

APPROVED Meeting Minutes

Via Remote Participation

November 16, 2021

7:30 PM

Present: Christopher Bajdek, Chair; Rebecca Weissman, Vice Chair; Eilish Corey, Utah Nickel
(arrived 7:50 PM), Ann Marie Pilch, Allen Rutberg, Commissioners; Rick Shansky,
Alternate Commissioner

Ryan Clapp, Conservation Agent

Absent: Jennifer Buttaro, Commissioner

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:	Absent (arrived 7:50 PM)
Ms. Pilch:	Present
Dr. Rutberg:	Present
Mr. Shansky:	Present

General Business

Review/Approve Minutes of 11/2/2021

- Ms. Pilch offered minor spelling corrections.

Ms. Pilch made a motion to approve the minutes of 11/2/2021. Dr. Rutberg seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye
Ms. Corey:	Aye

Ms. Pilch:	Aye
Dr. Rutberg:	Aye
Mr. Shansky:	Aye

Vote to authorize Christopher Bajdek to sign all documents issued by the Holliston Conservation Commission on 11/16/2021

Ms. Pilch made a motion to authorize Christopher Bajdek to sign all documents issued by the Holliston Conservation Commission on 11/2/2021. Dr. Rutberg seconded. A roll call vote was taken.

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

Discussion: Trail Use Maintenance Options – Robert Weidknecht

- Mr. Clapp provided background on the issues at hand. In June, the Trustees of Reservations identified several issues on the NSTAR parcel on Adams Street including excavation and buildup of banked curves and the alteration of stone walls. Since then, the Commission has been researching options available to address these issues, since they are likely beyond the scope of capabilities the Boy Scouts could offer. As such, the Commission requested Mr. Robert Weidknecht, chair of the Trails Committee, to attend this evening to discuss the options in use on the Rail Trail and if the Trails Committee was interested in expanding its scope to include all trails.
- Mr. Weidknecht noted he will be discussing this with the Committee on Thursday. However, with the current amount of work to do on the Rail Trail, the Committee may be unable to take on this additional work. He noted that an additional group or staff may be required, noting that Framingham hires a crew every summer for trail maintenance. However, that may be beyond what Holliston could provide. He also noted that Framingham has a master plan for their trails.
- Ms. Pilch noted a master plan for the entire town would be a huge undertaking, perhaps it would be a better idea to focus on just the one area (NSTAR, Fairbanks, and Town Forest).
- Ms. Pilch noted that NEMBA seemed to have an idea of who caused the issues. In order to avoid making accusations, perhaps NEMBA could reach out to that person and resolve the issue. Mr. Clapp will reach out to Mr. Kevin Keenan of NEMBA. Mr. Tom Dodd, Trustees of Reservations, noted that the Trustees would be willing to allow the Commission to use machinery to fix the issues. Their biggest concern, however, is to ensure things do not get worse.
- The Commission would like to set up a site walk to review the conditions in the next few weeks. Mr. Clapp will coordinate schedules for the site walk.

Conservation Restriction: Constitution Village (DEP #185-849)

- Mr. Clapp reported that the Conservation Restriction for Constitution Village required under DEP #185-849 is prepared for signature. It has been reviewed and approved by Town Counsel and the State.

Mr. Nickel arrived at 7:50 PM

Ms. Pilch made a motion to accept the Conservation Restriction for Constitution Village under DEP #185-849. Ms. Weissman seconded the motion. A roll call vote was taken.

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

Review Correspondence

- Mr. Clapp reported that it had come to his attention that the Bylaw Article number had changed from Article XXX to Article XXXI. He will make appropriate changes.
- Mr. Clapp reported that Lucas Environmental will be at the Community Farm later this month to conduct the Baseline Documentation Report.
- Mr. Bajdek inquired the Commission's attendance at the MACC Conference. No one from the Commission was able to attend this year, but Ms. Weissman noted that overall, there was a good showing this year and plans are in the works for Spring.

