

APPROVED Meeting Minutes

Via Remote Participation

April 13, 2021

7:30 PM

Present: Christopher Bajdek, Chair; Rebecca Weissman, Vice Chair; Jennifer Buttarro, Shaw Lively (arrived 8:00 PM), 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:	Absent (Arrived 8:00 PM)
Mr. Nickel:	Present
Ms. Pilch:	Present
Dr. Rutberg:	Present

General Business

Review/Approve Minutes of 3/30/2021

Dr. Rutberg made a motion to approve the minutes of 3/30/2021. Ms. Pilch seconded the motion. A roll call vote was taken.

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

Vote to Authorize Christopher Bajdek to sign all documents issued by the Conservation Commission on 4/13/2021

Ms. Pilch made a motion to authorize Christopher Bajdek to sign all documents issued by the Conservation Commission on 4/13/2021. Dr. Rutberg seconded the motion. A roll call vote was taken.

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

Review: Article XXX Regulations S. 4.04

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

Tree Removal Request: #83 Robin Hill Road

- Mr. Clapp reported that he had received this request for five trees at #83 Robin Hill Road. The trees and the house are very close to a potential vernal pool, but were heavily damaged and posed a significant risk to the house.
- Ms. Pilch inquired if any could be left as snags. Mr. Clapp noted that the westernmost tree could be left as a 15-20' snag and largely alleviate the risk, to which the Commission agreed should be done.
- Ms. Weissman noted that a good option for mitigation would be to apply for State Certification of the potential vernal pool. Mr. Clapp and Ms. Weissman can assist the property owner with this certification, to which the Commission agreed to as a condition of approval.
- The Commission approved the tree removals with special conditions as stated.

Tree Removal Request: #10 Arthur Street

- Mr. Clapp reported that he had inspected the site earlier and found only one tree was within the Commission's jurisdiction. As such, the matter was handled administratively.

Public Hearings/Public Meetings

****Mr. Lively arrived at 8:00 PM****

Notice of Intent for DEP #185-XXX: #392 Underwood Street (Assessors Map 8-4-42) for proposed replacement septic system – *CIVILized Solutions*, representing *Dorothy Johnson*

Documents: WPA Form 3; Plan of Land entitled "Septic System Construction, 392 Underwood Street, Holliston" dated 3/1/2021

Conservation Commission Minutes 4-13-21

Drafted for the Commission by: Ryan Clapp

Approved by the Commission: 4-27-21

- Mr. Clapp read the legal advertisement into the record.
- Ms. Karon Skinner-Catrone, representative for the applicant, presented the project to the Commission. The existing septic system serving the house has failed and needs replacement. The proposed design has been approved by the Board of Health, and includes no tree removals. The project is entirely within existing lawn, but some grading will be required within the 50' No Disturbance Zone.
- Mr. Clapp noted a break in the erosion controls along a retaining wall. The retaining wall itself rises about 1-1.5' above grade, and can serve as erosion controls itself.

Ms. Pilch made a motion to continue the public hearing for DEP #185-XXX: #392 Underwood Street. 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 #185-XXX: #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.

- Ms. Buttarro recused herself, citing a professional relationship with the applicant's representatives.
- Mr. Clapp read the legal advertisement into the record.
- Mr. Rennie Friedman presented the project to the Commission. This project is for a solar field on top of the capped municipal landfill for which Sol Systems was awarded the contract. Ms. Maria Firstenberg noted that the facility is approximately 9.7 acres in size, with minor encroachments into buffer zones and riverfront area. The project abuts NHESP priority habitat but is located outside of its limits, as well as outside the limits of the 100-year floodplain. Most encroachment is related to interconnections, or overhead electrical poles, so disturbance is largely limited to the footings and vegetation trimming. Ms. Firstenberg noted that due to the existing Eversource lines, this was the only feasible location and as such is requesting a waiver for encroachment within the 50' No Disturbance Zone associated with an isolated wetland along the road. She also noted that the stormwater report is currently being peer reviewed by CMG Environmental.
- Ms. Pilch inquired as to how close the interconnection poles would be to existing trees. Ms. Firstenberg noted that there would need to be significant vegetation trimming and removal, but noted that the majority of vegetation to be removed is invasive. Trimming and removal will be an ongoing process as continued maintenance.

- Mr. Lively inquired if there were any fringe trees of concern for shading on the solar panels. Ms. Firstenberg noted the entire project is elevated and outside the tree line, so there are no concerns regarding this issue.
- Mr. Clapp noted that the isolated wetlands were identified as potential vernal pools. Ms. Firstenberg noted that of the three identified, only one was proposed for encroachment into its buffer zone/no disturbance zone. The others are located more than 100' away from the limit of work. The isolated wetland of concern appears to be more of a stormwater structure than a vernal pool, and lacks typical vernal pool characteristics. Ms. Firstenberg offered to review the isolated wetland, especially considering this is the prime time of year for vernal pool activity, however, the Commission opted to have language in the Order of Conditions to not confirm if the isolated wetland is a vernal pool or not.

