

Approved Meeting Minutes

Via Remote Participation

November 15, 2022

7:30 PM

Present: Ann Marie Pilch, Chair; Allen Rutberg, Vice Chair; Eilish Corey, Rebecca Weissman, Jacquelyn Valsamis, Commissioners

Ryan Clapp, Conservation Agent

Absent: Utah Nickel, Commissioner; Richard Shansky, Alternate Commissioner

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

A. Pilch read the following into the record:

Pursuant to the Governor's July 16, 2022 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 as soon as possible 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:	Absent
J. Valsamis:	Present
R. Weissman:	Present
R. Shansky:	Absent
A. Pilch:	Present

General Business

Review/Approve Minutes of 9/13/2022, 9/27/2022, 10/11/2022, 10/18/2022, and 10/25/2022

- A. Pilch offered a revision to the minutes of 9/13/2022, noting that one bullet was in note form.

A. Rutberg made a motion to approve the minutes of 9/13/2022 as revised. R. Weissman seconded the motion. A roll call vote was taken.

A. Rutberg:	Aye
E. Corey:	Aye
R. Weissman:	Aye
J. Valsamis:	Aye

A. Pilch: Aye

- The minutes of 9/27/2022, 10/11/2022, 10/18/2022 and 10/25/2022 were tabled until the next meeting on 11/29/2022.

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

- R. Clapp reported that this property had been issued a Partial Certificate of Compliance earlier this year, with the outstanding item being the maple trees planted along the edge of the driveway. The plantings have since been installed and inspected.

A. Rutberg made a motion to issue a Certificate of Compliance for DEP #185-834: #260 Adams Street. E. Corey seconded the motion. A roll call vote was taken.

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

Request for a Certificate of Compliance: DEP #185-783: #53 Old Cart Path (Lot 76A)

- R. Clapp reported that this project had been issued a Partial Certificate of Compliance pending grass growth and stabilization. He has inspected the site and recommends a Certificate of Compliance.

E. Corey made a motion to issue a Certificate of Compliance for DEP #185-783: #53 Old Cart Path (Lot 76A). A. Rutberg seconded the motion. A roll call vote was taken.

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

Request for a Certificate of Compliance: DEP #185-787: #23 Minuteman Circle (Lot 69)

- R. Clapp noted that this project had been issued a Partial Certificate of Compliance pending grass growth, but noted there was outstanding information needed from G&H for documentation from NHESP. He noted that the area is no longer Priority Habitat for Rare Species.
- This item was tabled until the next meeting on 11/29/2022 pending further information.

Request for a Certificate of Compliance: DEP #185-738: Lot 83A-1 (FKA Lot 83A, Lot 35, Lot 5B) Old Cart Path

Request for a Certificate of Compliance: DEP #185-744: Lot 32B (FKA Lot 32, Lot 3.4A) Old Cart Path

Request for a Certificate of Compliance: DEP #185-745: Lot 81 (FKA Lot 33, Lot 3.4B) Old Cart Path

Request for a Certificate of Compliance: DEP #185-746: Lot 82 (FKA Lot 34, Lot 3.4C) Old Cart Path

Request for a Certificate of Compliance: DEP #185-754: Lot 31B (FKA Lot 3.3C) Old Cart Path

Request for a Certificate of Compliance: DEP #185-755: Lot 3C (FKA Lot 30, Lot 3.3B) Old Cart Path

Request for a Certificate of Compliance: DEP #185-756: Lot 83E (FKA Lot 36A, Lot 5C, Lot 3.5B) Old Cart Path

Request for a Certificate of Compliance: DEP #185-760: Lot 78 (FKA Lot 27, Lot 2A, Lot 3.2A) Old Cart Path

Request for a Certificate of Compliance: DEP #185-761: Lot 78 (FKA Lot 28, Lot 2B, Lot 3.2B) Old Cart Path

