

Holland Conservation Commission
27 Sturbridge Road, Holland MA 01521

Minutes of Conservation Commission held on June 27, 2017

Members Present: Chairperson Marcia Beal; Jessica Chaffee; Kathy McKenna; Andy Harhay; Anne Hall; Fran Gallo

Guest Present: Angela Panaccione, Conservation Agent for Palmer, MA and Holland Resident

Members Absent: Chris McCooe

Meeting called to order at 6:30 pm by Marcia Beal.

Motion made by Fran Gallo to accept minutes as amended of June 12, 2017. Seconded by Anne Hall. All in favor--motion passed.

Correspondence/Email:

- 6/13/2017: Joy Deperault sent information about DER Culvert Replacement Municipal Assistance Grant Program.
- 6/15/2017: Joy Deperault developed a chart to help locate regulations in the Massachusetts building codes. The file was sent as an attachment. Not necessary to print attachments.
- 6/20/2017: Kelli Robbins wondered whether Ginger could accept applications for the Conservation Commission during the day, so that they will be ready for the upcoming meetings. She wanted us to consider this option at our next meeting.
- 6/21/2017: Chris McCooe forwarded an attachment from Richard Haller for tonight's meeting. We were unable to open it. Chris asked Richard Haller to send it as a PDF file.
- 6/26/2017: Kelli Robbins forwarded an email from Megan Sampson regarding a Bid Notification. Note: Kelli addressed this to the LOC as well as ConCom
- 6/26/2017: Lynn Arnold acknowledged the Bid Notification that Kelli has sent out.
- 6/26/2017: Information sent from Joy Duperault (with 2 attachments) regarding Ice Jam Prevention and Mitigation. They are trying to identify communities that may be prone to ice jam flooding. Not pertinent to Holland.
- 6/26/2017: Brian Boire (91 Sandy Beach Road) sent a message that indicated the retaining wall and plantings are now in place and was asking for final approval and if he needed to complete any paperwork.

Phone Calls/Messages:

- No new phone messages

Mail:

- No new messages

Old Business:

- Robert Zielinski. Marcia tried to contact him and was unable to do so. She will send out an enforcement order this week.
- Weed treatment signs will be finished for the next weed treatment.

New Business:

- **Fran Gallo made a motion that Ginger pick up our correspondence and phone messages to streamline activities for the meeting. Anne Hall seconded the motion. All in favor—motion passed**
- Suggested that Ginger use a date stamp. Discussed that ConCom should also use a date stamp whenever we receive paperwork.
- Kathy will talk to Ginger about saving and/or deleting emails.
- **Election of HCC officers:**
 - **Anne Hall nominated Andy Harhay for Chair. Fran Gallo seconded. All in favor. Motion Passed.**
 - **Fran Gallo nominated Marcia Beal for Vice Chair, Jessica Chaffee seconded. All in favor, Motion Passed.**
 - **Fran Gallo nominated Kathy McKenna for Secretary. Jessica Chaffee Seconded. All in favor. Motion Passed**
- **Andy Harhay made a motion to authorize the spending of \$195 from Fiscal Year 2018 for the MACC dues for the Conservation Commission. Seconded by Jessica Chaffee. All in favor motion passed**
- Jessica, Kathy and Marcia will miss the next meeting. There may not be a quorum so this meeting will be rescheduled for July 18, 2017 at 6:30 pm. Ginger will post a notice for the meeting date change. RDA Public Meetings will be scheduled at 7:00 pm and 7:15 pm. Ginger will contact DB Tree to verify new date and time and place ads in the paper.
- Andy and Marcia will meet to go over some information pertinent to chairperson duties and make a site visit to 91 Sandy Beach Road relative to a Certificate of Compliance
- Marcia spoke with Val Lundin about the pink sheet. Val is trying to locate it.
- Anita Ross, 9 Craig Road: It was determined that the tree now in question is out of the buffer zone, so her issue is a civil matter.
- Tim Martin—He has not submitted an NOI at this point relative to controlling run-off into another person's property. Jessica suggested ConCom do an Enforcement Order since nothing has been done to this point. The issue has been going on for more than a year.
- Site visit completed on 360 Mashapaug Road.
- Need to make a site visit to 111 Sandy Beach Road/Esposito.

- This was Fran Gallo's last meeting of her tenure as a ConCom member. The Conservation Commission is very grateful for her efforts over the past years. Fran left the meeting at 9 pm.
- Anne Hall left the meeting by 9 pm.

HANDOUTS FOR REVIEW AND CONSIDERATION:

- Tree Cutting policy draft from Marcia Beal.
- Sturbridge's tree policy from Andy Harhay.
- NOI and RDA Procedure sheet. Kathy shared a draft revision that combines Weston's write up with Jessica's Procedure sheet.
- Andy shared an RDA Procedure Sheet from Sturbridge.
- Angela Panaccione shared a Service Agreement sample with fee structures/scope of services.

