

HOLDEN CONSERVATION COMMISSION
Remote Meeting on Zoom
May 6, 2020

**Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Holden Conservation Commission will be conducted via remote participation to the greatest extent possible. Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of Holden website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.*

Members Present: Michael Scott, Kenneth Strom, Anthony Costello, David Nyman, Beth Parent, Cathy Doherty.

Not Present: Luke Boucher

Others Present: Tom Larson, Martelli Construction; Clea Blair, Greenwood Estates; Scott Goddard, Goddard Consulting; Patrick Wood, Isabel McCauley, Holden DPW; David Berglund, 61 Willow Brook Road; Beth and Michael Simmons, 45 Paugus Road; Gary Kaczmarek, Holden DPW; Jeff Alberti, Weston and Sampson; Glenda Williamson, Conservation Agent; Sara Flag, Recording Secretary.

M Scott called the meeting to order at 7:03 PM. M Scott explained that 10 day period for appeals from the public is still in effect and that DEP has an additional time period for appeals under the current situation.

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 - *continued*
2. DEP File # 183-0667. Lot 48R - *continued*
3. DEP File # 183-0669. Lots 56R, 57R, 58R, 61R

The Greenwood Estates individual lots were continued to the Commission's June 3rd hearing date to allow the Commission and the public more time to review the plans that were recently submitted.

Greenwood Estates - Construction Update

T Larson indicated that the material for replication area is on site and planting has begun under Lucas Environmental's direction. The skimmer has been taken out of winter storage and placed back in operation in detention pond 1-5. Water and sewer work is nearly complete along Stephanie and Deanna Dr. Both construction entrance tracking pads have been replaced with new stone on Union St and Highland Ave. Grading plans have been submitted for Lots 61 – 73 and 80 – 87. A small portion of Phase 2 must be cleared for this grading plan. Top soil will be removed, grading

will be done, top soil replaced and seeding done before moving to the next section. They will work on a three-lot area at a time, completing each section before moving to the next. Everything will be seeded and stabilized before digging any cellar holes. None of this work is located within the 100-foot buffer.

Slope Stabilization Plan – M Scott asked if any phasing would be changed, T. Larson stated no except that grading for Phase 2 is necessary before starting cellars. C Blair explained that trees on upper Deanna must be cut in order to work on other grading. K Strom walked the site today with T Larson and saw the need for grading to be done at this time. C Blair stated that approx. 7-8 lots would need to have cut and fills done. K Strom asked approx. acreage of tree cutting. C Blair said it would be about 4 acres.

M Scott asked how close to jurisdictional area they would be working, C Blair stated that all this work is upslope from the vernal pool and going towards the road. G Williamson asked if any of this would need Planning Board approval. C Blair stated that Planning Board is not likely to rule on anything because this is work to be done on the lots.

T Larson stated there are two ponds that are temporary but after rain they receive very little water because it dissipates through the soil. K Strom saw this and was not concerned with it.

D Nyman asked how many lots would be done at a time? T Larson stated 2-3 lots at a time. D Nyman asked how the 1 to 1 slopes would be stabilized. C Blair replied they would be loamed and he was not planning to wrap with fabric but could consider it. T Larson said past lots have been stabilized with hydroseed and are in good condition. K Strom agreed that the slopes he witnessed were in good condition.

NOTICE OF INTENT - 70 Nelson Street Assessing Map 227, Parcel 42. Construction of a single-family home and driveway in the 100-foot buffer of BVW. Owner: Peter Spring; Rep. Goddard Consulting/HS&T Group.

G. Williamson read the legal ad into record.

Scott Goddard with Goddard Consulting was present to discuss the project.

Site is owned by applicant Peter Spring, this is a vacant lot that contains a garage and lawn near the buffer zone where they are proposing to build a single family house. Existing condition sheet was shown by G Williamson indicating the buffer zone and proposed plan.

S Goddard explained that the light brown indicated the naturally vegetated buffer zone which is almost completely outside the 25 foot buffer zone. Second sheet showed proposed conditions site plan. Work area to be around the garage, lawn would be maintained and DEP file number was issued today with no comment.

A Costello questioned what type of trees are currently there? S Goddard replied invasives, Japanese knotweed, oriental bittersweet and a red maple sapling.