Request for a Certificate of Compliance: DEP #185-762: Lot 80A (FKA Lot 29, Lot 2C, Lot 32.C) Old Cart Path

Request for a Certificate of Compliance: DEP #185-817: Lot 83A-1 (FKA Lot 83A, Lot 35, Lot 5B) Old Cart Path

Request for a Certificate of Compliance: DEP #185-818: Lot 83E (FKA Lot 36A, Lot 5C, Lot 3.5C) Old Cart Path

- Discussion for DEP #185-738, 185-744, 185-746, 185-754, 185-755, 185-756, 185-760, 185-761, 185-762, 185-817, and 185-818 was held simultaneously.
- R. Clapp noted that after these Orders of Conditions had been issued, the lot lines had changed. Following the lot line changes, new Notices of Intent had been submitted and new Orders of Conditions issued. The houses built were under those new Orders of Conditions, and the former ones have therefore lapsed without work commencing associated with the old Orders.

A. Rutberg made a motion to issue a Certificate of Compliance for DEP #185-738, 185-744, 185-746, 185-754, 185-755, 185-756, 185-760, 185-761, 185-762, 185-817, 185-818. E. Corey seconded the motion. A roll call vote was taken.

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

Request for Release of Enforcement Order: #1707 Washington Street

- R. Clapp reported that this Enforcement Order had been issued in 1988 for unpermitted fill and earthwork in a wetland buffer zone. The Enforcement Order has since been resolved, but was recorded at the Registry of Deeds and therefore needs a written letter from the Commission releasing the Enforcement Order.

A. Rutberg made a motion to release the Enforcement Order for #1707 Washington Street. R. Weissman seconded the motion. A roll call vote was taken.

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

Review of Open Space Restrictions: Rebeca Lane (Triangle Farm)

- R. Clapp reported that Town Counsel is still reviewing the Open Space Restrictions

Tree Removal Request: #26 Old Cart Path

- R. Clapp reviewed the four red oaks in question regarding this request. Based on his site visit, he believes the trees to be in poor condition and a potential hazard to the house. One such tree has a significant split towards the base of the trunk. The homeowner proposed replanting with sweet pepperbush onsite.
- A. Pilch agreed with the hazardous nature of the split trunk tree, but would like to take a look at the other trees before making a determination on the tree removals. She would also like some variety in the mitigation plantings.

Review Correspondence

- J. Valsamis noted that she will be resigning from the Conservation Commission due to conflicting schedules. This will be her final meeting. A. Pilch requested a letter of resignation be submitted to the Select Board.
- A. Pilch noted that Performance Evaluations have begun, and requested that any Commissioners with any comments or concerns be sent to Kathleen Buckley, the Assistant

Town Administrator. She also requested that they provide any goals for R. Clapp in the next fiscal year.

- R. Clapp noted he will be absent after tomorrow until after Thanksgiving.

Public Hearings/Public Meetings

Public Meeting – Request for Determination of Applicability for #D-731: #1483 Washington Street (Assessors Map 5-3-59.2) for proposed fence – *Goddard Consulting*, representing *Chetak Patel*

Documents: WPA Form 1; Plan of Land entitled “Proposed Fence Plan of 1483 Washington Street in Holliston, MA” dated 10/12/2022

- R. Clapp read the legal advertisement into the record.
- R. Roseen presented the project to the Commission. He noted that the proposal is for a privacy fence along the property line, up to approximately 25’ from the edge of wetlands to provide screening and prevent encroachment. He noted that under the Act, this is an exemption, as it does not constitute a barrier to wildlife movement, as well as under Article XXXI. They will be using a line of erosion controls to protect the wetlands. E. Corey requested straw wattles as opposed to silt fences to minimize ground disturbance.
- A. Pilch requested confirmation on site topography. R. Roseen noted it is a generally flat side, though there is a hilly area to the north.
- A. Rutberg inquired as to how much space there is from the ground to the bottom of the fence. R. Roseen noted there is approximately 4-6” of space, allowing for small animals to pass through.
- N. Smith inquired if the wattles are intended to be permanent. A. Pilch noted they will be removed post construction.