Round Table Discussion with guest Angela Panaccione:

Angela Panaccione talked about the role of an agent. Agents report to directly to Conservation Commissions. For towns without a full-time or part-time agent, an agent can work as a consultant on special projects. In towns that use her as a professional consultant, she gets paid an hourly rate for the planned scope of work. The cost is typically paid for by the applicant, with anything not spent returned to the applicant. In some cases, fees can be based on a percentage of the overall cost of the project. She shared information from the town of Weston regarding how they use an agent. Marcia wanted to know cost specifics so ConCom could determine the cost to the applicant. Marcia said that lately, the biggest problem in Holland is that people are not coming to ConCom for permission to do projects in the buffer zone and/or next to the resource area. Discussed whether to set a schedule of fees ahead of time or have an agent determine fees on an individual project basis? Angela's hourly rate for residential work is \$35/hr. For commercial, industrial, and high density residential she charges \$65/hr, and she charges \$50 to attend a ConCom meeting. Andy has concerns about charging an hourly rate. Towns apparently create a special revolving account for ConCom consultant support services that are paid for by an applicant. Discussion occurred about perhaps hiring an agent on a case-by-case basis. There was also discussion about what ConCom can do with regard to enforcement of violations. Members wondered whether ConCom could use NOI fees to pay for enforcement of Wetlands Act. Angela noted that the NOI fee for beach restoration is \$500. Marcia suggested that we have Angela come back after ConCom has a chance to review and discuss how we might use an agent and if we go through a special employee route. Angela also mentioned that she has worked with Lake Associations. Angela said that Chapter 15.2.1 of Holland's General Bylaws gives us expanded jurisdiction; she also noted that our by-laws are from 1995 and are quite old and should be updated to reflect changes in the current Wetlands Act. Our bylaws can be more restrictive than the Federal Wetlands Act, but cannot be less restrictive. Most important is that ConCom have transparency in any fee structure that is developed.

Public Meeting

7:15 PM – RDA for Richard Haller, 73 and 74 Sturbridge Road—tree removal

- **Person's Attending:** Marcia Beal, Jessica Chaffee, Andy Harhay, Kathy McKenna, Fran Gallo, Anne Hall, Richard Haller
- **Meeting Opened at: 7:20 pm**
- **Discussion:** Reviewed the specifics of the sites and reasons for the request. On # 74, one waterfront tree root system is severely undercut and the second is leaning heavily over the lake, with the concern being the root ball and section of bank falling into the water. Lot #73 is heavily wooded. Richard plans to cut the trees and use for firewood. Note: Richard Haller submitted two pink sheets but one RDA.
- **DECISION:** Jessica Chaffee made a motion to accept with a Negative #3 Determination that 8 trees (2 on the waterfront at 74 Sturbridge Road and 6 by the garden at 73 Sturbridge Road) can be removed with the stumps and roots to remain in place. Kathy McKenna seconded the motion. All in favor—motion passed.
- **Motion to Close Public Meeting made by Kathy McKenna. Andy Harhay seconded motion. All in favor motion passed.**
- **Meeting Closed at 7:30 pm.**

Public Meeting

7:30 PM – RDA for John and Anita Salamon, 13 Lee Ave.—tree removal

- **Person's Attending:** Marcia Beal, Jessica Chaffee, Andy Harhay, Kathy McKenna, Fran Gallo, Anne Hall, John and Anita Salamon.
- **Meeting Opened at: 7:36 pm**
- **Discussion:** Site visit indicated that the trees were all dead. Robinson Tree Service will be responsible to remove the trees. He did not indicate he will need a crane. Robinson Tree service will remove the tree debris. The stumps and roots will remain in place.
- **Decision:** Kathy McKenna made a motion that we accept the RDA with a Negative Determination #3 under the conditions that the stumps and roots remain in place and the tree debris be removed from the property. Jessica Chaffe seconded the motion. All in favor, motion passed.
- **Motion to Close Public Meeting made by Fran Gallo. Jessica Chaffee seconded. All in favor motion passed.**
- **Meeting Closed at 7:50 pm.**

Walk-ins

Mark and Diane Wilson, 15 Shore Drive: Proposed addition to current house

- Mark wanted to know if ConCom could help him obtain the exact elevations compared to his structure so he can do an addition. He has a non-conforming lot, and will be within the setbacks. The addition would enable them to live in the house full time. He has an engineered septic system that was built in 2005. He wants to start his project ASAP.
- ConCom said that the engineer would have to give him the elevations that he requires.
- Mark also commented on our discussion about how to bill for a Conservation Agent/Consultant's services. He thought that a fee should be charged on a percentage of the cost of work to be done.

Next Meeting Date: Rescheduled to July 18, 2017 due to lack of a quorum for July 11

Motion to adjourn made by Andy Harhay. Seconded by Jessica Chaffee. All in favor—meeting adjourned at 9:20 pm.

Minutes respectfully submitted,

Kathy McKenna

CC: Select Board, Town Clerk, Board of Health, Planning Board, Building Inspector, Highway Surveyor, Zoning Board of Appeals, File and HCC Chairperson, Board Clerk