Public Hearings/Public Meetings

Notice of Intent for DEP #185-XXX: #90 Appleyard Lane (Assessors Map 9-5-128) for proposed above-ground pool – *Britney Mahomes, Ambassador Pools*

Documents: WPA Form 3; Annotated Plan of Land entitled "Butler – 90 Appleyard Lane, Holliston, MA, Septic System Repairs Site Plan & Design Specs" dated 9/3/2012 (annotated 11/1/2021)

- Mr. Clapp read the legal advertisement into the record.
- Mr. Daniel Johnston presented the project to the Commission. Noted there is a wetland in the rear of the property, with the 50' No Disturbance Buffer Zone cast halfway through the pool. The yard is flat where the pool is proposed and it is existing lawned area. The pool itself is saltwater, with no option for the introduction of chlorine into the wetlands, and the pool has a cartridge filter that can be removed and cleaned outside of the buffer zone.
- Mr. Clapp noted that GIS indicates a potential vernal pool onsite, but his site visit disclosed that area is all lawn, likely an error of GIS.
- Mr. Bajdek inquired how the pool is installed. Mr. Johnston noted it is prefabricated and dropped in. It is a very quick and easy process to assemble onsite.

- Dr. Rutberg inquired if the play structures would remain or be removed. Mr. Tyler Bennett noted the plan is to remove the play structure when his children are too old to use them.
- Mr. Shansky inquired as to how the owner changes the water in the pool. Mr. Johnston noted with proper maintenance, the water should never need to be drained
- Ms. Pilch inquired if it would be full in the winter as well. Mr. Johnston confirmed it would be covered and protected. Mr. Bennett also noted he is a licensed wastewater treatment operator in Massachusetts.
- Ms. Pilch expressed concerns regarding increased impervious surfaces in the 50' No Disturbance Zone, but noted that it's only approximately 300 square feet. Ms. Weissman inquired if there were any opportunities for revegetation. Mr. Bennett expressed willingness to do any recommended plantings and will work with Mr. Clapp on a planting plan.

Dr. Rutberg made a motion to continue the public hearing for DEP #185-XXX: #90 Appleyard Lane until the next meeting on 11/30/2021. Ms. Pilch seconded the motion. A roll call vote was taken.

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

Notice of Intent for DEP #185-XXX: #98 Courtland Street (Assessors Map 4-4-71) for proposed replacement septic system – CIVILized Solutions, representing Carrie & Mike Napolitano

Documents: WPA Form 3; Plan of Land entitled "Septic System Construction, 98 Courtland Street, Holliston," dated 8/23/2021

- Mr. Clapp read the legal advertisement into the record.
- Ms. Skinner-Catrone noted that the single family house at #98 Courtland Street has a failing septic system. This project had been presented as a Request for Determination of Applicability, but received a positive determination and is now presented as a Notice of Intent. The system has been designed to mitigate tree removals and minimize wetland impact, with no encroachment into the 50' No Disturbance Zone apart from construction access.
- Mr. Clapp noted discrepancies with NOI plan and RDA plan. The major issue from the RDA was the filling of the land to build up the access road, potentially filling Bordering Land Subject to Flooding. Ms. Skinner-Catrone was not aware of this, and will follow up with the septic designer.

Ms. Pilch made a motion to continue the public hearing for DEP #185-XXX: #98 Courtland Street until the next meeting on 11/30/2021. Mr. Nickel seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
Ms. Weissman:	Aye

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

Notice of Intent for DEP #185-XXX: #599 Concord Street (Assessors Map 14-4-6) for proposed addition and detached garage – *GLM Engineering*, representing *Tony Cruz, Cruz Solutions, Inc.*

Documents: WPA Form 3; Plan of Land entitled “Proposed Addition Plan, 599 Concord Street, Holliston, Massachusetts” dated 10/12/2021

