

**Approved Meeting Minutes**

Via Remote Participation

August 30, 2022

7:30 PM

Present: Ann Marie Pilch, Chair; Allen Rutberg, Vice Chair; Eilish Corey, Utah Nickel, Commissioners; Richard Shansky, Alternate Commissioner

Ryan Clapp, Conservation Agent

Absent: Jacquelyn Valsamis, Rebecca Weissman, Commissioners

**Ann Marie Pilch, Chair, opened the meeting at 7:30 PM.**

**A. Pilch 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.

A. Rutberg:	Present
E. Corey:	Present
U. Nickel:	Present
J. Valsamis:	Absent
R. Weissman:	Absent
R. Shansky:	Present
A. Pilch:	Present

**General Business**

**Review/Approve Minutes of 7/12/2022, 8/2/2022, 8/16/2022, 8/18/2022**

**A. Rutberg made a motion to approve the minutes of 7/12/2022. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

The minutes of 8/2/2022, 8/16/2022, and 8/18/2022 were tabled until the next meeting on 9/13/2022.

**Request for a Certificate of Compliance: DEP #185-278: #80 Alpine Drive**

- R. Clapp reported that this Request was related to an Order of Conditions long expired for a single family house. He has inspected the site and recommends issuing a Certificate of Compliance.

**A. Rutberg made a motion to issue a Certificate of Compliance for DEP #185-278: #80 Alpine Drive. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**Schedule hearing date: Article XXXI Regulations**

- The Commission tentatively scheduled a hearing for Thursday, September 29<sup>th</sup>.

**Issue Amended Order of Conditions: DEP #185-839: #58 Hopping Brook Road**

- R. Clapp presented a draft Amended Order of Conditions to the Commission.

**U. Nickel made a motion to issue an Amended Order of Conditions for DEP #185-839: #58 Hopping Brook Road. E. Corey seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**Review of Holliston Rail Trail Easement: DEP #185-785: #58 Hopping Brook Road**

- Peter Barbieri, representative, noted that there was a condition for approval in this Order of Conditions for property improvements and trail access. R. Clapp has sent this draft easement to Town Counsel, and is waiting on a response.
- A. Pilch inquired regarding the materials the parking lot was made from. P. Barbieri noted it is reclaimed asphalt for handicap spots and gravel for the rest of the lot, as was required.

- A. Rutberg as to who is responsible for maintaining the easement. P. Barbieri noted the client is responsible, but the Town may take responsibility as well.

### **Review Correspondence**

- R. Shansky noted an illegal mountain biking trail in Wenakeening Woods, not far from entrance to property on the Rail Trail.
- R. Clapp noted that the MACC Conference will be on 10/15/2022, and any interested Commissioners should contact him for registration.
- E. Corey has begun mapping trails in the Poitras Land.
- Alex d'Anjou, 49 Church Street, noted that there is a DPW facility is proposed behind 212 Prentice Street and inquired as to the status. A. Pilch noted that a consultant had been hired by the town, but since there is a lot of opposition, there is an RFP out now for any commercial sites that may be interested in selling to the Town.

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

**Public Meeting – Request for Determination of Applicability for #D-722: #75 Washington Street (Assessors Map 12-2-14) for proposed drainage improvements – Robert Walker, Holliston Department of Public Works**

**Documents:** WPA Form 1; Sketch plan of #75 Washington Street

- R. Clapp read the legal advertisement into the record.
- Robert Walker presented the project to the Commission. The section of Route 16 near #75 Washington Street floods often, and poses a safety hazard. He is proposing to construct a retention area on #75 Washington Street to take in the road runoff, which would then dewater into the wetlands. The project itself should be completed quickly by the end of October.
- R. Clapp noted that he has visited the site with R. Walker and informed him that erosion controls will be needed. He will coordinate installation with R. Walker.
- E. Corey noted she had also met with R. Walker, and believes this to be an appropriate solution for this area.

