

Holliston Conservation Commission

APPROVED Meeting Minutes

Via Remote Participation

May 2, 2023

7:30 PM

Present: Ann Marie Pilch, Chair; Allen Rutberg, Vice Chair; Eilish Corey, Utah Nickel, Nicole Smith, Rebecca Weissman, Commissioners
Ryan Clapp, Conservation Agent

Absent: 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:	Present
N. Smith:	Present
R. Weissman:	Present
R. Shansky:	Absent
A. Pilch:	Present

General Business

Review/Approve Minutes of 3/21/2023, 4/4/2023, and 4/18/2023

- **N. Smith made a motion to approve the minutes of 3/21/2023. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
N. Smith:	Aye
R. Weissman:	Aye
A. Pilch:	Aye

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Drafted for the Commission by: Ryan Clapp

Approved by the Commission: 6-27-23

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Issue Order of Conditions: DE P#185-931: #1485 Washington Street

- R. Clapp reviewed the draft Order of Conditions with the Commission.
- **A. Rutberg made a motion to issue an Order of Conditions for DEP #185-931: #1485 Washington Street. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
N. Smith:	Aye
R. Weissman:	Abstain
A. Pilch:	Aye

Request for Certificate of Compliance: DEP #185-530: Constitution Village

- R. Clapp reported that this Order of Conditions is related to the construction of the subdivision. It has lapsed, but all work that is outstanding is covered by the Order of Conditions under DEP #185-849.
- **E. Corey made a motion to issue Certificate of Compliance for DEP #185-530: Constitution Village. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
N. Smith:	Aye
R. Weissman:	Aye
A. Pilch:	Aye

Request for Partial Certificate of Compliance: DEP #185-849: Constitution Village

- R. Clapp reported that the applicant is requesting a Partial Certificate of Compliance for this project. Outstanding items include the final grading and stabilization, paving, and establishment of the detention basins.
- The Commission was uncomfortable issuing a Partial Certificate of Compliance, and requested that the applicant be present.

Request for Extension to Order of Conditions: DEP #185-849: Constitution Village

- R. Clapp reported that the applicant is requesting a one year extension to the Order of Conditions for final stabilization, paving, and establishment of the detention basins.
- **N. Smith made a motion to extend the Order of Conditions for DEP #185-849: Constitution Village for one year. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
N. Smith:	Aye
R. Weissman:	Aye
A. Pilch:	Aye

Request for Partial Certificate of Compliance: DEP #185-851: #589 Prentice Street

- This item was tabled until the meeting on 5/16/2023.

Request for Partial Certificate of Compliance: DEP #185-853: #607 Prentice Street

- This item was tabled until the meeting on 5/16/2023.

Request for Certificate of Compliance: DEP #185-882: Lot 31B Old Cart Path

Request for Certificate of Compliance: DEP #185-887: Lot 81 Old Cart Path

Request for Certificate of Compliance: DEP #185-867: Lot 82 Old Cart Path

Request for Certificate of Compliance: DEP #185-876: Lot 83A Pout Lane

Request for Certificate of Compliance: DEP #185-877: Lot 83B Pout Lane

Request for Certificate of Compliance: DEP #185-878: Lot 83C Pout Lane

Request for Certificate of Compliance: DEP #185-879: Lot 83D Pout Lane

Request for Certificate of Compliance: DEP 3185-880: Lot 83E Pout Lane

- These 8 Requests for Certificates of Compliance were tabled until the next meeting on 5/16/2023.

Review Correspondence

- R. Clapp reminded the Commission that Public Safety Day will be on 5/6/2023. This will be a good opportunity for outreach to the community.
- R. Clapp reported that Middlesex Conservation District will be holding a composting workshop at the Community Farm on 5/15/2023.
- R. Clapp reported that he had been contacted by an individual interested in bushcraft on the Fairbanks Conservation Land. He is unsure if this activity is consistent with the Commission's rules, and will research further.
- N. Smith reported that she has been in contact with the Town of Lincoln regarding strategies for public outreach for the Conservation Commission.
- R. Weissman announced that she will be resigning at the end of her term in June 2023.

Public Hearings/Public Meetings

Public Hearing – Notice of Intent for DEP #185-942: #75 Karen Circle (Assessors Map 4-4-226) for proposed replacement septic system – *CIVILized Solutions*, representing *David & Shauna Walsh*

Documents: WPA Form 3; Plan of Land entitled “Septic System Construction, 75 Karen Circle” dated 3/15/2023

- R. Clapp read the legal advertisement into the record.
- K. Skinner-Catrone presented the project to the Commission. The existing septic system onsite is failing and needs replacement. A small portion of the project is within 50' to the adjacent wetlands, and she noted there is a large culvert in the rear of the parcel draining into the wetlands. No trees are proposed for removal, and the entirety of the project is

within existing lawn. This is the best location to avoid the need for a pump, and the soils are best at this location.

