

**APPROVED Meeting Minutes**

Via Remote Participation

**April 19, 2022**

**7:30 PM**

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

Ryan Clapp, Conservation Agent

Absent: Rebecca Weissman, Vice Chair; Eilish Corey, Commissioner

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

**C. 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.

R. Weissman:	Absent
E. Corey:	Absent
U. Nickel:	Present
A. Pilch:	Present
A. Rutberg:	Present
R. Shansky:	Present
C. Bajdek:	Present

**General Business**

**Review/Approve Minutes of 4/5/2022**

- The minutes from this meeting are still being prepared.

**Enforcement Order: #369 Concord Street**

- R. Clapp provided background regarding this enforcement action. In September 2021, R. Clapp and R. Weissman had visited the site and observed that trees had been cut in the resource area and buffer zone. The owner was issued a violation notice requiring them to cease and desist as well as develop a restoration plan. No such plan has yet been received. On 4/12/2022, S. Moles received numerous complaints regarding the spreading of untreated

**Conservation Commission Minutes 4-19-22**

**Drafted for the Commission by: Ryan Clapp**

**Approved by the Commission: 5-17-22**

horse manure in the buffer zone. On 4/13/2022, R. Clapp, S. Moles, and E. Dickinson visited the site and confirmed the issue, as well as debris dumped in the buffer zone and installation of fencing and horse enclosures within the 50' no disturbance buffer zone.

- Nicole Hayes, Goddard Consulting, confirmed the issues as stated. The homeowners have contracted Goddard Consulting and they have developed a plan showing the wetlands and buffer zones, as well as the location, species, and DBH of the 107 trees cut within the 100' buffer zone. She is in the process of developing an after-the-fact Notice of Intent.
- C. Bajdek inquired regarding the nature of the manure. N. Hayes believes the homeowners just did not clean up after the horses. R. Clapp noted that there were piles in the rear of the property, away from the horse enclosures. A. Pilch believes the restoration plan needs to incorporate best practices for manure disposal to avoid future issues. N. Hayes said the NOI should be submitted within a week or so.
- R. Shansky inquired if there was any wildlife habitat analysis. N. Hayes noted that the property has not done work that triggers the review threshold for an analysis. R. Shansky confirmed the ratio of replanting of 1:1.5 per the Commission's policy. N. Hayes will research the site further to determine best locations for replanting.
- Tom Pilata, abutter, expressed concerns regarding property lines. Manure has been spread up to the property line. He also is concerned that the mitigation will not address the loss of screening as a result of the tree removals.
- Tom Hennessy, abutter, agreed with T. Pilata, noting he had observed manure being spread with a front end loader. He understands the Commission's limit of jurisdiction, but does not believe that the concerns of the abutters are being met.
- Scott Moles, Board of Health, expressed concerns regarding the manure. The septic system is also near the top of the hill and manure cannot be near the leaching field. N. Hayes will contact S. Moles to develop best practices for treatment of manure.
- Sharon Loveredge, abutter, noted that the adjacent woodland was one of the reasons they had purchased the property.
- Paul Noble, abutter, inquired when Goddard was hired by the property owner. N. Hayes noted it was in the fall. P. Noble noted it's been 7 months, with the site getting progressively worse. There appears to be no sense of urgency from the property owners.
- Jeff Duncan, abutter, inquired as to regulations outside the 100' buffer zone. R. Clapp noted there may be land disturbance permitting required for the tree clearing, and recommended reaching out to Karen Sherman, Town Planner.
- N. Hayes noted that with the new information, it may take somewhat longer to develop the Notice of Intent. R. Clapp noted that all abutters within 100' of the property line would be notified when the NOI is submitted.

**A. Pilch made a motion to ratify the Enforcement Order for #369 Concord Street. A. Rutberg seconded the motion. A roll call vote was taken.**

U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
R. Shansky:	Aye
C. Bajdek:	Aye

### **Tree Removal Request: #623 Prentice Street**

- R. Clapp reported that this request was in relation to 4 pine trees. These trees overlook a swimming pool on #623 Prentice Street and have been shedding branches, causing damage to structures and are a hazard to the property owner. The property owner has expressed willingness to replant with shrubs in the area.
- The Commission approved this tree removal request.

### **Tree Removal Request: #40 David Street**

- R. Clapp reported that this request was for 6 trees located between 45 and 75' from the adjacent wetland. The homeowner is concerned due to poor health and the proximity to the house.
- Several Commissioners expressed concerns due to the number of trees, and would like more information. R. Clapp will set up a site visit.

### **Tree Removal Request: Adjacent to #129 Fairview Street**

- R. Clapp reported that this tree is on the open space adjacent to #129 Fairview Street. The tree is broken at the base and is overhanging the street.
- The Commission approved this tree removal request.

### **Request for a Certificate of Compliance: DEP #185-834: #260 Adams Street**

- R. Clapp reported that this request was in relation to an Order of Conditions for a single family house approved in 2018. The house and driveway have been constructed in compliance with the Order of Conditions. However, the requirement for the 10 red maples planted between the wetland and driveway is outstanding.