D Nyman asked for demarcation of 25 foot no disturb zone. S Goddard said if it was called as a special condition he would discuss with the owners as to whether they would put boulders or anything. M Scott said that fence posts or signage is not usually what the commission would like to see because they can be easily removed.

Motion by D Nyman, seconded by B Parent **IT WAS UNANIMOUSLY VOTED 6-0-0 TO CLOSE THE PUBLIC HEARING FOR 70 NELSON STREET.**

Motion by D Nyman, seconded by C. Doherty, it was **UNANIMOUSLY VOTED 6-0-0 TO ISSUE A STANDARD ORDER OF CONDITIONS WITH THE SPECIAL CONDITIONS THAT A PERMANENT DEMARCATION BE PLACED ALONG THE TREE LINE.**

NOTICE OF INTENT - Bullard Street Culvert Replacement – Holden DPW

Assessing Map 119, Parcel 2. The replacement of an existing culvert with new 60” imbedded culvert. Work is located in Land Under Water and Inland Bank. Patrick Wood-Project Engineer-Holden DPW

G. Williamson read the legal ad into record. Isabel McCauley and Patrick Wood of Holden DPW were present to discuss the project. I McCauley stated the DPW highway division is planning to pave from Malden to Wachusett St. They looked at all drainage and where upgrades were needed. The culvert at this location is over 60 years old and the best option is to replace the culvert in kind. P Wood stated the existing 48” pipe has deteriorated past it’s useful life. He stated that the rocks above the headwalls at the inlet and outlets have fallen into the stream and need to be replaced. In order to meet standards it was determined that the 60” pipe would be the best choice, similar to the culvert recently done on Quinapoxet St. The pipe will be buried in the substrate approx. 12-inches. Subsequent to Notice to Intent, the plan was sent to supplement with more information.

D Nyman asked on Quinapoxet what the watershed was? Patrick and Isabel do not recall but this current one on Bullard Street is 0.4 acres.

M Scott asked for questions or comments from the Commission. D Nyman asked if the interior of the pipe is smooth lined. P Wood answered that the outside is corrugated but inside is smooth. D Nyman asked how the substrate material would be put in. P Wood replied that it would need to be done by hand. D Nyman stated his concerns with the smooth lining would be that the stream substrate material would not be contained and that greater erosion could occur at the outlet. P Wood said the Town of Holden shared these concerns but plan to use interlocking stones to keep in place. They are open to looking at the deeper embedment or a more corrugated interior lining to help. I McCauley stated that Reservoir St also had a similar application with 12” embedded as well.

B Parent asked what the bank full width is, P Wood replied he believes 3-4’, D Nyman disagreed and stated he believes it to be about 10’. P Wood indicated he will get a more accurate number. K Strom asked how reutilization of the stones would be stabilized? P Wood replied that they would need to bring in additional stone to stabilize. M Scott asked about the slope of the culvert. P Wood replied that he does not know off hand but could revisit it.

I McCauley stated that the timing of this project would likely be later Summer.

M Scott requested members of the Commission to walk the culvert area and possibly meet with the DPW.

Motion by D Nyman, seconded by K Strom, it was **UNANIMOUSLY VOTED 6-0-0 TO CONTINUE THE BULLARD STREET CULVERT REPLACEMENT PROJECT TO THE COMMISSION'S JUNE 3RD HEARING DATE.**

REQUEST FOR DETERMINATION OF APPLICABILITY – Causeway St. Drainage Improvements. Holden DPW. Assessing Map 113, Parcel 2. The installation of approx. 450 linear feet of drainage pipe within the existing right-of-way and the installation of a stormwater discharge point. A portion of the work is located within the 100-foot buffer of Eagle Lake. Patrick Wood-Project Engineer-Holden DPW.

G Williamson read the legal ad into record.

P Wood said that flooding has been noticed during heavy rain events in this area. Originally a catch basin was considered but ultimately in thinking long term a drainage upgrade should be done. GPS unit was used in addition to the GIS data available from the state. M Scott stated that some measurements are approximate due to that.

M Scott asked the Commission members for questions or concerns. D Nyman asked about trees that would need to be removed and indicated an area that could be a bio-retention education area potentially. Patrick stated that they have not considered this but would look into it.

