

**HOLDEN CONSERVATION COMMISSION  
REMOTE MEETING  
MINUTES  
August 5, 2020**

**Members Present:** Anthony Costello, Kenneth Strom, David Nyman, Mike Scott, Luke Boucher, Elizabeth Parent, Cathy Doherty

**Others Present:** Glenda Williamson, Conservation Agent; Sara Flagg, Recording Secretary; Isabel McCauley, DPW; Ryan Mouradian, DPW; Melissa Coady, Tighe & Bond; Julian Votruba, New England Environmental Design (NEED); Clea Blair, Jackson Woods Investments.

M. Scott opened the meeting at 7:07pm, read Gov. Baker's order regarding virtual meetings.

**HERITAGE LANE – 24-inch Drainage Pipe and Outlet Replacement**

Holden DPW/Ricciardi Bros Construction. Replacement of a 24-inch drainage pipe and outlet within the Heritage Lane ROW. This work is an amendment to the existing RDA for the Pump Station Improvements Project at the Heritage Lane Pump Station. Patrick Wood, Holden DPW.

G. Williamson said this is an addendum under the existing RDA.

Isabel McCauley, DPW engineer, gave an update that they are planning to replace the existing drainage pipe and shared the plans. She stated that the existing drainage pipe is collapsed and degraded.

Ryan Mouradian, DPW Water & Sewer Superintendent, added that they have looked at this for a long time and since they are doing other work at the nearby pump station, this is the best time to complete this work

G. Williamson said she looked at the site and requested that the new pipe be placed closer to the road edge and outside the 25-foot no disturb zone. She stated that the DPW has agreed to this proposed placement.

M. Scott asked if anyone on the Commission had been to the site and all replied they had not. He asked if the pump station site has been stabilized. G. Williamson replied no, but that it would be soon.

R. Mouradian said that the final loam and seed will be done next week and that there is one more pipe connection to be done.

G. Williamson shared photos of the area of work. D. Nyman asked if the existing pipe would be removed. R. Mouradian said that it would be removed. Motion by K. Strom, seconded by D. Nyman, IT WAS UNANIMOUSLY VOTED 7-0-0 TO APPROVE

THIS WORK UNDER THE EXISTING DETERMINATION OF APPLICABILITY (DOA) FOR THE HERITAGE LANE PUMP STATION.

**MAINTENANCE NOTIFICATION – Western States Water Main Replacement Project.** The replacement of approx. 8,450 linear feet of existing 6-inch water main with new 8-inch water main within existing paved roadway right-of-way. Holden DPW/Tighe & Bond.

Melissa Coady, Tighe & Bond, shared the letter which stated the work is exempt under the MA Wetland Protection Act and local bylaw. She shared plans of the scheduled replacement and the work to be done on each construction phase. No work is to be done in resource areas, it will be within existing roadways. She shared a photographic log of the area.

G. Williamson shared construction plans for Phase 1. M. Scott asked if there are stream crossings and culverts in the area. M. Coady said there is one on Wyoming Dr. but it would be under the existing culvert and would not interfere.

R. Mouridian pointed out the existing manhole and it is beyond the area that they will be working on. He doesn't believe they will be crossing any streams.

L. Boucher asked, referring to sheet C-101, if the drain manhole discharges to the east and is fairly close to the wetland and if there are any connections through there. G. Williamson shared the plan and said she did not observe any connection/opening on the DCR property.

K. Strom asked about the stream area near Wyoming Dr. that is in Contract 2. G. Williamson shared the plan. M. Coady said they worked with the town on this area a few years ago. R. Mouridian also added that Tighe & Bond did both of the sections so there is good awareness and documentation.

M. Scott stated it would be preferable if all de-watering work can be done outside the buffers. He asked the timeline for this project. R. Mouridian said if possible they are hoping to start this construction season, if not then next year and each subsequent year for 3 years (July-Thanksgiving). Permanent trench paving will be part of this job.

**ANRAD – 160 Bailey Road – DEP File #: 183-0674.** Resource area delineation on an approx. 14.5-acre site, Assessing Map 172, Parcel 17 owned by Bailey Road Development.