- N. Smith noted that avoiding the need for a pump may not be an appropriate reason to encroach on the 50' No Disturbance Buffer. K. Skinner-Catrone noted that the soils are also the most suitable for the system at this location. R. Clapp also noted that as long as the performance standards are met, there is no issue with this location.
- R. Clapp noted that this project has not been filed with the Board of Health as of yet.
- A. Pilch asked if there is lawn all the way to the wetland edge. K. Skinner-Catrone noted there is approximately a 10' strip of natural vegetation between the lawn and wetlands.
- U. Nickel recommended waiting until the Board of Health approves the project for the Commission to issue a decision.
- R. Clapp noted that DEP has requested that the limits of Bordering Land Subject to Flooding be shown on the project plans. K. Skinner-Catrone will add that line.
- **A. Rutberg made a motion to continue the public hearing for DEP #185-942: #75 Karen Circle until the next meeting on 5/16/2023. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye

E. Corey: Aye

U. Nickel: Aye

N. Smith: Aye

R. Weissman: Aye

A. Pilch: Aye

Public Hearing – Notice of Intent for DEP #185-XXX: #734 Adams Street (Assessors Map 4-2-58) for proposed 7-lot open space subdivision – *GLM Engineering*, representing *Dennis & Yvonne Ferreira*

Documents: WPA Form 3; Plan set entitled “Definitive Open Space Subdivision, ‘Beaver Brook Farm’, A 7 Lot Single Family Residential Subdivision, Holliston, Massachusetts” dated 3/6/2023

- R. Clapp read the legal advertisement into the record.
- R. Truax presented the project to the Commission. The property is currently occupied and operates as a horse farm, and is approximately 34 acres in size. The parcel abuts the Town Forest and Fairbanks, and as a part of the project, the applicant will donate approximately 21.5 acres of land, and the other portion would be developed as housing. There is a wetland to the rear of the property, but no work is proposed within that resource area or buffer zone. There is another existing wetland to the south of the property, as well as a pond constructed by the applicant that is used for irrigation. A portion of the driveway is currently crosses the wetlands with a culvert, which is proposed to be preserved and expanded upon. The goal for the time being is to just work on the road and donate the portion of land to the Town. Construction of any houses would be in the future, with no immediate plans for construction. There is a replication area proposed adjacent to the road that will be revised and relocated, as more is required and the alternative location would not require removal of any trees.

- R. Weissman noted there are new DEP wetland replication guidelines. R. Truax will consult those guidelines when developing the next set of plans.
- N. Smith expressed concerns the rear property lines were within the 50' No Disturbance Zone, putting further restrictions on future homeowners. R. Truax noted that a large portion of that zone is currently disturbed. N. Smith noted that in the area to be donated, there are various mountain biking structures. R. Truax noted that they can be removed prior to donation.
- E. Corey noted the plans do not have vegetation details for the detention basin seed mix. R. Truax noted the basin will have an open sand bottom to maximize recharge. E. Corey responded that she would prefer a bioretention basin. R. Truax will revise the basins to include wetland grasses.
- **N. Smith made a motion to continue the public hearing for DEP #185-XXX: #734 Adams Street until the meeting on 5/30/2023. U. Nickel seconded the motion. A roll call vote was taken.**
 - A. Rutberg: Aye**
 - E. Corey: Aye**
 - U. Nickel: Aye**
 - N. Smith: Aye**
 - R. Weissman: Aye**
 - A. Pilch: Aye**

Public Hearing – Request for Amendment to Order of Conditions for DEP #185-929: #1004 Washington Street (Assessors Map 8-7-23) for proposed in-ground pool – *GLM Engineering*, representing *Robert & Edna Touchette*

Documents: WPA Form 3; Plan of Land entitled “Proposed Sewage Disposal System, 1004 Washington Street, Holliston, MA” revision date 4/6/2023

- R. Clapp read the legal advertisement into the record.
- R. Truax presented the project to the Commission. This project had been previously permitted for the reconstruction of a house that had burned down, and is currently in construction. The applicant is now proposing the installation of an in-ground pool, which was previously existing prior to the fire. The proposed pool is within lawn area, but is within the 50' No Disturbance Buffer Zone.
- U. Nickel asked why this was not included in the initial filing. R. Truax noted that at the time, it was cost-prohibitive.
- A. Pilch expressed concerns about encroachment into the 50' No Disturbance Buffer Zone, noting that if this project was not a rebuild after a fire, the Commission would have had more reservations about the initial project.
- N. Smith asked if there was an opportunity to relocate the pool outside of the 50' No Disturbance Buffer Zone. R. Truax will review other options and provide a plan revision after discussion with the homeowners.
- R. Clapp noted that there is a floodplain line on GIS that appears to be bisecting the pool. R. Truax will review this with J. Hastings.