**U. Nickel made a motion to issue a Negative #3 Determination for #D-722: #75 Washington Street. A. Rutberg seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**Public Meeting – Request for Determination of Applicability for #D-723: #1044 Highland Street (Assessors Map 8E-1-5) for proposed above-ground pool – Susan & Jon Frechette**

**Documents:** WPA Form 1; Plan of Land: “Frechette\_Aug2022\_Parcel\_50’\_100’\_buffers\_pool-plan”

- R. Clapp read the legal advertisement into the record.
- J. Frechette presented the project to the Commission. He is proposing an above ground pool within existing lawn, located approximately 55’ away from the edge of wetlands. Given the grading of the property and location of the septic system, this is the only suitable location.
- A. Rutberg inquired as to how far the lawn goes to the wetlands. J. Frechette noted there is a stone wall demarcating the edge of wetlands, and the lawn goes all the way to the wall. A. Rutberg requested a 10’ buffer strip of area to be mowed at a maximum of once per year from the edge of the wall as mitigation. J. Frechette agreed.
- E. Corey requested that the existing shed located within the 50’ No Disturbance Zone not be rebuilt once it reaches the end of its usable life.

**E. Corey made a motion to issue a Negative #3 Determination for #D-723: #1044 Highland Street. A. Rutberg seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**Public Meeting – Request for Determination of Applicability for #D-724: #49 Church Street (Assessors Map 8F-3-27) for proposed Japanese knotweed treatment and vegetation removal – Elona & Alexander d’Anjou**

**Documents:** WPA Form 1: Annotated Plan of Land. #49 Church Street, Holliston

- R. Clapp read the legal advertisement into the record.
- A. d’Anjou presented the project to the Commission. He is proposing to treat the onsite Japanese knotweed with herbicides, as it is largely overgrown on the site. Furthermore, he is proposing vegetation removal close to the foundation of the house, which poses a threat pursuant to a statement from a structural engineer. He also proposes removal of dead underbrush along the edge of wetlands.
- A. Pilch confirmed that the herbicide treatment would be done professionally. A. d’Anjou confirmed that it would be, and that glyphosate would be used.
- E. Corey inquired if the underbrush would be removed by hand. A. d’Anjou confirmed that it would be, and not be converted to lawn.

**A. Rutberg made a motion to issue a Negative #3 Determination for #D-724: #49 Church Street. E. Corey seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**Public Meeting – Request for Determination of Applicability for #D-725: #180 Marked Tree Road (Assessors Map 8E-1-4)** for proposed replacement septic system – *GLM Engineering*, representing *Barry Mann*

**Documents:** WPA Form 1: Plan of Land entitled “Proposed Sewage Disposal Plan, 180 Marked Tree Road, Holliston, MA” dated 7/26/2022

- R. Clapp read the legal advertisement into the record.
- J. Hastings presented the project to the Commission. The existing septic system is failing and needs to be replaced. The new system is proposed within the 100’ buffer zone, with minimal encroachment into the 50’ No Disturbance Zone of the leaching field. Some small trees and shrubs will need to be removed as part of the leaching field construction.
- As mitigation, A. Pilch requested that the area behind the pool be left with a 5’ unmowed buffer strip towards the wetlands. J. Hastings and B. Mann agreed.
- R. Clapp noted that DEP has commented on this RDA, noting that with the proximity to the wetlands, the Commission may want to consider requiring a Notice of Intent. R. Clapp visited the site with R. Truax and disagrees with DEP’s position.

**A. Rutberg made a motion to issue a Negative #3 Determination for #D7-25: #180 Marked Tree Road. E. Corey seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**Public Meeting – Request for Determination of Applicability for #D-726: #85 Central Street (Assessors Map 8F-2-12)** for proposed replacement septic system – *CIVILized Solutions*, representing *Nicholas Prizio*

**Documents:** WPA Form 1: Plan of Land entitled “Septic System Construction, 85 Central Street, Holliston”, dated 8/16/2021

- R. Clapp read the legal advertisement into the record.
- P. Saulnier presented the project to the Commission. The septic system serving the building is failing and needs replacement, and is located within the 200’ Riverfront Area. He noted that

this project had been discussed at a previous meeting, and had been informally allowed to proceed prior to the issuance of a Determination of Applicability and work is now underway.