M. Scott shared that this was continued from July 8<sup>th</sup> and it was agreed that the developer would have a third-party review. Julian Votruba, NEED, stated that on July 29<sup>th</sup>, a third-party review was completed.

G. Williamson gave a summary of the report from Paul McManus, Eco-Tec, Inc., who walked the site with J. Votruba. She shared the plans via screen sharing.

J. Votruba shared that wetland flag J 2.1 was added and J 1.R was moved 3-4' from it's former position. On the other wetland area, flags V 3.1 and V 6.1 were added. They walked the entire boundary with P. McManus using GPS. J. Votruba read the letter from Eco-Tec.

M. Scott asked the Commissions for questions and comments. No additional questions/comments.

M. Scott stated that the objective of the Commission for this item is to review and approve the ANRAD, Abbreviated Notice of Resource Area Delineation.

M. Scott opened to the public for question/comments.

Chris Noble, an abutter, commented that in the back of Dawson School, there are three storm drains that drain into one main pipe north of Dawson Rd. This goes into the upper wetland and there is a lot of water that flows onto the north side where it abuts the property.

J. Votruba said that there is definitely a wash-out in the area but before it reaches the culvert pipe there is vegetation again. It doesn't come back towards the site at 160 Bailey Rd.

M. Scott said the area for this filing is 160 Bailey Rd and what is flagged and delineated on that area. The concerns expressed may be material for discussions related to the Dawson site if work was being done there.

C. Noble asked on the plans shown what does the checkered/shaded area depict?

J. Votruba replied that under the Holden wetland bylaw nothing in that area can be touched, it is an additional buffer area.

Motion by D. Nyman, seconded by K. Strom, it was **UNANIMOUSLY APPROVED BY A VOTE 7-0-0 TO CLOSE THE HEARING AND ISSUE AN ORDER OF RESOURCE AREA DELINEATION (ORAD) FOR 160 BAILEY ROAD.**

### **ENFORCEMENT ORDER**

51 Birchwood Drive, Assessing Map 225, Parcel 102. Adam Camosse. Unauthorized work in a resource area and 100-foot buffer to a resource area.

G. Williamson shared the enforcement order stating that the homeowner cleared trees in the 25-foot no disturb zone and 100-foot buffer to the right of his driveway and brought in truckloads of fill.

M. Scott said that Section 2 of the enforcement order mentions work that was done.

G. Williamson requested a Notice of Intent be filed on or before August 10, 2020 and stabilize the site as soon as possible which the homeowner did take care of immediately. She shared photos of the site.

**NOTICE OF INTENT – DEP File # 183-0675**

51 Birchwood Drive, Assessing Map 225, Parcel 102. Construction of a porch, sunroom, deck, pool, restoration, grading and associated site work. Adam Camosse – owner. Scott Morrison, Eco-Tec, Inc.

G. Williamson read the notice and Gov. Baker's order.

Scott Morrison, Eco-Tec, said that some fill was brought in and working with G. Williamson they developed a restoration protocol to grade back to the 25-foot no touch zone and proposed planting plan to replicate the impacted resource area.

S. Morrison shared the plans. Jarvis Surveying will be staking the 25-foot no touch zone for the owner.

D. Nyman asked if there was a contractor involved. S. Morrison said the homeowner was moving the fill with a small backhoe to level the backyard.

E. Parent asked about Riverfront area in the report that wasn't shown on the plan. S. Morrison said there is no Riverfront area on the site.

L. Boucher commented that the gap in the wetland flagging coincides with a gap in the 25-foot no disturb zone so when they are staking it out they should determine the limit of the 25-foot no disturb zone. S. Morrison replied that the red flag indicates the limit of fill, but they were not able to auger that deep and would have to use a backhoe.

K. Strom asked if red maple is an ALB host species. S. Morrison said yes and that they can switch that planting to something else like Hemlock or Swamp White Oak.

M. Scott asked what the grading is along the edge of the filled area. S. Morrison said about 2-1 slope right now and he indicated that it should be plantable. K. Strom recommended a 3-1 slope.

