

# Holland Conservation Commission

Minutes of Commission meeting held on August 13<sup>th</sup>, 2013.

Present: James Wettlaufer, Chairperson, Marcia Beal, Patricia Caron, and Fran Gallo.

Absent: Neal Byrne

7:05 p.m. James Wettlaufer, Chairperson called the meeting to order.  
Minutes of July 23, 2013 were read and accepted.

## Correspondence:

- David Crowley of 6 Stony Hill Road...Chairman James Wettlaufer received correspondence from Mr. Crowley regarding Mr Daily's leach field (he lists project as DEP#1840285 on lots R35/E/2 and R35/E/3) Mark Farrell of Green Hill Engineering was consulted and assured the conservation board the project did not "expand to other properties other than those owned by Daily." Per Chairman Wettlaufer's request, Mr. Farrell will recheck and confirm where Mr. Daily's property lines are, so as to assure lines were not crossed, then report back to the conservation commission with his findings.
- Mark LaMontagne - received an updated picture of additional 3 areas on the Sandy Beach/Maybrook cove aeration systems.

## Walk ins:

### Arthur Beeman of 4 Union Road R3/B/46/1

- Beeman was concerned with grass and over growth of brush at the Beach located across from PJ's. Owned by the Holland Aqua Riders – beach rights deeded to many.
- JW advised that if brush is removed, the beach would erode. Suggested removing saplings and mow grass.
- JW asked AB to return with a written narrative of what he would like to do before proceeding. Being there is no actual owners it is difficult to get approval, so conservation will review and file proposal.

## PUBLIC HEARINGS

**Public Hearing 7:30 PM** Steve Bressette, of Jalbert Engineering, representing Joseph DeGeronimo of 5 Apple Hill Road, Sturbridge for property located on 53 Mashapaug Rd, Holland. DEP File#184-0289 Map R12/C/2. No Abutter's attended.

- Proposing to demolish existing single family residence and construct a new single family residence.
- Foundation will be set above the flood plain
- SB advised change in original plan submitted.– shifting building more to the center of lot. Turned in 2 official copies of plan that will move house further away from waterfront and further away from property line. Same Square footage of origin plan. No basement. Restricted by leech field in the rear .
- No longer a commercial but a residential property.
- Discussed by Members - Consensus was it was a straight forward project with no foreseeable conservation problems or issues.
- All parties in favor of closing hearing at 7:43.

**MOTION by JW, seconded by PC to approve project. All in favor. 4/0**

**Public Hearing 8:00 PM-** Elias Hanna of 58 Brigham Hill Road, N. Grafton 01519 for property located corner Sturbridge and Leno Road – DEP File#184-0287. Map R3/B/46/1.

- Continued public hearing to build a new house and subsurface disposal system.

- Per EH, engineer would not be available for personal reasons. JW advised to start hearing at 8:00 but EH was fine to start the hearing early.
- JW advised Mr. Hanna he had spoken with town council to reconstruct everything that had happened over the years. From 2004, an original order of conditions was issued, in which Hanna agreed to turn lot 1 over to the town for conservation purposes in exchange for being able to construct 4 houses on the remaining lots 2-5. Hanna then took out building permits in 2004 – the permits were issued to Hanna.
- EH agreed that Steve B, from Jalbert engineering came before the commission to represent him and under that order of conditions, building permits were issued in Hanna's name. EH agreed.
- JW stated that although conservation was not a party to what happened next, Hanna sold the property and the building rights.
- EH agreed he sold properties.
- JW stated that when it was sold, that is when the superseding order of condition was issued, not to Hanna, but to the buyer, Peter Tsicoulis. The order of condition on lot number 1 remained and still remains to this day in full effect. It went to a Town meeting and the town agreed to accept lot 1 from Hanna. In 2007 the Town Council, then Vincent McCaughey, mailed Hanna the deed but it was never returned. That's where it is today... "you are not in compliance with the original order of conditions and nothing has changed." The town has lived up to their end of the bargain, unfortunately you, Hanna, failed to return the document to the town.
- EH claimed he had no reason not to have returned the letter. EH claims the town attorney called him and told him that the town failed to take the land within 5 years, so he, Hanna, had the option of taking it back. Hanna claimed that when turned over, Lot 1 was not a buildable lot; now, because the rules have changed, he, Hanna, decided to take the land and build a 2 room house. Mr. Hanna added that he has paid all taxes on the property.
- JW stressed that the Holland Conservation Commission cannot approve the NOI submitted because it violates a prior order of condition.
- JW advised Mr. Hanna he will have to contact the DEP to appeal.
- EM expressed his belief the NOI denial was a personal and prejudicial attack against him.
- JW and all members adamantly tried to convey there was nothing personal in their decision. JW stressed again the reason for denial.
- EH requested the reason for denial to be put in writing – JW agreed.
- All parties in favor of closing hearing at 8:34.

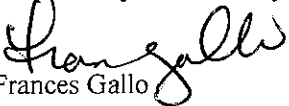
**MOTION by JW to deny the application for the NOI because it violates a prior order of condition;  
Seconded by PC. All in favor. 4/0**

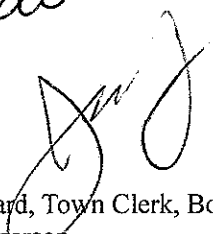
**Order of Conditions signed**

- Joseph and Annette Nimiroski's project, 25 Old Country Rd, DEP File#184-0288 Map #R30/B/1

8:45p.m JW made a motion to adjourn, seconded by PC. All in favor.

Respectfully submitted by

  
Frances Gallo

  
Copies to Select Board, Town Clerk, Board of Health, Planning Board, Building Inspector, Highway Surveyor, ZBA, File and HCC Chairperson.