

**APPROVED Meeting Minutes**

Via Remote Participation

September 21, 2021

7:30 PM

Present: Christopher Bajdek, Chair; Rebecca Weissman, Vice Chair; Eilish Corey, Utah Nickel, Allen Rutberg, Commissioners; Rick Shansky, Alternate Commissioner

Ryan Clapp, Conservation Agent

Absent: Ann Marie Pilch, Jennifer Buttaro, 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:	Present
Ms. Buttaro:	Absent
Ms. Corey:	Present
Mr. Nickel:	Present
Ms. Pilch:	Absent
Dr. Rutberg:	Present
Mr. Shansky:	Present

**General Business**

**Review/Approve Minutes of 8/24/2021**

- The draft minutes of 8/24/2021 have not yet been finalized. Tabled until the next meeting on 10/5/2021.

**Vote to Authorize Christopher Bajdek to sign all documents issued by the Conservation Commission on 9/21/2021**

**Dr. Rutberg made a motion to authorize Christopher Bajdek to sign all documents issued by the Conservation Commission on 9/21/2021. Ms. Weissman seconded the motion. A roll call vote was taken.**

Mr. Bajdek: Aye  
Ms. Weissman: Aye  
Ms. Corey: Aye  
Mr. Nickel: Aye  
Dr. Rutberg: Aye  
Mr. Shansky: Aye

#### **Enforcement Discussion: #137 Concord Street**

- Mr. Clapp gave an overview of the issues at hand, noting that the Enforcement Order was in relation to dumping and loam screening in an intermittent stream at the rear of #137 Concord Street. As part of the Enforcement Order, the Commission required the submittal of a restoration plan.
- The Commission reviewed the restoration plan, including comments offered in writing by Ms. Pilch. In reviewing the plan, it was noted that many of the grass species proposed for restoration were nonnatives, and the Commission recommended using only native species. Additionally, the Commission suggested the planting of 10 native shrubs in the disturbed area.
- Mr. Tashjian, owner, was amenable to the Commission's suggestions. Mr. Clapp will coordinate with Mr. Tashjian on appropriate seed mixes and native shrubs.

#### **Enforcement Order: DEP #185-849 – Pout Lane**

- Mr. Clapp noted that this Enforcement Order was for an electric utility box installed beyond the limit of work at Pout Lane, into the 50' No Disturbance Zone and the area to be protected by a Conservation Restriction. Additionally, the monthly reports required to be submitted have not been for the past two months.
- Mr. Clapp noted that the reports were immediately submitted, and during a site visit on 9/8/2021, the box had been relocated outside the 50' No Disturbance Zone.
- As all issues presented in the Enforcement Order had been satisfactorily addressed by the time of this meeting, the Commission did not ratify the Enforcement Order.

#### **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**

- These two items were considered simultaneously.
- Mr. Peter Barbieri noted that these two projects were different phases of the same project to expand upon the building and the parking lot. However, the outstanding issue was Japanese knotweed, which was required to be maintained and removed. He noted that the original treatment was in 2012, but in the past several years there has been no activity. The applicant has hired a new firm to cut and treat the knotweed, and is requesting that this treatment be considered an ongoing condition. Mr. Barbieri also noted that no knotweed is on the 90-100 Central Street parcel, and is requesting that ongoing condition be struck from the Certificate, to which the Commission agreed.
- Mr. Barbieri also requested a fee waiver from 100% of the original bylaw fee down to \$450. The Commission agreed with this request.

**Dr. Rutberg made a motion to issue a Certificate of Compliance for DEP #185-808: #16 Fruit Street pending receipt of the \$450 filing fee. Ms. Weissman seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Dr. Rutberg made a motion to issue a Certificate of Compliance for DEP #185-730: #90-100 Central Street pending receipt of the \$450 filing fee. Ms. Weissman seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Request for a Certificate of Compliance: DEP #185-893: #106 Donna Road**

- Mr. Clapp noted that this Request was in relation to an Order of Conditions to replace a septic system. This project had received a Partial Certificate of Compliance pending grass growth, which has since grown in.

