

**HOLDEN CONSERVATION COMMISSION
1130 MAIN STREET, HOLDEN SENIOR CENTER
MINUTES
March 6, 2019**

Members Present: Robert Lowell, Anthony Costello, Kenneth Strom, David Nyman, Cathy Doherty, Mike Scott

Members Not Present: Luke Boucher

Others Present: Glenda Williamson, Conservation Agent; Scott Morrison, Eco-Tec., Jeff Zottoli, CRA; John Meyer, CRA.

R. Lowell called the meeting to order at 7:01 PM.

NOTICE OF INTENT – Lot 1- Bullard Street. DEP File #: 183-0658. Assessors Map 134, Parcel 41. Xenos Custom Builders. Single family home, septic, driveway, grading and assoc. site work in the 100-foot buffer. Rep. Scott Morrison, Eco-Tec, Inc.

Scott Morrison with Eco-Tec was present to represent the project. Scott stated that back in January of 2019, the Commission issued a Negative 3 Determination of Applicability (DOA) for the development of the lot and that construction on the driveway began shortly thereafter. He explained that there was a significant rain event (2") during a thaw when the ground was still partially frozen and snow was on the ground. A large volume of water carrying sediments was discharged from the higher portions of the site via the newly constructed driveway and into Bullard Street. The flows traveled off the shoulders of the street and finally entered a perennial stream where the culvert crosses under Bullard Street. Soils were deposited in the Bordering Vegetated Wetlands (BVWs) along the stream and into the river itself.

Scott stated that during the storm, the landowner immediately backfilled the lower portion of the driveway adjacent to Bullard Street to slow the flows and trap sediments. They then added a row of straw wattles across the driveway entrance. A berm was constructed half-way up the driveway to trap and slow the flow. Scott stated that the DEP rendered the DOA void, since there was an actual impact to resource areas and that they requested a Notice of Intent filing for the lot development. Scott submitted a restoration plan two weeks prior that described the impacted areas and the restoration activities. The Commission issued an enforcement order for the violation as well. There were two areas of BVW that were impacted by the discharge. DEP will be overseeing the clean-up of the impacted areas. The Commission is to be copied on all correspondence and reporting to DEP. R. Lowell asked what additional measures were proposed to stabilize and control potential discharge from the site. Scott stated that DEP is requiring erosion controls and stabilized construction entrances at each of the eight lots along Bullard Street. Scott stated that the DEP has asked the Sean Xenos to clean out the swale along Bullard Street and that there are no existing catch basins near the development. R. Lowell asked where the existing erosion controls are currently located.

Scott stated that they added stone in the driveway for Lot 1, installed a berm and placed wattles at the base of the driveway slopes. R. Lowell asked about the time frame for the construction of the home on lot 1, if it would be accelerated at all as a result of the violation. Scott stated that DEP would only allow for stabilization and erosion controls at this time and that construction on the foundation was not permitted at this time. Scott stated that Sean would like to construct the foundation for the home within the next month.

R. Lowell asked for questions and comments from the board. G. Williamson asked if the developer planned on clearing the remainder of the lot. Scott stated that the entire lot has been cleared and that the remaining trees would stay. There was no one present from the public to comment on the project. G. Williamson stated that the DCR had concerns about the violation and about the Construction General Permit for the development. The Special Order of Condition #29 from the Determination of Applicability was carried over to the Order for the Notice of Intent. Condition #29 states that a permanent demarcation (i.e. boulders) must be placed along the disturbance limit of work within the 100-foot buffer zone to prevent future encroachment.

The Commission did not have to issue an Order of Conditions for the NOI and the conditions in the new Orders will be the same as in the previously issued RDA.

Motion by M. Scott, seconded by C. Doherty, it was UNANIMOUSLY VOTED TO CLOSE THE PUBLIC HEARING FOR NOTICE OF INTENT, LOT 1 BULLARD STREET, CONSTRUCTION OF SINGLE FAMILY HOME, SEPTIC, DRIVEWAY AND GRADING WORK WITHIN THE 100-FOOT BUFFER OF A RESOURCE AREA.^[D1]

NOTICE OF INTENT – CRA – Holden Baseball – DEP File # 183-0659. Assessors Map 15, Parcels 211-1 and 211-51. Removal of an existing parking area for the construction of a new baseball field. Construction of a new parking lot with assoc. grading and stormwater management system. Reps: Eaglebrook Engineering/Waterman Design.

Glenda Williamson stated that she received a request from the applicant a few days earlier via e-mail to continue the hearing to April 3rd. The public hearing was not opened however, the Commission agreed to a discussion with the sportsmen that were in attendance.

