

APPROVED Meeting Minutes

Via Remote Participation

June 8, 2021

7:30 PM

Present: Christopher Bajdek, Chair; Rebecca Weissman, Vice Chair; Jennifer Buttarro, Utah Nickel, Allen Rutberg, Shaw Lively (*arrived 7:57 PM*), Commissioners

Ryan Clapp, Conservation Agent

Absent: Ann Marie Pilch, Commissioner

Christopher Bajdek, Chair, opened the meeting at 7:37 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:	Absent (<i>arrived 7:57 PM</i>)
Mr. Nickel:	Present
Ms. Pilch:	Absent
Dr. Rutberg:	Present

General Business

Interview Conservation Commission candidates

- The Conservation Commission interviewed Ms. Eilish Corey for the open seat on the Conservation Commission starting on July 1, 2021. The Commission asked questions regarding experience, time commitment and goals in this position.

Mr. Lively arrived at 7:57 PM

Dr. Rutberg made a motion to recommend Eilish Corey to the Select Board for appointment to the Conservation Commission. Ms. Buttarro seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye

Ms. Buttaro:	Aye
Mr. Lively:	Abstain
Mr. Nickel:	Aye
Dr. Rutberg:	Aye

Review/Approve Minutes of 4/27/2021 & 5/25/2021

- These items were tabled until the next meeting on 6/22/2021.

Vote to Authorize Christopher Bajdek to sign all documents issued by the Conservation Commission on 6/8/2021

Mr. Lively made a motion to authorize Christopher Bajdek to sign all documents issued by the Conservation Commission on 6/8/2021. 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
Dr. Rutberg:	Aye

Enforcement Order: #137 Concord Street

- Mr. Clapp reported that he had received a complaint about unauthorized operations within the buffer zone at 137 Concord Street. Inspecting the site, he noted unprotected loam piles and excavation, construction equipment and construction debris within the intermittent stream and buffer zone associated with it. He issued the owner an Enforcement Order for restoration of the area, but has not received correspondence from the owner.
- The Commission directed Mr. Clapp to coordinate with the owner of #137 Concord Street to have them present for the meeting on 7/6/2021.

Mr. Lively made a motion to ratify the Enforcement Order for #137 Concord 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
Dr. Rutberg:	Aye

Enforcement Order: DEP #185-849: Pout Lane

- Mr. Clapp reported that there were several existing stockpiles onsite at Pout Lane with no erosion control that have been damaging the erosion control barrier serving as the limit of work, resulting in an encroachment into the 50' No Disturbance Zone. Attempts have been made to address the issue prior to the issuance of an Enforcement Order but have not been satisfactory.
- Mr. Clapp noted that after issuing the Enforcement Order, he had met with Mr. Dale MacKinnon twice to identify the issues and to assess Fafard's response to the Enforcement Order. A site visit on 6/7/2021 disclosed that the items addressed in the Enforcement Order have been satisfactorily addressed. Mr. Clapp recommends ratifying the Enforcement Order, with a note in the notification that there are no more action items required for compliance.

Mr. Lively made a motion to ratify the Enforcement Order for DEP #185-849: Pout Lane. 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
Dr. Rutberg:	Aye

Issue Order of Conditions: DEP #185-902: #162 Locust Street

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

Mr. Lively made a motion to issue an Order of Conditions for DEP #185-902: #162 Locust Street. 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
Dr. Rutberg:	Aye

Issue Amended Order of Conditions: DEP #185-832: #56 Boynton Road

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

Dr. Rutberg made a motion to issue an Amended Order of Conditions for DEP #185-832: #56 Boynton Road. 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
Dr. Rutberg:	Aye

Issue Amended Order of Conditions: DEP #185-879: Lot 83D Pout Lane

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

Dr. Rutberg made a motion to issue an Amended Order of Conditions for DEP #185-879: Lot 83D Pout Lane. 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
Dr. Rutberg:	Aye

Discussion: Long Range Planning Committee

- Mr. Clapp noted that Ms. Pilch expressed interest in representing the Conservation Commission on the Long Range Planning Committee. However, she wanted to ensure that no other members of the Commission were interested before the Commission voted to appoint her. The Commission decided to have Ms. Pilch represent them on the Long Range Planning Committee.

Dr. Rutberg made a motion to appoint Ms. Pilch as the Conservation Commission's delegate to the Long Range Planning Committee. 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
Dr. Rutberg:	Aye

Review Correspondence/ Other

- Mr. Clapp noted that the State of Emergency is set to expire on June 15th. As such, meetings are set to return to in-person, unless legislation is passed to extend remote participation privileges. In the meantime, he will explore other options for meeting room locations other than Room #014.

