

**HOLDEN CONSERVATION COMMISSION
VIRTUAL MEETING
MINUTES
June 2, 2021**

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

Others Present: Glenda Williamson, Conservation Agent; Sara Flagg, Recording Secretary; Isabel McCauley, Holden DPW; William Murray, Place Associates, Main St Drainage Improvements; Scott Morrisson, Ecotec, Chaffin Substation; Kevin Soden, Electrical Engineer, Chaffin Substation; Luke Haberman, Holden DPW Civil Engineer, Sterling Rd; Matt Wzorek, Tighe & Bond, Main St Drainage Improvements; Gordon and Sue Whiteman, 54 Powers Rd, Main St Drainage Improvements; Mark Elbag, engineer, 199 Muschopauge Road; Dominic Meringolo, Solitude Lake Management, 410 Bailey Rd; Julian Votruba, NEED, Lot 15 Greystone Dr; Bob Tuttle, 333 Reservoir St, Mark Thorngren, Lot 15 Greystone Dr; Art Allen, Eco-Tec, Inc, 2077 Main St; Peter Cook, Project Coordinator, 2077 Main St; Nick Schiltz, 367 Highland St;

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

Notice of Intent – Main Street Drainage Improvements
DEP File #: 183-0681.

Matt Wzorek, Tighe & Bond, reviewed the design changes and response to comments that were addressed since last time.

M Scott asked if any of the committee members had questions/comments. No one on the commission had any comments/questions.

M Scott asked for any public comment.

William Murray, Place Associates, rep for owners of Power's Rd property, stated they submitted a letter on May 17, 2021 to Mr Woodsmall. There was a virtual meeting in which they realized the commission had some of the same questions. They are asking the town to continue for 2 weeks so that they can review the revised plans and changes as they affect their properties directly.

I McCauley, explained that the right of entry has not been signed as of yet so no construction would be scheduled to start until after that. The impact of continuing could be that the contractors would not be available or costs could climb for the project. The project is not limited to only Powers Rd.

Gordon Whiteman, 54 Powers Rd, mirrored concerns about the velocity of the outflow as shown.

D Nyman asked if Tighe and Bond has responded to the matters that were brought up by the concerned parties.

M Worczek updated that the velocity's were addressed and accounted for in the last design and table. Design points are outlined in the revised submission.

W Murray commented that the property owners would exercise their rights to appeal if the Town decides to close the hearing.

The Commission recommended that the Town reconsider their request to close the hearing.

I McCauley asked if the Commission would consider a sooner meeting date. The Commission replied they would be able to have a meeting on June 30, 2021 and that they will not be holding a July meeting.

Motion by L Boucher, seconded by K Strom to continue the Public Hearing NOI Main St Drainage Improvements to June 30, 2021 meeting. Approved 6-0-1 (E Parent abstained)

Notice of Intent – Quinapoxet Street Culvert Replacement

DEP File #: 183-0xxx. Map 88-Pacel 6; Map 102-Parcels 12 and 22.

I McCauley requested a continuance.

Motion by D Nyman, Seconded by C Doherty to continue to the June 30, 2021 meeting. Approved 7-0-0.

Notice of Intent – 21 Adams Road – Chaffin's Substation

DEP File #: 183-0xxx. Map 187-Pacel 16; Improvements to the existing electrical substation including the removal of old components, installation of new components, poles, underground grounding devices, paving, loaming and seeding. The work is located within the 100-foot buffer of a BVW. Holden Municipal Light Department (HMLD); Quinn Engineering; Eco-Tec, Inc.

Scott Morrisson, Ecotec, shared update plans with the modifications to show additional grading at the access of site as requested, note added regarding debris removal. The commission had asked about the easement and it is a walking path. Lastly the discharge pipe has been revised as requested to discharge outside the 50' buffer for the wetlands.

M Scott asked for Commission comments. There were no questions or comments from the Commission.

Motion by C Doherty, seconded by E Parent to close the hearing for 21 Adams Road Chaffin Substation.. Approved 7-0-0.