Motion by D Nyman, seconded by K. Strom, it was **UNANIMOUSLY VOTED 6-0-0 TO CONTINUE THE RDA FOR THE CAUSEWAY STREET DRAINAGE IMPROVEMENTS TO THE COMMISSION'S JUNE 3RD HEARING DATE.**

REQUEST FOR DETERMINATION OF APPLICABILITY- 61 Willow Brook Road, Assessing Map 185, Parcel 57. David Berglund. Landscaping improvements/slope stabilization. The work is located in the 100-foot buffer of an intermittent stream/BVW.

G. Williamson read the legal ad into record.

The homeowner, David Berglund stated that a depression behind the garage has been developing and he would like to fill and grade the area. There is erosion of the slope on the eastern side of the property. He would like to stabilize the slope with rip rap and fill the sink hole. G Williamson expressed concern that erosion control be done properly due to the slope of the area. M Scott asked if any existing vegetation would need to be removed. D. Berglund said he would not be removing anything just looking to restore the area and prevent further erosion. G Williamson said slope is 33 feet from stream.

C Doherty asked how long the hole has been there. David indicated it was much smaller when he purchased the home 10 years ago but it keeps creeping closer to the home every year and much

more quickly the past 2 years. He is concerned that if the erosion continues, that it will undermine the back deck and eventually the foundation.

D Nyman said that they need more information from the homeowner and a contractor to excavate a test pit to determine the cause of the sinking and to determine a more detailed plan.

G Williamson asked if the Commission is ok with the slope stabilization? M Scott said the concern is mainly with how long or how much of a hole would be opened and what the impact could potentially be on the wetland.

A Costello said that the roots of the existing trees appear to have been buried and may not survive much longer.

Motion by K Strom, seconded by D Nyman, it was **UNANIMOUSLY VOTED 6-0-0 TO CONTINUE THE RDA FOR 61 WILLOW BROOK ROAD TO THE COMMISSION'S JUNE 3RD HEARING PENDING EXPLORATORY WORK TO BE CONDUCTED.**

REQUEST FOR DETERMINATION OF APPLICABILITY - 45 Paugus Road, Assessing Map 238, Parcel 142. Michael and Beth Simmons. Landscaping improvements/stabilization. The work is located in the 100-foot buffer of an intermittent stream/BVW. Scott Briggs, Paradigm Landscaping.

G Williamson read legal ad into record.

B Simmons stated that the house sits 35 feet from the brook which is fairly dry during the summer. Would like to clean up the yard, remove old debris left by the previous homeowner and expand the lawn area and stabilize with hydroseed. Within the 25' buffer zone there is invasive mulit-flora rose and they would like to remove it and replant with native shrub species. A large juniper bush has taken over the streambank along the stream and they would like to remove it and plant something more desirable.

G Williamson stated that during the initial site visit they discussed permit options and then went back at a later date to determine the wetland boundary. The work is located very close to the 25-foot no disturb zone.

A Costello asked for clarification on the site sketch for what the red and green markings indicated. Beth explained that the red area would remain undisturbed and the green indicates where they would like to extend the lawn.

B Simmons discussed the straw waddles and erosion control and will include that into the no-disturb zone while removing the invasives per D Nyman's request.

Committee discussed the slope of the area with the juniper and raised concerns in fully removing the roots of such a large growth.

Motion by K Strom, seconded by A Costello to **UNANIMOUSLY VOTED 6-0-0 TO CLOSE THE PUBLIC HEARING FOR 45 PAUGUS ROAD.**

Motion by D Nyman, seconded by K Strom, it was **UNANIMOUSLY VOTED 6-0-0 TO ISSUE A NEGATIVE 3 DETERMINATION WITH THE CONDITION OF EROSION CONTROL SO THAT IT INCLUDES THE WETLAND AREA AND A CONDITION THAT THE REMOVAL OF THE JUNIPER DOES NOT INCLUDE REMOVAL OF THE ROOTS.**

18 INDUSTRIAL DRIVE – DEP File # 183-0665. Revision to drainage/stormwater plan. Gary Kaczmarek, Project Engineer, Town of Holden DPW.

G Williamson explained that they have a current determination and this is a slight change to the drainage/stormwater plan. Jeff Alberti with Weston and Sampson discussed the minor change. Originally they proposed to replace the existing 24-inch pipe with a new 18-inch pipe with a flared end and the construction of a new headwall.

