

HOLDEN CONSERVATION COMMISSION
1130 MAIN STREET, HOLDEN SENIOR CENTER
MINUTES
August 7, 2019

Members Present: Robert Lowell, Michael Scott, David Nyman, Luke Boucher, Kenneth Strom, Anthony Costello

Members Not Present: Cathy Doherty

Others Present: Glenda Williamson -Conservation Agent; Lisa DeCiero -Recording Secretary, Joseph Dell'Aquila -Rutland ConCom, Peter Craine -Rutland ConCom, Mark Sadowski -2226 Main Street, Ken Moreau - 1567 Main Street, Tom Lawson – Martelli Construction, David Sadowski – Sadowski Engineering, 252 Holden St property, Ron Wolanin- Mass Audubon , 1567 Main Street property.

Robert Lowell called meeting to order at 7:00pm.

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. *Continued from July 10th, 2019.*

G. Williamson said they are going with the plan as is with a duplex and two new septic systems in the back of the lot. Mark Sadowski, the applicant and property owner has applied for a building permit and the septic systems have been approved by the Board of Health. He is waiting on a DEP file number which he should have tomorrow. Mark stated that he has applied for a variance with zoning that would allow for the duplex.

G. Williamson said that there was a small amount of grading needed for the septic system in the 25-foot no disturb zone. M. Sadowski stated that grading was downslope of the adjacent wetland and there is an existing house on the property. L. Boucher asked if there would be any additional tree clearing on the lot. M. Sadowski stated that no more trees would need to be removed. R. Lowell asked if there is an existing driveway, M. Sadowski stated yes, the majority of driveway is on the adjacent property, they will loam and seed to stabilize over what is currently there.

G. Williamson stated that the entire lot is within drinking water Zone A and the majority of the lot is within DCR's secondary protection zone as there is a perennial stream located to the west of the lot.

R. Lowell asked if there were any considerations taken to address the drainage for the new structure. M. Sadowski stated that drainage slopes away from the existing home and tails off before reaching Main Street. The property line is twenty feet from the edge of Main Street and there is quite a bit of land there. K. Strom stated that they need to get a curb cut permit from Mass DOT. M. Sadowski stated that DPW needs to look at it as well. R. Lowell asked for any input from public on this. There was no one present from the public. M. Scott stated that final

plans based on DOT's review should go to G. Williamson and that the Commission would need to review them again if there are any changes. M. Sadowski stated that Quinn Engineering would contact DOT to apply for a variance. R. Lowell asked when they would get with DOT on the driveway configuration. M. Sadowski stated that he was still waiting on Quinn Engineering.

Motion by M. Scott, Seconded by K. Strom, it was UNANIMOUSLY VOTED, 6-0-0, TO CLOSE THE PUBLIC HEARING FOR NOTICE OF INTENT - 2226 MAIN STREET, CONSTRUCTION OF A TWO-FAMILY HOUSE, SEPTIC SYSTEMS, AND MUNICIPAL SERVICE CONNECTIONS.

NOTICE OF INTENT - DCR WEIR. Assessing Map 14, Parcel 2. DEP File# 183-0663. The construction of a water quality monitoring weir on an un-named intermittent stream. Site access is thru DCR Gate H-21 off Mason Road. David Getman/Jamie Carr, DCR.

R. Lowell stated that the Commission would not be opening this item for discussion tonight, as the applicant has not completed an application at this point, has not submitted checks for the filing fees, and a DEP File # has not been issued.

REQUEST FOR CERTIFICATES OF COMPLIANCE - Oak Hill Subdivision: 84, 85, 86 and 91 Jordan Road. Assessing Map 244, Parcels 41, 46, 42 and 44.. Single Family Homes. Oak Hill Subdivision.

R. Lowell asked if G. Williamson had done site inspections on the lots. G. Williamson said she did site inspections on July 24, 2019. Some Orders were never recorded. Most of the lots looked fine. The gutter downspout for 91 Jordan Road was now buried and discharging to a rip rap area before entering the resource area.