**U. Nickel made a motion to issue a Negative #3 Determination of #D-726: #85 Central Street. E. Corey seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**Public Meeting – Request for Determination of Applicability for #D-727: #600 Central Street (Assessors Map 9-4-62)** for proposed access road and battery energy storage facility – *TRC Companies*, representing *BWC Bogastow Brook, LLC*

**Documents:** WPA Form 1: Plan of Land entitled “Conceptual Site Layout Sketch” dated July 2022

- R. Clapp read the legal advertisement into the record.
- Josh Lariscy gave background on the project and the company. They are working with Christ the King Church on this project, and have submitted an RDA to the Commission and an application for a Special Permit for the Planning Board.
- Tracy Sudhalter noted no wetlands onsite, but there is a wetland system on an adjacent parcel that cast their buffer zone into the project site. No buffer zone encroachment is proposed, but there is minimal encroachment proposed within BLSF.
- A. Pilch noted two floodplains are marked on the plans, and inquired as to what they mean. T. Sudhalter noted that one line is the estimated floodplain marker and the other is measured.
- J. Lariscy reviewed the outlet structure, noting that the grading from the access road carries runoff down the road into the infiltration basin on the northern side of the road, which will be treated and exit out of the outlet structure to facilitate natural flow of water on the site.
- R. Clapp noted there are flags of various colors onsite. T. Sudhalter noted that the various colors were to assist the church in conceptualizing the project.
- R. Clapp requested clarification on the limits of the Commission’s jurisdiction. J. Lariscy noted that it is just the outlet structure.
- R. Shansky requested a timeframe for project completion. J. Lariscy noted it would be approximately 4-6 months.
- R. Shansky noted that the road will become an essential feature for the runoff for the site, and inquired if that would accentuate the amount of water running off to the bottom of the site. J. Lariscy noted the road will help redirect water into the basins as proposed.
- E. Corey inquired if there be a need for compensatory flood storage. J. Lariscy noted there is no elevation change proposed, so not required.
- A. Rutberg inquired if the basin closer to the parking lot had any implications on this project, as it was not maintained at all over the years. J. Lariscy will have a conversation with the church to restore the basin.

- A. Pilch acknowledged that the Commission has received many comment letters from abutters and concerned parties, which have been circulated. She emphasized, however, that the Commission has limited jurisdiction, with the Planning Board holding far more.
- Chris Flanagan, 84 Pilgrim Rd, president of Olde Oaks HOA inquired if anyone from the church is present this evening. No one was, and he believes it is telling that no one is present from the church to stand up for their project. He noted there is significant existing drainage issues from the church, which has ended up flooding abutters. A. Pilch noted this is outside the Commission's jurisdiction. C. Flanagan is also concerned that the project would impact wetlands adjacent to the project, and that that so many trees will be taken out. He also noted there are concerns about impact to groundwater and Well #5. If there's any malfunction, impacts to wetlands would be grave. He wants a light and sound study done as well.
- A. Pilch noted these issues are largely Planning Board-related. However, she requested information from the applicant regarding the safety of lithium ion batteries. J. Lariscy noted that these issues are to be discussed with the Planning Board. He is not trying to avoid anything with the Commission, just trying to limit discussion to the Commission's jurisdiction. In coordination with the Special Permit application, the Fire Department will need to sign off. He has met with the Fire Chief briefly to start to get him on board. He acknowledged that these batteries have had issues in the past, but there are new safety regulations in place.
- Joe Quinan, 37 Pilgrim Road, noted the other drainage area has issues and is concerned about how the new project may exacerbate the issue. T. Sudhalter clarified that with the elevation markers, the flow will be going down the road as opposed into the existing basin. J. Lariscy noted this would be addressed via the peer review, suggested sending comments to the Planning Board. J. Quinan also inquired as to who is legally responsible for upkeep. J. Lariscy confirmed that Bluewave would enter into a long-term lease with the church. He also noted that the Special Permit would have conditions for decommissioning with the Planning Board, including a decommissioning bond.
- Alison Quinan, 37 Pilgrim Road, also noted a proposed snow storage location and inquired if this plan is proposing snow from the gravel driveway to be stockpiled and packed. J. Lariscy confirmed, but is not anticipating a tremendous amount of snow storage, and any materials picked up by snowmelt runoff should be picked up by the basin. A. Quinan requested clarification if the flood elevation had been surveyed. J. Lariscy noted that the flood elevation marked is the flood elevation.
- Ben McDonald, 19 Pilgrim Road, inquired if the parking lot would need to be dug up. A. Pilch noted this is a Planning Board question.
- Chris Flanagan objects to the Commission making any decision prior to the Planning Board being all set and signed off by the Planning Board.
- Sean O'Neill, 38 Pilgrim Road, inquired if the Conservation Commission jurisdiction extends to drinking water. A. Pilch noted that the assumptions of the Act protect the public and private water supply. S. O'Neill contends that the planning aspect of the project should cover "what ifs," regardless of buffer zones. R. Clapp read 310 CMR 10.02(2)(d) into the record. A. Rutberg noted that the way the law is written, if a project is greater 100' from wetlands, the assumption is there is no risk of danger to wetlands, but that can be subverted if there is a proven effect per the referenced regulation. S. O'Neill inquired how many companies and individuals are involved in the project. A. Pilch noted that is a Planning Board question.
- Brian McShane, 47 Pilgrim Road, noted that there was a release from MassDEP listing automobile exhaust as a pollutant to the wetlands. R. Clapp noted that the lot is several hundred feet from the wetlands. B. McShane also noted that Holliston Fire Department is

