

**HOLDEN CONSERVATION COMMISSION**  
**1130 MAIN STREET, SENIOR CENTER**  
**MINUTES**  
**June 5, 2019**

**Members Present:** Michael Scott, Anthony Costello, Ken Strom, David Nyman, Cathy Doherty, Luke Boucher

**Not Present:** Rob Lowell

**Others Present:** Pam Harding, Director of Planning, Glenda Williamson, Conservation Agent, Pam Savage, Recording Secretary

**Others on Sign In:**

Bob Toning, CRA  
Kenneth Knowles, Eaglebrook Engineering & Survey  
Mark Sadowsky, 2226 Main Street – Property Owner  
Arthur Allen, 2226 Main Street, EcoTec, Worcester.  
Julian Votruba, 2451 Main Street, NEED, LLC  
Michael Votruba 2451 Main Street, NEED, LLC  
Thomas Larson – Martelli Construction  
Clea Blair – Jackson Woods Investments  
Stephen Sears - David E. Ross - 70 Rondeau Rd.  
Peter Spring, 60 Nelson Street - Property Owner  
Nicole Hayes, 60 Nelson, Goddard Consulting  
Daniel Preosser, 1217 Main Street, Resident  
Tara Francoeur, Eagle Lake  
Kathy Kersus, 201 Kendall Road, Eagle Lake  
Gerry Kersus, 201 Kendall Road, Eagle Lake  
P Callahan 96 Twinbrooke Drive, WOLCS  
Craig McColl, 232 Sycamore Drive  
Dan Marinone, 37 Village Way, Eagle Lake  
Alan Lambert, 36 Village Way, Eagle Lake  
Jeff Zottoli, 404 Main Street, Eagle Lake  
Scott Morrison, 152 Wind Hill Road, Eagle Lake  
Conor Bojan, 10 Centerward Drive, WOLCS  
Kevin McDonagh, 20 Lovington Circle, Eagle Lake

K. Strom called the meeting to order 7:01

**NOTICE OF INTENT - CRA - Holden Baseball** – 439/459 Main Street (Assessing Map 211, Parcels 1 & 51). DEP File# 183-0659. Removal of an existing parking lot for the construction of a new baseball field, the construction of a new parking lot and baseball field. Site grading and stormwater management system. Reps: Eaglebrook Engineering/Waterman Design. (Continued from April 3rd.)

Kenneth Knowles with Eaglebrook Engineering presented revised response letter and site plans to the Commission based on DPW review. He covered several big picture items since the last meeting on April 3<sup>rd</sup> to include, widening stone dust pathway for boat or kayak etc. to access pond, eliminated row of parking, reduced various parking spots further from wetlands by 26 feet (project total is 5,000 sq. ft. less of impervious area overall). Detailed drainage issues were addressed. A DPW review memo was received June 5, 2019 indicating concerns have been addressed. K. Knowles said there were questions regarding curve number at last hearing the grass field would remain grass in fair condition. Proposed was to change to fair condition over next 10-20 years. Surface on turn around will remain grass. K. Knowles asked if the Commission had questions.

D. Nyman asked if any of the pine trees would be removed, as one tall tree was a nesting habitat. K Knowles answered there is one tree that lands in the middle of the driveway that will have to come down which is not the tree referenced by D. Nyman. G. Williamson will make sure *preserving as much of the vegetation as possible, in general*, will get into the order. Also, demarcation will be required at 25 foot No Disturb Zone. (referenced plan).

Motion by L. Boucher, Seconded by C. Doherty, it was VOTED 5-0-1, M. SCOTT RECUSED, TO ISSUE A STANDARD ORDER OF CONDITIONS WITH SPECIAL CONDITIONS TO PRESERVE AS MUCH VEGETATION IN THE BUFFER ZONE AS POSSIBLE AND TO PLACE A PERMANENT DEMARCATION AT THE 25-FOOT NO-DISTURB ZONE AND TO CLOSE THE PUBLIC HEARING FOR NOTICE OF INTENT - CRA – HOLDEN BASEBALL – 439/459 MAIN STREET.

**NOTICE OF INTENT - 2226 Main St.** Assessing Map 82, Parcel 13. DEP File# 183-0661. Demolition of a single-family house and replace with a two-family house, septic systems, municipal water service connections and underground electrical systems. Owner: Mark Sadowski. Reps: Eco-Tec/Quinn Engineering.

G. Williamson read the legal ad into record. Work is located within a 100 foot buffer of bordering vegetated wetlands. Art Allen with Eco-Tec said there is a four-bedroom single family house and proposes tearing it down and constructing a duplex in its place (two bedrooms each).