**Ms. Weissman made a motion to issue a Certificate of Compliance for DEP #185-893: #106 Donna Road. Dr. Rutberg seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Request for a Certificate of Compliance: DEP #185-819: #6 Laurel Glen Court**

- Mr. Clapp noted that this Order of Conditions for a single family house had expired. The Commission has received a new Notice of Intent for an identical single family house at #6 Laurel Glen Court, but prior to issuing an Order of Conditions, DEP is requiring that a Certificate of Compliance be issued, referencing the new Order of Conditions (DEP #185-904).

**Dr. Rutberg made a motion to issue a Certificate of Compliance for DEP #185-819: #6 Laurel Glen Court. Ms. Weissman seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Request for a Certificate of Compliance: DEP #185-820: #10 Laurel Glen Court**

- Mr. Clapp noted that this Order of Conditions for a single family house had expired. The Commission has received a new Notice of Intent for an identical single family house at #10 Laurel Glen Court, but prior to issuing an Order of Conditions, DEP is requiring that a Certificate of Compliance be issued, referencing the new Order of Conditions (DEP #185-903).

**Dr. Rutberg made a motion to issue a Certificate of Compliance for DEP #185-820: #10 Laurel Glen Court. Ms. Weissman seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Request for Administrative Update to Plan of Record: DEP #185-854: #115 (Lot 33A) Fairview Street**

- Mr. Wendell Philips presented project revisions to the Commission. Earlier in the year he had altered the footprint of the single family house to be further from the wetlands, but he needed to revise the house again for compliance with building setbacks. This resulted in the house being slightly closer to the wetlands, but still further than the original approved iteration of this single family house. Additionally, the Building Inspector is requiring a foundation drain, and to avoid draining water directly into the wetlands or onto the neighbor's yard, Mr. Philips is proposing a drywell outside the 50' No Disturbance Zone.

**Ms. Weissman made a motion to approve the changes to the Plan of Record as an Administrative Update. Mr. Nickel seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Review Correspondence/ Other**

- Mr. Clapp noted that the Town had recently purchased a NearMap license, allowing for high-resolution aerial photography to be accessed and viewed. The imagery is obtained approximately 3 times per year.
- Mr. Clapp noted that registration for the MACC Annual Environmental Conference is now open. Any Commissioners interested in attending any workshops should contact him for registration.

### **Public Hearings/Public Meetings**

**Request for Determination of Applicability for #D-706: #65 Wedgewood Drive (Assessors Map 5-4-12)** for proposed replacement septic system – *CIVILized Solutions*, representing *Felix & Christine Torres*

**Documents:** WPA Form 1; Plan of Land entitled “Septic System Construction, 65 Wedgewood Drive, Holliston” dated 8/30/21

- Mr. Clapp read the legal advertisement into the record.
- Mr. Eric Dickinson presented the project to the Commission. The existing septic system at #65 Wedgewood Drive is failing, and the applicant proposes the installation of a new system. The proposed location is within the 100’ buffer zone, but outside the 50’ No Disturbance Zone. Mr. Dickinson noted that the project had commenced, but was promptly halted when the Health Agent noted the replacement had begun without Conservation approval.

**Ms. Weissman made a motion to issue a Negative #3 Determination for #D-706: #65 Wedgewood Drive. Dr. Rutberg seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Request for Determination of Applicability for #D-707: #98 Courtland Street (Assessors Map 4-4-71)** for proposed replacement septic system – *CIVILized Solutions*, representing *Michel & Caroline Napolitano*

**Documents:** WPA Form 1; Plan of Land entitled “Septic System Construction, 98 Courtland Street, Holliston” dated 8/23/21

- Mr. Clapp read the legal advertisement into the record.
- Mr. Eric Dickinson presented the project to the Commission. The existing septic system at #98 Courtland Street is failing, and the applicant proposes the installation of a new system. The property is surrounded by wetlands, and the existing well further constrains site location. As such, the tank and leaching field are proposed outside the 50’ No Disturbance Zone, but construction access, including an access road, are required within the 50’ No Disturbance Zone.