volunteer, and inquired if Bluewave has worked with towns that have similar Fire Departments. J. Lariscy will obtain that information, but will work with the Holliston Fire Department and provide training if needed.

- A. Rutberg inquired from where the power is coming. J. Lariscy noted there will be a connection to both distribution infrastructure and the power lines on Central Street.

**A. Rutberg made a motion to continue the public meeting for #D-727: #600 Central Street until the next meeting on 9/13/2022. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**Public Hearing – Notice of Intent for DEP #185-XXX: 1485 Washington Street (Assessors Map 5-3-59.1)** for second story addition and drainage system, replacement of pavement, and restoration of altered buffer zone – *CDW Consultants*, representing *Brian Donoghue, AnyFence Co.*

**Documents:** WPA Form 3; Plan set for 1485 Washington Street, dated 8/9/2022; Stormwater Management Report dated 8/9/2022

- R. Clapp read the legal advertisement into the record.
- E. Wilhelmsen gave overview of the project site, noting locations of wetlands and buffer zones. The front of the site is gravel, with no stormwater management. Water sheets off the property into the street and into catch basins. The area in the rear of the parcel has been extended into the buffer zone, which partially triggered the Enforcement Order that resulted in this Notice of Intent. That area is proposed to be stripped out and replanted, loamed and seeded and put in tree plantings. In the front of the site, they propose to repave and pull out some existing gravel/pavement. He also stated that the applicant has dropped off the check for the peer review with McClure Engineering. E. Wilhelmsen noted that the second story of the parcel will not change the footprint within the buffer zone.
- A. Pilch inquired as to what seed mix would be used for the planting area. E. Wilhelmsen noted they plan to use regular grass for stabilization, but are open to suggestions. A. Pilch noted most grass mixes are non-native and would like to see a reasonable native alternative. She also noted in the front to the left of the building, she is concerned about the proximity of parking spaces to wetlands.
- R. Clapp noted the dumpsters are also in that area, and are overflowing into the wetlands. He would like to set up a site visit with the Commission.
- E. Corey inquired if there was any curbing. E. Wilhelmsen said there is none proposed. E. Corey believes there should be curbing to direct water into the stormwater management and would like to see a test pit at the location of the cultic chambers. She is glad this is going to peer review, as she has many questions regarding the stormwater report. E. Wilhelmsen noted that he plans to do a test pit, but has struggled with scheduling. E. Corey also inquired regarding roof runoff and where is it directed currently and proposed. E. Wilhelmsen noted it is currently pitched towards the rear, but could connect to the stormwater system.



- R. Clapp noted that there is an existing ORAD for the site, and inquired as to why a new delineation was done. E. Wilhelmsen is unsure, but will check on the ORAD plans.

