

**HOLDEN CONSERVATION COMMISSION**

**Wednesday, June 7, 2023**

**1196 Main Street**

**Town Hall**

**7:00 p.m.**

**Members Present:** Michael Scott, Chairman; Luke Boucher, Kenneth Strom, Elizabeth Parent, Heather Parry, David Nyman

**Not Present:** Hannah Lipper

**Others Present:** Glenda Williamson, Conservation Agent; Sara Flagg, Recording Secretary; Matthew Marro, Matthew S Marro Environmental Consulting, 350 South Road; Tom Larson, Martelli Construction, Clea Blair, Greenwood Estates; Tim Adler, Bluestone Residential, Inc; Julian Votruba, NEED, 1665 Main St; Lisa and Gary DiCiero, 86 Brattle St; Brian Vitalis, 34 Village Way; Sandra Mott, 88 Brattle St; Edward Holden, 100 High St.

M Scott opened the meeting at 7:02 pm

**350 SOUTH ROAD – ENFORCEMENT ORDER**

Assessing Map 181 , Parcel 10. Unauthorized work in resource area and buffer. Owner, Steve Nino; Rep., Matt Marro, Matthew S Marro Environmental Consulting *(con't from May 3rd)*

M Marro reviewed plans showing a surveyed and staked out area indicating the centerline of the proposed stream. He shared his findings regarding the flooding on his client's property. He described the plan to re-establish the channel and he is working with DEP in regard to the location of the new pipe. He will have more details and a firm action plan for the meeting in August. G Williamson shared photos from her May 12th site visit.

**NOTICE OF INTENT – 1665 MAIN STREET**

Dep File # 183-0696. Assessing Map 100, Parcel 94. Construction of a parking lot associated with an existing building and repairs to the existing concrete slab. A portion of the work is located within the 100-foot buffer of Mill Pond/Eagle Lake, BLSF and Riverfront Area. Tim Adler, Bluestone Residential, Inc; Julian Votruba, NEED. *(Continued from May 3rd)*

T Adler stated that they have added the requested footnotes and additional catch basin

as the Commission requested. M Scott also mentioned that he did see the note regarding removal of debris which was the third significant item from the last meeting.

D Nyman had a few questions and comments. He suggested that the Commission finds that the project is within the Riverfront Area; however, the applicable section of the regulations about historical complexes applies. T Adler did comment that it is noted as requested on the plans. D Nyman brought up additional comments regarding the plans and the depiction of Bordering Lands Subject to Flooding (BLSF) and that the plan should show the proposed conditions flood elevations so the plan clearly shows the floodplain levels. The Commission agreed on the following findings:

1. The Conservation Commission finds that the entire project falls within Riverfront Area. The applicant has provided documentation to show that under 310 CMR 10.58(6) the proposed activities are within a “Historic Mill Complex” and are exempt from the provisions of 310 CMR 10.58(1) through (5)
2. The Conservation Commission finds that BLSF corresponds to the delineation developed in the engineering study. Also, the proposed work, including the provision of flood storage within buildings, will control flood impacts per the conclusions in the study. Therefore, additional compensatory storage is not required.

Motion by K Strom, seconded by L Boucher to CLOSE THE HEARING FOR NOTICE OF INTENT – 1665 MAIN STREET Dep File # 183-0696 . Approved by a vote of 6-0-0.

Motion by D Nyman, seconded by L Boucher to ISSUE A STANDARD ORDER OF CONDITIONS FOR NOI - 1665 MAIN STREET DEP FILE # 183-0696 WITH THE FOLLOWING SPECIAL CONDITIONS:

1. Prior to construction, the Contractor responsible for the slab repairs shall prepare a written management plan covering the following:
  - a. Management of the temporary dewatering of the Asnebumskit Brook,
  - b. Protection of this resource from impacts due to construction activities,
  - c. Restoration of flows to the brook at completion of construction.The contractor shall present this plan to the Commission for its concurrence prior to initiating any work that impacts this stream.
2. The Massachusetts Division of Wildlife and Fisheries Time of Year restrictions for work within the Brook shall apply, as provided in email

correspondence from Adam Kautza PhD, Coldwater Fisheries Project Leader, dated 4/23/2023.

3. The area labeled “Flood Zone per Alta Survey” shall be removed from the drawings.
4. The following plan revisions shall be made:
  - a. The area labeled “Existing Historic Overlay” shall be replaced with the label “Bordering Land Subject to Flooding (BLSF) as determined by engineering study; see Note [insert #]“
  - b. The area labeled “Flood Inundation Boundary” shall be replaced with the label “Post-development Flood Inundation Boundary as determined by engineering study; see Note [insert #]“
  - c. Note [insert #] shall be added to state that BLSF, Post-development Flood Inundation Boundary, and cross sections with 100-year flood elevations are determined based on an engineering study entitled [insert title], prepared by [insert firm name], dated [insert date].
5. Cross section locations labeled with 100-year flood elevations shall be shown on the drawings, based on proposed conditions as estimated in the engineering study.
6. The remodeled buildings shall have openings to allow hydraulic connectivity to the flood plain over the full depth of inundation as estimated in the engineering study.
7. To prevent contamination of flood waters by chemicals, debris, or other materials, the following shall apply to all building spaces providing flood storage:
  - a. No equipment or materials storage shall be allowed below the elevation of the 100-year flood other than the parking of vehicles.
  - b. The applicant shall implement a management plan that would provide for the evacuation of all vehicles from the building in the event of an impending flood.
8. The applicant shall notify the Conservation Agent prior to the placement of fill material for the parking area, to enable the Agent or other representatives of the Commission to conduct an inspection of the area to confirm that existing

pavement and other unsuitable material has been removed exposing the underlying soil to the extent indicated in the applicable notes on the drawings.

