

**HOLDEN CONSERVATION COMMISSION
1130 MAIN STREET, HOLDEN SENIOR CENTER
MINUTES
March 4, 2020**

Members Present: Anthony Costello, Kenneth Strom, David Nyman, Cathy Doherty, Luke Boucher, Mike Scott, Glenda Williamson, Conservation Agent.

Members Not Present: Robert Lowell

Others Present: Julian Votruba, NEED; Tom Larson, Martelli Construction; Carl Hultgren, Quinn Engineering; Julia McNeil, Thayer Circle; Tom and Kathy Runstrom, 29 High Ridge Rd; Robert and Kathleen Fry, 927 Salibury St.

K. Strom called the meeting to order at 7:01 PM.

NOTICE OF INTENT– Greenwood Estates Subdivision Lots 33R, 34R, 35R, 36R, 37R, 38R, 39R. DEP File #: 183-0670. Jackson Woods Investments. Julian Votruba, New England Environmental Design (NEED)

Julian Votruba was present to represent the project. J. Votruba stated at the last meeting he addressed adding the decks to the plan and all are located outside of the 25' no disturb zone. The erosion control line was revised to follow the no disturb zone. The pump station location was added to the plan.

G. Williamson questioned the foundation drains, J. Votruba indicated they have been added. He also indicated that houses on Lots 34R and 35R were moved 5 feet further away from the 25-foot no disturb zone, they are now located 30 feet from the wetland.

D. Nyman commented that there should be a change to 35R to eliminate the 684-foot contour. J. Votruba stated that he will remove this from the plans. D. Nyman questioned the grass swale for 39R due to the steepness, J. Votruba contested that he feels confident that he will make it work and if it does not he will "rip rap it". K. Strom confirmed that it is a 20-degree slope. L. Boucher requested that calculations be provided to document swale stability.

Thomas Runstrom, 29 High Ridge Rd. addressed the board on behalf of a neighbor who is concerned with being impacted by the Greenwood Estates project. Mr. Runstrom asked for clarification of the Holden Bylaws in regard to the wetland buffer zones.

M. Scott explained the Wetlands Protection Act and the approval process of the Conservation Commission and that the project must comply with additional restrictions set forth by the Holden Bylaws.

T. Runstrom shared comments related to Blair Builders. In response K. Strom explained that the Planning Board deals with Zoning and that this plan has been presented and in review for many years and all comments have been addressed. This filing before the Conservation Committee is

to address individual lots and determine adjustments necessary to meet guidelines and regulations.

K. Strom stated that 100-feet is the WPA regulatory buffer and that the local bylaw allows them to come 25-feet from the wetland. M. Scott corrected K. Strom stating that the state allows work to the wetland but that the Holden Bylaws state that you cannot work within 25 feet of the wetlands. Kathy Rundstrom – 29 High Ridge Rd. comments that the state is not allowing for replication of wetlands anymore.

K. Strom and M. Scott explain that they are not aware of that discussion but there have not been any changes to regulations. M. Scott explained that there are no restrictions beyond 100 feet but because many of Greenwood Estates individual lots are within 100' of the wetlands and that is why there is a discussion of what is appropriate. T. Rundstrom voiced his opinion regarding the project as a whole. K. Strom thanked him for his comments.

K. Strom called for any further comments from the public or proponents.

Clea Blair with Blair Builders commented that they have gone through all proper channels for approvals for the subdivision. M. Scott asked that all comments stay related to the Conservation Commission and not the Planning Board. C. Blair re-stated that the reason they were presenting is in relation to the buffer zone and how to work within the Holden Bylaws regarding that.

L. Boucher further explained that if they meet all requirements set forth by state and local bylaws within the buffer zone then the Commission must approve or the decision could be appealed through the state.