M. Scott asked if the proposed area for sunroom, pool, etc. is currently cleared. S. Morrison said the area of the pool does have some trees in that corner. There is a slight rise of 2 to 3 feet in that area.

G. Williamson shared comments from the DEP that there is some missing information in the NOI.

S. Morrison said whatever areas that were disturbed would be replicated within the 25-foot no disturb zone.

Duncan Leith, past owner of 51 Birchwood Dr, stated that the backyard was small because the Conservation Commission required them not to remove trees, disturb or fill while they were building. He feels that this proposed work would be possible in a way that does not ruin the wetland vegetation that is there.

M. Scott asked if the intent is to have an in-ground pool. Adam Camosse, homeowner 51 Birchwood Dr, said yes, they would prefer an in-ground pool but are flexible to an above ground instead, they want to follow the recommendations of the Commission.

M. Scott shared his concerns that there is no grading depicted on the plan and that information needs to be added and an erosion control barrier added. He asked if access to the rear would be from the right side of the house or the left side. S. Morrison replied the right side would be easier access.

M. Scott and K. Strom both asked for topography/2-foot contour lines for more clarity of detail.

L. Boucher added a request that the existing tree line, limit of clearing and proposed plantings to be included on the plan.

S. Morrison recapped that the Commission is asking to revise the proposed tree species for planting, preference of a 3-1 slope, 25-foot buffer to be marked, depiction of proposed grading, erosion control barrier, existing tree line, location of driveway, plantings and contour lines.

M. Scott requested the removal of the fill from the wetland as quickly as possible and prior to the next meeting.

A. Costello asked if there might be any drainage issues with the new construction. S. Morrison said the yard would need to be graded away from the house but did not see any potential drainage issues and they will look into the drainage for the proposed pool area.

Motion by L. Boucher, seconded by K. Strom, it was UNANIMOUSLY VOTED 7-0-0 TO CONTINUE THE HEARING FOR 51 BIRCHWOOD DRIVE TO THE SEPT 2<sup>ND</sup> MEETING.

**NOTICE OF INTENT - Greenwood Estates Subdivision - Individual Lots.** Jackson Woods Investments. Julian Votruba, New England Environmental Design (NEED).

1. DEP File # 183-0668. Lot 46R, 47R, 49R, 50R
2. DEP File # 183-0667. Lot 48R
3. DEP File # 183-0669. Lots 56R, 57R, 58R, 61R

M. Scott stated that most of the Commission has walked the site and the front of the houses were staked out. D. Nyman stated that the hearings for Lots 46R and 48R were closed at the previous hearing in July.

M. Scott opened the hearing for DEP File #183-0669, Lots 56R, 57R, 58R and 61R.

J. Votruba gave updates on the plan changes for all lots individually. Lot 56R was repositioned and the house was rotated, incorporated a retaining wall along the 25-foot

buffer line, about 4 feet away. No grading in the 25-foot zone except for the small area approved for the roadway.

D. Nyman noted the proposed wall is 21 feet high, asked if they considered a stepped wall instead. J. Votruba said they could discuss that but currently they want to begin site work and stay out of the no-disturb zone. D. Nyman asked who will design the wall. J. Votruba and C. Blair said they will use a structural engineer to design and inspect the wall; this is required when a wall is over 6 feet in height.

The Commission had no further questions or comments for Lot 56R.

J. Votruba said that on Lot 57R, the house was re-positioned and they are incorporating retaining walls. Two small areas are slightly within the 25-foot buffer zone but they did their best to minimize and still allow access around the house.

D. Nyman commented that Lot 57R works with the design of the neighboring Lot 58R but asked if a swale could be incorporated so that the driveway drainage doesn't go to Lot 57R. J. Votruba said it isn't depicted, but they are planning to have a swale along the gutter line and will modify it on the plan to show that better.

E. Parent asked what the treatment for the tops of the walls would be. C. Blair said that a fence would be there and they will add it to the plan. The Commission had no further questions or comments for Lot 57R.

J. Votruba said that on Lot 58R, he will add the swale as discussed for the runoff along Lot 57R driveway. Grading errors were removed from the plans. The Commission had no further questions or comments for Lot 58R.

