Pilch made a motion to adjourn at 9:45 PM. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Buttaro:	Aye
Mr. Lively:	(left 9:33)
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Dr. Rutberg:	Aye

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