Notice of Intent – Sterling Road Culverts

DEP File #: 183-0686. The in-kind replacement of a 15-inch metal culvert pipe and in-kind replacement of an 18-inch metal culvert pipe within the Sterling Road right-of-way. Work on the two culverts is associated with intermittent streams. Isabel McCauley, Holden DPW.

G Williamson said that there were several comments that were submitted to the Town.

I McCauley, Holden DPW, shared the most updated plans. Based on the comments they looked into increasing the pipe size of the #2 culvert, existing is 18" and decided that a 30" pipe would be the best option.

Luke Haberman, Holden Civil Engineer, explained that the depth of cover requirement informed the decision to go with the 30" pipe. 2-3' of the pipe would have to be embedded if they went with a larger pipe. They are proposing to fill the bottom of the 30" pipe with native stream bed to maintain the consistent flow.

D Nyman summarized his comments that were provided earlier today in regards to going to a larger size pipe and depth of material to comply with the Wetland Acts standards. I McCauley agreed with his comments and said that the 30" pipe does meet those requirements.

M Scott said that the concern is that 8" of material would have a greater risk of wash out in comparison to a 48" pipe and more substantial material. I McCauley answered that there would be a considerable amount of fill needed to do that in-filling with 2' of material.

The other commission members were in agreement with D Nyman's comments in regards to the 48" pipe being a better option. K Strom mentioned that due to their being no utilities it would be ideal for this application.

Motion by K Strom, seconded by C Doherty to CLOSE THE HEARING FOR NOI STERLING ROAD WITH A SPECIAL CONDITION FOR THE TOWN TO UTILIZE A 48" PIPE WITH PROPER EMBEDMENT AND STREAM BED FILL AND THE COMMISSION MEMBER D NYMAN TO REVIEW PRIOR TO WORK BEING DONE ON CULVERT #2. Approved by a vote 7-0

Notice of Intent – 199 Muschopauge Road DEP File #: 183-0682. Map 69-Pacel 6. Construction of a single family home with well, septic and driveway. The work is located within the 100-foot buffer of an intermittent stream. Garrett Dunn, owner; Mark Elbag Engineering.

G Williamson read the Public Hearing Notice.

Mark Elbag, engineer, shared the plans. A large parcel is to be divided through an ANR and would keep the work outside of the 100' buffer of the intermittent stream and 200' of the Muschopauge resource area.

K Strom commented that there is no stamping from the Engineer or a Land Surveyor stamp.

M Elbag said that he is the engineer of record and these plans may have been submitted electronically and he will have that added to the plans on record.

H Parry asked if the catch basin is permanent or for construction. M Elbag commented that it is existing and there is also a roadside swale.

E Parent asked if the catch basin is connected to anything. M Elbag said there is no drainage system but does have an outlet. E Parent requested that the driveway slope to the swales and consider adding a check dam or two to control the velocity.

Motion by D Nyman, seconded by L Boucher to CLOSE THE HEARING FOR NOI - 199 Muschopauge Road. Approved 7-0

Notice of Intent – 410 Bailey Road – Nielson Pond DEP File #: 183-0684. Map 196, Parcel 21. Aquatic plant management program to manage nuisance and/or invasive aquatic plants and algae to impede eutrophication. Mark Ferguson-owner; Dominic Meringolo - Solitude Lake Management.

G Williamson read the Public Hearing Notice

L Boucher recused himself as an abutter.

Dominic Meringolo - Solitude Lake Management, explained that this is a man-made pond and the owner Mark Ferguson would like their company to monitor the pond monthly and use state registered and approved methods as needed to maintain the pond as open water habitat. Solitude Lake Management is licensed by the Department of Agriculture to use these products and a list of the products have been listed in the NOI. Additionally they plan to use aluminum sulfate if there is an overabundance of phosphorous as a preventative measure to control algae and improve water quality. A year-end report could be submitted to the Commission as they would prepare it for the owner Mr. Ferguson annually.