J. Votruba stated that there was nothing proposed within the 25-foot no disturb zone on Lot 61R. The Commission had no further questions or comments for Lot 61R. C. Blair stated that they tried to keep as much work outside of the 25-foot buffer zone.

K. Strom asked the minimum lot size requirement. J. Votruba said it is 2000 square feet for this zoning.

Motion by L. Boucher, seconded by D. Nyman TO CLOSE THE HEARING FOR DEP File # 183-0669 Lot 56R, 57R, 58R, 61R. APPROVED BY A VOTE 6-1-0 (A.COSTELLO NO).

#### **DEP File # 183-0667. Lot 48R**

M. Scott said he walked the lot areas and the vernal pool area. Mitigation did not appear consistent with the terrain for the resource area. D. Nyman said he assumed the wetland flags show the vernal pool rim but the topography on the plans does not depict that. J. Votruba said that is correct but the topography is an old aerial so that is why it doesn't show any depth.

D. Nyman noticed that on Lots 46R and 47R the driveway to 48R and 50R, the lots are cleared to the vernal pool area or no disturb zone. L. Boucher said he also saw this.

J. Votruba replied that the proposed spillway near Lot 50R is the area that is cleared. There is a temporary retention pond for the road construction as required for Lots 46R and 47R as well.

D. Nyman said he observed that the only habitat left is the vernal pool, there are no other valuable habitats to discuss on this property. Protection of this area should be a priority. For the driveway serving Lots 48R and 49R, he suggests an 8-foot retaining wall and to slope the road to protect the vernal pool since the house locations are down-slope. K. Strom agreed with D. Nyman's comments.

A. Costello says the vernal pool has been a documented area for a very long time and he can't see any reason that work would be allowed to be done within the 100-foot zone around it.

E. Parent agreed with the suggestion to grade the driveways so that runoff does not drain toward the vernal pool and the retaining wall.

M. Scott brought up the wetland crossing and asked if there is a preferential placement for it. J. Votruba stated it is a 12- foot, 3-inch crossing and they tried to span it as much as possible. M. Scott said the construction of these areas is generally more substantial than companies anticipate and is concerned with the disturbance that would happen.

The Commission discussed adding conditions to change the replication area. D. Nyman suggested a location near the culvert label on the plans. J. Votruba said they would be able to make that change.

A. Costello made a motion to deny the plans as proposed. D. Nyman said that there should be a finding of facts if there is a motion. D. Nyman made a motion for a finding of facts, as attached to these minutes, for DEP Files # 183-0668 and #183-0667. He reviewed his submission of the finding of facts and reiterated that there is no mention in the application or the plans of the vernal pool and it's significant importance to habitat function. There is no evidence to offset the use of fill (proposed replication) in the resource area.

A. Costello withdrew his motion to deny and would support a motion to approve as long as there are sufficient conditions in place to protect the vernal pool.

Motion by D. Nyman, seconded by L. Boucher, TO ADOPT A FINDING OF FACT WITH THE ADDITION OF A NEW #3 STATING NEITHER NOI SUBMITTAL INCLUDES A NARRATIVE FOR POTENTIAL IMPACTS OR MITIGATION TO THE RESOURCE AREAS. APPROVED BY A VOTE 7-0-0.

Motion by D. Nyman, seconded by L. Boucher, TO ISSUE AN ORDER OF CONDITIONS FOR DEP FILE 183-0667, SUBJECT TO NO DISTURBANCE WITHIN THE VERNAL POOL RESOURCE AREA BOUNDARY, HOLDEN DEFINITION. WETLAND REPLICATION TO BE RELOCATED AS DISCUSSED. RUNOFF FROM ROAD MUST BE AWAY FROM THE RESOURCE AREA. APPROVED BY A VOTE OF 7-0-0.

**DEP File #183-0668**

M. Scott started with Lot 46R, no further concerns that he was aware of. L. Boucher said there should be demarcation of the 100-foot buffer zone on all lots.