- Mr. Clapp read the legal advertisement into the record.
- Ms. Hastings presented the project to the Commission. This site is the former Pik-a-Pup, with an intermittent stream to the north of the property. The applicant proposes an addition and a garage, but due to site constraints, much of the proposed work is within the 50’ No Disturbance Buffer Zone. However, all work remains within the existing limit of pavement. Ms. Hastings noted Mr. Clapp commented that this project was commercial, and therefore requires a stormwater report. She will develop that plan and submit it to the Commission and DEP.
- Ms. Hastings noted there is also a tree replanting schedule. Mr. Bajdek inquired if there was any opportunity to replant with shrubs. Ms. Hastings noted that there needs to be access to the rear of the building, so it would be difficult to provide further replanting.
- Ms. Corey inquired as to the use of the property. Ms. Hastings responded that it will be a business office for demolition work. No equipment maintenance would be done onsite, and all materials will be stored and staged in the garage.

Dr. Rutberg made a motion to continue the public hearing for DEP #185-XXX: #599 Concord Street until the next meeting on 11/30/2021. Mr. Nickel seconded the motion. A roll call vote was taken.

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

Request for Determination of Applicability #D-712: “0” Highland Street (Assessors Map 10-1-9) for proposed vegetation management and dam infrastructure improvements – *MassAudubon*

Documents: WPA Form 1; “Mass Audubon Project Description” (no date); Waseeka Sanctuary Dam (Chicken Brook Dam) Phase I Inspection/Evaluation Report dated 12/3/2020

- Mr. Clapp read the legal advertisement into the record.
- Mr. Flavio Sutti presented the project to the Commission. At the Waseeka Wildlife Sanctuary, MassAudubon has several action items identified from the Office of Dam Safety, including tree removal, invasive species removal, and removal of beaver debris. MassAudubon is looking to

do the vegetation removal every few years to maintain manageable levels at the dam, and work would be done without machinery.

- Mr. Bajdek inquired if tree stumps would remain. Mr. Sutti noted that removal of the stumps would cause unnecessary ground disturbance and damage to the dam.
- Mr. Clapp noted that if this is a cycle, MassAudubon would need to refile every 3 years. Perhaps a Notice of Intent with an Operations and Management Plan conditioned in perpetuity would be an option. Mr. Sutti noted that may be an option in the future, but right now they are looking at the immediate need.

Ms. Pilch made a motion to issue a Negative #3 Determination for #D-712: “0” Highland Street. Mr. Nickel seconded the motion. A roll call vote was taken.

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

Request for Determination of Applicability #D-713: #67-75 Central Street (Assessors Map 8F-2-10) for proposed replacement septic system – *GLM Engineering*, representing *Marcia and David Selent*

Documents: WPA Form 1; Plan of Land Entitled “Proposed Tight Tank System, 67-75 Central Street, Holliston, Massachusetts” dated 9/22/2021

- Mr. Clapp read the legal advertisement into the record.
- Ms. Hastings presented the project to the Commission. The building at #67-75 Central Street has no septic system and currently relies on the use of port-a-potties. The applicant proposes the installation of a tight tank system by cutting into the pavement, installing the system, then resurfacing the area, with a temporary stockpile area onsite within the buffer zone.
- Mr. Clapp noted the project is within Bordering Land Subject to Flooding. Ms. Hastings noted that there is no fill associated with the project, so no compensatory flood storage is required.
- Ms. Corey inquired if there is to be vehicle maintenance in the building. Ms. Hastings noted the applicant is selling the building and does not know the proposed use. However, she noted that any buyer would need to obtain building permits, which would address the need for floor drains and other issues if there is to be vehicle maintenance.

Ms. Pilch made a motion to issue a Negative #3 Determination for #D-713: #67-75 Central Street. Dr. Rutberg seconded the motion. A roll call vote was taken.