Motion by K Strom, seconded by D Nyman to CLOSE THE PUBLIC HEARING FOR NOI 410 BAILEY RD, NIELSON POND. Approved 6-0-1 (L Boucher recused)

Notice of Intent – Lot 15 Greystone Drive DEP File #: 183-0687. Map 117, Parcel 52. Construction of a single family home, septic, driveway with a wetland crossing and associated grading within the buffer of a resource area. Caitlin and Adam Rosario; Julian Votruba, NEED.

G Williamson read the Public Hearing Notice into record.

J Votruba shared the plans. The wetlands were defined through an ANRAD and they utilized that in determining the least impactful area to utilize for a driveway for the

property. They are proposing a double replication area and detail is provided in the proposal.

D Nyman commented that the Wetlands Protection Act Regulations explicitly prohibit altering wetlands to treat stormwater, and that this is not an approvable plan with a stormwater system if it alters a wetland. J Votruba disagreed and stated that they are protecting the wetlands to the best of their ability while keeping this affordable for the owners. D Nyman encouraged the other Commission members to take the Wetlands Protection Act Regulations into consideration.

K Strom said that 80 Chapin Rd is a precedent for this and in that project they utilized retaining walls.

E Parent expressed concerns about the infiltration trench being on fill as it goes against the standards and agreed with D Nyman's comments. Also believes a 2-1 slope is reasonable as a solution for the driveway. J Votruba said that he will try to move the infiltration trench somewhere else although he believes it is the best filter.

K Strom asked if the trench is at ground level. The grading is not clear. J Votruba said he will add that.

M Scott echoed D Nyman's comments but he does agree that the site is exempt from Stormwater management requirements as a single family. J Votruba asked if he took the infiltration trench out of the wetlands would that satisfy everyone. D Nyman said that the trench should be removed from the wetlands and the crossing width adjusted to be narrower.

Bob Tuttle, 333 Reservoir St, expressed concern about the drainage if the driveway is put as proposed he feels it could impact the wetlands near their property. L Boucher shared on GIS the proposed work area. The wetland located to the east of Greystone has a portion that runs behind the 333 Reservoir St property. J Votruba explained that there will be a 2-1 replication done to more than offset what will be impacted and the schedule of planting and area would be larger than what is there today.

Motion by K Strom, seconded by L Boucher to CONTINUE NOI LOT 15 GREYSTONE DR TO JUNE 30, 2021.

Request for Determination of Applicability – 2077 Main Street Assessing Map 95, Parcel 1. The installation of four new above ground storage tanks and the construction of a concrete loading pad. A portion of the work is located within the 100-foot buffer of a resource area. Holden Trap Rock; Art Allen, Eco-Tec, Inc.

G Williamson read the Public Hearing Notice.

Arthur Allen, Eco-Tec, shared the plans. Proposal is to replace storage tanks with upgraded models. All work is to be done outside of the buffer zone and river front in the existing paved area. They are requesting a Negative Determination.

G Williamson shared photos of the site.

M Scott asked if any excess/contaminated material would be removed from the site or it would be disposed of on site.

Peter Cook, Project Coordinator, said that they would make that determination if they come across anything but there is ample room to dispose of it on site.

Motion by K Strom, seconded by C Doherty to CLOSE THE HEARING REQUEST FOR DETERMINATION OF APPLICABILITY. Approved by a vote 7-0-0.

Enforcement Order – 367 Highland Street Assessing Map 117, Parcel 22. Vegetation clearing and ground disturbance in the vicinity of an intermittent stream. Nicholas and Amanda Schiltz.

G Williamson said an enforcement order was sent due to work done in the vicinity of an intermittent stream.

Nick Schiltz explained that large vines had caused 2 trees to be removed on his property and he was taking down additional trees as a preventative measure against property damage and as a safety concern. Since the enforcement order, straw waddles have been put in place and no additional work has been done in the area. The intention is to regrade and stabilize the area.

D Nyman and M Scott commented that there would typically be plans given showing the work to be done and explained the typical process for this type of project.

The Commission asked for plans showing the intent of the stabilization and grading to be done and to be reviewed at the June 30, 2021 meeting.

