

**Approved Meeting Minutes**  
Via Remote Participation

September 13, 2022  
7:30 PM

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

Ryan Clapp, Conservation Agent

Absent:

**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:	Present
R. Weissman:	Present
R. Shansky:	Present
A. Pilch:	Present

**General Business**

**Review/Approve Minutes of 8/2/2022, 8/16/2022, 8/18/2022, 8/13/2022**

- R. Shansky offered revisions to A. Pilch's comments on the Envisioning Future Holliston survey.
- A. Rutberg made a motion to approve the minutes of 8/2/2022 as amended. E. Corey seconded the motion. A roll call vote was taken.

**A. Rutberg made a motion to approve the minutes of 8/2/2022. E. Corey seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
-------------	-----

E. Corey:	Aye
U. Nickel:	Aye
J. Valsamis:	Aye
R. Weissman:	Abstain
R. Shansky:	Aye
A. Pilch:	Aye

The minutes of 8/16/2022, 8/18/2022, and 8/30/2022 were tabled until the next meeting on 9/27/2022.

### **Eagle Scout Project: Mellen Street/Daniels Land – Will Chamberlain**

- W. Chamberlain introduced himself to Commission. For his Eagle Scout project, he proposes to build a walkway in the Daniels Conservation Land to cross a portion of the trail that gets flooded.
- A. Pilch inquired if there were any large trees in the area. W. Chamberlain noted there were none.
- A. Pilch inquired if there would any ramps for accessibility. W. Chamberlain will incorporate ramps into the design.
- The Commission approved W. Chamberlain's project.

### **Discussion: Potential Open Space Subdivision – 734 Adams Street**

- Rob Truax presented draft concept plan to the Commission. This is a large property owned by Dennis Ferriera along Adams Street. He noted there is a fire pond that is manmade, 6-8' deep, with a control structure for overflow into the wetlands that would require a crossing of the associated wetlands. The area in the back is surrounded by Conservation land, so this open space part, approximately 21 acres, would connect to existing Open Space. A. Pilch noted this is a desirable parcel of Open Space.
- A. Pilch expressed concern regarding road runoff going into wetlands. R. Truax noted that the stormwater management system has not been designed yet, but will address that concern.
- D. Ferriera noted that he does not plan to develop the parcel immediately, he is just inquiring to see if this is a feasible option. After review, the Commission was favorable to the project, noting the details would need to be refined prior to a formal application.

### **Discussion: #599 Concord Street**

- R. Clapp gave an overview of the situation. He noticed on Monday, September 12, that the building at 599 Concord Street had been demolished, which was not what was approved under the Order of Conditions. He had conferred with the Town Planner and Building Inspector and found out that the scope of the project had changed, but he had not been notified. J. Hastings noted that the intention from the beginning was to demolish the building, but to keep the foundation. Keeping the foundation was no longer an option, as was disclosed during Building review, and had forgotten to amend the Order of Conditions. She intends to file a request for an Amended Order of Conditions, but would like to continue the project in the interim.

- A. Pilch noted the two plans are significantly different, as the garage and septic system have changed as well. A. Rutberg also noted that the demolition of the building was never approved, and what had been applied for was building renovation, addition, and a detached garage. They are concerned about letting site work commence in the interim period.
- A. Pilch noted that the Order prohibits stockpiling within 50' of wetlands, which is not being complied with.
- R. Weissman inquired if there was a cease and desist order issue. R. Clapp noted it was just verbal at this time, but will confirm with the Building Department to not issue any permits until this issue is resolved.

### **Discussion: Mitigation Guidelines outside the 50' No Disturbance Zone**

- U. Nickel noted that while there is a tree removal policy, but should there be a policy for other disturbance in the 100' buffer zone to reclaim the buffer zone as mitigation for projects.
- R. Weissman noted that while she agreed, consideration needs to be made for smaller lots in certain parts of town. She noted that some towns assess a fee for projects that encroach on buffer zones, which goes into a fund for wetland-related public works.
- R. Clapp and U. Nickel will discuss further to develop a draft plan.

### **Review Correspondence**

- R. Clapp reminded Commissioners to sign up for the MACC Conference if they are interested. The Conference is in October and R. Clapp can sign up Commissioners for them.
- R. Clapp noted that changes to signatures will have to be made. The Registry of Deeds rejected an Order of Conditions prohibiting the use of handwritten dates, so he will need to project dates of issuance.
- R. Clapp noted that he is having issues with *Metrowest Daily News*. He has asked around other towns to inquire what newspapers other Commissions use, and asked Commissioners to let him know if they know any alternatives.
- R. Clapp noted that Paul Saulnier is interested in serving on the Conservation Commission. He will need to check with the Town Clerk's office on conflicts of interest, but the Commission has no issues with him serving otherwise.