A request for determination was filed with DCR under the Watershed Protection Act. The Board of Health hearing is open, waiting for changes, and is currently under review. There was no DEP file number at the time of the hearing, due to backlog. Mr. Sadowski cannot go to the Building Department until the Conservation Committee finalizes. P. Harding said zoning may be a more pressing issue and it could be in their best interest to keep hearing open until that is approved. The Commission will keep hearing open also until zoning is approved. A. Allen said M. Sadowski's issue is he cannot go to the building department until Conservation is finalized. A request was made for a memo to be issued to the zoning board that the Commission is satisfied. It was agreed.

Request to continue to July 10<sup>th</sup> was made and granted.

**NOTICE OF INTENT - 70 Rondeau Road.** Assessing Map 98, Parcel 35. DEP File# 183-0660. Replacement of a cesspool with a Title 5 Sewage Disposal System and related grading within the 100-foot buffer of a vegetated wetland. Owner: Eric Duvo. Rep: David E. Ross Assoc.

G. Williamson read the legal ad into record. Applicant proposes to replace a failing cesspool.

Stephen Sears (David E. Ross Associates), on behalf of Eric Duvo. A new septic tank has been designed with two leaching trenches which replaces the existing cesspool. The issue is the Bordering Vegetative Wetlands (BVW) surrounding the entire site. Grading is within the buffer zone which does not conform to regulations. A request for a waiver has been included in the NOI, which requests to allow full grading to encroach into the 25 foot no disturb area. Also, to install a retaining wall into the draining slope to meet 25 no disturb area would be very costly (read waiver aloud). Based on estimates from installers, to build a retaining wall would cost approximately \$5,000 and \$8,000 additional cost, which would be very costly and a substantial hardship on the client. There is no vegetation that would need to be removed on the site. M. Scott confirmed chain link fence is being removed and could be a good opportunity for demarcation. Doubling the wattle will be included in the order. A new set of plans is not necessary to reflect that.

Motion by M. Scott, Seconded by L. Boucher, it was UNANIMOUSLY VOTED, 6-0-0, TO ISSUE A STANDARD ORDER OF CONDITIONS AND TO CLOSE THE PUBLIC HEARING FOR NOTICE OF INTENT - 70 RONDEAU ROAD FOR THE CONSTRUCTION OF A TITLE 5 SEWAGE DISPOSAL SYSTEM.

**ANRAD – Site Delineation - 60 Nelson Street** – Assessing Map 227, Parcel 42. Peter Spring. Wetland delineation on an approx. 5 acre parcel. Reps. Goddard Consulting/HS & T Group.

G. Williamson read the public notice into record. The purpose of the ANRAD is to establish the resource area boundaries on the site.

Nicole Hayes with Goddard Consulting presented the project. She referenced plans and provided detailed description of the site. The purpose of her delineation was to delineate the location of the Bordering Vegetated Wetlands (BVW) on the property.

G. Williamson was asked to comment on her review of the delineation. She said lots of ticks and poison ivy. Site inspection was done. She met P. Spring on site and discussed his intentions and overall purpose for the ANRAD. He explained he needed the total square footage of uplands, to subdivide the lots. Internal review was completed and sent so everyone could take a look beforehand. Peter explained that the purpose wasn't really to get to the back of the site to develop it. It was to meet the uplands requirement in terms of subdividing the lots and possibly build a house at the front near Nelson Street. G. Williamson stated that she checked the accuracy of the delineation and noted that the top of bank of the stream was not flagged out separately from the BVW delineation. She

stated that it would be unreasonable to ask them to spend so much money and time to flag out the top-of-bank since they had no intention of crossing the stream with a road. She is satisfied with the delineation as is.

N. Hayes said they are really only looking to confirm the wetlands for now. K. Strom reiterated delineations would be good for three years. She said they had not yet received a DEP Number and asked if motion be contingent on receiving that. The Commission said yes.

Motion by M. Scott, seconded by C. Doherty, it was UNANIMOUSLY VOTED, 6-0-0, TO ISSUE AN ORAD AND TO CLOSE THE PUBLIC HEARING FOR ANRAD - SITE DELINEATION – 60 NELSON STREET FOR PETER SPRING.

**GREENWOOD ESTATES** – Union Street, Jackson Woods Investments

K. Strom said there was a site visit, approximately two weeks ago on a Monday morning, by the Commission, who observed a number of issues and made comments in the field on the condition of the site and what can be done to improve it with regard to the erosion controls, etc.