- J. Barry, 173 Union Street, asked what the concern regarding impervious surfaces within 50'. A. Pilch noted that impervious surfaces give wetlands less opportunity to recharge. J. Barry also asked if there were to be a leak, what would happen to the wetlands. A. Pilch noted that an Order of Conditions has conditions relating to the discharge of water directly into wetlands.
- **R. Weissman made a motion to continue the public hearing for DEP #185-929: #1004 Washington Street until 5/16/2023. A. Rutberg seconded the motion. A roll call vote was taken.**
 - A. Rutberg:** Aye
 - E. Corey:** Aye
 - U. Nickel:** Aye
 - N. Smith:** Aye
 - R. Weissman:** Aye
 - A. Pilch:** Aye

Public Hearing – Notice of Intent for DEP #185-XXX: near #78 & #95 Turner Road for proposed culvert replacement – *AP Associates*, representing *Sean Reese, Holliston Department of Public Works*

Documents: WPA Form 3; Plan set entitled “Construction Drawings for Culvert Replacements, Various Locations, Holliston, Massachusetts” dated December 2022

- R. Clapp reported that the applicant has requested a continuance to the next meeting on 5/16/2023.
- **N. Smith made a motion to continue the public hearing for DEP #185-XXX: near #78 & #95 Turner Road until the next meeting on 5/16/2023. E. Corey seconded the motion. A roll call vote was taken.**
 - A. Rutberg:** Aye
 - E. Corey:** Aye
 - U. Nickel:** Aye
 - N. Smith:** Aye
 - R. Weissman:** Aye
 - A. Pilch:** Aye

Public Hearing – Notice of Intent for DEP #185-XXX: near #89 & #92 Arch Street for proposed culvert replacement – *AP Associates*, representing *Sean Reese, Holliston Department of Public Works*

Documents: WPA Form 3; Plan set entitled “Construction Drawings for Culvert Replacements, Various Locations, Holliston, Massachusetts” dated December 2022

- R. Clapp reported that the applicant has requested a continuance to the next meeting on 5/16/2023.
- **U. Nickel made a motion to continue the public hearing for DEP #185-XXX: near #89 & #92 Arch Street until the next meeting on 5/16/2023. N. Smith seconded the motion. A roll call vote was taken.**
 - A. Rutberg:** Aye
 - E. Corey:** Aye

U. Nickel: Aye
N. Smith: Aye
R. Weissman: Aye
A. Pilch: Aye

Public Hearing – Notice of Intent for DEP #185-XXX: near #72 & #73 Water Street for proposed culvert replacement – *AP Associates*, representing *Sean Reese, Holliston Department of Public Works*

Documents: WPA Form 3; Plan set entitled “Construction Drawings for Culvert Replacements, Various Locations, Holliston, Massachusetts” dated December 2022

- R. Clapp reported that the applicant has requested a continuance to the next meeting on 5/16/2023.
- **A. Rutberg made a motion to continue the public hearing for DEP #185-XXX: near #72 & #73 Water Street until the next meeting on 5/16/2023. N. Smith seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: Aye
A. Pilch: Aye

NEW Public Hearing – Notice of Intent for DEP #185-XXX: near #10 Bald Hill Road & #425 Winter Street for proposed culvert replacement – *AP Associates*, representing *Sean Reese, Holliston Department of Public Works*

Documents: WPA Form 3; Plan set entitled “Construction Drawings for Culvert Replacements, Various Locations, Holliston, Massachusetts” dated December 2022

- R. Clapp reported that the applicant has requested a continuance to the next meeting on 5/16/2023.
- **E. Corey made a motion to continue the public hearing for DEP #185-XXX: near ##10 Bald Hill Road & #425 Winter Street until the next meeting on 5/16/2023. A. Rutberg seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: Aye
A. Pilch: Aye

Public Hearing – Notice of Intent for DEP #185-941: near #542 & #526 Winter Street for proposed culvert replacement – *AP Associates*, representing *Sean Reese, Holliston Department of Public Works*

Documents: WPA Form 3; Plan set entitled “Construction Drawings for Culvert Replacements, Various Locations, Holliston, Massachusetts” dated December 2022

- R. Clapp reported that the applicant has requested a continuance to the next meeting on

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- **E. Corey made a motion to continue the public hearing for DEP #185-XXX: near #542 & #526 Winter Street until the next meeting on 5/16/2023. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: Aye
A. Pilch: Aye

Public Hearing – Notice of Intent for DEP #185-940: #99 Pilgrim Road (Assessors Map 9-4-92) for proposed in-ground pool – *Riverhawk Environmental*, representing *Fabricio De Faria*
Documents: WPA Form 3; Plan of Land entitled “Plan to Accompany NOI” dated 1/27/2023