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

**Public Meeting – Request for Determination of Applicability for #D-728: #21 Green Street (Assessors Map 8E-3-84) for proposed replacement septic system – *CIVILized Solutions*, representing *Paul Guidi***

**Documents:** WPA Form 1; Plan of Land entitled "Septic System Construction, 21 Green Street, Holliston" dated 8/25/2022

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

- K. Skinner-Catrone presented the project to the Commission. The existing building at #21 Green Street has a failing septic system, with an intermittent stream located in the rear of the property. The applicant is proposing a new septic system within the 50' No Disturbance Zone, appx 31' from the edge of wetlands. The area is existing parking lot, and no trees are proposed to be removed.
- A. Pilch acknowledged that the lot is very constrained, so there is no viable option for other locations.
- E. Corey inquired regarding the grading on the south side. K. Skinner-Catrone noted that runoff will travel along the wall before going into wetlands.
- K. Skinner-Catrone suggested conditioning that erosion controls to remain in place to control the area where channelization would occur until after any permanent measures are found to be unnecessary.

**R. Weissman made a motion to issue a Negative #3 Determination for #D-728: #21 Green Street. A. Rutberg seconded the motion. A roll call vote was taken.**

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

**Public Hearing – Notice of Intent for DEP #185-XXX: #245 Prentice Street (Assessors Map 8-1-28.5) for proposed construction of a pool and pool house – Goddard Consulting, representing Paul Dobson-Brunell & Michael Brunell**

**Documents:** WPA Form 3; Plan of Land entitled “Site Plan of 245 Prentice Street in Holliston, MA” dated 7/28/2022

- R. Clapp read the legal advertisement into the record
- K. Pendergast, Goddard Consulting, presented the project to the Commission. The applicant proposes the installation of an in-ground pool with an associated patio at #245 Prentice Street, as well as a pool house. This project is proposed within existing lawn, and encroaches on the 100' buffer zone, but not the 50' No Disturbance Zone.
- A. Pilch expressed concerns about migratory amphibians. She requested escape routes for amphibians that may be trapped within the pool. K. Pendergast will revise the plans to reflect this request.
- R. Weissman expressed concerns about dewatering into wetlands. E. Corey noted that if the pool is to be drained, there will need to be conditions on dechlorination of water. K. Pendergast reviewed locations for draining, and noted that the applicant is also amenable to trucking the water offsite.
- E. Corey inquired if there would be a fence surrounding the pool. K. Pendergast noted there is an existing fence surrounding the yard.

**E. Corey made a motion to continue the public hearing for DEP #185-XXX: #245 Prentice Street. U. Nickel seconded the motion. A roll call vote was taken.**

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

**Public Hearing – Notice of Intent for DEP #185-929: #1004 Washington Street (Assessors Map 8-7-23) for proposed construction of a single family house and septic system – GLM Engineering, representing Robert & Edna Touchette**

**Documents:** WPA Form 3; Plan of Lane entitled “Proposed Sewage Disposal System, 1004 Washington Street, Holliston” dated 7/27/2022

- R. Clapp read the legal advertisement into the record.
- J. Hastings presented the project to the Commission. A fire had burned the house down several months ago, and they are proposing to reconstruct the house and septic system, and remove the pool. There will be temporary stockpiles within the 50’ No Disturbance Zone, as there is no other viable location.
- A. Pilch noted that this project heavily encroaches into the buffer zone. However, she acknowledged the site constraints and that there was a previously existing house located onsite.
- R. Shansky inquired if there was a plan to rehabilitate and revegetate the unused gravel driveway. J. Hastings noted that there is no specific plan, but it will be grassed over.
- U. Nickel inquired if some of the lawn could be reclaimed as buffer zone. J. Hastings noted there is a chain link fence surrounding the property that forms a barrier along the edge, so that is not a viable option.

**A. Rutberg made a motion to close the public hearing for DEP #185-929: #1004 Washington Street. J. Valsamis seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
J. Valsamis:	Aye
R. Weisman:	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 reported that the applicant had requested a continuance to the next meeting on 9/27/2022.

**A. Rutberg made a motion to continue the public meeting for #D-727: #600 Central Street until the next meeting on 9/27/2022. E. Corey seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
J. Valsamis:	Aye
R. Weisman:	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 reported that this project had already been continued until the next meeting on 9/27/2022.

**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, “Tree Inventory Plan” dated 7/27/2022

- D. Howe noted there were several questions from the last meeting, and wanted to be sure that have been answered. He has researched wildflower seed mix and has changed from a solar seed mix to a native New England wildflower seed mix. He also provided further information regarding erosion control post-construction, with the berm being removed. The applicant still needs to respond to the peer review comments from the Planning Board.
- D. Howe presented a plan showing the trees in the buffer zone, a total of 48 trees that are greater than 6” diameter, as well as 7 within the 50’ No Disturbance Zone. To leave the trees in

the 50' No Disturbance Zone would result in a loss of 7-8% of efficiency over the life of the project. U. Nickel requested clarity on what that loss of efficiency would look like. D. Howe noted this project should power approximately 350 homes, so it would be a loss of 24-25 homes worth of power.

