

APPROVED Meeting Minutes

Via Remote Participation

August 10, 2021

7:30 PM

Present: Christopher Bajdek, Chair; Utah Nickel, Ann Marie Pilch, Commissioners; Rick Shansky, Alternate Commissioner

Ryan Clapp, Conservation Agent

Absent: Rebecca Weissman, Vice Chair; Jennifer Buttaro, Eilish Corey, Allen Rutberg Commissioners

Christopher Bajdek, Chair, opened the meeting at 7:30 PM.

Mr. Bajdek read the following into the record:

Pursuant to the Governor's June 16, 2021 Act relative to extending certain COVID-19 measures adopted during the state of emergency suspending certain provisions of the Open Meeting Law G.L. c 30A paragraph 20, 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 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:	Absent
Ms. Corey:	Absent
Mr. Nickel:	Present
Ms. Pilch:	Present
Dr. Rutberg:	Absent
Mr. Shansky:	Present

General Business

Review/Approve Minutes of 7/15/2021 & 7/27/2021

Ms. Pilch made a motion to approve the minutes of 7/15/2021. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Mr. Shansky:	Aye

Ms. Pilch made a motion to approve the minutes of 7/27/2021. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Mr. Shansky:	Aye

Vote to Authorize Christopher Bajdek to sign all documents issued by the Conservation Commission on 8/10/2021

Mr. Nickel made a motion to authorize Christopher Bajdek to sign all documents issued by the Conservation Commission on 8/10/2021. Ms. Pilch seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Mr. Shansky:	Aye

Enforcement Discussion: #1485 Washington Street

- Mr. Clapp gave an overview on actions taken since the Enforcement Order was issued. On 7/29/2021, Mr. Clapp, Mr. Bajdek, Ms. Pilch and Dr. Rutberg visited the site to review conditions. While onsite, the three Commissioners and Agent reviewed the requirements from Mr. Donoghue's insurance company regarding the access road, and expressed concern due to proximity to the wetlands and inconsistencies with the letter from the insurance company. Mr. Clapp reached out to Mr. Cassidy, Fire Chief, for confirmation if such a road was, in his opinion, necessary but has not received correspondence in return.
- Mr. Donoghue has contacted the loan office for the building and confirmed he can change insurance companies without affecting the loan. He will be considering the change, as the engineering work is very costly and does not want to file with the Commission and build the road unless absolutely necessary.
- Mr. Clapp also noted other concerns with the Enforcement Order, including the wood stockpile and dumpsters near the wetlands on the western side of the lot, materials stored towards the rear of the property, auto detailing and parking lot paving.
- The Commission confirmed with Mr. Donoghue that the wood piles are not treated with chemicals, and allowed them to remain for the time being. Mr. Donoghue noted that the dumpsters contain plastic wrap, leftover wood and building trash. He is willing to relocate the dumpsters if needed. He also confirmed that as part of the civil engineering package he will be installing floor drains for the auto detailing business and once confirmation is received on the access road he will engage the civil engineering firm on all of these fronts.
- The Commission agreed that good progress has been made and is satisfied with where he is at at this point.

Enforcement Discussion: #137 Concord Street

- Neither the owner nor a representative were present. This item was tabled until the Commission's next meeting.

Request for a Certificate of Compliance: DEP #185-808: #16 Fruit Street

Request for a Certificate of Compliance: DEP #185-731: #90-100 Central Street

- The Commission considered these items simultaneously. Mr. Peter Barbieri, representative for the applicant, presented information to the Commission. These were two related projects for various site improvements on the abutting lots, including building renovations and an expanded parking lot. These items have been completed, but the area restoration required by the Order of Conditions has not. As part of the Order, a management plan for Japanese knotweed was developed and approved as mitigation and restoration. However, the knotweed appears to have been mostly cut, as opposed to cut and treated with herbicides to prevent future growth. Mr. Clapp has requested documentation in the form of vegetation management logs, as required by the Order, which Mr. Barbieri will procure.
- Mr. Barbieri also expressed concerns about the filing fees for this Request for a Certificate of Compliance. However, he noted that this item will not be voted on this evening due to missing documentation, so the fee discussion can be tabled until the next meeting.
- The Commission decided to wait on voting on these items until the next meeting on 8/24/2021. Mr. Clapp noted that this still is within the 21-day timeframe to act on the Requests, but requested Mr. Barbieri acknowledge the continuance in writing, to which Mr. Barbieri agreed.

Tree Removal Request: #7 Katie Way

- Mr. Clapp reported that this request was in regards to four large trees at #7 Katie Way on the edge of the lawn, approximately 20'-30' away from the wetlands. These trees were all severely damaged and dead, with significant damage to the base of the trunk. The homeowner has expressed willingness to replant the area with shrubs. Ms. Pilch noted that the shrubs will need to be shade-tolerant, as they would be north-facing, and recommended the homeowner contact Mr. Clapp prior to selecting shrub species to ensure they are site appropriate.
- The Commission agreed that the trees should be taken down and agreed with the homeowner's mitigation plan subject to final review of shrub species.

Discussion: NSTAR Parcel Trail Use Issues

- Mr. Clapp reported that on August 2, Mr. Thomas Dodd, Ms. Joanne Hulbert, Mr. Kevin Keenan, Ms. Pilch, Dr. Rutberg and he visited the areas of issue in the NSTAR parcel reported in the Trustees of Reservations Conservation Restriction Monitoring Report. The issues included: new trails, excavation and resulting buildup of soil for banked turns, and breaking of stone walls. It was confirmed that these issues were not performed by hand, but rather by machinery such as a backhoe.
- The Trustees of Reservations will be requiring the soils be refilled to where they were excavated, the stone walls be repaired, and that the Commission determine if certain trails should be blocked off. The Commission did not vote to close any trails during this meeting, waiting until there was more attendance and input from the Commission.