- Mr. Clapp inquired as to how long the access road would be in place. Mr. Dickinson responded that the homeowners were hoping it would be permanent.
- Ms. Corey inquired as to the extent of the 100-year floodplain. In reviewing, it appeared that the access road would be within the 100-year floodplain.
- Ms. Weissman noted that if it was just the septic system, she would be comfortable with this being a Determination of Applicability, but because there is an access road through a resource area, the application should have been a Notice of Intent.

**Ms. Weissman made a motion to issue a Positive #3 Determination for #D-707: #98 Courtland Street. Dr. Rutberg seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Request for Determination of Applicability - #D-708: #32-34 Central Street (Assessors Map 8F-3-14) for proposed replacement septic system – *CIVILized Solutions*, representing *David Selent***

**Documents:** WPA Form 1; Plan of Land entitled “Septic System Construction, 32-34 Central Street, Holliston” dated 8/25/2021

- Mr. Clapp read the legal advertisement into the record.
- Mr. Dickinson presented the project to the Commission. The existing septic system serving this property is failing, and the applicant proposes a new system. The system is proposed entirely within the existing gravel parking lot, and the intent is for the area to remain a parking lot when completed. The property abuts the Winthrop Canal, and site constraints necessitate the system being proposed within the 50’ No Disturbance Zone.
- Mr. Bajdek requested the erosion controls be extended to protect neighboring properties, as well as provide additional protection to the canal.
- Mr. Clapp noted there was knotweed onsite and expressed concerns about disturbing land so close to this invasive species. The Commission noted there is knotweed up and down the canal, and believed conditioning for the knotweed to be futile for this property without addressing the issues along the entire canal.

**Dr. Rutberg made a motion to issue a Negative #3 Determination of #D-708: #32-34 Central Street. Mr. Nickel seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Request for Determination of Applicability for #D-709: #208 Winthrop Street (Assessors Map 8-7-52)** for proposed trenching for electric service connection to solar panels – *Boston Solar Company, LLC*, representing *Janice Miller*

**Documents:** WPA Form 1, Annotated As-Built Plan of Land entitled “208 Winthrop Street, Holliston, MA. (Middlesex County)” dated 10/6/2008 (annotated 9/1/2021)

- Mr. Clapp read the legal advertisement into the record.
- Mr. Clapp gave an overview of the project to the Commission. The homeowner is installing solar panels on top of the existing shed at #208 Winthrop Street, and initially believed that the electric service connection to the house was possible without trenching. However, during construction it was realized this would not be possible, and now the homeowner needs to trench in the electric service within the 50’ No Disturbance Zone to the wetlands associated with Lake Winthrop.
- Mr. Stephan MacPhee, Boston Solar Company, noted that the plan was to limit disturbance as much as possible by following the existing underground service line, and hopes to get the project completed in one day.

**Ms. Weissman made a motion to issue a Negative #3 Determination for #D-709: #208 Winthrop Street. Dr. Rutberg seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Request for Determination of Applicability for #D-710: #43 Bogastow Brook Road (Assessors Map 9-1-34)** for proposed replacement of existing walls and walkways and landscaping – *Ahronian Landscaping*, representing *Deborah Kris*

**Documents:** WPA Form 1, Plan of Land entitled “Kris Residence, 43 Bogastow Brook Road, Holliston” dated 4/21

- Mr. Clapp read the legal advertisement into the record.
- Mr. David Ahronian noted that an addition is being built on this property outside the 100’ buffer zone, but in an effort to help clean up the property, some retaining walls are in need of replacing, as well as walkways and existing native vegetation within the 100’ buffer zone.
- Ms. Weissman noted that several of the species of vegetation proposed for replacement in the buffer zone were non-native. She requested that the plan be revised to reflect native vegetation. Mr. Clapp will work with the applicant for appropriate native vegetation onsite.

