

Holland Conservation Commission
27 Sturbridge Road, Holland MA 01521
Minutes: Holland Conservation Commission (HCC), December 8, 2015.

Members Present: Marcia Beal (Chair), Jeanne Crowley, Valerie Lundin, Fran Gallo, and Jessica Chaffee
Members Absent: Chris McCoee

Meeting called to order at 6:40 pm by Acting Chairperson Jeanne Crowley

Motion by J. Crowley to waive reading of minutes of November 24, 2015 and accept with correction: inclusion of "and". 2nd by F. Gallo. All in favor. Motion passed.

Order of business

Old Business:

- ☒ Re: 174 E. Brimfield Rd., Roger Renaud, Map#1/G/13.

A site visit had been made by M. Beal and J. Crowley and wetland area discussed issue with the DEP. Per. M. Stinson, USGS maps do show property and wetland. HCC will suggest to R. Renaud that he contact a wetland consultant as to delineate the exact location of his boundaries and proximity of the wetlands in question as to the work he is requesting to do on the property. HCC will issue an Enforcement Order.

- ☒ Site visit was made on 11/28/15 to 30 Stoney Hill Rd., C. Henchey, Map#R35/C/12, DEP#184-0296. Noted: the contractors have been working on the property and continue to do so. Open ended drain pipe has not yet been capped. Slope tiers are being constructed and a space for parking in the process. Also noted, hay bales are beginning to fail and silt fence collapsing. HCC would like to see a new stabilization process put in place. HCC to keep watch on the progress of their work. Original order of conditions will be reviewed to be sure all work is in compliance of the Order. HCC to send another Enforcement Order to C. Henchey stating the hay bales and silt fences are failing and replacement protection is expected. A site visit will be made on December 19, 2015 to see that the conditions have been met. Copies to be sent to the contractors: Andy and Andre Cormier, and the Building Department.

Public Hearings

7:30 PM

DEP#184-0313

Motion to open Public Hearing: J. Crowley, 2nd F. Gallo. All in favor. Passed.

Paul and Carol Mangiafico, Island Rd. Map#R0/A/29 (parcel 1), Map#R10/C/2 (parcel 2). M. Farrell (Green Hill Engineering) attending.

Last meeting there was a question concerning notification to the abutters. M. Farrell re-notified abutters by Certified Mail of date (12/8/15) and time (7:30 PM) of Public Hearing for P. & C. Mangiafico. M. Farrell also posted another legal ad in the paper.

Abutters in attendance: Scott Haley; Christina Killiuzli-Salameh; Lisa Jacquinet, Mike Jacquinet; Brad Sprink.

M. Farrell has made modifications to the plans: Wetland to the west have been included; to the east across the street is a wet area that was added; because the 100' buffer comes into the lot across the street approximately 15' or so, a row of straw wattles along the property line was added; a designated area for dewatering when foundation is excavated was added. Added where hay bales 2' high with filter fabric and a bed of sand on the inside will be placed. This will filter the water that is discharged when the foundation is being excavated. The house will be staked as to placement on the lot.

Concerns of abutters were discussed at length including "Grandfathered" property, "Conforming/Non-Conforming" lot.

Property should be surveyed prior to building. M. Farrell went on to state that he reviewed the lot records at the registry of deeds in Springfield. He discerned that the property is "Grandfather protected lot with no setbacks". Therefore a home may be built on the site...an issue which Conservation has no jurisdiction over. Suggested abutters discuss these concerns with the Planning Board. HCC also suggested the property owners return to the building department for further assistance with their plans.

Abutter S. Haley asked to read the definition of a "Grandfathered" lot. HCC stated it is not our concern. He then said the last time he met with the building inspector that, as far as he (building inspector) was concerned, he thinks it's a grandfathered lot, but whether it's conforming or non-conforming he does not know and it's not his decision to make. This is also not a Conservation issue. The abutters should go to the Planning Board.

He also feels that M. Farrell's drawing plan is not in compliance showing the minimum set back distance for wells and septic. Mr. Haley told M. Farrell that he believed his plans were not up-to-snuff...at which M. Farrell did take offense. Again, HCC stated it was not their concern and should be brought to the building department.

The Mangiafico's are in the process of going to all the Boards to obtain permits.

Other issues included the existing well and septic system. Issues which are also not under the jurisdiction of Conservation. At this time Chairman David Kowalski – Board of Health – after adjourning the BOH meetings, he stepped in to our meeting to verify that the existing well is in compliance to be re-drilled – which D. Kowalski had previously stated at a prior meeting. Also the septic system will be 100' from any wells. Because abutters had concerns over this issue, D. Kowalski invited them to come next door to the Board of Health and discuss this issue further. The Board of Health has no issues with this issue.

