

# Holland Conservation Commission

## 27 Sturbridge Road, Holland MA 01521

### Minutes of Conservation Commission held on April 11, 2017

**Members Present:** Chairperson Marcia Beal; Kathy McKenna; Andy Harhay; Fran Gallo; Chris McCooe

**Members Absent:** Jessica Chaffee

**Additional Participants:** Anne Hall, Mark Stinson (DEP Circuit Rider)

Meeting called to order at by Marcia Beal 6:34 pm

Marcia moved to accept minutes of March 28, 2017 with minor edits. All in favor--motion passed.

#### Correspondence/Email:

- 4/11/17: Ginger Buteau noted that she has entered all the 2015, 2014, & 2013 minutes. The binder is in the ConCom office.
- 4/11/17: Daisy Medeiros sent the NHESP Determination Letter for the town-wide, highway bundle maintenance activities.
- 4/11/17 & 4/10/17: Chris McCooe sent several emails with attachments to be printed for the meeting with Mark Stinson tonight. Kathy McKenna contacted Chris by phone about this. Chris will print off what is necessary and ask Ginger to print and make copies for ConCom.
- 4/11/17: Chris McCooe forwarded email correspondence with Mike Lacey. There are a couple of attachments that need to be printed out for his file.
- 4/11/17: Kelli Robbins emailed to remind everyone that if you are the last to leave the town hall, give a good tug on the front door so that it will close all the way. It hasn't been catching properly.
- 4/10/17: General comments to town via anonymous user. There is \$500 grant money that may be available to offset costs of the Earth Day, town-wide, clean-up.
- 4/10/17: Pioneer Valley Planning Commission is holding its 55<sup>th</sup> Annual Meeting on Thursday, June 15, 2017 at Mill 180 Park, 180 Pleasant Street, Easthampton, MA.
- 3/31/17: Greenhill Engineering, sent electronic copies of the letter about boundaries and updated plans in an 8.5" x 11" format for ConCom members to view.
- 3/28/17: Mark Stinson emailed re 58 Morse Road/Cormier about plan revision. Mark states that this is a buffer zone project only, and no work should take place on the riverfront. Other pertinent conditions to the project were outlined in this email.
- 3/31/17: Chris McCooe forwarded emails from Mike Lacey.
- 3/31/17: FEMA sent an email regarding a current publication that may be helpful: *Protecting Building Utility Systems from Flood Damage (2<sup>nd</sup> Edition) February 2017*.
- Combined meeting with ConCom and Selectmen on Brandon Cove is set for April 18, 2017 at 7:10 pm. ConCom members have been asked to attend.
- Letter received regarding Connecticut River Conservancy

#### Phone Calls/Messages:

- Karen Horton (172 Stafford Road). She contacted the DEP about Gypsy Moths and was told it was a conservation issue. Fran advised Karen that it was discussed at the last meeting and ConCom has concerns about spraying because of the effects on the eco system.

#### Round Table Discussion:

- Andy Harhay gave the balances on Conservation Accounts as of April 7, 2017. He suggests that we take course money out of Expenses instead of the Wetlands Protection account.
  - Stipends: \$2,249.99
  - Expenses: \$980.40
  - Wetlands Protection: \$2,761.72
  - Revolving: -\$11.86
- **MOTION:** Chris McCooe made a motion that Andy Harhay can be allowed to sign all the financial documents without members signing as well. Fran Gallo seconded. All in favor.
- Kathy gave out flash drives to ConCom members.
- Blue folders were distributed to ConCom members and labeled with each members name. These are for keeping paperwork in the office. Blue folders should not be considered files for anyone to look through; they are designed for individuals to keep their paperwork and leave in the office prior to meetings.

### Old Business:

- Discussed the need to set up a special meeting to devote to creating bylaws and policy. No date has been determined.
- Keith Bazinette (8 Julia Ann Drive): Enforcement letter was sent to stop doing anymore work. His lawyer said they would be in touch shortly. Need to make a site visit and determine how many trees need to be replanted. Suggest they be mature trees, not seedlings.
- Doug Columb on Old Acres Rd. is still waiting for the survey.
- Joe Frigo (12 Julia Ann drive): Told to stop cutting his trees. Chris explained that he will need to do an RDA. He is scheduled to come in at 7:30 on April 25.
- Mike Lacey (56 Butterworth Road): Andy and Chris did a site visit. Chris called Mark Stinson and he suggested Mike do an RDA to build an addition. RDA meeting is schedule for 8 pm on April 25.
- Roger Renault (174 East Brimfield Road): He is still waiting for a Wetlands Specialist. He needs to be contacted because ConCom needs a plan.