**U. Nickel made a motion to continue the public hearing for DEP #185-XXX: #1485 Washington Street until the next meeting on 9/13/2022. E. Corey seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**Public Hearing – Notice of Intent for DEP #185-928: “0” Bartzak Drive (Assessors Map 14-4-21.4) for proposed construction of a solar power generation system and associated site work – Beals Associates, representing John Clifford, Bartzak PV, LLC**

**Documents:** WPA Form 3; Plan Set entitled “Plans to Accompany Permit Documents for Large-Scale Solar Power Generation System, 0 Bartzak Drive, Holliston, Massachusetts” dated 7/27/2022

- R. Clapp reported that the applicant had requested a continuance to the next meeting on 9/13/2022.

**U. Nickel made a motion to continue the public hearing for DEP #185-928: 0 Bartzak Drive until the meeting on 9/13/2022. A. Rutberg seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**Public Hearing – Notice of Intent for DEP #185-927: #369 Concord Street (Assessors Map 11-6-251) for proposed restoration of altered buffer zone and installation of horse paddocks – Goddard Consulting, representing Rayane Da Costa Lima**

**Documents:** WPA Form 3; Plan of Land entitled “Topographic Plan, 369 Concord Street, Holliston, Mass” dated 11/28/2021

- R. Clapp reported that the applicant had requested a continuance until the next meeting on 9/13/2022.

**U. Nickel made a motion to continue the public hearing for DEP #185-827: #369 Concord Street until the next meeting on 9/13/2022. A. Rutberg seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**Public Hearing – Request for Amendment to Order of Conditions for DEP #185-885: #66 Old Cart Path (Assessors Map 14-5-322)** for proposed single family house addition and expansion of septic system – *Guerriere & Halnon*, representing *Arun Narayanan*

**Documents:** Plan of land entitled “Septic Upgrade & Building Addition Site Development & Facilities Plan for 66 Old Cart Path in Holliston, Massachusetts” dated 7/12/2022 (rev. 8/24/2022)

- Elizabeth Mainini gave an overview of the project. The applicant proposes an addition to the single family house, as well as an expansion to the septic system and grading accordingly for an in-law apartment. Also proposed is some tree clearing up to the 50’ buffer on the east and in the north. She specifically called out a large pine tree that she deems as hazardous.
- A. Pilch inquired as how far the pine is from the house and nature of area around it. It appears to be within 30’ from the house. A. Pilch believes the clearing to be much more significant than the addition and septic. A. Rutberg agrees, noting it is an aesthetic decision not in the interest of the Act.
- U. Nickel is in favor of maintaining as much buffer as possible.
- A. Rutberg suggested treating the tree separately and move forward with the addition, septic, and tree removal.
- R. Clapp noted that the initial submittal of the Request for Amendment omitted the tree clearing, and suggested the Commission approve that plan.

**A. Rutberg made a motion to close the public hearing for DEP #185-885: #66 Old Cart Path. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**A. Rutberg made a motion to issue an Amended Order of Conditions for DEP #185-885: #66 Old Cart Path. E. Corey seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**Public Hearing – Notice of Intent for DEP #185-926: “0” Hill Street (Assessors Map 6.1-1-6.C)** for proposed stormwater basin for a two-lot residential subdivision – *Legacy Engineering*, representing *Community Development Partners, LLC*

**Documents:** WPA Form 3; Plan Set entitled “Hidden Cove Definitive Subdivision” dated 3/11/2022

- D. Merriken reiterated the scope of project. A two-lot subdivision is proposed, with a small amount of work in the buffer zone for the stormwater basin and French drain assembly. The plans have been revised to alter the road outside the buffer zone, and the stormwater report has been peer reviewed.

**A. Rutberg made a motion to close the public hearing for DEP #185-926: 0 Hill Street. E. Corey seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**A. Rutberg made a motion to issue an Order of Conditions for DEP #185-926: 0 Hill Street. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

**E. Corey made a motion to adjourn at 11:15 PM. A. Rutberg seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
R. Shansky:	Aye
A. Pilch:	Aye

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