K. Strom called for any further comments from the public or proponents. No comments voiced.

Motion by L. Boucher, seconded by C. Doherty, it was **UNANIMOUSLY VOTED 6-0-0, TO ISSUE A STANDARD ORDER OF CONDITIONS FOR GREENWOOD ESTATES, LOTS 33R – 39R, DEP FILE #183-0670, WITH THE ADDITION OF THE SPECIAL CONDITIONS TO SUBMIT CALCULATIONS FOR LOT 39 SWALE AND PERMANENT DEMARCATION FOR ALL OF THE LOTS.**

NOTICE OF INTENT– Greenwood Estates Subdivision Lots 40R, 41R, 42R, 43R, 44R, 45R. DEP File #: 183-0666. Jackson Woods Investments. Julian Votruba, New England Environmental Design (NEED)

Julian stated that decks were added to homes on each lot and the pump station was added.

K. Strom indicated that there were only minor items to review. D. Nyman brought up questions in regard to the temporary detention basins on lots 40R and 41R. L. Boucher stated that these basins must remain until Deanna Drive is paved. J. Votruba agreed.

C. Blair clarified that the binder would have to be down before any lots were released for building.

K. Strom asked for any public or proponent comments. No comments voiced.

Motion by L Boucher, seconded by C Doherty, it was **UNANIMOUSLY VOTED 6-0-0, TO ISSUE STANDARD ORDER OF CONDITIONS FOR GREENWOOD ESTATES LOTS 40R – 45R, DEP FILE #183-0666 WITH THE SPECIAL CONDITION FOR PERMANENT DEMARCATION ON ALL LOTS.**

NOTICE OF INTENT– Greenwood Estates Subdivision Lots 46R, 47R, 49R, 50R. DEP File #183-0668. Jackson Woods Investments. Julian Votruba, NEED, Clea Blair, Blair Builders.

J. Votruba gave an overview of Lot 46R Deanna Dr and stated that all changes from previous lots have been carried over to this filing. He described drainage, deck and driveway placement. M. Scott asked if erosion controls are in place on this part of the site. J. Votruba replied yes.

K. Strom asked for comments from the Commission. L. Boucher questioned the location of a contour on the plan. J. Votruba explained that it ties into the 694-foot contour. D. Nyman asked why the contours did not meet. K. Strom and L. Boucher requested that this contour line be moved slightly. J. Votruba said that he would move it 1-3 feet.

D. Nyman questioned the nomenclature on the vernal pool. He stated that plan depicts edge of vernal pool and then 100' buffer. Instead of vernal pool buffer it should be relabeled vernal pool resource area and then an additional 100' buffer from that indicated on the plan related to lot 50R.

J. Votruba questioned the validity of that being an actual vernal pool. A. Costello replied that is an active and certified vernal pool. C. Doherty said that water presence is dependent on the time of year, it could be dried up now but there is still a vernal pool.

C. Blair said that it is difficult to meet all conditions of the local bylaw and that in his opinion, it is too restrictive. He asked that if no work will be allowed then please deny, otherwise he would like to try to work with the board on an agreement.

K. Strom disagreed and indicate that lot 50R could meet the local bylaw by turning the home 90 degrees and with the construction of a retaining wall. L. Boucher agreed that this change would minimize the impact. J. Votruba said that if he could change the backyard size and keep the current layout.

K. Strom said that it would be the same orientation as the homes on lots 34R and 40R.

C. Blair said that they will consider it, but buyers want a neighborhood that is uniform and that a wall would impact wildlife movement.

L. Boucher mentioned that lot 49R could not be accessed without lot 48R and would have been preferable to combine the two into one filing. M. Scott asked if the wetland at the crossing is an intermittent stream channel. J. Votruba replied no, it is a BVW.

D. Nyman requested that there is something done to offset the impact of the work within the 100-foot vernal pool resource area. A wetland scientist should determine how the proposed work will

impact the vernal pool area and wildlife that use the pool. C. Blair asked for clarification on exactly what the board is requesting. D. Nyman explained more than a planting plan is needed and that the planting plan did not include any information on negative impacts to the vernal pool resource area. G. Williamson stated that the species in the vernal pool may not continue to be present or breed here if there will be lots and homes constructed on lots 48R and 49R. A. Costello stated that the additional 100-foot vernal pool resource boundary was created since vernal pool species spend a portion of their lives outside of the pool area and that allowing building near the pool would be outrageous.