**Ms. Weissman made a motion to issue a Negative #3 Determination for #D-710: #43 Bogastow Brook Road pending a revised planting plan. Ms. Corey seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye

Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Notice of Intent for DEP #185-905: “0” Prospect Street (Eagle Path) (Assessors Map 8E-3-19.3)**  
for proposed 4-lot residential subdivision – *Guerriere & Halnon, Inc.*, representing *John Hovsepan, Eagle Path, LLC*

**Documents:** WPA Form 3; Plan of Land entitled “Eagle Path Definitive Subdivision in Holliston, Massachusetts” dated 4/29/2021 (rev. 8/16/2021); Stormwater Report entitled “Stormwater Management Report – Eagle Path, Holliston, MA” dated 4/29/2021 (rev. 9/10/2021)

- Mr. Clapp read the legal advertisement into the record.
- Mr. Robert Duff presented the project to the Commission. The applicant proposes a four-lot subdivision, with a roadway and detention basin within the 100’ buffer zone, but outside the 50’ No Disturbance Zone. The house footprints are not proposed to encroach on the 100’ buffer zone. The Stormwater Report is currently being peer reviewed with the Planning Board.
- Mr. Clapp noted there is an isolated wetland that he suspects to be a vernal pool. Mr. Duff noted that Goddard Consulting had provided a letter stating the isolated wetland was not a vernal pool, and he will provide that to the Commission.
- Ms. Corey inquired as to who would maintain the basin. Mr. Duff noted it will be privately maintained initially, but the intention is to have road acceptance, at which point responsibility becomes the Town’s. Ms. Corey recommends better site access to the basin.
- Mr. Clapp noted no Open Space is proposed with this subdivision. Depending on the status of the isolated wetland, Mr. Clapp noted the Commission may want to offer an opinion to the Planning Board if relief should be granted.
- Ms. Weissman inquired if the individual lots would have individual Notices of Intent. Mr. Duff noted they do not intend to encroach on the buffer zone on the individual lots, but if they change the plan, they will individually file.
- Mr. Benjamin Kraus, abutter, inquired as to when the roadway would be transferred to the Town. Mr. Duff noted that the applicant sets the timeframe, as road acceptance occurs after project completion. Mr. John Hovsepan further noted that only Lot 3 is planned to be developed at this time. Once construction is completed, the other lots will begin work.

**Dr. Rutberg made a motion to continue the public hearing for DEP #185-905: “0” Prospect Street (Eagle Path). Ms. Weissman seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Notice of Intent for DEP #185-903: #10 Laurel Glen Court (Assessors Map 11-8-347.2)** for proposed single family house – *GLM Engineering*, representing *Minglewood Development*



**Documents:** WPA Form 3; Plan of Land entitled “Proposed Sewage Disposal System, Lot 2 Laurel Glen (Brooksmont Meadow), Holliston, MA, dated 10/28/2016 (rev. 8/20/2021)

**Notice of Intent for DEP #185-904: #6 Laurel Glen Court (Assessors Map 11-8-347.1)** for proposed single family house – *GLM Engineering*, representing *Minglewood Development*

**Documents:** WPA Form 3; Plan of Land entitled “Proposed Sewage Disposal System, Lot 1 Laurel Glen (Brooksmont Meadow), Holliston, MA dated 5/11/2021

- These two hearings were held simultaneously.
- Mr. Clapp noted that from the previous hearings, per MassDEP’s comments the only outstanding items were for the Commission to issue Certificates of Compliance for the previous Orders of Conditions (DEP #185-819 and DEP #185-820). As these items were issued during this meeting, this has been satisfactorily addressed.
- Mr. Clapp noted that these Orders of Conditions contain references to the previous Orders of Conditions and contain similar conditions.

**Ms. Weissman made a motion to close the public hearing for DEP #185-903: #10 Laurel Glen Court. Mr. Nickel seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Abstain
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Ms. Weissman made a motion to issue an Order of Conditions for DEP #185-903: #10 Laurel Glen Court. Mr. Nickel seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Abstain
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Dr. Rutberg made a motion to close the public hearing for DEP #185-904: #6 Laurel Glen Court. Mr. Nickel seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Abstain
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Dr. Rutberg made a motion to issue an Order of Conditions for DEP #185-904: #6 Laurel Glen Court. Mr. Nickel seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Abstain
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

**Dr. Rutberg made a motion to adjourn at 10:15 PM. Mr. Nickel seconded the motion. A roll call vote was taken.**

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye
Mr. Nickel:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

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