A. Costello stated that some property owners have been impacting the 10-foot wide conservation easement behind their homes by building sheds, fences and expanding their lawn areas. K. Strom stated that yard waste and tree trimming was going over the boundary of the easement. R. Lowell pointed out that the easement boundaries are not marked on the plans. L. Boucher asked if there was any demarcation to preserve the open space, suppose to be staked on the back line. K. Strom and M. Scott didn't think this had been done. G. Williamson will discuss the encroachments with Pam Harding.

M. Scott asked if As-Builts are required for Certificate of Compliance requests. G. Williamson stated that no As-Builts were required for these lots. R. Lowell inquired on 84 and 86 Jordan Road and stated that 84 Jordan Road looks pretty good according to the photos. It is acceptable the way they have done it and there is enough information to act on 84 and 86 Jordan Road. L. Boucher made a motion to issue a Certificate of Compliance for 84 Jordan Road, it was seconded by M. Scott, all Commission members were in favor. D. Nyman made a motion to issue a Certificate of Compliance for 86 Jordan Road, L. Boucher seconded, all Commission members were in favor. L. Boucher made a motion to issue a Certificate of Compliance for 91 Jordan Road, D. Nyman seconded the motion, all Commission members were in favor. L. Boucher made a motion to issue a Certificate of Compliance for 85 Jordan Road, A. Costello seconded the

motion, all Commission members were in favor. R. Lowell asked if having no final COC's is holding up property transfer right now. G. Williamson stated that all of the homes were occupied for two years with no Certificates of Compliance.

ENFORCEMENT

-1567 Main Street - Kenneth Moreau- Tree cutting on MA Audubon Easement/Unauthorized work in the 100-foot buffer.

Early last summer G. Williamson sent a brief letter to the owner, Kenneth Moreau indicating that he was in violation of the MA Wetland Protection Act. A formal enforcement order (WPA Form 9) was mailed to him at the end of July. G. Williamson stated that a very small portion of the work is in the one hundred foot buffer of Eagle Lake. The edge (bank) of Eagle Lake measured ninety-eight feet up to the disturbance on his property.

R. Lowell asked if the tree cutting had stopped. G. Williamson stated yes, there has been no additional tree clearing. She stated that they were working on drainage in backyard, constructing a stone patio and stone stairs. K. Moreau stated that when they purchased the house, there had been years of neglect in the back, they cleared all the debris and garbage out and hired a company to remove trees.

R. Lowell asked what the plan was for future work on the lot. K. Moreau stated that they would like to finish the work and were willing to install some erosion controls and to plant grass to stabilize the yard. He said that they would make sure that invasive plant species did not establish in the yard.

K. Moreau said that he didn't remember receiving a letter last year. Ms. Moreau said there was some erosion where there is no grass and they have put in drains to direct water towards the gardens. She stated they went to Holden for a permit and were told they didn't need one. When they purchased the home, their attorney said there were no restrictions on property. She continued, they have started replicating with other plants and have pulled unwanted weeds by hand. G. Williamson asked them to stabilize the site as soon as possible and to replace trees for those removed in one hundred-foot buffer. The Commission agreed that the work is a fairly minor violation under the Wetland Protection Act but that they should work with MA Audubon to come up with a solution for the encroachment.

Ron Wolanin with MA Audubon stated that the boundary along the MA Audubon property is well marked, he sent certified letters to neighbors, talked to property owner on site and was concerned about encroachment. He stated that up to twenty trees were cut along with some wetland shrubs. R. Wolanin stated Mass Audubon has an estimate of \$1,900 replacement cost from about a year ago from Busy Bee Nursery for ten shrubs and ten trees. He would like to see replacement plants and will make it a legal matter if not resolved. K. Moreau stated that Ron never once came to him and talked to him. He said he received a letter from MA Audubon stating that he owed \$1,900. K. Strom stated that MA Audubon owns the property. Ms. Moreau stated when they first moved in it was a most confusing property boundary per their attorney. K. Moreau stated that he offered to plant there. R. Lowell said that the Commission can't resolve a

property dispute, they can only address wetland issues. R. Lowell asked if the Commission wanted more restoration on the property and if there was more work to be completed under the enforcement order. G. Williamson stated that they needed additional erosion controls, soil stabilization with grass seed and the replacement of shrubs and trees on the MA Audubon property. She stated that the property owners should finish the work and stabilize as quickly as possible.