Motion by K. Strom, seconded by E. Parent, TO ISSUE AN ORDER OF CONDITIONS FOR DEP FILE 183-0668, Lot 46R, SUBJECT TO STANDARD CONDITIONS. APPROVED BY A VOTE OF 7-0-0.

Motion by D. Nyman, seconded by L. Boucher, TO AMEND THE PLAN FOR LOT 48R AND LOT 46R TO ADD 100' BUFFER ZONE TO VERNAL POOL RESOURCE AREA. APPROVED BY A VOTE OF 7-0-0.

M. Scott stated that for Lot 47R they discussed the buffer zone on this one as well and the potential area for replication.

Motion by D. Nyman, seconded by E. Parent, TO ISSUE AN ORDER OF CONDITIONS FOR DEP FILE 183-0668, LOT 47R, WITH CONDITIONS TO ADD 100' BUFFER ZONE TO VERNAL POOL RESOURCE AREA AND PROVISION FOR REPLICATION IF A PLAN IS PROVIDED. APPROVED BY A VOTE OF 7-0-0.

Motion by L. Boucher, seconded by D. Nyman, TO REVISE PLANS FOR LOT 46R TO ALLOW FOR REPLICATION IF A PLAN IS PROVIDED. APPROVED BY A VOTE OF 7-0-0.

M. Scott stated most impacts for Lot 49R are related to Lot 48R. Work is not in the resource area for this Lot.

D. Nyman said that if conditions aren't met for Lot 48R then they wouldn't be able to work on 49R. M. Scott commented that they should make a condition that the construction of the driveway for 48R must be done first if Lot 49R were to start construction before Lot 48R. D. Nyman agreed and added that there should be a provision regarding Lot 48R is constructed in a manner that follows the conditions as outlined by the Commission.

Motion by L. Boucher, seconded by E. Parent, TO ISSUE AN ORDER OF CONDITIONS FOR DEP FILE 183-0668, LOT 49R, WITH CONDITIONS TO ADD 1.) DEMARCATION OF 100' BUFFER ZONE AND VERNAL POOL RESOURCE AREA. 2.) PRIOR TO CONSTRUCTION THE FULL DRIVEWAY AND CROSSING OF LOT 48R MUST BE CONSTRUCTED IN ACCORDANCE WITH THAT LOT'S CONDITIONS. APPROVED BY A VOTE OF 7-0-0.



M. Scott reviewed notes for Lot 50R, the wall in the back right corner is an infringement into the resource area. L. Boucher asked if the wall location had been disturbed yet. C. Blair replied no, he doesn't believe it has been.

D. Nyman raised a concern that this lot will not have much of a lawn which may lead to the buyer utilizing the resource area unknowingly and suggested making a reference on the Deed or some type of restriction.

Motion by K. Strom, seconded by E. Parent, TO ISSUE AN ORDER OF CONDITIONS FOR DEP FILE 183-0668, LOT 50R, WITH CONDITIONS TO ADD 100' BUFFER ZONE AND DEMARCATION ALONG EROSION CONTROL LINE, 2.PERMANENT MEMORIALIZED CONDITION THAT RETAINING WALL IS THE EXTENT OF CLEARING/LAWN DEVELOPMENT. APPROVED BY A VOTE OF 7-0-0.

**DEP FILE 183-0669**

M. Scott discussed Lot 56R regarding the addition of a fence on top of the wall for public safety.

Motion by D. Nyman, seconded by E. Parent, TO ISSUE A STANDARD ORDER OF CONDITIONS FOR DEP FILE 183-0669, LOT 56R. APPROVED BY A VOTE OF 7-0-0.

M. Scott brought up Lot 58R, the discussion was to create a swale between Lot 57R and 58R.

Motion by D. Nyman, seconded by K. Strom, TO ISSUE AN ORDER OF CONDITIONS FOR DEP FILE 183-0669, LOT 58R, WITH THE CONDITION OF ADDING A SWALE TO KEEP LOT 58R DRAINAGE ON LOT 58R. APPROVED BY A VOTE OF 7-0-0.

M. Scott stated that he did not have any notes for Lot 61R. G. Williamson said the Lot number needs to be added to the plan.