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

Request for Amendment to the Order of Conditions for DEP #185-881: Lot 3C Old Cart Path (Assessors Map 14-5-33.B) for modified footprint and style of house, driveway layout and grading – *Guerriere & Halnon, Inc.*, representing *Constitution Village, LLC*

Documents: Plan of Land Entitled “Site Development and Facilities Plan in Holliston, Massachusetts” dated 10/13/2021

- Mr. Clapp read the legal advertisement into the record.
- Mr. John Federico presented the project revisions to the Commission. He noted that at the time of initial permitting, this lot was identified as Lot 3B, but had to be revised for a frontage issue. The buyer has requested some revised grading to the lot, with no alterations to the septic system. As a result, the revised layout shifted the house approximately 6” away from the wetlands, but resulted in an overall increase of 150 square feet of impervious surfaces. The driveway was also revised, and a swale was added to address runoff concerns going over the armored slope. The topography was also resurveyed and is now more up-to-date.

Ms. Pilch made a motion to close the hearing for DEP #185-881: Lot 3C Old Cart Path. Ms. Weissman seconded the motion. A roll call vote was taken.

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

Ms. Pilch made a motion to issue an Amended Order of Conditions for DEP #185-881: Lot 3C Old Cart Path. Ms. Weissman seconded the motion. A roll call vote was taken.

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

Request for Amendment to the Order of Conditions for DEP #185-882: Lot 31B Old Cart Path (Assessors Map 14-5-33.C & 34.B) for modified footprint and style of house, driveway layout and grading – *Guerriere & Halnon, Inc.*, representing *Constitution Village, LLC*

Documents: Plan of Land Entitled “Site Development and Facilities Plan in Holliston, Massachusetts” dated 9/17/2021

- Mr. Clapp read the legal advertisement into the record.

- Mr. Federico presented project revisions to the Commission. Similar to the previous, there is a lot line alteration, changing the lot from Lot 31A to 31B, as well as topography updates. The revisions include a substantially larger house, though largely outside of the buffer zone. Additionally, the driveway has been revised and relocated outside the 100' buffer zone, resulting in a 408 square feet decrease in impervious surfaces. Grade alterations and relocation of the septic system is also approved, as well as a similar runoff swale to avoid erosion of the armored slope.

Ms. Weissman made a motion to close the hearing for DEP #185-882: Lot 31B Old Cart Path. Mr. Nickel seconded the motion. A roll call vote was taken.

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

Ms. Weissman made a motion to issue an Amended Order of Conditions for DEP #185-882: Lot 31B Old Cart Path. Mr. Nickel seconded the motion. A roll call vote was taken.

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

Request for Amendment to the Order of Conditions for DEP #185-886: Lot 80A Old Cart Path (Assessors Map 14-5-32.C) for modified footprint and style of house, driveway layout and grading – *Guerriere & Halnon, Inc.*, representing *Constitution Village, LLC*

Documents: Plan of Land Entitled “Site Development and Facilities Plan in Holliston, Massachusetts” dated 10/18/2021

- Mr. Clapp read the legal advertisement into the record.
- Mr. Federico presented project revisions to the Commission, noting the revised lot layout and name, as well as the topographical survey. The grading has been revised, resulting in a relocated septic system. The house and deck footprint have both been revised to reduce impervious surfaces in the buffer zone. The driveway has been altered as well, but remains outside the buffer zone. A runoff swale, similar to the others, is proposed, but with a gentler slope due to site conditions.

Mr. Nickel made a motion to close the hearing for DEP #185-886: Lot 80A Old Cart Path. Ms. Pilch seconded the motion. A roll call vote was taken.

Mr. Bajdek:	Aye
-------------	-----

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

Ms. Pilch made a motion to issue an Amended Order of Conditions for DEP #185-886: Lot 80A Old Cart Path. Mr. Nickel seconded the motion. A roll call vote was taken.

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

Ms. Pilch made a motion to adjourn at 9:55 PM. Dr. Rutberg seconded the motion. A roll call vote was taken.

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

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