

Hopedale Conservation Commission
Meeting Minutes
April 20, 2021

Call to Order: 6:00 pm by Becca Solomon
Meeting held virtually via Zoom.

Attendees on Zoom:

Becca Solomon, Dave Guglielmi, Marcia Matthews.

Bob Poxon, Guerriere & Halnon; Cathy Julian, abutter; Bruce Haskell, Langdon Environmental; Rob Bresciani, owner; Carole Mullen, senior center; Dawn and Rick Foley. Suzette Feirreira, attorney for Lobisser & Ferreira, developers of Cook & Pierce; Kevin Lobisser; Tim Watson.

Minutes of 16 Mar and 22 Mar 2021 reviewed and approved with one correction.

Notice of Intent

Cook and Pierce Streets, Lot 2A and Lot 3A. The applicant, Lobisser & Ferreira Construction Co. for the construction of two duplex residential dwellings with a common driveway within the 100-foot buffer zone of a bordering vegetated wetland (BVW). The property includes an isolated non-jurisdictional wetland which they propose to fill.

Bob Poxon stated that he had received W&S approval. He had updated the as-built plan. They were back to the original plan with one water line and one sewer line with a catch basin on Nelson Street. The drain easement connects to the property line. They still plan to access the driveway and water and sewer lines from Cook and Nelson Street. The isolated wetland is non-jurisdictional.

Bob Poxon said flooding was a ground water issue. He verified that the easement was expanded to the point of Cook and Nelson.

Dave Guglielmi said the Conservation Commission, Water & Sewer Dept., and Highway Dept. all need access to the tributary. "Historically, the land has a high water-table. I don't want abutters to experience more problems." the land was historically subject to flooding. 3,000 square feet of wetland will be filled. It changes the balance of permeable to impermeable surface.

Bob Poxon described the common driveway. "The grade will pitch into the driveway." The flow will go into the intermittent stream that is a tributary to the Mill River.

Dave said, "It was my understanding that the Planning Board approved the lots, not the developmental plan."

Attorney Suzette Ferreira replied, "We were approved for two lots and duplexes are allowed by zoning."

"But this specific plan was not approved."

Attorney Ferreira agreed. "This plan would not have to be further approved."

Dave said, "I'm looking for ways for the land to absorb more water. I wonder if that Town of Hopedale wetland were restored if that could absorb more."

Attorney Ferreira said, "Kevin Lobisser is nodding that that's something we can do."

Becca Solomon opened up the hearing to the public. Cathy Julian said, "When Robbie Bresciani's dad was alive, debris was being placed in the stream, and water was running into my basement. The duress was real. I want to see young Rob be able to build. The Hughes family has water. The Meade and Basanti family has water. It was a nightmare."

Kevin Lobisser replied to Dave, "We are all about making things better. Drainage, the old pipe could be rebuilt."

Dave said, "I'm just looking for ways we could alleviate problems for the neighbors. It's a large development and filling in a wetland."

Becca said, "Debris is preventing the wetland from draining."

Bob Poxon added, "We sent our survey crew out and they didn't find a pipe."

Dave said, "There a six inch plastic drain into the intermittent stream. That drain is still functioning."

Marcia Matthews said, "I saw a drain in the wetland."

Dave added, "We assume the drain was on the property."

Becca said, "The wetland on Town of Hopedale property."

Bob Poxon continued, "The driveway will be pavement. You're better off if being paved."

Becca asked Dave if the catch basin drains into the intermittent. He said it did. She mentioned erosion control.

Bob Poxon said, "We can provide curbing."

Dave said, "I'm looking at the revised easement plan, the Sewer and Water easement."

Bob Poxon replied, "It runs on both sides of the driveway. The drainage easement runs on both sides of the intermittent stream."

Tim Watson said, "That Town of Hopedale parcel, if it were cleaned out and became a retention basin, that would solve quite a bit of problems, and planted with native species."