R. Weissman made a motion to issue a Negative #3 Determination for #D-731: #1483 Washington Street. A. Rutberg seconded the motion. A roll call vote was taken.

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

Public Meeting – Request for Determination of Applicability for #D-730: #129 Heritage Way (Assessors Map 6-2-134A) for proposed replacement septic system – *GLM Engineering*, representing *Marylou Decollibus*

Documents: WPA Form 1; Plan of Land entitled “Proposed Sewage Disposal System, 129 Heritage Way, Holliston, MA” dated 9/23/2022

- J. Hastings presented the project to the Commission. The existing septic system has failed, and requires replacement. The entire project is located within existing lawn and the limit of work is approximately 30’ from the edge of wetlands.

Conservation Commission Minutes 11-15-22
Drafted for the Commission by: Ryan Clapp

Approved by the Commission: 1-24-23

- R. Clapp noted there is a heavy presence of invasive species onsite.
- A. Pilch noted site constraints prohibit the septic system from being relocated anywhere else onsite further from the wetlands.

A. Rutberg made a motion to issue a Negative #3 Determination for #D-730: #129 Heritage Way. R. Weissman seconded the motion. A roll call vote was taken.

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

Public Hearing – Notice of Intent for DEP #185-932: #9 Green Street, #21 Green Street, #769 Washington Street (Assessors Map 8E-3-61, 8E-3-84, 8E-3-70) for proposed construction of a municipal parking lot and associated site improvements – Pare Corporation, representing James Keast, Town of Holliston

Documents: WPA Form 3; Plan Set entitled “Town of Holliston, 9 Green Street” dated October 2022 (rev. 11/3/2022); Stormwater Report entitled “9 Green Street Parking Lot, Green Street, Holliston, MA,” dated October 2022 (rev. 11/3/2022); email from E. Corey dated 11/1/2022 re: Stormwater; letter from PARE Corp. re: Conservation Commission, Response to comments on Nov. 4, 2022, dated 11/9/2022; letter from PARE Corp. re: Notice of Intent – Response to DEP Review Comments, 9 Green Street, Holliston, DEP File No. 185-0932, dated 11/15/2022

- A. Hanscom noted that there have been comments provided from both E. Corey and MassDEP that they have responded to. He inquired if Eilish had any further questions. E. Corey noted that she had requested information with the Operations & Maintenance Plan. A. Hanscom noted he had provided that information this afternoon. R. Clapp will forward the information.
- E. Corey noted that she had concerns regarding the snow storage location. It is shown right next to the wetlands. A. Hanscom noted they have developed alternative plans for snow storage locations.
- A. Hanscom noted they have provided responses to MassDEP’s comments this morning. R. Clapp will forward the information to the Commission.
- A. Pilch expressed concerns about destabilizing the slope of the bank with invasive species removal. L. Gluck noted there is a robust root system, and many of the invasives are climbing vines, which have little impact to ground and stabilization. A. Hanscom has also noted they are providing a stone berm along the top of the bank, which will mitigate current erosion onsite.

E. Corey made a motion to continue the Public Hearing for DEP #185-932: #9 Green Street, #21 Green Street, #769 Washington Street until 11/29/2022. A. Rutberg seconded the motion. A roll call vote was taken.

A. Rutberg:	Aye
E. Corey:	Aye
R. Weissman:	Aye
J. Valsamis:	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 until the meeting on 11/29/2022.

A. Rutberg made a motion to continue the public meeting for #D-727: #600 Central Street until the next meeting on 11/29/2022. E. Corey seconded the motion. A roll call vote was taken.