Jeff Zottoli and John Meyer were present as proponents for local fishermen and hunters to maintain the current boating and hunting access to Chaffin's Pond. Jeff stated that they have been using the pond for hunting and fishing for many years and that the proposed project should maintain and allow for continued access.

Jeff and John indicated the existing access routes and boat launch areas on the plan. Jeff stated that at a previous zoning board hearing, the CRA stated that they would maintain access for hunting and fishing but there was no access proposed on the new plan. Jeff

stated that the stone dust path to the boat launch area was not adequate to allow a truck and a boat trailer and would be in conflict with baseball activities.

C. Doherty asked if the plan had been approved by the zoning board. Jeff stated that the initial plan presented several years ago had been approved by the zoning board and that they included specific conditions in regard to access. However, a new engineering company was hired, a new design proposed and the original plans and conditions approved by the zoning board were never applied to the new project.

The Commission asked Jeff and John to touch base with the current engineers to discuss their concerns and explain where they need continued access. They may return to the Commission's April 3rd hearing to discuss these issues again.

REQUEST FOR CERTIFICATE OF COMPLIANCE - 183-0630 Assessors Map 164, Parcel 33. Lot 14, 66 Liberty Circle, Wachusett Woods/Greenstone Realty. Single-Family home, driveway and grading in the 100-foot buffer. G. Williamson stated that there is a 20-foot wide sewer easement along the eastern property boundary where no encroachment is allowed. In accordance with the conditions, the builder placed large boulders along the back side of the easement to block future encroachment. The Commission viewed the photographs of the lawn area and agreed that it is fully stabilized.

Motion by C. Doherty, seconded by D. Nyman, it was UNANIMOUSLY VOTED TO ISSUE THE CERTIFICATE OF COMPLIANCE REQUESTED BY GREENSTONE REALTY FOR 66 LIBERTY CIRCLE/DEP FILE NUMBER 183-0630.

REQUEST FOR CERTIFICATE OF COMPLIANCE - 183-0556 Lot 6, 16 Preservation Lane, Assessors Map 169, Parcel 49. Homeowner – Katie Stukowski. Bullard Estates (formerly Casa Builders) Single family home, driveway and grading in the 100-foot buffer.

G. Williamson stated that a final COC was never issued for this lot. The homeowners stated that they would like to close the open Order of Conditions out and move forward with the permitting for the construction of an in-law addition. G. Williamson stated that the Order was issued in December of 2012 but that it was never recorded.

The Commission reviewed photographs of the lot. G. Williamson stated that the lawn area is fully stabilized.

Motion by D. Nyman, seconded by C. Doherty, it was UNANIMOUSLY VOTED TO ISSUE THE CERTIFICATE OF COMPLIANCE FOR KATIE STUKOWSKI, LOT 6, 16 PRESERVATION LANE/DEP FILE NUMBER 183-0556.

PROJECT UPDATES

Greenwood Estates

Discussion of the bylaw in regard to vernal pools; the Town's local bylaw defines the vernal pool resource area as the mean annual high-water line of the pool plus 100-feet out from this line. The Commission has jurisdiction within an additional 100 feet from the resource area.

A. Costello stated that he looked at the vernal pool with another White Oak member last Spring and found wood frog eggs, salamander eggs and fairy shrimp. They subsequently wrote a letter to Clea requesting permission to certify the pool with the Natural Heritage and Endangered Species Program (NHESP), however Clea declined. A. Costello stated that he has the data for future reference.

G. Williamson stated that there are proposed single family house lots next to the vernal pool, however additional development within the resource area is not allowed under the MA Wetland Protection Act (MAWPA) or under the local wetland bylaw.

Lot 4 Salisbury Street

G. Williamson stated that she is waiting for the snow to melt to conduct another site inspection and to determine a solution to the inadequate culvert across the driveway area.

Lot 3 Chapin Road

G. Williamson stated that the applicant mentioned that they would not be changing the location of the water well. The Commission stated that if they had to relocate the water well closer to the home it would not be an issue as long as the new location was represented on the final plan.

MA Central Rail Trail

Colleen Abrams with Wachusett Greenways contacted G. Williamson and stated that she may have another relocation project along the Rail Trail. G. Williamson will follow up with Colleen to get the details.

OTHER BUSINESS

MACC Annual Conference Saturday March 2, 2019

APPROVAL OF MINUTES

December 5, 2018 – G. Williamson stated that she has additional information to add to the December minutes and that this item will be forwarded to the January 2019 meeting agenda.

G. Williamson reported that the next public hearing for the Commission would be on Wednesday, January 9, 2019.

Motion by M. SCOTT, seconded by D. NYMAN, it was UNANIMOUSLY VOTED TO ADJOURN THE MARCH 6TH, 2019 CONSERVATION COMMISSION MEETING AT 8:25 PM.

APPROVED: _____