C. Blair said he received a letter from G Williamson dated May 29, 2019 and thinks it would be best to go down the list and check off what has been completed and what has not.

1. Revised Phasing Plan – It has already been provided and believes it has been approved. The Planning Board has it as well. P. Harding said it had not been approved (checking into that and G. Williamson will provide an electronic copy).
2. Revised Sediment and Erosion Control Plan – Today, plan was finalized (distributed) and comments from Mike Andrade (Graves Engineering) were incorporated, who has been reviewing this for the town and they believe the calculations were taken care of and solved comments and concerns. He still needs to review.

K. Strom asked what work has been done in general since site visit. J. Votruba answered utility work, force main is stubbed off, did all drainage, erosion control, just regular maintenance. No water is going into detention pond. Loam stock pile has been hand seeded, but was requested to be hydro-seeded. The swale is armored now with heavy rock, has been tested, and is working well so far.

G. Williamson is making regular site visits and erosion control inspections. Regularly checks erosion controls behind basin 1-5. They completed her noted requests and were responsive.

P. Harding said that everything on list is still outstanding except what was just mentioned. Not much has changed on the site itself.

3. To C. Blair's knowledge no dewatering is happening now. Retaining wall will start for pumping station on Friday, June 7, 2019. Dewatering may be necessary and if so, a plan will be provided to the town.
4. J. Votruba is doing the weekly SWPPP Reports and is putting exactly what he feels is happening in the field. G Williamson will locate J. Votruba's requested resume and qualifications, which were previously sent and provide to the board.
5. Stock pile stabilization - Loam stock pile has been hand seeded, and did not think hydro seed was necessary. He is not concerned with the seed leaving the pile and not taking. If it doesn't take and he ends up hydro seeding, it's not going to run into a wetland.
6. Compliance with Order of Conditions - He looked at it and felt good it was being complied to, but open to criticism if board has it. G. Williamson said special condition #36 in the order, has already been discussed which says, "Dewatering discharge location should be approved by the Commission". #37-41 is Army Corps of Engineers and mitigation items, which has not yet happened. It was already agreed they can use permanent basins for temporary storage; they have a phasing plan and an independent erosion control monitor, also an engineer to do slope stabilization. #35, rip rap placed in draining swales has already been discussed. G. Williamson continued, she put this in the order to make sure they are reviewing and are meeting their requirements. Standard orders include storm water management, and construction general permit. Most of the special conditions have been met.
7. Construction schedule was provided. Only two dates have changed. Pumping Station wall delayed by four days, (Monday to Friday). To date, Army Corps of Engineers has not approved a permit, but they have everything they need and have told C. Blair they are satisfied. Delay is approximately two weeks (June 15<sup>th</sup>). Utility work is right on schedule, according to Nick DiPilato. P. Harding encouraged a constantly updated schedule provided to the town for everyone's benefit, so time and money is not wasted. D. Nyman asked if weekly on-site meetings were being held. P. Harding said they are weekly, Tuesday meetings at the Town Hall. Graves Engineering on the site daily during utility installation. C. Blair said as far as work on the wetlands crossing, they are starting to clear the trees up to the wetlands only and are marking the limits. Hopefully they have their permit very soon and can get started putting the crossing in.
8. C. Doherty asked if the stormwater management and erosion control plans have been submitted for the cutting area. C. Blair stated no, that they are still waiting on that from the engineer. G. Williamson said the Commission wants a site visit prior to any additional work at the northern end of the site. The applicant would like to cut trees and then install erosion controls after. No grubbing or excavation work will be done within the hundred foot buffer, and will have a horizontal grinder coming in to grind everything. C. Blair asked if they could cut the trees at the base without an erosion control plan.

D. Nyman said no, the erosion control plan needs to be submitted to the Commission before they do any cutting at all. D. Nyman stated that all of the erosion controls need to be shown on the plan prior to approval. J. Votruba stated that they did not have an approved plan for the size of the detention basin on the northern end. D. Nyman stated that this is the plan they need prior to any cutting. D. Nyman stated that they have not provided the information that the Commission has been asking for in a timely manner and that no cutting is to occur until the Commission has the full plan, including the detention basin design.

L. Boucher referenced contributing run-off area two; disturbed on the east side of the road and undisturbed on the west side of the road, totaling approximately 13 acres. Based on the required sediment pond volume, what is provided is almost identical. It tells him they cannot afford to clear anything else and are at capacity. Stabilization of the downstream end is necessary before anything is cleared upstream and wanted to point that out. D. Nyman asked if anything has been done to stabilize the back slopes and C. Blair said it is not time to do that yet and that it is pure gravel now.

