

**HOLDEN CONSERVATION COMMISSION
REMOTE MEETING
July 8, 2020**

Members Present: Michael Scott, Kenneth Strom, David Nyman, Luke Boucher, Elizabeth Parent, Cathy Doherty

Not Present: Anthony Costello; Sara Flagg, Recording Secretary

Others Present: Glenda Williamson, Conservation Agent; Isabel McCauley, Holden DPW, Bullard St. Culvert; Julian Votruba, NEED, Greenwood Estates and 160 Bailey Rd; Clea Blair, Greenwood Estates; Tom Larsen, Martelli Construction, Greenwood Estates; Scott Morrison, Eco-Tec, 106 Lovell Rd; MaryAnn DiPinto, Three Oaks Environmental, 111 Arizona Ave; Steven and Tiffany Gallo, Gallo Builders, 367 Malden St., Tom Heinold, Malden St; Kurt Hopernan, 152 Bailey Rd; Chris Noble, 160 Bailey Rd., Tim LaFratta, Michael Elms, Barbara Kohlstrom, Bailey Rd.

M. Scott opened the meeting at 7:02 pm, read Gov. Baker's order regarding virtual meetings.

NOTICE OF INTENT

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

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

G. Williamson read the hearing notice for DEP File #183-0669.

M. Scott said 56, 57, 58, 61 have not been previously discussed.

J. Votruba gave an update on the continued lots. They submitted a revised plan for 46, 47, 48, 49, and 50 on June 23, 2020. The plans were not available for review.

J. Votruba reviewed the plans for DEP File # 183-0669. Lot 57 shows proposed grading in the 100' buffer zone.

M. Scott asked the Commission for questions or comments.

D. Nyman asked about the drain being in the easement. J. Votruba said it is not in the easement, the lines are confusing.

J. Votruba reviewed the plans for Lot 56. This is a very steep area so they are proposing a retaining wall along the wetland line that would be within the 25' no-disturb zone.

L. Boucher and E. Parent asked what the grading was on this Lot.

J. Votruba and C. Blair mentioned it is a 2:1 slope and C. Blair addressed that the Commission is concerned about the height of the retaining wall. If it was moved out of the buffer zone it would become a 20' wall and could pose fall risks.

D. Nyman commented that this lot is challenging because of the way the subdivision is designed. Putting 20' of fill to make this a buildable lot makes it very tough.

The Commission would like to see some effort made to redesign this lot.

J. Votruba reviewed the plans for Lot 57. This would have a similar situation to Lot 56 but the retaining wall would be a little further from the wetlands.

J. Votruba reviewed the plans for Lot 58. All proposed work is outside of the 25' no-disturb zone for this lot.

M. Scott said that for Lots 61 and 58 there weren't any major challenges. It seems that Lot 56 is the most challenging lot. On Lot 57 there seems to be some effort made to reduce impact.

C. Blair replied that they tried to spin the house on Lot 56. J. Votruba said that there is room to do something, but it wouldn't be conventional and they would need to look into it to see what would be possible.

The Commission asked for the plans to be cleaned up to be read more easily and the Lots 56 and 57 be reviewed to see what can be done differently. They also commented that the vernal pools and resource buffers should be clearly indicated.

M. Scott opened the discussion up to any abutters. There was no comment.

Motion by C. Doherty, seconded by K. Strom to CONTINUE THE HEARING FOR NOI GREENWOOD ESTATES SUBDIVISION DEP 183-0669 TO AUG 5TH MEETING. APPROVED BY A 6-0-0 VOTE.

Motion by C. Doherty, seconded by K. Strom, TO CLOSE THE HEARING FOR NOI GREENWOOD ESTATES SUBDIVISION DEP FILE #183-0668. APPROVED BY VOTE 6-0-0.

Motion by K. Strom, seconded by L. Boucher, TO CLOSE THE HEARING FOR NOI GREENWOOD ESTATES SUBDIVISION DEP FILE #183-0667. APPROVED BY A VOTE 6-0-0.

GREENWOOD ESTATES UPDATE

Construction, Grading Plan, Replication Area, Stormwater

Tom Larson, Martelli Construction, said the erosion control plan is complete. It will be reviewed and submitted on July 9th. Replication area has been finished, it was suggested that a level channel and rock steps be left which was done and pictures submitted.

G. Williamson asked if comments were received from Graves in regard to the stormwater and erosion control plans. T. Larson said that it will be submitted after review tomorrow morning.

NOTICE OF INTENT - Bullard Street Culvert Replacement

Assessing Map 119, Parcel 2. The replacement of an existing culvert with new 24" culvert. Work is located in Land under Water and Bank. Patrick Wood-Project Engineer-Holden DPW – *continued from 6/3*

M. Scott mentioned that an updated plan was received in the Commission member's emails today.

Isabel McCauley, Holden DPW, spoke in regard to the plans. The main comment about the location and age of the water pipes, there is no plan at this time to replace either of the water mains. Proposed extension of the culvert to provide a wider shoulder for safety reasons is now shown on the plans. In regard to the runoff it is shown that there is an existing "hump" along the shoulder that will be removed to help aid with that. Some stream reconstruction will be done to help with preventing potential erosion and an anti-seep collar added to the pipe as recommended by D. Nyman.