Motion by L. Boucher, seconded by E Parent TO ISSUE AN ORDER OF CONDITIONS FOR DEP FILE 183-0669, LOT 61R, WITH THE CONDITION OF REVISING THE PLAN WITH THE LOT NUMBER AND TO INCLUDE PERMANENT DEMARCATION ON THE SLOPE. APPROVED BY A VOTE OF 7-0-0.

M. Scott brought up Lot 57R, his notes were regarding if the disturbance within the 25-foot zone is acceptable.

Motion by D. Nyman, seconded by E. Parent, TO ISSUE AN ORDER OF CONDITIONS FOR DEP FILE 183-0669, LOT 57R. APPROVED BY A VOTE OF 7-0-0.

## **DISCUSSIONAL**

### **1285 Main Street**

G. Williamson received a complaint from the neighbor to 1285 Main Street, reporting that ATVs were being driven across the wetland area on the property. She shared a photo of the property. The homeowner told G. Williamson that there were existing paths around and thru the wetland area.

Matt Cole, the homeowner at 1285 Main St, stated he has lived on the property for fifteen years. G. Williamson showed the aerial view of the area. E Parent asked where the paths cut through. G. Williamson replied that the existing path cuts across the wetland area.

M. Scott told the homeowner that this is not allowed under the MA Wetland Protection Act. M. Cole asked how he would go about filing for approval to use the area. M. Scott said that he could submit a Notice of Intent and that he would need to show how the area would be stabilized. Until the time of any approval, it is not permissible to ride the ATV's in this area.

## **APPROVAL OF MINUTES**

Motion by K. Strom, seconded by A. Costello, it was UNANIMOUSLY VOTED 7-0-0 TO APPROVE THE DECEMBER 4<sup>TH</sup> 2019 MEETING MINUTES.

Motion by L. Boucher, seconded by K. Strom TO ADJOURN THE AUGUST 5, 2020 CONSERVATION COMMISSION MEETING AT 10:52 PM. APPROVED BY VOTE 7-0-0.

**Findings of Fact**  
**Greenwood Estates, Individual Lot Development**  
**Holden Conservation Commission**

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NOI's for:

- Lots 46R, 47R, 49R & 50R
- Lot 48R

1. The following Resource Areas and Regulatory Buffers apply to the Lots included in the two NOI filings:

**Resource Areas**

- BVW (State, Local)
- Certified Vernal Pool
- Vernal Pool Habitat (State definition)
- Vernal Pool Resource Area (Local definition)

**Regulatory Buffers:**

- 100' Buffer to BVW (State, Local)
- 25' No-disturb Buffer to BVW (Local)
- 100' Buffer to VP Resource Area (Local)

For the location BVW and associated buffers, refer to the plans included in the NOI filing.

For the location of resource areas and buffers associated with the Certified Vernal Pool, refer to the attached graphic. Preparation of this graphic was required because the applicant's submittal is unclear or incomplete in correctly depicting these resource areas.

The Table on the next page summarizes disturbances. In the table, a **Shaded Cell** indicates the resource or buffer is found within the lot. The text briefly describes the disturbance as shown on the NOI plans.

**Resource Area/Buffer Applicability, with Brief Description of Disturbance**

<b>Lot:</b>	<b>46R</b>	<b>47R</b>	<b>48R</b>	<b>49R</b>	<b>50R</b>
<b>Resource Areas</b>					
BVW (State, Local)	No disturbance	No disturbance	Driveway crossing; replication area	No disturbance within lot, but requires disturbance for access across Lot 48R.	