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

Public Hearing – Notice of Intent for DEP #185-931: 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 (rev. 10/18/2022); Stormwater Management Report dated 8/9/2022 (rev. 10/12/2022); letter from CDW Consultants re: Notice of Intent – AnyFence Co., 1485 Washington Street, Holliston, MA, DEP File #: CE 185-0931, dated 10/20/2022

- E. Wilhelmsen noted that this hearing has been continued several times to address the stormwater peer review comments. They have largely addressed the comments from the peer reviewer. P. Barbieri noted changes made reflect these comments, as well as a meeting with the Planning Board.
- E. Wilhelmsen noted that the loam and seed has been revised to be of a native variety, and have relocated several parking spaces further from the wetlands. Curbing has also been added to avoid sheet flow into the wetlands. P. Barbieri noted they have also done soil testing. Additionally, the area of expanded parking in the rear of the parcel that was expanded that was proposed for revegetation has been changed to remain gravel to allow for continued access and storage.
- A. Pilch took exception to the gravel area not being restored to native vegetation, as that was partially the reason for enforcement. E. Corey agrees, and inquired as to what materials would be stored in that area. B. Donoghue noted that he proposes to store wood materials in that area, and nothing has encroached further since this enforcement had begun. He noted with the many concessions made as a part of this project, he would like to continue using this area as storage for raw material to be brought to jobs. B. Donoghue noted that this is a more innocuous use of the site than was previously used by the previous owner.

- P. Barbieri suggested the construction of a berm along the edge of the gravel to prevent further encroachment.
- A. Rutberg noted that with the amount of work in the 50' No Disturbance Zone, he is uncomfortable with the gravel storage area adjacent to the wetlands, but understands the site constraints.
- E. Corey noted that she noted site activity occurring there yesterday. B. Donoghue noted that was normal site activity of hauling site materials.
- B. Donoghue requested a site visit from the Commission to the property. Individual Commissioners will schedule site visits with B. Donoghue.
- A. Pilch inquired if materials were still stored along the left side of the property along the wetlands. B. Donoghue confirmed there are racks of storage materials.
- N. Smith inquired if the building shown is proposed, and if materials could be stored inside the building as opposed to outside. B. Donoghue noted there is no new structure proposed, and that there is not enough room inside the building to store all the materials. She also inquired if there could be a drainage system in the back to relieve some of the issues. E. Wilhelmsen noted that as gravel is permeable, there is no need for an underground stormwater system. If they did have to do that, they would have to overflow the system closer to the wetlands, potentially causing more disturbance to the wetlands. E. Corey noted that since gravel is usually compacted, it is not usually considered permeable.

E. Corey made a motion to continue the public hearing for DEP #185-931: #1485 Washington Street until 11/29/2022. A. Rutberg seconded the motion. A roll call vote was taken.

A. Rutberg:	Aye
E. Corey:	Aye
R. Weissman:	Aye
J. Valsamis:	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, “Tree Inventory Plan” dated 7/27/2022; letter from Beals Associates, Inc., dated 10/7/2022

- R. Clapp reported that the applicant had requested a continuance until the next meeting on 11/29/2022.

R. Weissman made a motion to continue the public hearing for DEP #185-928: 0 Bartzak Drive until 11/29/2022. A. Rutberg seconded the motion. A roll call vote was taken.

A. Rutberg:	Aye
E. Corey:	Aye
R. Weissman:	Aye

J. Valsamis: 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 (rev. 10/6/2022); Letter from Goddard Consulting, LLC, dated 10/6/2022; Planting Plan dated 6/9/2022 (rev. 10/6/2022)

- R. Clapp reported that the applicant had requested a continuance until the next meeting on 11/29/2022.

A. Rutberg made a motion to continue the public hearing for DEP #185-927: #369 Concord Street until 11/29/2022. R. Weissman seconded the motion. A roll call vote was taken.

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

A. Rutberg made a motion to adjourn at 9:05 PM. E. Corey seconded the motion. A roll call vote was taken.

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

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