Becca asked that the applicant clean out Japanese knotweed and replace with native species as part of invasive species management.

Bob Poxon replied, "The team would do the filing and we would do the work."

Becca said, "Strong erosion control would be important to prevent spreading."

Bob Poxon said, "We will place a check dam at the outlet, and create a retention basin during the dry season."

Dave said, "We will find out who in the town has authority over the town-owned land."

Cathy Julian said, "Our only concern is the driveway and will every effort be taken so that nothing flows toward the houses. Without any development on the land, our basement was up to the first step."

Becca said, "If we add an extra berm."

Cathy Julian added, "I would love to see the stream full."

Dave said, "If the non-jurisdictional wetland is going to be filled..."

Bob Poxon replied, "...To the railroad bed."

Dave clarified, "From the tracks on down. This was once a large wetland. I'm wondering if part of it could be restored."

Bob Poxon replied, "That would create a puddle and mosquito breeding area."

Dave said, "I'm just looking for ways to absorb more water."

Becca said knotweed was along the isolated wetland and Town of Hopedale wetland. "My only concern is to discuss how that removal is to occur. By machine might spread it. It has deep roots. It needs a long-term plan."

Bob Poxon mentioned, "Ann Mazur ([Mendon Land/Energy Use Committee Chair](#)) is starting a treatment and we can reach out to her."

Becca said, "Cattails and rushes can filter the water in clearing out the Town of Hopedale wetland."

Dave asked, "Bob, you are going to funnel the water from the driveway into the catch basin?"

Bob Poxon replied, "We could put in a funnel drain."

Cathy Julian said, "Now that the brook is maintained by the Highway Department, we have been dry. When that brook got jammed up, we had dire trouble."

Dave said, "We just have to have sufficient language that the town's wetland is being restored. Three town boards will watch and maintain that stream."

Becca formulated the Order of Conditions. "Any further development within the buffer zone or changes to the plan will have to come back before the board."

Dave added, "Within the buffer zone, no changes."

Bob Poxon mentioned using rolled seed for a lawn.

Becca said, "Prohibit use of fertilizer or pesticide within the buffer zone and riverfront area. The edge will be marked."

Attorney Ferreira said, "The Homeowners' Association will have it in the condo documents."

Dave said, "The town is paying for a stormwater report. They will be testing the Mill River."

Becca added, "Any plan to put in vegetation or remove vegetation must come before the board."

Bob Poxon said, "We will propose plantings along the riverfront."

Attorney Ferreira described the delineation line. "A vinyl split-rail fence with posts and placards. Conservation restricted area. Easement."

Bob Poxon said, "We wouldn't mow, just let whatever's there grow."

The Order of Conditions was formulated and the Commission voted unanimously to approve. It will include a retention basin, and removal of knotweed. Any further work in the buffer zone would have to come before the board. The riverfront will be marked with a fence-line at the 50-foot buffer. There will be a stipulation to prohibit use of pesticides and herbicides.

Order of Conditions Amendment

228 South Main Street

Bruce Haskell of Langdon Environmental represented the applicant. They had received approval from the DEP on file #187239 to cap a landfill. DEP solid waste regulations require the walls to be higher on the west and north sides that abut a large wetland. He said they will use "Closure Turf", a synthetic cap material. An environmental assessment was done. Waste and trash has been removed 40-50 feet back from the wetlands. Ground water monitoring is ongoing in case of contaminated leachate.

Dave said he was on the Commission when this OOC was proposed in 2018.

A site visit is planned. Bruce Haskell said, "There's a Gator that can drive people to the top."

Dave said, "It's so steep, if you slipped, you'd go right to the bottom. From up there you can see the closeness of the Charles River. You're looking to expand this? Or relocation of waste?"

Bruce Haskell replied, "On the west and north sides that abut the wetland resources, the footprint has not expanded. On the east side that abuts the Milford wastewater treatment plant, and the south side near the road, waste had to be pulled back. We pushed the walls out to make sure everything was capped."