D. Kowalski did discuss the issue of one of the neighbor's tight tank. Years ago the Department of Environmental Protection gave variances to place tight-tanks less than the normal distance used today. D. Kowalski said he had sent a letter to said neighbor to ask him for a Title Five examination. The Attorney asked if that was an "order". D. Kowalski said it could be, however he would like this to be a friendly situation. She said an order would be necessary and that they intend to appeal – concerning the neighbors Tight Tank. She also mentioned three-year well abandonment.

Many issues were brought up by the abutters, however, they did not pertain to Conservation matters. When told this to the abutters, they continued speaking about their issues on the Mangiafico property. HCC again suggested they take their issues to other appropriate boards for assistance. Conservation will handle the ones that come under their jurisdiction.

Chairperson M. Beal stated the main issues for Conservation Commission is concern with wetlands and the lake (water), are they protected. M. Farrell does have a wetlands protect plan in place.

- Motion by F. Gallo to issue an Order of Conditions stating how M. Farrell will be protecting the waterfront from any sediment and runoff with hay bales, socks and silt fencing. And the dewater system for the foundation excavation. 2nd by J. Chaffee. All in favor. Passed.

Motion to close Hearing: J. Crowley, 2nd J. Chaffee. All in favor. Passed.

8:35 PM

DEP#184-0315

Motion to open Public Hearing: J. Crowley, 2nd J. Chaffee. All in favor. Passed

Jennifer Elmore, 33 Lee Ave., Map#R28/C/8, DEP#184-0315. Mark Farrell (Green Hill Engineering) attending.

Ms. Elmore presented the information on the wood that would be used to replace the walls of the ramp. It is nontoxic pressure treated environmental friendly timber used for areas near water. No charge will be incurred for the replacement of the ramp timbers. J. Elmore also stated that lower growing flowering shrubs will be planted to replace the large trees that will be taken down. The Order of Conditions has been signed by HCC.

o Motion by J. Crowley to accept the plan as presented. 2nd J. Chaffee. All in favor. Motion passed.

Motion to close Hearing: J. Crowley, 2nd J. Chaffee. All in favor. Passed.

Walk-Ins:

☒ Seth Lajoie - Seth L. Lajoie & Associates, Charlton, MA, 774-230-7029, representing Bernard and Marlene Roche, 8 Old Stafford Rd., Map#21/A/9. Site visit was made by J. Crowley and J. Chaffee to 8 Old Stafford Rd. Map#21/A/9: Marlene Roche, to review the area of the existing manhole under the street crossing that will be used during the replacement of the failed septic system. No outstanding issues were perceived or problems were noted. Mr. Lajoie returned for the signed Order of Conditions for the septic replacement. As stated at the meeting of 11/24/15, it would be issued when he presented the signed permit from the BOH – which they told him he would be getting. However, Mr. Lajoie was informed that Arthur Quinn (Health Agent) who reviews and issues said permits - has left for Florida and will not return until sometime in the spring. Under the circumstances, the failed septic is a priority to repair.

o Motion by F. Gallo to provide Seth Lajoie with a signed Order of Conditions – 12/8/2015. HCC to waive the BOH permit, however, no work can begin until he receives approval from BOH. 2nd by J. Chaffee. All in favor. Passed.

☒ Cesar Merida, 8 Vinton Rd, Map#5/C/1/8. (8.32 acres)
Site visit was made and wetlands were not readily observed. HCC suggested he contact a wetland engineer to determine if and where any wetland may be located. A suggested list of consultants was presented to C. Merida.

☒ Samuel Spratlin, 19 Lee Ave., Map#R28/C/1 and 21 Lee Ave., Map#R28/C/2. DEP#184-0314.
Per minutes of November 10, 2015, HCC accepted his proposal for house, septic, and new well. A signed Order of Conditions was presented to S. Spratlin.

7:29 PM

☒ A. Rusiecki: Dept. Public Health, Sturbridge, MA, for Douglas Killroy, 7 Chaffee Rd. Holland, MA.
Courtesy visit to report the installation of a tight tank which will be approximately 100' from a "potential" Vernal Pool and approximately 90' from dwelling. HCC saw no problem and thanked A. Rusiecki for reporting this installation work.

8:22 PM

☒ Aaron Sivula, 56 Mashapaug Rd., Map#R12/A/13. Doc. #1666.
His intention is to add an addition to his home. HCC recommended he go before the Zoning Board of Appeals prior to returning to HCC.

Motion to adjourn 9:08 – J. Crowley, 2nd by J. Chaffee. All in favor. Motion passed.
Minutes respectfully submitted.

Valerie K. Lundin

MB

Val Lundin, Recording Secretary