C. Blair stated that the state Wetland Protection Act is less stringent than Holden's.

K. Strom stated that they will need to rotate houses on some of the lots to lessen impacts and that they should hire a wetland specialist to determine how impacts to the vernal pool resource area could be offset. K. Strom asked for any comments from the public on Lot 47R. No comments voiced.

Motion by M. Scott, seconded by D. Nyman, it was **UNANIMOUSLY VOTED 6-0-0 TO CONTINUE THIS FILE NUMBER TO THE COMMISSION'S APRIL 1ST HEARING DATE.**

NOTICE OF INTENT– Greenwood Estates Subdivision Lot 48R DEP File #: 183-0667. Jackson Woods Investments. Julian Votruba, New England Environmental Design (NEED)

G. Williamson asked if there was 1:1 impact to replication proposed for the driveway crossing on lot 48R. J. Votruba replied yes. Referring to the presentation plan, D. Nyman stated that lot 48 is over the orange line and within the buffer zone. J. Votruba stated that he would look into that. M. Scott stated that shading is an impact.

Motion by M. Scott, seconded by L. Boucher, it was **UNANIMOUSLY VOTED 6-0-0 TO CONTINUE FILE NUMBER 183-0667 TO THE COMMISSION'S APRIL 1ST HEARING DATE.**

C. Blair requested a summary of the needed items for the lots. K. Strom stated that they should review the grading plan for lot 48, consider rotating the house on lot 50, provide a planting plan for the replication area, label the vernal pool and label the 100-foot vernal pool resource area on the plan.

REQUEST FOR DETERMINATION OF APPLICABILITY – 68 Fisher Rd. Assessing Map 243, Parcels 3. Demolition of an existing house and the construction of a new single-family house, removal of the leach field, grading and sewer connection. A portion of work is located in the 100-foot buffer of a resource area. Reps: Kosta Realty, LLC/Quinn Engineering.

Carl Hultgren with Quinn Engineering said that the applicant is proposing to demolish the existing house on the lot. He explained the details of the existing construction and the planned construction. Referring to the presentation plan, C. Hultgren said that the red line indicates the 100-foot buffer and that the new proposed house is just outside this buffer.

G. Williamson provided photos to the Commission and that she recommended a filing with the Commission since there would be disturbance within the 100-foot buffer and because there is a resource area on the adjacent property (Fisher Terrace).

M. Scott asked if the entire lot was cleared. C. Hultgren said that the entire site has been overgrown with grass and weeds, with only a few small saplings in the central portion. He said that the house has been vacant for years, the new home would tie into existing sewer and water services along Fisher Road. The old septic leach field would be abandoned and graded flat.

Motion by L. Boucher, seconded by A. Costello, it was **UNANIMOUSLY VOTED TO ISSUE A NEGATIVE 3 DETERMINATION WITH SPECIAL CONDITIONS TO INSTALL EROSION CONTROLS AS SHOWN ON THE PLAN AND TO CONTACT THE AGENT FOR AN INSPECTION PRIOR TO THE START OF WORK.**

REQUEST FOR DETERMINATION OF APPLICABILITY – 927 SALISBURY ST

Assessing Map 250, Parcel 2. Robert and Kathleen Fry. The addition of a 11' x 18' breakfast room located on the east side of the house set on four 10" concrete piers. The addition is located within the 100-foot buffer of a bordering vegetated wetland. David E. Ross Assoc.

G. Williamson stated that there had been a previous RDA for the addition 3 years ago but that expired 2 months ago. She asked the applicant to file a new RDA for the work.