Lot:	46R	47R	48R	49R	50R
Certified Vernal Pool				No work within confines of pool	
VP Habitat (State)			<p>Fill and stacked boulder retaining wall abut VP Habitat.</p> <p>Grading and driveway construction alter surface flow to VP Habitat.</p> <p>No indication that runoff from driveway will be treated to protect VP water quality</p>	No disturbance within the lot, but requires disturbance for access across Lot 48R.	
VP Resource Area (Local)			<p>Placement of fill (with 2:1 slope) and stacked boulder retaining wall, resulting in permanent alteration of</p> <ul style="list-style-type: none"> <li>• topography,</li> <li>• soils,</li> <li>• hydrology,</li> <li>• water quality,</li> <li>• vegetative community,</li> <li>• organic litter and groundcover</li> </ul>	No disturbance within the lot, but requires disturbance for access across Lot 48R.	<p>Lawn &amp; retaining wall construction.</p> <p>Applicant has not identified controls to restrict resident activities within the VP Resource Area once the house and lot are occupied.</p>
<b>Buffer Areas</b>					
100' Buffer to BVW	House, drive, lawn construction	House, drive, lawn construction	House, drive, lawn construction	Drive and lawn construction	Lawn & retaining wall construction
25' No-disturb (Local)	No disturbance	Incidental disturbance if driveway to Lot 48R is constructed as proposed	Installation of extensive fill and stacked boulder wall, in some locations to the edge of BVW	No disturbance within the lot, but requires disturbance for access across Lot 48R.	

Lot:	46R	47R	48R	49R	50R
100' Buffer to VP Resource Area (Local)	Incidental grading and lawn installation, but no alteration of surface water flow to VP	House, drive, lawn construction.  If graded as shown, no significant alteration of surface water flow to VP	Driveway construction alters surface water flow patterns to VP.  No indication that runoff from driveway will be treated to protect VP water quality	House, drive, lawn construction.  If graded as shown, no significant alteration within the lot to surface water flow to VP.  However, requires disturbance for access across Lot 48R.	House, drive, lawn construction.

- The NOI submittal labels an extensive fill and stacked boulder retaining structure on Lot 48R as a “temporary disturbed area.” The Commission finds that the construction of the proposed fill and boulders comprises a direct and permanent alteration of topography, soils, plant community and structure, and hydrologic regime of the area bordering directly on Vernal Pool Habitat (under State regulatory definition) and within the Vernal Pool Resource Area (under Holden’s Wetlands Bylaw). This is not a “temporary disturbed area.”
- In an apparent response to a Conservation Commission request for more information on potential impacts of work within the locally defined Vernal Pool Resource Area and possible measures to mitigate such impacts, the applicant engaged Lucas Environmental, Inc. to develop a Buffer Zone Restoration Planting List for Lot 48R. Lucas Environmental provided a letter dated April 27, 2020 setting forth this plan. The letter provides a planting schedule for the fill at the north side of the driveway serving Lots 48R and 49R. It also recommends the redistribution of woody debris salvaged from the site within the proposed impact area.

However, the letter report does not discuss the Vernal Pool at all. It does not identify the presence of the Vernal Pool. It does not address potential impacts on the Vernal Pool Habitat defined under Massachusetts Wetlands Regulations, nor does it comment on potential impacts of proposed work within the Vernal Pool Resource Area and its associated buffer as defined in Holden’s Wetlands Bylaw. There is no discussion how the proposed planting plan addresses the habitat functions of the vernal pool and immediate surroundings, nor whether the selected plant species are particularly suited to the wildlife species found in the vernal pool.

In the Massachusetts Wetlands Regulations, Section 310 CMR 10.60(2)(c) discusses the habitat functions of Vernal Pool Habitat:

*The topography, soil structure, plant community composition and structure, and hydrologic regime of vernal pool habitat can provide the following important wildlife habitat functions:*

- 1. Food, shelter, migratory and breeding areas, and overwintering areas for amphibians;*
- 2. Food for other wildlife.*

Proposed activities on the lots included in the two NOI's include extensive disturbance resulting in permanent alteration within the regulatory buffers and resource areas pertinent to the Vernal Pool. The letter provides no discussion of how the alteration of topography, soils, plant community composition and structure, and hydrologic regime will impact the wildlife habitat functions of the Vernal Pool, Vernal Pool Habitat, and Vernal Pool Resource Area. The letter also does not offer supporting discussion of how any impacts will be mitigated.

4. The applicant offered no alternatives analysis to show other configurations that would lessen or eliminate the direct and indirect impacts to the Vernal Pool, Vernal Pool Habitat, and Vernal Pool Resource Area, and declined to provide alternatives when requested by the Commission.