- Mr. Clapp suggested engaging the Boy Scouts for these remediation activities, and has already received confirmation from Mr. Frank Chamberlain that the Scouts would be willing to help. Ms. Pilch noted that the soils will need to be carefully replaced to maintain soil horizons to avoid unnecessary erosion, and has reached out to Ms. Elissa Landry for guidance, but has not heard back yet. Ms. Pilch noted that this will need to be a supervised project due to its scope.
- The Commission discussed future deterrents for such activities. Mr. Keenan, representative of NEMBA, believed that he knew who caused the issues, but did not want to give this person's name. Rather, he stated onsite that he would contact this person himself. The Commission discussed signage, and Mr. Clapp proposed that while the area is restabilizing, signage be placed stating that the area must not be disturbed due to illegal activities onsite. He also suggested an article be put in the *Holliston Reporter* when the Scouts begin their activities to increase awareness. The Commission agreed that this would be a good course of action.
- The Commission is expecting a followup report from Mr. Dodd regarding this site visit.

Discussion: Holliston Dams – Working Group

- Mr. Clapp reported that now the Commission has received the Phase I Inspection Report for Houghton Pond Dam and the 6-month followup inspections for Lake Winthrop Dam and Factory Pond Dam, the Commission should act on them to improve the state of the dams and work towards removal, breaching or repair of the dams. Mr. Clapp, Mr. Travis Ahern and Mr. Matt Zettek have discussed and decided the best way to move forward would be to form a working group to make decisions and then present to the Commission as a whole and the Select Board as a whole. As of now, the group consists of: Mr. Clapp, Mr. Ahern, Mr. Zettek, Ms. Tina Hein, Mr. Michael Cassidy, Mr. Sean Reese and Mr. Tom Smith, but a representative from the Commission has been requested.
- After discussion, Mr. Bajdek volunteered, but noted he believed the best candidate was Ms. Corey, currently on leave. When she returns, the Commission will discuss with her regarding this group.

Ms. Pilch made a motion to designate Mr. Bajdek as the Commission's representative on the Holliston Dams Working Group. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Mr. Shansky:	Aye

Review Correspondence/ Other

- Mr. Clapp has received the Conservation Restriction Monitoring Report for the Fairbanks Property from Ms. Sasha Auen. He, Ms. Pilch, Mr. Dodd and Ms. Auen will be meeting to discuss tomorrow.
- The Commission requested Mr. Clapp get an update from Mr. Katuska on the Article XXX Regulations, specifically in regards to the fee schedule. Mr. Clapp will contact Mr. Katuska.

Public Hearings/Public Meetings

Request for Determination of Applicability for #D-703: #1 Norfolk Lane (Assessors Map 5-5-3)
for proposed shed – *Greg McEwan*

Documents: WPA Form 1; Annotated Plan of Land entitled “As-Built Plan, DiRe Residence, 1 Norfolk Lane, Holliston, Massachusetts” dated 3/5/2021 (annotated 8/6/2021)

- Mr. Clapp reported that in discussion with Mr. McEwan, two locations for the proposed shed were identified. One was where it was initially proposed, approximately 16’ off of Lake Winthrop in existing lawn, and the other was approximately 10’ off of Bordering Vegetated Wetlands associated with the Lake, but would require vegetation removal. Mr. Clapp believes the first option to be the best, especially considering Mr. McEwan is willing to replant any exposed areas from existing shed demolition with native vegetation, as well as removal of invasive glossy buckthorn onsite.
- Ms. Pilch inquired as to how Mr. McEwan plans to remove the buckthorn, recommending against using herbicides. She can provide alternative methods if needed.
- The Commission agreed with the assessment that the first option for shed location was the best.

Mr. Nickel made a motion to issue a Negative #3 Determination for #D-703: #1 Norfolk Lane. Ms. Pilch seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Mr. Shansky:	Aye

Request for Determination of Applicability for #D-704: 48 Central Street (Assessors Map 8F-3-11) for proposed replacement septic system – *CIVILized Solutions*, representing *William Givens*

Documents: WPA Form 1; Plan of Land entitled “Septic System Construction, 48 Central Street, Holliston,” dated 7/21/2021 (rev. 8/3/2021)

- Mr. Clapp read the legal advertisement into the record.
- Ms. Karon Skinner-Catrone, representative for the applicant, gave an overview of the project. There is an existing failing septic system that needs replacement, located well within the 50’ No Disturbance Zone associated with the Winthrop Canal. The limit of work is 10’ off the bank of the canal, and is all within existing lawn. Due to lot size constraints, there is no alternative location for this septic system.
- Mr. Clapp noted that he spoke with Mr. Colin Mayo and Mr. Givens about the site. He is concerned with the proximity to wetlands and the need for erosion controls to be maintained exceptionally well. Additionally, he is concerned about Japanese knotweed on the other side of the canal which could colonize the disturbed areas associated with the septic system.
- Ms. Skinner-Catrone suggested the plans be amended to allow for alternative erosion control to be determined as-needed as opposed to as prescribed on the plans. Mr. Clapp suggested conditions relating to the Japanese knotweed management.

Ms. Pilch made a motion to issue a Negative #3 Determination for #D-704: #48 Central Street pending plan revisions. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Mr. Shansky:	Aye

Ms. Pilch made a motion to adjourn at 9:25 PM. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Mr. Nickel:	Aye
Ms. Pilch:	Aye
Mr. Shansky:	Aye

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