K. Fry explained that due to a fire in their home and other traumas this project was delayed but now they would like to move forward. L. Boucher asked if all work was to be done within the existing lawn area. K. Fry replied that it would be within existing lawn and that the work would not interfere with other plantings in the yard.

Motion by D. Nyman, seconded by L. Boucher, it was **UNANIMOUSLY VOTED 6-0-0 TO ISSUE A NEGATIVE 3 DETERMINATION WITH SPECIAL CONDITIONS SO INSTALL EROSION CONTROLS AS SHOWN ON THE PLAN AND TO CONTACT THE AGENT FOR AN INSPECTION PRIOR TO THE START OF WORK.**

-DISCUSSIONAL

Greenwood Estates

Tom Larson with Martelli Construction provided an update of the project. He said that the retention ponds were working as designed and the frost has not caused any issues on the site. Tom said that Clea Blair received a letter from the Army Corps of Engineers indicating that the proposed changes to the wetland replication plan is acceptable. The proposed red maple trees had to be removed from the planting list, as they are Asian Longhorned Beetle (ALB) host trees. G. Williamson said that they also had to reduce the number of trees and shrubs, since there were way too many proposed initially.

K. Strom stated that the Commission had read the eight-page letter from John Woodsmall with the DPW. G. Williamson asked if the DPW has stopped doing on-site inspections. T. Larson stated that inspections have started again because funding has been replenished.

K. Strom asked about the geotechnical inspections on the retaining walls. T. Larson stated that there is a reinforced wall that was on the plans, but meetings have been postponed due to engineer's vacation schedule.

T. Larson mentioned that at the planning board meeting, they went through what was required and not required for the wall inspections. His understanding was that inspections by Weston & Sampson were not required by the Planning Board. What is required is a geo-technical evaluation of the reinforced slope. Yankee Engineering and Testing, Inc. has been doing the slope inspections and reporting on the test results.

M. Scott said that the main piece was that Weston & Sampson were reviewing the reports and had some concerns that had not yet been addressed by the applicant.

T. Larson went on to explain that the walls were built using GPS technology with geo-grid layers every 30 feet. Phase 1 of the subdivision construction is a few weeks away from having all sewer gravity completed. He said that they will begin seeding the slope above Deanna Drive at the end of April or beginning of May, depending on the weather.

EXTENSION PERMIT ON ORDERS

188 Broad Street, Assessing Map 84, Parcel 29. Single family home and driveway in the 100-foot buffer. Jim Harrity/Places Associates. 1-year extension requested.

G. Williamson stated that the current Order expires in May of 2020. The site will not be fully stabilized by that date and therefore an extension is required. The applicant asked for a one-year extension to allow additional time for the site to be stabilized.

Motion by M. SCOTT, seconded by C. DOHERTY, it was **UNANIMOUSLY VOTED 6-0-0 TO GRANT A ONE YEAR EXTENSION ON THE ORDERS FOR 188 BROAD STREET, ASSESSING MAP 84, PARCEL 29.**

VOTE ON NEW COMMISSION CHAIRMAN

R. Lowell recently sent his letter of resignation to the Town managers office. K. Strom nominated M Scott for Chairman, seconded by C. Doherty, it was **UNANIMOUSLY VOTED 6-0-0 TO APPOINT M SCOTT AS CHAIRMAN FOR THE CONSERVATION COMMISSION WITH K STROM TO REMAIN THE VICE CHAIR.**

APPROVAL OF MINUTES

Motion by K. Strom, seconded by A. Costello, it was **UNANIMOUSLY VOTED 6-0-0 TO APPROVE THE OCTOBER 2ND 2019 MEETING MINUTES**

The November and December minutes were continued to the April 1st hearing date.

Motion by M. SCOTT, seconded by D. NYMAN, it was **UNANIMOUSLY VOTED 6-0-0 TO ADJOURN THE MARCH 4TH, 2020 CONSERVATION COMMISSION MEETING AT 8:50 PM.**