

**APPROVED Meeting Minutes**

Via Remote Participation

November 30, 2021

7:30 PM

Present: Christopher Bajdek, Chair; Rebecca Weissman, Vice Chair; Eilish Corey, Utah Nickel  
(arrived 7:35 PM), Ann Marie Pilch, Allen Rutberg, Commissioners

Ryan Clapp, Conservation Agent

Absent: Jennifer Buttarro, Commissioner; Rick Shansky, Alternate 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. Buttarro:	Absent
Ms. Corey:	Present
Mr. Nickel:	Absent (arrived 7:35 PM)
Ms. Pilch:	Present
Dr. Rutberg:	Present
Mr. Shansky:	Absent

**General Business**

**Review/Approve Minutes of 11/16/2021**

- Mr. Clapp has not finished drafting these minutes. Item continued until 12/14/2021.

**\*\*Mr. Nickel arrived at 7:35 PM\*\***

**Vote to authorize Christopher Bajdek to sign all documents issued by the Holliston Conservation Commission on 11/30/2021**

**Ms. Pilch made a motion to authorize Christopher Bajdek to sign all documents issued by the Holliston Conservation Commission on 11/30/2021. Dr. Rutberg seconded. A roll call vote was taken.**

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

#### **Eagle Scout Project Completion – Aidan Smith**

- Mr. Smith gave an overview of his Eagle Scout project. He installed a boardwalk at the entrance to the Poitras Property, where there is significant flooding disconnecting the trail and other existing boardwalks. He noted that there was a significant rainstorm and flooding event in the past week, and the boardwalk held up very well.
- Mr. Bajdek noted that he had used the boardwalk, and was very impressed with its design and construction.
- The Commission thanked Mr. Smith for his efforts.

#### **Enforcement Order: DEP #185-849: Pout Lane/Constitution Village**

- Mr. Clapp gave an overview of the Enforcement Order. On November 17, 2021, he was notified of a significant erosion event into Dopping Brook. He met with the Sherborn Agent, Ms. Anna Meyer, and the interim Sherborn Agent, Ms. Joyce Hastings. The three observed that Detention Basin C was failing, with the water being discharged from the basin not being filtered whatsoever, discharging polluted runoff. Mr. Clapp issued an Enforcement Order requiring Constitution Village, LLC, to cease and desist upstream activities, provide As-Builts and an affidavit, monthly reports for November and October, and stormwater management records for the past three months. As of today, none of the required documentation had been submitted.
- On Monday, November 22, Mr. Clapp met with various interested parties from Constitution Village, LLC, Sherborn, Ashland, and Holliston. It was noted that the activity had not ceased, but the basin outlet had been stocked with haybales to mitigate erosion into the stream. The water quality was better, though still turbid.
- Ms. Pilch, present on the site visit on November 22, noted that there is likely lingering damage to the stream. Additionally, she is dissatisfied with Constitution Village's response thus far. The Commission agreed, noting that there have been several Enforcement Orders in the past few months for this project.
- Mr. Welinton Periera stated that he had submitted a request for documentation to Guerriere & Halnon, and that it should be submitted by the end of the week. He noted that the paving upstream that caused this issue has been completed, and an erosion control blanket will be installed.
- Mr. Clapp noted that despite assurances that materials would be submitted, this is a continuing violation. He also noted that the area damaged is mapped as BioMap2 Core Habitat.

- Mr. Periera noted that this issue was a result of a lack of supervision. Ms. Pilch noted that Mr. Periera's statement does not inspire confidence with the Commission.
- Mr. Clapp reviewed his calculation of fines to be assessed, including as they relate to the failure to submit documentation that is long outstanding, totaling \$26,500. Ms. Courtney Ek, Sherborn Commissioner, believes there is a statute of limitations for the period when fines can be issued. Mr. Clapp is unaware of this, but will confer with counsel.

**Dr. Rutberg made a motion to issue a fine of \$26,500 pending Town Counsel Review. 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. Clapp noted that he had revised the Enforcement Order to require an evaluation of downstream impacts to determine remediation efforts.

**Ms. Pilch made a motion to issue a revised Enforcement Order for DEP #185-849. 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

### **Review Conveyance of Conservation Restriction at Highlands at Holliston**

- Mr. Clapp reported that he had received a request from Ms. Angela Conforti, attorney for Fafard, to approve the conveyance of the Conservation Restriction at the Highlands at Holliston subdivision from the Highlands at Holliston Trust II to the Highlands at Holliston Trust I. There is no change proposed in the terms and obligations in the Conservation Restriction.

**Ms. Pilch made a motion to approve the conveyance of the Highlands at Holliston Conservation Restriction from the Trust II to the Trust I. 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

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

Conservation Commission Minutes 11-30-21  
 Drafted for the Commission by: Ryan Clapp  
 Approved by the Commission: 12-28-21

- 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.

### **Review Correspondence**

- Mr. Clapp reported that Mr. Robert Weidknecht had contacted him regarding remediation of a drainage structure on the Rail Trail. He will coordinate a date for Mr. Weidknecht to be on the Commission's agenda.
- Mr. Clapp reported that he had received various reports of hunters on Conservation land. He has reminded individuals that hunting is prohibited on town-owned land without the consent of the controlling governmental body.

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

**Notice of Intent for DEP #185-908: #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 and revised 11/22/2021)

- Mr. Clapp noted that per the previous hearing, the outstanding items were the file number from DEP and a mitigation plan. DEP has since provided a filing, noting that the pool should not be dewatered into the nearby wetlands and rare species habitat, which had also been addressed. Working with the applicant, Mr. Clapp has developed a mitigation plan requiring approximately 12-15 individual shrubs.

**Ms. Pilch made a motion to close the public hearing for DEP #185-908: #90 Appleyard Lane. 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

**Ms. Pilch made a motion to issue an Order of Conditions for DEP #185-908: #90 Appleyard Lane. 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

**Notice of Intent for DEP #185-907: #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 (rev. 11/23/2021)

- Ms. Skinner-Catrone presented project revisions to the Commission. The erosion controls have been relocated to be closer to the septic system, reducing the limit of work, as well as removal of the proposed temporary access road. DEP has provided a file number with comments to relocate the system slightly further from the wetlands, which has been done.
- Mr. Bajdek noted the original access road was for safety, and inquired if the work site was safe to access with it gone. Ms. Skinner-Catrone noted that the contractor will access closer to the house, where the grade is flatter.

**Dr. Rutberg made a motion to close the public hearing for DEP #185-907: #98 Courtland Street. 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

**Ms. Pilch made a motion to issue an Order of Conditions for DEP #185-907: #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  
Ms. Pilch: Aye  
Dr. Rutberg: 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 noted that the applicant had requested that this hearing be continued until 12/14/2021.

**Ms. Pilch made a motion to continue the public hearing for DEP #185-XXX: #599 Concord Street until the next meeting on 12/14/2021. 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

**Dr. Rutberg made a motion to adjourn at 8:43 PM. 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

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