Dr. Rutberg made a motion to continue the public hearing for DEP #185-XXX: #150 & #280 Marshall Street. Mr. Nickel seconded the motion. A roll call vote was taken.

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

- Ms. Buttaro returned to the meeting in her role as Commissioner.

Request for Amendment to Order of Conditions for DEP #185-878: Lot 83C Pout Lane (Assessors Map 14-5-34.B & 34.C) 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 3/5/21.

- Mr. Clapp read the legal advertisement into the record.
- Mr. Hassett presented project revisions to the Commission. The house has been flipped as far as garage entry, septic remains the same, and limit of work remains the same. There is an additional 100 square feet of impermeable surface. The driveway is closer to the wetlands, but graded to drain into the cul-de-sac, not the wetlands.

Ms. Pilch made a motion to close the public hearing for DEP #185-878: Lot 83C Pout Lane. 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

Request for Amendment to Order of Conditions for DEP #185-879: Lot 83D Pout Lane (Assessors Map 14-5-35.B & 35.C) 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 2/26/21.

- Mr. Clapp read the legal advertisement into the record.
- Mr. Hassett noted that the project revisions include a larger house, with an additional 800 square feet of impervious surface into the 100’ buffer zone. The limit of work remains the same, though the house is located slightly closer to the wetlands. The driveway drains into the cul-de-sac, as opposed to the wetland in the rear.
- Mr. Nickel requested confirmation on the changes in impermeable surfaces. Mr. Hassett noted it was an increase from approximately 1,400 square feet to 2,200 square footage, but noted that the raw square footage of encroachment remains the same, this is just an increase in impermeable surfaces.
- Mr. Bajdek noted that the deck overhangs the retaining wall and inquired as to how this was possible. Mr. Hassett responded that it would be cantilevered with no impacts to the retaining wall.
- Dr. Rutberg expressed concerns about the deck’s proximity to the 50’ No Disturbance Zone and the potential for debris off the side. Mr. Clapp noted that there are conditions imposed by the Order of Conditions and the Conservation Restriction to prevent such issues.
- Ms. Pilch expressed concerns about moving the house closer to the wetlands and the No Disturbance Zone. Tree roots will likely be damaged and make the trees potentially hazardous and need removal, further shrinking the 50’ No Disturbance Zone. Dr. Rutberg suggested relocating the proposed deck to the other side of the house to move away from the 50’ No Disturbance Zone to add additional space between it and the 50’ No Disturbance Zone, making it a more agreeable project. Mr. Hassett will discuss with the applicant.

****Mr. Lively left the meeting at 9:04****

- Mr. Bajdek expressed concerns about cumulative impacts. Each of the amendments this evening result in additional encroachments into the buffer zones. Mr. Clapp requested comparisons on changes in impermeable surfaces on the other two lots for discussion this evening. Mr. Hassett noted that they were significantly smaller increases than for this lot.

Ms. Weissman made a motion to continue the public hearing for DEP #185-879: Lot 83D Pout Lane until 4/27/2021. Ms. Pilch seconded the motion. A roll call vote was taken.

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

Request for Amendment to Order of Conditions for DEP #185-880: Lot 83E Pout Lane (Assessors Map 14-5-35.B & 35.C) 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 2/26/21.

- Mr. Clapp read the legal advertisement into the record
- Mr. Hassett presented project revisions to the Commission. They have flipped the house garage entry to the other side of the house, relocating the driveway. The septic system remains the same, and the limit of work is unchanged. A retaining wall has been added to support the driveway and avoid additional grading. The applicant proposes a decrease in impermeable surfaces of approximately 180 square feet, as well as relocating the house approximately 10’ away from the wetlands.

Dr. Rutberg made a motion to close the public hearing for DEP #185-880: Lot 83E Pout Lane. Ms. Weissman seconded the motion. A roll call vote was taken.

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

General Business (cont.)

Review Correspondence / Other

- Mr. Clapp reported that Mr. Lively had informed him and Mr. Bajdek that he did not intend to seek reappointment when his term expires at the end of FY21. Mr. Clapp noted that Mr. Nickel and Ms. Buttaro’s terms are set to expire as well. Mr. Nickel and Ms. Buttaro will seek reappointment for another term on the Conservation Commission.

Dr. Rutberg made a motion to adjourn at 9:50 PM. Ms. Weissman seconded the motion. A roll call vote was taken.

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

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