9. There is already an approved solution to the Harrington Ave. and Apple Tree Lane drainage and it brings it down to the middle of the site and puts it where they say it's been going all along. He contests, when they changed the direction of the pipe off of Harrington, they changed the direction of the water. Quinn Engineering is reviewing it and disagrees with that. Quinn Engineering says Jackson Woods is causing additional run off that isn't occurring now, into areas behind the wetland and down below. K. Strom and D. Nyman also agree with Quinn Engineering based on site visit.

K. Strom said it sounds like there is still work to do and paperwork to process.

**Eagle Lake Drawdown-** DEP File # 183-0642 - Drawdown Status/Maintenance

A. Costello and K. Strom recuse themselves.

Scott Morrison (White Oak) provided update which shows drawdown rates (referenced). Required drawdown was to start May 1<sup>st</sup> and end by the end of August, and not to exceed six inches per week. There are still three more feet to go and will be more like eight weeks and not six. Dick Callahan has been steering this and is on site each day. This information has been provided to the town and to "The Friends of Eagle Lake" to keep people up to date.

M. Scott asked if there were any downstream issues with amount of flow being let out and the discussion was they were behind and withdrew a little too quickly.

S. Morrison said no issues and yes, withdrew too quickly and he thinks they are drawing it right below and referenced graph. G. Williamson said she has done some site inspections. He said White Oak has authorized the Office of Dam Safety to do a study of Eagle Lake since it is considered one of fourteen high hazard dams rated poor/unsafe condition. This

is for funding sources, whether it be removed or repaired and will he will know more tomorrow. It is not White Oak's portion of the dam that is the problem. It is the portions of the dam owned by others.

M. Scott said this was a public meeting and attendees are operating were an order of conditions that was issued by the Commission and effectively demanded by DCR.

Dan Marinone (37 Village Way), speaking for the Friends of Eagle Lake, discussed his concerns. He said many people are trying to keep the dam in acceptable condition and also are conducting simple maintenance, while staying within guidelines. His request is this maintenance can continue around the dam and recreation area.

G. Williamson referenced special condition #29, which allowed "Friends of Eagle Lake" to do selected hand clearing with certain conditions. She requested that if they are going to be doing anything on town land to please just let them know so they can review. She also received information from Mark Brideau with MassWildlife & Fisheries that no relocation of fish species is typically allowed, due to the potential spread of disease. She did receive suggestions about help from volunteers for invasive species monitoring, such as UMass Amherst college students.

S. Morrison reminded attendees that the draw down was only four and a half feet and there will still be portion of lake there.

M. Scott asked how much new empty shoreline there was and S. Morrison answered three feet and more in some places.

George Kersus (201 Kendall Road) asked who was responsible for Order of Conditions and also verifying the water depth is the same as what is reported on the spreadsheet. Based on his observation, the water is down by more than two feet at his point of reference. He also asked what happens if conditions are not met.

M. Scott answered it to be the Commission's responsibility to oversee enforcement of any permit or Order of Conditions that are issued. They are receiving reports and also site inspections are being done. Dick Callahan, WOLCS, said he goes out every day and takes a reading. M. Scott said no fining or enforcement action, per se has been discussed, other than if draw down is accelerated or if there is a storm coming, they would be obligated to stop and let it recover for a while.

Kevin McDonough (20 Lexington Circle) asked when the drawdown permit expires. G. Williamson said July 18, 2020. He said he was concerned about the draw down and permanently changing the ecosystem.

Tara Francoeur (1217 Main Street) is moving just across from the Causeway. Part of her reason is because of Eagle Lake and is a great hub for wild life. She asked if there are any studies on endangered wildlife that have been done and noted bald eagles, wood ducks,

and yellow belly cuckoos, along the causeway. She asked if there are any protections in place or could be put in place.

S. Morrison said they completed an extensive permitting process. One of the drawdown requirements is put in place by the Division of Fisheries and Wildlife. Neither White Oak, nor the Commission has any control over that. S. Morrison's verified, there is no rare species habitat in this reach and a courtesy application was sent out to NHESP for their review.

Alan Lambert (37 Village Way) expressed frustration that residents are losing a tremendous recreational asset of over 200 years. He said 70% water is going to dry up and kill fish and aquatic life. There will be terrible smell based on draw down years ago and also had fifteen feet of mud if he wanted to do any kind of boating. He recommended the town to think about recreational opportunities and preserve the area since many enjoy the outdoors. He said more people should be interested in saving Eagle Lake than just "The Friends of Eagle Lake".