Dave said, "Is that northern area near the land that's subject to flooding?"

Bruce Haskell replied, "At number 242 around the east and north sides, the base elevation of wetland resource will have compensatory flood storage."

Dave asked, "Would the work being proposed be in conflict with the performance standards of 10-57-4?"

Bruce Haskell said, "Landfill closures are considered a limited project. We are meeting the criteria for flood storage."

Dave asked, "For the membrane you use CN?"

Bruce Haskell explained, "The Curve Number for storm calculation is the percent of rainwater that will run off. A roof would be 100 percent."

Dave said, "On the system to balance the water, I heard low density is better for older landfills."

Bruce said, "It will be high density polyethylene. We're loading the site with soils."

Dave said, "That slope is 3:1. Three horizontal to one vertical. On the top it can be no greater than a 5% gradient."

Bruce Haskell agreed.

Dave, "We need a discussion of the solar array. They wanted to go with a natural cover."

Bruce said, "Synthetic is better for this site. We're trying to implement solar on the south and east slopes. It's like carpeting the entire site with solar panels."

Dave asked for corrections on the Covered Technologies address which is 228 Mendon St. Upton, and M.J. Murphy Inc., the owner, which is Westerly RI.

Bruce said, "I'll make sure. Also James McQuade on the solid waste side oversight."

The parties suggested a site visit on Tuesday April 27 after 3. The hearing on the OOC amendment was continued.

Discussion

Pinecrest Conservation Area - The first of five signs has been received, which will inform the public that this is Town of Hopedale/Conservation Land/Protected Area. The Highway Dept. will install the signs on poles to make sure no further encroachment occurs. The Commission drafted a notice to homeowners who have encroached to invite them to a meeting. A generic Cease & Desist Order was modified into a notification prohibiting trespass onto public lands, vandalism, or alteration. The land is open to the public but they cannot clear, build, or dump debris or leaves. Becca will draft up a form stating the above. Any member of the Conservation Commission can fill out the form, post it on the residence, then report to the Con Com at the next meeting.

Rich Foley, resident, said, "I'm a neighbor of one of the offending properties. There's an excavator there, clearing trees and leveling behind their property."

Dawn Foley added, "They work very quickly."

Dave said, "You have to be sure where the boundary is."

Dawn Foley replied, "None of the boundary lines were up when trees were cleared."

Becca revised the method of delivery of the notification to certified mail, return receipt.

Letter to the Board of Selectmen

Dave moved that in consideration of ongoing litigation, the board pass on this item. Unanimous vote to pass.

Meeting of the Charles River Watershed Association

Dave reported on the consortium with state officials and conservation commission area members. He emphasized the abruptness and quick changes our climate is undergoing. Storms that used to be 50 years or 100 years in frequency are now every ten years.

The Charles River Watershed includes 20 towns. The river originates at Echo Lake, Hopkinton, and terminates in Boston Harbor. A model will predict flooding probability. "I was very concerned with what I heard. The community needs resilience strategies, preservation and acquisition of open space. If that open space abuts a resource area, keep the flood storage capacity, trees, roots. The tree canopy stores carbon dioxide and releases oxygen. We need to propose a bylaw to preserve the tree canopy."

Marcia brought up the Municipal Vulnerability Preparedness (MVP) workshop, that focused on the Mill River. Dave said, "We need to focus on the Charles, climate change mitigation strategies." He suggested we watch the consortium on the CRWA YouTube channel. "We need to take the point on this."

Mail

Becca announced that the Mass. Association of Conservation Commissions issued a Drought Alert for our town, Level 1, mild drought.

The meeting adjourned at 8:33 pm. The Commission's next meeting will be May 18th, 2021.

Agenda will be posted per standard posting requirements. Agenda will include call-in/zoom meeting information.