- D. Howe noted that they are proposing to cut the trees and leave the stumps 4' above the ground and leave slash as habitat for wildlife. The trees within the buffer zone and within the solar field itself would be cleared and converted to meadow.
- R. Clapp noted there is not an answer regarding the status of the potential vernal pool. D. Howe noted that a vernal pool evaluation cannot be done at this time of year. A. Pilch requested a hypothetical evaluation, assuming the wetland is a vernal pool, what the impacts to wildlife would be.
- E. Corey requested there be mitigation plantings to offset the cutting. D. Howe noted that the current plantings are only proposed outside of the buffer zone. A. Pilch noted that mitigation must consist of native plantings in the buffer zone. U. Nickel suggested using shrubs to replant, as they will not shade the panels as much as trees.
- Mark Halstead, 17 Mohawk Path, what if any plans, are there for continued cutting and topping of trees that have grown in the area? D. Howe noted that they would look to maintain the entire solar array, mowing it a few times per year as necessary. Outside of the fence area, he will check with Galehead on their policy. He also noted there is a possibility for solar fields to get easements on other properties that could shade the panels. A. Pilch noted this is a Planning Board question, as it is outside of the buffer zone. D. Howe stated that Galehead will not be cutting trees on adjacent properties.
- Mark Freeman, 7 Indian Circle, noted that there are various conservation areas without wetlands in the area. R. Clapp clarified that is a requirement from the Planning Board as part of a subdivision approval. This is a different case, so there is no requirement for 50% of the land to be Open Space. M. Freeman asked if there can be a defined tree height for future cutting. A. Pilch noted the trees marked on the plans are the only ones proposed for removal. Any future cutting would need to come back to the Commission, unless described in an Operations and Management Plan.
- Cheryl Falcao, 27 Mohawk Path, doesn't believe that 100 year old trees should be cut down for solar, as they provide so many ecosystem services and solar panels have environmental risks. She also inquired if herbicides would be applied. A. Pilch noted they are proposing a wildflower mix as ground cover so there should not be herbicide applications. D. Howe confirmed there is no plan at this time for application of herbicides or pesticides. She is also concerned about electromagnetic radiation. D. Howe will bring this question to the Planning Board.
- Dina Reiss, 52 Mohawk Path, requested there be a submittal of photographs of the trees and site. A. Pilch noted that there are often photographs included in submittals, and there has been a site visit to the area to review the site several weeks ago as well. D. Reiss inquired as to what the town's obligation is to the environment over time. A. Pilch noted that the Commission's jurisdiction only relates to wetlands. Broader questions should be directed to the Planning Board and Board of Health.
- Tom Keefe, 5 Mohawk Path, noted that cutting easements can and do occur. A. Pilch noted this is a Planning Board question. He also inquired if Galehead will own the project in the future. A. Pilch is unsure, but decisions run with the project, so any future developer will need to adhere to any conditions. T. Keefe inquired if there is a maintenance road. D. Howe noted there is a gravel access road several hundred feet from the wetlands. T. Keefe noted there is

no distinction between certified vernal pools or potential vernal pools. R. Clapp noted that the Commission has requested a habitat evaluation per the requirements of the bylaw. T. Keefe inquired if there is any oversight on which trees are to be cut. D. Howe noted there can be conditions for flagging or otherwise marking trees. It is also in the developer's interest to not illegally cut trees on other people's properties, and the Commission has significant enforcement capabilities

- Victoria, 32 Praying Indian, inquired about plans for trees that grow over time. A. Pilch noted there has been significant discussion regarding ongoing tree cutting.
- A. Pilch read an anonymous message from the chat, noting many people in the audience do not oppose the project. The land does not have a Conservation Restriction on it, and so many trees were cut to build adjacent neighborhoods and other solar projects as well. This individual indicated that they believe this project to be relatively benign.

**U. Nickel made a motion to continue the public hearing for DEP #185-928:"0" Bartzak Drive until the next meeting on 9/27/2022. A. Rutberg seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
J. Valsamis:	Abstain
R. Weisman:	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 9/27/2022.

**U. Nickel made a motion to continue the public hearing for DEP #185-927: #369 Concord Street until the next meeting on 9/27/2022. A. Rutberg seconded the motion. A roll call vote was taken.**

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



**U. Nickel made a motion to adjourn at 10:20 PM. R. Weissman seconded the motion. A roll call vote was taken.**

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

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