The existing 24-inch corrugated metal pipe is in good shape and can be re-used. As opposed to removing the old pipe and disturbing the area, the new plan includes the installation of a new man-hole and connection to the existing outlet pipe. The existing pipe would then be lined with an 18-inch PVC pipe and minor repairs made to the headwall. D Nyman asked why they would not use the 24-inch pipe. Jeff thought that this would provide better longevity and cause less disturbance in the area.

This change will help to limit the disturbance and avoid cutting trees in the buffer zone. There will be no excavation needed in the drainage way to install a new pipe. M Scott asked if annular space would be grouted? Jeff said yes it would be to provide stability.

Motion by K Strom, seconded by A. Costello, it was **UNANIMOUSLY VOTED 6-0-0 TO ACCEPT THE MINOR CHANGE TO THE STORMWATER/DRAINAGE PLAN AND THAT AN AMENDED ORDER IS NOT REQUIRED FOR THIS CHANGE.**

EXTENSION OF TIME – Eagle Lake Drawdown-DEP File # 183-0642. Three year extension requested. Scott Morrison, WOLCS.

K. Strom and A. Costello recused themselves.

G Williamson explained that the extension was requested and provided a letter from WOLCS with the written request. Discussion among the board determined that there is no harm in extending the time request.

Motion by D Nyman, seconded by C Doherty, it was **VOTED TO ISSUE AN EXTENSION OF TIME FOR THREE YEARS BY A VOTE OF 4-0-2** (K Strom and A Costello abstained)

REQUEST FOR CERTIFICATE OF COMPLIANCE - Oak Hill Subdivision:

Lot 28, 95 Jordan Road. Assessing Map 244, Parcel 43. Single Family Home. Oak Hill Subdivision/Kendall Homes

G Williamson showed photos to the Commission. M Scott asked if anyone had questions or concerns. No questions or concerns from anyone. The site is fully stabilized at this time.

Motion by K Strom, seconded by D Nyman, **IT WAS UNANIMOUSLY VOTED 6-0-0 TO ISSUE THE CERTIFICATE OF COMPLIANCE FOR 95 JORDAN ROAD.**

REQUEST FOR CERTIFICATE OF COMPLIANCE – 64 Greenwood Parkway
Construction of an in-ground pool, Assessing Map 103, Parcel 155.

G Williamson explained that the homeowner is going through a refinance and COC was never issued after the construction of an in-ground pool.

Motion by K Strom, seconded by C Doherty, **IT WAS UNANIMOUSLY VOTED TO ISSUE THE CERTIFICATE OF COMPLIANCE FOR 64 GREENWOOD PARKWAY.**

DISCUSSIONAL/OTHER BUSINESS

Heritage Lane Pump Station – RDA for pump station upgrade.

G Williamson conducted a site visit to check the installation of the erosion controls. When she arrived, she noticed that approximately 17 large trees had been removed from the 25-foot no disturb zone. G Williamson believes they cut due to power lines that might be in the way during construction. G Williamson showed the Commission photos of the removed trees. She stated that she asked the contractor, Jim Ricciardi if he had a copy of the DOA on the site. He said that he was not aware that trees could not be removed and that the light department gave authorization.

The Commission discussed the work and determined that replanting of the area would be required. The DPW is responsible for working with the contractor to ensure that the site is fully restored. The Commission determined that if a restoration plan is not received, an enforcement order would be issued.

DPW Maintenance/NOI – Discussion of requesting a submittal of intended annual maintenance plan from the DPW so that a review of maintenance activities near resource areas can be conducted. The Commission agreed that a written annual submittal should be requested from the DPW.

Lot 1 Bullard St/NOI – Final COC

The applicant, Sean Xenos would like a final COC on this lot, an RDA was originally required since a portion of the grading for the septic is located within the buffer zone. The DEP then required the filing of a Notice of Intent since there was an actual impact to a resource area due to the discharge from the site. G Williamson stated that the closing date is May 27th and a final COC is needed. M. Scott indicated that if the lot is not stabilized at this time, a final COC can not be issued. The Commission agreed that the site needs more time to stabilize and the final COC will be added to a future agenda.

MINUTES November 6, 2019; December 4, 2019

The November 6, 2019; December 4, 2019 minutes will be reviewed at June 3rd, 2020 meeting.

Motion by D Nyman, seconded by K Strom it **was UNANIMOUSLY VOTED TO ADJOURN THE MAY 6, 2020 CONSERVATION COMMISSION MEETING AT 10:43 PM.**