G. Williamson asked R. Wolanin how he determined the number of trees removed. He said that they photographed all of the stumps. They have an old plot plan that shows a straight property line. The question is whether or not the line continues straight to the pond. K. Moreau said his plan shows seventy feet of lakefront. Ms. Moreau stated that when they first moved in trees were already cut. M. Scott stated that our jurisdiction goes two feet into the buffer zone. R. Lowell said to keep eye on situation, see that the area continues to stabilize with grass, shrubs and trees.

Ms. Moreau asked where the new wetland boundary is since Eagle Lake has been drained? R. Lowell said to presume the old line until proven otherwise. R. Lowell stated that underlying soil conditions and vegetation determine wetlands. L. Boucher asked if the property is stable and not in danger of erosion. R. Lowell doesn't want to see any additional unauthorized activity and any additional restoration is welcomed. He stated that the Commission would continue to monitor the property.

91 Central Tree Road (165 Cannon Road)

Joseph Dell'Aquila, Rutland Conservation Commission asked how the Commission became aware of the situation and should his Commission be paying more attention. G. Williamson stated that the neighbor at 165 Cannon Road called last year. The portion of the property in Holden is a tiny triangle, the pond and resource area are in Holden. G. Williamson sent an enforcement order last year and sent a follow-up letter this year stating that they were still in violation of the WPA. There has been additional clearing and landscaping debris is piled up within the twenty-five foot no-disturb zone at the back of the property.

Peter Craine, Rutland Conservation Commission, asked if there was a landscaping business operating there. G. Williamson stated that if a business is being run out of there it is not a conservation issue, as the Commission can only address the wetland issue. P. Craine said there has been no communication from the current resident in regard to operating a business out of this address.

Cynthia Stafford, the daughter of the property owner and current occupant, was present to discuss the violation. She stated that she wants the property back the way it has always been, especially around the pond. She said that the person living there stores his trailer on the property and is not running a landscaping business. She reported that the neighbor's cows from 165 Cannon Road were in the wetland swale. P. Craine asked about the original use of that land. Cynthia stated that it was in agricultural use for many years.

R. Lowell stated that it is a violation at this point and that they need to pull the stock pile area out of the twenty-five foot no-disturb zone. Cynthia Stafford said there is a berm up per DCR's request, wood chips on the pond bank, grass coming in around the site and some debris has already been removed from the 25-foot no disturb zone. R. Lowell stated that they should continue to clean the debris up, the Commission should monitor the progress and continue to enforce. G. Williamson said cooperating with the neighbor is the best way to go, continue to remove debris and to let the site stabilize further.

J. Dell'Aquill said that a permit was filed years ago with Rutland Conservation to build the barn. R. Lowell asked if most of the property is in Rutland. J. Dell'Aquilla responded yes. R. Lowell asked for an update on the site for next month. G. Williamson said she will visit the site to see how the restoration work has progressed. R. Lowell said the Commission will provide an update next month.

DISCUSSIONAL

252 Holden Street

David Sadowski, principal of Sadowski Engineering was present to discuss the plan. He stated that there were changes to the plan and wants confirmation that the changes are minor in nature. He said they are looking to put new pavement on the driveway, add two parking spaces near the entrance and Holden Street, and add a turn-around area and one space next to the proposed addition. He stated that the additional space and turn around area near the addition were outside the one hundred foot buffer zone. The two additional parking spaces near Holden Street are to remain unpaved. D. Sadowski stated that the existing structure stays as is and windows will be replaced.

G. Williamson indicated she had asked for erosion control repair, but the applicant never did the repair or responded. D. Sadowski said they will get the repairs done and notify the Conservation Agent. G. Williamson said that DEP provided several comments on the project when they issued the file number. They included the recommendation that the majority of the Oriental Bittersweet vine be removed along the stream bank.