Warren Jerry Gardener (275 Princeton Street) referenced findings of his own ground assessment. He recommended flood control and recommend getting more information on the operating instructions for the gates at the dam and involving FEMA. He believes there is a better way. A table at Holden Days was recommended for "Friends of Eagle Lake" to try and gain support for their cause.

### **109 Arizona Ave**

G. Williamson said they received their 401 Quality Certification. She went out Monday at 9:00 with DEP. They conditioned it much more than we did. They provided their construction sequence and will be doing the installation of the culvert the week of June 17<sup>th</sup>.

### **Bullard Street Lots 1-8 - status of clean-up**

G. Williamson said Vinny Vignaly (DCR) said cleanup was done to his satisfaction and was happy with it. A report was received from Scott Morrison saying it was completed and DCR was good with it. G. Williamson continued that she did a site inspection of all eight lots. One small breach was flagged at lot one. Bales are needed at the weak point.

### **REQUEST FOR CERTIFICATES OF COMPLIANCE - 56, 89, 91, 95 Jordan Road.** Assessing Map 244, Parcels 34, 45, 44 and 43. Single Family Homes. Oak Hill Subdivision.

G. Williamson said the yard at 56 Jordan is fully stabilized and stated that there was a tiny wetland, isolated in powerline easement behind the home. This is no longer a wetland, completely dried out with no wetland vegetation present.

The lawn at 89 Jordan Road is fully stabilized and G. Williamson recommended sign-off for this one as well.

91 Jordan Rd. was not issued due to a drainage pipe off the house that still needed to be buried. The sump pump pipe that drains the foundation base is above ground, and discharging at the erosion control barrier, just outside the 25 foot no disturb zone. The problem is the home is already occupied. G. Williamson said she would have never signed off on this if they had done a proper COC. Also, Chris Black said there are also two lots similar, with pipes above ground. G. Williamson will talk with the building inspector.

C. Doherty said it would be a good idea to let the homeowner know as soon as possible. She also asked why the building inspector would sign off on that and G. Williamson said because it was done after the fact. P. Harding said the retainer certificate could be pulled.

L. Boucher expressed concerns about erosion and red iron color at the discharge point. He added they could discharge there and put it in something like a stone or rip rap bowl-shaped structure to dissipate the energy and to prevent scour.

D. Nyman said they need to know they are creating erosion in their resource area and that it is a violation. Do they want their builder to be charged with a violation or help them to fix the problem?

P. Harding said it is a violation, whether the orders are expired or not because they never got a COC.

95 Jordan Rd was added to the agenda in error as the home is still being built.

Motion by L. Boucher, seconded by C. Doherty, M. Scott abstained, is was VOTED TO ISSUE THE FINAL COC'S FOR 56 AND 89 JORDAN ROAD, OAK HILL SUBDIVISION.

#### **CHAPTER 61B - Right of First Refusal - Sawyer Lane Lots 1, 4, 5 and Parcel C**

G. Williamson said the assessor called and said the attorney made a mistake. Parcel C is not supposed to be a part of this. The Commission discussed the location and nature of the lots and determined that there would be no open space/recreational value or trail connectivity opportunities and would recommend to the select board not to pursue purchase of the lots.

Motion by D. Nyman, Seconded by C. Doherty, it was UNANIMOUSLY VOTED THERE IS NO RECOMMENDATION FROM THE COMMISSION TO PURCHASE THE PARCELS BY A VOTE OF 6-0, SAWYER LANE LOTS 1, 4 AND 5 - RIGHT OF FIRST REFUSAL UNDER CHAPTER 61B.

#### **MINUTES December 2018, January 2019, February 2019**

G. Williamson said changes have been made to the December and January minutes based on the Commission's review and just need a formal vote. The February 2019 minutes have not been finalized and sent out for comment, the Commission will review and vote at the next meeting in March.

Motion by D. Nyman, Seconded by L. Boucher, it was VOTED TO APPROVE THE DECEMBER, 2018 AND JANUARY, 2019 CONSERVATION COMMISSION MEETING MINUTES AS CORRECTED BY A VOTE OF 6-0-0.

Motion by L. Boucher, Seconded by C. Doherty, it was VOTED TO APPROVE THE FEBRUARY 2019 CONSERVATION COMMISSION MEETING MINUTES AS CORRECTED BY A VOTE OF 5-0-1. (Costello: abstain).

Motion by L. Boucher, seconded by C. Doherty, it was UNANIMOUSLY VOTED TO ADJOURN THE JUNE 5TH, 2019 CONSERVATION COMMISSION MEETING AT 10:01 PM.

APPROVED: \_\_\_\_\_