- R. Clapp reported that the applicant has requested a continuance to the meeting on 5/16/2023.
- **U. Nickel made a motion to continue the public hearing for DEP #185-940: #99 Pilgrim Road until the next meeting on 5/16/2023. N. Smith seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: 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 has requested a continuance to the next meeting on
- **U. Nickel made a motion to continue the public meeting for #D-727: #600 Central Street until next meeting on 5/16/2023. A. Rutberg seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: 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

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7/27/2022, “Tree Inventory Plan” dated 7/27/2022; letter from Beals Associates, Inc., dated 10/7/2022; Preliminary Vernal Pool Assessment, 0 Bartzak Drive, Holliston MA, from Oxbow Associates, Inc., dated 12/8/2022; Vernal Pool Assessment and Resource Area Delineation, from Beals Associates, Inc., dated 5/25/2023; 2023 Spring Vernal Pool and Resource Area Assessment, from Oxbow Associates, Inc., dated 4/24/2023

- D. Howe reported that the applicant has retained Oxbow Associates to review the potential vernal pool, and have submitted a review package to the Commission. He noted that the vernal pool was reviewed in April, and noted that this wetland resource area lacks the bordering requirement, exempting it from review under the Wetlands Protection Act. They are requesting to withdraw the state portion of the Notice of Intent, and review this project under Article XXXI only.
- B. Butler, Oxbow Associates, reviewed the findings of the vernal pools evaluation, noting that he has located two vernal pools with wood frogs and spotted salamander egg masses. He has flagged the borders of the vernal pools, noting that both pools are offsite, with only their buffer zones extending onto the site. As they are offsite, they would not entertain the idea of certifying them.
- D. Howe noted the applicant proposes to extend the selective cutting, as opposed to clear cutting, within the fence line as partial mitigation. N. Smith asked why the applicant is proposing to do this. D. Howe noted that its purpose is to provide sunlight to the panels.
- E. Corey asked if there was to be a gap from the ground to the fence. D. Howe noted there is a 4” gap for small wildlife migration.
- R. Clapp noted that the plans show a buffer zone off the edge of the vernal pool, but the no disturbance zone is off of the edge of the wetlands containing the buffer zone, so this should be extended. He also noted that the report has no statement on the impact to vernal pool species, and that the area proposed for extension of the selective cutting is outside of the buffer zone. B. Butler noted that animals will migrate multidirectionally from the vernal pool, so there is no predicting migratory pathways. However, any development will diminish habitat value on this site.
- R. Weissman asked if there were other habitat enhancements the applicant could provide. B. Butler responded that they are constrained by the property lines, but will be leaving a large amount of biomass on the ground with the selective cutting and dropping.
- U. Nickel asked if the solar panel array could be reduced within the buffer zone. D. Howe will assess this option.
- A. Rutberg noted that minimization of impacts within the 50’ No Disturbance Zone is not necessarily adequate for mitigation. R. Weissman agreed, and suggested the applicant review other locations for restoration around town. B. Butler will consider this option.
- MaryAnn DiPinto, Three Oaks Environmental, reviewed the vernal pools last week, noting that the wood frogs have hatched. She also noted that the limits of the vernal pools may have changed due to the recent rain events as well, so the wetland flags may need to be readjusted. She has provided a report to the Commission earlier today.
- T. Keefe, 5 Mohawk Path, expressed concerns about flooding and runoff due to the removal of vegetation onsite. He noted that the applicant’s documentation was lacking in addressing

these issues. Erosion and sedimentation controls also appear to be lacking in documentation on the plans and narrative.

- A. Pilch read an anonymous comment into the record, noting that for the various houses around this proposed solar site, various trees were cut down, reducing flood storage and increasing runoff.
- T. Keefe asked if the Commission would consider hiring a hydrologist to review the flood storage and runoff issues associated with this project. A. Pilch asked if there was a stormwater report for this project. D. Howe noted that there was a stormwater report that has been peer reviewed by the Planning Board.
- The Commission agreed that this project is Bylaw-jurisdictional only. R. Clapp clarified that the Bylaw is stricter, so the removal of the State portion does not lessen the review by the Commission. He noted the applicant should send an email to the DEP Circuit Rider withdrawing the application under the State, and forward this email to the Commission.
- **N. Smith made a motion to continue the public hearing for DEP #185-928: “0” Bartzak Drive until the meeting on 5/16/2023. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
N. Smith:	Aye
R. Weissman:	Aye
A. Pilch:	Aye

A. Rutberg made a motion to adjourn at 10:39 PM. N. Smith seconded the motion. A roll call vote was taken.

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
N. Smith:	Aye
R. Weissman:	Aye
A. Pilch:	Aye

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