K. Strom asked if sewer line has been installed. D. Sadowski said no it hasn't. D. Sadowski stated that the applicant went to DPW to determine the location of the sewer tie-in in Holden Street but the field card was illegible. To avoid digging and construction work in Holden Street, instead, they may be able to access the existing Y-connection on the edge of the neighbor's yard. R. Lowell asked if they could send a camera down the line to determine the connection point. D. Sadowski stated that this is a possibility and that it would be easier to use the existing Y-connection.

G. Williamson asked the Commission if the revisions to the plan were minor in nature. The Commission determined that the changes were minor and did not warrant an amended Order of Conditions.

Greenwood Estates

Tom Larson stated that Clea Blair couldn't make it to the meeting. T. Larson has been in contact with G. Williamson and she has been out to the site. G. Williamson asked Tom to take care of several issues, the hay bales behind detention basin 1-5 needed to be replaced and there was some silt accumulating in the basin. Tom stated that they did all of this work and she has already inspected it.

He met with Matt Varrell from Lucas Environmental in regards to replication area that morning. The replication area has been surveyed and staked, the trees and stumps have been removed. Matt is going to oversee the removal of any organic wetland soil from the crossing area that is to go into the replication area. If there are not available soils there, they will purchase an organic soil mix and have it checked by Matt and Glenda. Matt will check the final elevation of the replication area after organic soils have been added.

The hay bales and silt fence have been installed at the wetland crossing. Detention pond number 7 needs to be constructed for stormwater control near the crossing. This area is staked and they will start digging Thursday or Friday. They would like to bring the excavator across the crossing which is all dry right now to gain access to the detention pond. Once the pond is dug they will stump the entire area and then they will grind all stumps on site and use the grindings for erosion control. R. Lowell asked if the stumping work is all in phase one. G. Williamson stated yes. G. Williamson said that Lucas Environmental oversight needed. R. Lowell asked if they would be bringing in suitable soils for the replication area. Tom stated the soil would be fifty percent compost and must be weed free.

R. Lowell asked if the timing of plantings would be suitable for the Fall. D. Nyman asked if Lucas was documenting the work on the replication area. Tom stated that there is a 36-page wetland replication protocol. G. Williamson stated that they wanted updated reports from Lucas on the replication area work.

M. Scott asked who will be doing soil evaluation in the wetland replication area, Tom replied, New England Environmental Design.

R. Lowell stated that the Commission received an updated construction schedule covering the next couple of months.

L. Boucher asked if there were any untreated discharges from the site. G. Williamson said no, that she made them replace the erosion controls behind basin 1-5.

T. Larson asked if it was ok to run excavator across the crossing. R. Lowell asked what the nature of the crossing was now. Tom replied it is all rocks and they would not need to use mats. R. Lowell said that this would not be a problem.

Holden Master Plan 2019

G. Williamson stated that the Master Plan would be on website soon. The Commission reviewed the goals and objectives sections. Open Space and Recreation are what we are concerned about.

R. Lowell stated that there were good goals and objectives but the question is who will implement the plan. L. Boucher said there were long term goals to be aware of as Conservation performs duties. R. Lowell said the Commission should be mindful of these things when they do projects. G. Williamson stated that the printed Master Plan would be available soon. G. Williamson mentioned that the Open Space and Recreation plan is up for renewal.

2226 Main Street

R. Lowell revisited this item. Motion by L. Boucher, seconded by D. Nyman, it was VOTED TO ISSUE A STANDARD ORDER OF CONDITIONS FOR TWO-FAMILY HOME AND SEPTIC SYSTEMS LOCATED AT 2226 MAIN STREET AND OWNED BY MARK SADOWSKI. Revised plans must be submitted to the Commission if there are any changes to the drainage or driveway configuration on the site.

March, April 2019 Minutes

The Commission needs more time to review the minutes. Dave Nyman sent revision to G. Williamson and she still has to make those changes. March and April minutes to be reviewed at the Commission's September hearing.

Motion by R. Lowell, seconded by M. Scott, it was UNANIMOUSLY VOTED TO ADJOURN THE AUGUST 7 CONSERVATION COMMISSION MEETING AT 8:50 PM.