The Commission did not have any additional comments or questions.

I. McCauley mentioned that the road would be completed in the construction season following the construction season the culvert work is done to allow it to settle.

Motion by D. Nyman, Seconded by K. Strom to CLOSE THE HEARING FOR NOI BULLARD ST CULVERT REPLACEMENT. APPROVED BY A 6-0-0 VOTE.

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 storm water discharge point. A portion of the work is located within the 100-foot buffer of Stump Pond. Patrick Wood-Project Engineer-Holden DPW.

G. Williamson shared the revised plan. There is less impact and it is still outside of the 25' no-disturb zone. The wetland area has been flagged in the field and is shown on the plan. No clearing would need to be done in the buffer zone.

M. Scott asked the Commission for comments or concerns. The Commission members stated that the revised plans appear to address their comments.

Motion by K. Strom, seconded by L. Boucher to ACCEPT THE REVISED PLAN AS A DE MINIMS CHANGE TO THE DOA CAUSEWAY ST. DRAINAGE IMPROVEMENTS. APPROVED BY A 6-0-0 VOTE.

NOTICE OF INTENT – 106 Lovell Road – DEP File# - 183-0673

In-ground pool in the 100-ft buffer. Assessing Map 131, Parcels 138 & 153.

Owners: Edward and Laura Urbec; Rep. Scott Morrison, Eco-Tec/Quinn Engineering.

G. Williamson read the legal ad into record.

Scott Morrison, Eco-Tec went over the revised plan showing the 25' no-disturb zone and adjusted the erosion control barrier to be outside of the 25'.

K. Strom commented that the 25' no-disturb zone should be demarcated.

Motion by L. Boucher, seconded by K. Strom to CLOSE THE PUBLIC HEARING FOR NOI 106 LOVELL RD. APPROVED BY A 6-0 VOTE.

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, Inc.; Rep. NEED, LLC, Julian Votruba.

G. Williamson read the public hearing announcement.

J. Votruba spoke about the project. Owner would like to do some work at the back of the property and they want to confirm the planned work would not have any conservation impact. Found bordering vegetation and flagged the area with G. Williamson.

M. Scott asked the Commission members for any comments or questions.

D. Nyman asked about the maps of MA GIS showing resource areas.

J. Votruba apologized for not having the plans clearly marked, it differs from what is shown on GIS.

K. Strom said that it looks like the plans show a bit of land in DCR watershed (outer riparian area) at one of the corners near the brook. J. Votruba said if it does touch it, it is very minimal.

G. Williamson said that Jane Zottoli, an abutter on Bailey Rd expressed some concern about drainage around the culvert area. J. Votruba said that they are not at that point yet but will keep it in mind.

M. Scott clarified that an ANRAD is to identify the resource areas on the plans as shown and provided the wetland resource areas are accurately delineated then the Commission is obliged to approve. At this time there is no discussion or application for development on the land.

Chris Noble, abutter, commented that the plans don't show that it drains out to Dawson Pond. M. Scott said that this map is not required to show anything other than the applicant's property and current conditions only.

Kurt Hopernan, 152 Bailey Rd, commented that when he moved in 30 years ago there have always been water issues. Doing a walk through in July may not have been accurate because of the drought.

M. Scott said wetlands are not defined by appearance of water but rather vegetation.

K. Hopernan asked if J. Votruba is a partner in 160 Bailey Rd.

J. Votruba replied that the owner is J. Soucy of Rutland, MA.

K. Strom commented that he would suggest a 3rd party review of the property.

Motion by K. Strom, seconded by E. Parent, to CONTINUE ANRAD 160 BAILEY RD TO AUGUST 5TH MEETING. APPROVED BY 6-0-0 VOTE.

EMERGENCY CERTIFICATION

Quinapoxet Street Culvert, Assessing Map 102, Parcel 12. Temporary repair to damaged roadway and culvert structure caused by heavy storm water flow and clogged pipes.

G. Williamson informed the Commission that she issued an emergency certification for repairs because the culvert was flooded and the roadway was damaged. K. Strom said it was near the railroad end of Malden St. G. Williamson commented that it didn't appear to be beaver activity. K. Strom commented that the culvert doesn't have a lot of coverage and may have failed. DPW is trying to get grant money to work on the culvert replacement.

Motion by L. Boucher, seconded by K. Strom to ISSUE AN EMERGENCY CERTIFICATION FOR REPAIRS AT QUINAPOXET STREET CULVERT. APPROVED BY A 6-0-0 VOTE.

CERTIFICATE OF COMPLIANCE – DEP File #: 183-0649

367 Malden Street Assessing Map 150, Parcel 40. Single family home and driveway in the 100-foot buffer. Gallo Builders, Inc.; Rep. Julian Votruba, NEED, LLC.