Request for Final COC – 2226 Main Street DEP File # 183-0661. Map 82, Parcel 13. The construction of a single family home, septic and driveway within the 100-foot buffer of a resource area. Mark Sadowski, Eco-tec, Quinn Engineering.

G Williamson shared the as-builts with water line noted and site photos.

Motion by K Strom, seconded by D Nyman to ISSUE FINAL COC 2226 MAIN ST. Approved by a 7-0-0 vote.

Request for Final COC – 500 Wachusett Street DEP File # 183-0664. Map 149, Parcel 10. The replacement of a failing sewage system and related grading within the 100-foot buffer. Malcolm & Ellen Parkinson; David E. Ross Assoc.

G Williamson shared the site photos.

Motion by L Boucher, seconded by K Strom to ISSUE FINAL COC 500 WACHUSETT ST. Approved by a 7-0-0 vote.

ORDER OF CONDITIONS:

21 ADAMS CHAFFIN SUBSTATION

- Removal of debris piles as cited by the agent.

Motion by D Nyman, seconded by K Strom to ISSUE A STANDARD ORDER OF CONDITIONS WITH THE SPECIAL CONDITIONS AS LISTED FOR 21 ADAMS RD CHAFFIN SUBSTATION. Approved by a 7-0-0. vote.

199 Muschopauge Road

- PE and PLS Stamp on plans
- Check Dams within Drainage swale
- Settlement basin at catch basin

Motion by K Strom, seconded by L Boucher to ISSUE A STANDARD ORDER OF CONDITIONS WITH THE SPECIAL CONDITIONS AS LISTED FOR NOI 199 MUSCHOPAUGE RD. Approved by a 7-0-0 vote.

410 Bailey Rd

- Submit an annual copy of report furnished to owner and commission.
- Stabilize the outlet pipe erosion and submit evidence of stabilization.

Motion by H Parry, seconded by E Parent to ISSUE A STANDARD ORDER OF CONDITIONS WITH THE SPECIAL CONDITIONS AS LISTED FOR NOI 410 BAILEY RD. Approved by a 6-0-1 vote (L Boucher abstained).

Request for Determination of Applicability – 2077 Main Street

Motion by K Strom, seconded by D Nyman to ISSUE A Negative 3 DETERMINATION. Approved by a vote 7-0-0.

Chapter 61 – Right of First Refusal A 0.98 Acre portion of Assessing Map 67, Parcel 2 located at 550 Manning Street and owned by George Dresser and Margaret McCandless.

K Strom recused himself.

G Williamson shared the plans and draft memorandum to be sent to the Town Manager from the Commission recommending to not exercise the right of First Refusal as there is limited benefit/use for conservation purposes.

Motion by D Nyman, seconded by L Boucher TO SEND A RECOMMENDATION TO WAIVE THE RIGHT OF FIRST REFUSAL 550 MANNING ST. Approved by a vote 6-0-1 (K Strom recused)

Forest Cutting Plan Chapter 132 – 59.0 Acre sale area, Map/Parcel 60-3 and 59-3.

The Commission discussed the location of the project and reviewed the plan.

D Nyman asked why the Commission is reviewing this, G Williamson explained the Commission is given 10 days to make comments on the plans.

DISCUSSIONAL

Enforcement - 165 Cannon Road

G Williamson explained this is in regards to some cattle that are going into wetlands on the property. Hthis neighbor dispute has been ongoing for several years.

The Commission determined that they don't have jurisdiction to issue any enforcement orders at this time.

MINUTES

July 22, 2020

Motion by D Nyman, seconded by E Parent to APPROVE THE JULY 22, 2020 MEETING MINUTES Approved 6-0-1 (H Parry not present)

August 5, 2020

Motion by D Nyman, seconded by E Parent to APPROVE THE AUGUST 5, 2020 MEETING MINUTES Approved 6-0-1 (H Parry not present)

Motion by D Nyman, Seconded by K Strom TO ADJOURN THE JUNE 2, 2021 CONSERVATION COMMISSION MEETING AT 10:50 PM. APPROVED BY VOTE 7-0