Public Hearings/Public Meetings

Request for Determination of Applicability for #D-696: #46 Pilgrim Road (Assessors Map 9-4-99) for proposed replacement deck – Kevin & Samatha Secaur

Documents: WPA Form 1; Plan of Land entitled “Proposed Sewage Disposal System for a Proposed 4 Bedroom House, Lot #21 ‘Old Oaks’ Pilgrim Road, Holliston, Massachusetts” dated 5/19/1977 (annotated 5/26/2021)

- Mr. Clapp read the legal advertisement into the record.
- Ms. Samantha Secaur presented the project to the Commission. The existing deck onsite, serving as the entrance to the single family house, is no longer functional and needs replacement. The footprint of the deck will remain the same.
- Ms. Buttaro inquired if there would be a need for erosion controls. Mr. Clapp noted that the area is concrete, so there will be no soil disturbance and the deck will use existing footings, so there is no need for erosion control barriers.

Dr. Rutberg made a motion to issue a Negative #3 Determination for #D-696: #46 Pilgrim Road. 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
Dr. Rutberg:	Aye

Request for Determination of Applicability for #D-697: #52 Alden Road Road (Assessors Map 6-2-83) for proposed replacement deck – CIVILized Solutions, representing Carter & Elizabeth Navarro

Documents: WPA Form 1; Plan of Land entitled “Septic System Construction, 53 Alden Road, Holliston” dated 5/17/2021

- Mr. Clapp read the legal advertisement into the record.
- Mr. Eric Dickinson presented the project to the Commission. The existing septic system is failing and needs replacement. The applicant proposes a replacement system in the same location as the existing system. A retaining wall towards the rear of the property rises 1-2’ above grade and will serve as erosion control.
- Mr. Clapp noted that the 24” maple most likely has roots growing into where the leaching field will be. Despite best efforts of preservation, he anticipates that it will be damaged or die from the proposed project.
- Mr. Bajdek expressed concerns and recommended conditions for in the event that the tiebacks for the retaining wall be damaged by the project. If one is uncovered and damages the wall, the applicant will need to immediately contact the Commission.

Dr. Rutberg made a motion to issue a Negative #3 Determination for #D-697: #52 Alden Road. 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
Dr. Rutberg:	Aye

Request for Determination of Applicability for #D-698: #27 Francine Drive (Assessors Map 11-8-21) for proposed propane tanks for swimming pool – *Sandra Graham*

Documents: WPA Form 1; Sketch of Land, #27 Francine Drive (no date)

- Mr. Clapp read the legal advertisement into the record.
- Mr. Clapp presented the project to the Commission. The applicant has an existing swimming pool located at #27 Francine Drive, and the applicant proposes the installation of two propane tanks within the limits of existing lawn for the pool's heating system. The tanks are proposed along a drainage easement, and Mr. Clapp has confirmed with the Highway Department that this was not an issue.
- Mr. Bajdek inquired if the tanks would be placed on a pad or directly on the ground. Ms. Graham confirmed they would be on a concrete pad.
- Ms. Weissman inquired if erosion control was necessary. Mr. Clapp noted the project was minor in nature and on a very flat area, so he does not believe they are necessary.

Mr. Lively made a motion to issue a Negative #3 Determination for #D-698: #27 Francine Drive. 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
Dr. Rutberg:	Aye

Request for Amendment to Order of Conditions for DEP #185-877: Lot 83B Pout Lane (Assessors Map 14-5-34.C & 35.B) for proposed revised single family house – *Guerriere & Halnon, Inc.*, representing *Constitution Village, LLC*

Documents: WPA Form 3, Plan of Land entitled "Site Development & Facilities Plan in Holliston, Massachusetts" dated 4/8/2021 (rev. 6/1/2021)

- Ms. Kendra Santamaria presented the project revisions to the Commission. Based on the Commission's recommendations, a large portion of impervious surface increase was reduced by relocating the driveway and the deck. This resulted in an increase in 250 square feet of impervious surface versus the previous 1,000+ square feet of impervious surface.
- Mr. Clapp noted there was not a quorum present of Commissioners who had attended all sessions of the public hearing or had submitted an affidavit of reviewing the hearing evidence. Therefore, he recommends continuing the hearing.

Mr. Lively made a motion to continue the public hearing for DEP #185-877: Lot 83B Pout Lane. Dr. Rutberg seconded the motion. A roll call vote was taken.

Conservation Commission Minutes 6-8-21
Drafted for the Commission by: Ryan Clapp
Approved by the Commission: 7-27-21

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

Notice of Intent for DEP #185-900: #280 & #150 Marshall Street (Assessors Map 7-6-37 & 7-6-38)
for proposed solar field – *TRC Companies*, representing *Sol Systems*

Documents: WPA Form 3; Plan Set entitled “SCS Marshall Solar Project – Marshall Street Landfill, Proposed 2.5 MW-AC Solar Array, Marshall Street, Holliston, MA” dated March 2021.

- Mr. Clapp reported that the applicants had requested a continuance, pending the response from the stormwater review. The applicant has requested a continuance to 7/6/2021.

Ms. Weissman made a motion to continue the public hearing for DEP #185-900: #150 & #280 Marshall Street until 7/6/2021. 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
Dr. Rutberg:	Aye

Ms. Weissman made a motion to adjourn at 9:41 PM. 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
Dr. Rutberg:	Aye

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