9. Prior to construction, the applicant shall furnish the Commission with documentation that proposed work near and abutting the dam meets DCR Office of Dam Safety requirements.

Approved by a vote of 6-0-0.

## **GREENWOOD ESTATES**

### **1. Sediment & Erosion Control/Construction Update Jackson Woods Investments LLC; Tom Larson, Martelli Construction**

Tom Larson, Martelli Construction, updated that four more lots have been seeded. Regular maintenance such as keeping the road clean, minor erosion on previously seeded areas and addressing the area of catch basin 3-1 which had been a concern are scheduled to be addressed.

### **2. Request for Amended OOC – Lots 33 to 39 Stephanie Drive DEP File # 183-0670. Wetland delineation change and drainage swale relocation to relieve the encroachment of the deck on Lot 37R over a portion of the drainage easement. Clea Blair, Jackson Woods Estates.**

Clea Blair recapped that after researching and having J Votruba flag the wetland they discovered it was not correctly marked on the plan. G Williamson also went and conducted a site review.

J Votruba shared that he observed that large pine trees had up-rooted and fallen towards Stephanie Drive which caused him to see that the delineation was incorrect on the original plans. Also stated that the wetland is clearly defined because it is an abrupt change from wetland to upland species as well as a soil change. He said that the request for the easement change still allows 25-feet from the wetland and the dimensions have not changed.

G Williamson said that there should be a condition that no more disturbance be allowed behind the swale.

Motion K Strom, seconded by L Boucher TO ISSUE AN AMENDED OOC FOR LOTS 33-39 STEPHANIE DRIVE AND TO REMOVE THE CONDITION REQUIRING BOULDERS. Approved by a vote of 6-0-0.

### **3. Request for Extensions on Existing Orders:**

1. Lot 48 Deanna Drive - DEP File # 183-0667
2. Lots 46, 47, 49, 50 Deanna Drive - DEP File #183-0668
3. Lots 56, 57, 58, 73 Deanna Drive - DEP File #183-0669
4. Subdivision Filing - DEP File # 183-0694

G Williamson reviewed that Items 1-3 expire 8/18/2023 and an extension would take it to 8/18/2026. Item 4 doesn't expire until 7/5/2025. Clea stated he doesn't need an extension on item 4.

M Scott said to check on the Covid state of emergency (SOE) tolling periods. There may be a 14-15 month extension period depending on when the Order was issued. C Blair is going to check on the tolling periods and come back for an extension if needed.

#### **REQUEST FOR FINAL COC – 274 FISHER ROAD**

Assessing Map 242, Parcel 5. DEP File # 183-0566. Construction of a single-family home, driveway, septic system, associated grading and utilities. A portion of the work is located within the 100-foot buffer of BVW. Owners, Patrick & Chelsea Taylor (*con't from May 3rd*).

G Williamson said that the homeowner is unable to provide as-built plans or a letter. G Williamson stated that she found the final as-built for the septic system as well as a tape survey showing the correct orientation of the home and setback distances. She stated that the site is stabilized and there is a boulder demarcation per the approved Order. The homeowner needs the final COC for a land deal with Striar.

Motion by K Strom, seconded by D Nyman to ISSUE A FINAL COC FOR 274 FISHER RD. Approved by a vote of 6-0-0.

#### **REQUEST FOR FINAL COC – 80 CHAPIN ROAD**

Assessing Map 242, Parcel 5. DEP File # 183-0655. Construction of a single-family home, sewage disposal system, well, driveway with wetland crossing, grading and associated utilities. The work is located within a regulated resource area. Michael & Courtney Carr, owners. Rep. David E. Ross Associates.

G Williamson updated that the first replication area on the right is not established. Most of the plantings were unsuccessful in getting fully established, the area is primarily bare. She shared photos of the replication areas.

The Commission decided that a letter should be sent with findings to the homeowner.

**PROJECT UPDATES/OTHER**

**Greenwood Estates – Common Driveway**

G Williamson said that the Planning Board approved this.

**51 Greystone Drive - Replication Areas**

G Williamson updated that they met with the homeowner and the replication areas are looking better. Will do another inspection in July.

**Elmwood Avenue – 8 Lots**

G Williamson updated that the site looks fine and no repairs were needed to the erosion controls. They have one foundation in so far.

**Sunshine Ridge - Bailey Road**

G Williamson said the site looks fine. There is very little work currently happening.

**National Grid - Notice of Utility Maintenance**

G Williamson said they received a notice regarding routine maintenance.

**OTHER BUSINESS**

July meeting will be scheduled for July 5<sup>th</sup>

**APPROVAL OF MINUTES**

January 11, 2023 - Continued to July

February 8, 2023 - Motion by L Boucher, seconded by D Nyman TO APPROVE THE FEB 8, 2023 MINUTES AS AMENDED. Approved 6-0-0.

Motion by L Boucher, seconded by E Parent to ADJOURN THE June 7, 2023 CONSERVATION MEETING AT 8:50. Approved by a vote of 6-0-0.