G. Williamson explained this is a single-family home that they are requesting a final COC. As-built showed a retaining wall but one was not constructed. It was deemed acceptable not to have the retaining wall in terms of the wetlands. Additional boulders at the 25' no-disturb zone were requested and the applicant did add them.

Steven Gallo, Gallo Builders explained that no puddles form at the end of the driveway. It is crowned and there are drainage pipes at both sides of the property.

G. Williamson shared photos of the site showing the boulders, driveway and erosion control.

Motion by K. Strom, seconded by L. Boucher to ISSUE A CERTIFICATE OF COMPLIANCE FOR DEP File # 183-0649 367 MALDEN ST. APPROVED BY A 6-0-0 VOTE.

REQUEST FOR PARTIAL COC – DEP File #:183-0528

111 Arizona Avenue. Assessing Map 190, Parcel 32. Request is for the yard, driveway and culvert crossings, excluding replication areas. John Mshooshian, owner. Rep. Connorstone Engineering and Three Oaks Environmental.

MaryAnn DiPinto, Three Oaks Environmental, explained that the site is stable, the replication area needs some time to establish. Photos were shared with the Commission.

G. Williamson said that she has been to the site numerous times and confirmed M. DiPinto's review of the property.

Motion by K. Strom, seconded by L. Boucher to ISSUE A PARTIAL CERTIFICATE OF COMPLETION FOR 111 ARIZONA AVE. WITH REMAINING WORK TO BE THE REPLICATION AREA. APPROVED BY A 6-0-0 VOTE.

DISCUSSIONAL

Holbrook Trail Bench – G. Williamson explained that theWOLCS wanted the Commission to know about dedicating a bench since it is on the Holbrook property.

Heritage Lane Pump Station – G. Williamson explained that there is nothing new right now, water problems have been resolved.

Tom Heinold – 378 Malden Street was present to discuss his concerns in regard to the work being done across the street.

ORDERS FOR GREENWOOD ESTATES NOI

DEP File # 183-0668. Lot 46, 47, 49, 50

DEP File # 183-0667. Lot 48

M. Scott expressed concern about the driveway regardless of what measures are put in place and that lots could be reconfigured to make the lot lines. E. Parent asked if the lot lines have been approved. M. Scott replied that the subdivision was approved a few years ago and the roadway layout and crossings were approved but no lots have been approved as of yet therefore there could potentially be reconfiguration to avoid the impact the vernal pool. D. Nyman asked if the regulations have had substantive changes since the final approved plans. L. Boucher replied that the vernal pool definition has not changed since their approval. D. Nyman pointed out that the applicant then knew about it and should have been considered in their design. M. Scott explained that the vernal pool was certified by the state after the approval and there was discussion, but the applicant deferred to deal with it when it came time.

The Commission discussed how they can make a ruling since there are some lots that don't have any concerns and others that do within the same DEP File #. After further review, the Commission decided that due to the numerous points to be considered, that a second meeting should be called to discuss this.

J. Votruba commented that the discussion was to place multiple lots under the same DEP File # in order to prevent redundant paperwork and all the fees were paid individually for each lot and he confirmed with DEP for this reason.

Motion by L. Boucher, seconded by K. Strom to CALL A SECOND MEETING JULY 22ND FOR DISCUSSION AND DETERMINATION OF CONDITIONS FOR DEP FILE # 183-0667 AND #183-0668. APPROVED BY A 6-0-0 VOTE.

MINUTES

November 6, 2019; December 4, 2019

Motion by D. Nyman, seconded by L. Boucher to APPROVE THE MINUTES AS CORRECTED FOR NOV. 6, 2019. APPROVED BY A VOTE 4-0-2 (E. PARENT AND C. DOHERTY ABSTAINED)

December 4, 2019 continued as not enough members present for vote.

ORDERS FOR BULLARD ST CULVERT

Conditions to be included:

1. Leave erosion control barriers while conducting road work.
2. Replace or refresh erosion control barriers.
3. Re-seed and stabilize any areas that are disturbed.
4. Notice prior to doing work so that the Commission has the opportunity to observe the work if they desire.

Motion by D. Nyman, seconded by L. Boucher to ISSUE A STANDARD ORDER WITH STATED CONDITIONS FOR BULLARD ST CULVERT REPLACEMENT. APPROVED BY A 6-0-0 VOTE.

ORDERS FOR 106 LOVELL RD

Conditions to be included:

1. Dewatering and/or back flushing to be done outside of the 100' buffer zone.
2. If boulders are found during excavation, they can be used for demarcation of 25' no-disturb zone.

Motion by L. Boucher, seconded by K. Strom to ISSUE A STANDARD ORDER WITH STATED CONDITIONS FOR 106 LOVELL RD. APPROVED BY A 6-0-0 VOTE.

Motion by C. DOHERTY, Seconded by K. STROM TO ADJOURN THE JULY 8, 2020 CONSERVATION COMMISSION MEETING AT 11:47 PM. APPROVED BY A 6-0-0 VOTE.