**A. Pilch made a motion to issue a Partial Certificate of Compliance for DEP #185-834: #260 Adams Street. U. Nickel seconded the motion. A roll call vote was taken.**

U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
R. Shansky:	Aye
C. Bajdek:	Aye

### **Review Correspondence**

- R. Clapp reported that he had received a resume for the open seat on the Conservation Commission. The application period is open until May 6.

- R. Clapp reported that he had received an invoice from Lucas Environmental for \$2900 for the completion of the Baseline Documentation Report for #34 Rogers Street.

**A. Pilch made a motion to authorize Ryan Clapp to pay the invoice from Lucas Environmental in the amount of \$2900. U. Nickel seconded the motion. A roll call vote was taken.**

U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
R. Shansky:	Aye
C. Bajdek:	Aye

- C. Bajdek noted that the DPW feasibility study proposes the new facility to be constructed on 212 Prentice Street. He noted this is a big grab of conservation and recreational land. If Article 97 land, the acquisition would require legislative action. A. Pilch noted that the PLPA has passed in the Senate, which would require an equal amount of land to be offered to offset the taking. However, it has not passed the House. This would prevent this type of situation from occurring. She is concerned the Commission was not consulted or informed regarding this study.

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

**Request for Determination of Applicability for #D-715: #92 Richard Road (Assessors Map 11-8-245) for proposed reconfiguration of existing deck and installation of aboveground pool – GLM Engineering, representing Elizabeth Sampath**

**Documents:** WPA Form 1; Plan of Land entitled “Proposed Pool Plan, 92 Richard Road, Holliston, Massachusetts” dated 4/1/2022

- R. Clapp read the legal advertisement into the record.
- J. Hastings presented the project to the Commission. The applicant proposes the installation of an aboveground pool with a limit of work 40’ to the adjacent wetland, and reconfiguring the existing deck to accommodate the pool.
- C. Bajdek inquired as to the nature of the pool. J. Hastings noted it would be a liner and a metal frame with equipment adjacent to the house and under the deck. C. Bajdek expressed concern about the aging of the pool and potential for collapse, but J. Hastings noted with proper treatment this should not be a concern.
- A. Pilch stated there should be consideration for wildlife such as frogs and toads that may leap into the pool and be unable to escape.
- U. Nickel inquired if the pool could be reoriented to avoid encroachment into the 50’ no disturbance zone. J. Hastings noted other orientations would not comply with building setbacks.
- A. Pilch suggested converting some lawn to native vegetation between the pool and wetlands to mitigate impacts. J. Hastings will amend the plan to reflect the replanting.

**A. Rutberg made a motion to issue a Negative #3 Determination for #D-715: #92 Richard Road. A Pilch seconded the motion. A roll call vote was taken.**

U. Nickel:	Aye
------------	-----

A. Pilch:	Aye
A. Rutberg:	Aye
R. Shansky:	Aye
C. Bajdek:	Aye

**Notice of Intent for DEP #185-920: #92 Wingate Road (Assessors Map 11-8-118)** for proposed replacement septic system – *CIVILized Solutions*, representing *Beth Goldstein*

**Documents:** WPA Form 3; Plan of Land entitled “Septic System Construction, 92 Wingate Road, Holliston,” dated 2/18/2022

- R. Clapp read the legal advertisement into the record.
- K. Skinner-Catrone presented the project to the Commission. The applicant proposes to replace an existing septic system. It has been designed as shown to avoid need for a retaining wall. No trees need to be removed and all work is within existing lawned area.
- C. Bajdek inquired if there was a Board of Health approval. K. Skinner-Catrone confirmed there was.
- R. Shansky inquired if the leaching field could be reduced in size. K. Skinner-Catrone responded that a reduction would reduce the capacity of the system.
- R. Clapp noted DEP had no comments in issuing a file number.

**A. Rutberg made a motion to close the public hearing for DEP #185-920: #92 Wingate Road. U. Nickel seconded the motion. A roll call vote was taken.**

U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
R. Shansky:	Aye
C. Bajdek:	Aye

**Notice of Intent for DEP #185-919: #243 Willow Gate Rise (Assessors Map 9-6-55)** for proposed pool and shed – *Colonial Engineering*, representing *Sean & Belinda Hanlon*

**Documents:** WPA Form 3; Plan of Land entitled “Proposed Pool & Shed Plan of Land in Holliston, MA” dated 2/22/22

- R. Clapp reported that the applicant had requested a continuance to the meeting on 5/3/2022.

**A. Pilch made a motion to continue the public hearing for DEP #185-919: #243 Willow Gate Rise until the next meeting on 5/3/2022. A. Rutberg seconded the motion. A roll call vote was taken.**

U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
R. Shansky:	Aye
C. Bajdek:	Aye

**A. Rutberg made a motion to adjourn at 9:41 PM. A. Pilch seconded the motion. A roll call vote was taken.**

U. Nickel:	Aye
A. Pilch:	Aye
A. Rutberg:	Aye
R. Shansky:	Aye
C. Bajdek:	Aye

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