### New Business:

- Mark Stinson said NOI does NOT require an RDA first. If the work is in the Resource Area an NOI needs to be done. If the work is in the buffer zone and does NOT impact the resource area an RDA is sufficient. Mark Stinson was specifically asked about trees. An RDA is adequate if you can get the same level of protection with an RDA as an NOI. Mark Stinson suggested that we need a ConCom bylaw that states no work within 25 feet of resource area. He also wants us to think about and ask for what people will you give back to the environment when taking down a tree in the resource area or buffer zone.
- RDAs always need to be sent and recorded with the DEP. Mark reviews any project that is sent to him.
- Marcia asked Mark about Hanna's NOI. What happens when the NOI expires? If it expires without an extension, there is no requirement to issue an extension. Has this been recorded with the Registry of Deeds. The OCC goes with the property.
- Discussion about spraying for Gypsy Moths. A Holland resident said the DEP indicated that Gypsy Moths are a conservation issue.
- Check with DEP to determine if this is a Conservation Issue. Chris suggested we contact Mike Thibault at Evolution Landscaping to find out what he is using to spray for Gypsy Moths. Andy will follow up on this with Mike Thibault.
- Reviewed Anne's flyer from Sturbridge. Talked about using Sturbridge's bylaws as a sample
- **MOTION: Fran made a motion that we set-up a vice chair. This will assure that someone would be able to take over should the Chairperson be unavailable. Andy seconded. All in favor. Motion passed.**
- **MOTION: Kathy made a motion that Andy Harhay be a vice-chair. Fran seconded. All in favor. Motion passed.**
- South Grafton, April 29 MACC's Two new fundamentals units. Effective Erosion and Sediment and Stormwater Requirements for Wetlands Protection.
- It was suggested that ConCom purchase a tablet to use during meetings. Chris will get cost figures on tablet for the Concom.
- Fran is concerned that the cost of advertising has increased since we are now using the *Worcester Telegram*. Motion and discussion regarding this to take place at the next meeting. If the motion passes the increased costs should be implemented starting on May 1<sup>st</sup>.

### Public Meeting

#### **6:40 pm Advisory Meeting with Mark Stinson/NOI Weed Treatment for Hamilton Reservoir**

**Persons Attending:** Mark Stinson, DEP Circuit Rider; Anne Hall; Marcia Beal; Kathy McKenna; Andy Harhay; Fran Gallo; Chris McCooe

#### **Discussion:**

- Previously, the former Conservation Commission members extended the original DEP for both weed treatment and drawdown, Mark Stinson said that these NOIs cannot be combined without rewriting them. Mark suggests closing out the old NOIs and creating a new NOI that combines the weed treatment and drawdown.
- Deeds indicate that the dam is owned by the town.
- There were questions about notifying abutters. Nothing in the regulations currently allows email as a method for notifying abutters. Abutters must be notified by certificates of mailing, certified mail return receipt, and/or hand delivery. Chris will need to use the certified abutters list from the town tax assessors.
- The weed treatment extension (DEP # 184-0129) is good until June 9 2017. We can do a one-year extension for the weed treatment for 184-0129 The order needs to be in place before October. The Board of Selectmen need to send letters to abutters. Chris will discuss this with them at the joint meeting on April 18, 2017.
- **AGENDA ITEM FOR APRIL 25th Meeting**— Add request to extend weed treatment NOI. Need to vote to extend it at the next meeting. The Selectmen need to send an email requesting the extension.
- DEP # 184-0130 is Drawdown. Mark talked about drawdown performance standards— start by November 1<sup>st</sup> end by April 1<sup>st</sup>. If the Army Corps has questions you need to give them notice so that they can give us comments. We need to start by October 15<sup>th</sup> because Connecticut starts their drawdown and they let out 3 inches a day. If the drawdown didn't start in October there would be a flooding problem.
- Possibly consider sending a Special notice to Hamilton Reservoir Abutters indicating date of hearing on the Weed Treatment and Drawdown NOI with the next tax bills. Verify the date that the tax bills will be sent out.
- The NOI requires the linear distance around the lake. Can get this on Google Earth. Mark will send this to Chris.
- Mark wants the Solitude Paperwork and it can be attached to NOI.

- Put in NOI that homeowners can pull weeds. Can put down a barrier to keep down weeds. Homeowners can do this, but then need to come to ConCom and talk about weeds they want to pull or eliminate. Put in order of conditions.
- **Decisions:** Chris will look into doing an extension for weed treatment only, after discussing this with the Board of Selectmen. The weed treatment and drawdown will be re-written to be one order of conditions. The NOI will accommodate the draw down time frame and allow us to put a notice in the tax bills.
- **Other discussion:** Anne asked Mark to address the problem of failed septic systems. Septics and storm water management are the two major problems with the lake. Hamilton Reservoir is a shallow lake.
- Infrared photography can check for failed septic systems. This is a board of health concern. The ConCom can require things to be looked at if failed septic systems are the problem. Failed septics need to be addressed for the health of the lake. Do a Google search for discovering failed septic systems.
- Chris suggested that Anne check out the Google maps for failed septic systems, since she brought up the question.
- Public Meeting Adjourned at 7:30 pm

#### Public Hearing

#### **7:00 pm Continuance DEP# 184-0291/ NHESP # 17-36579 NOI for Highway Department Bundle**

**NO PUBLIC HEARING:** The Highway Department withdrew their NOI because an extension had been filed in February of 2016. Chris requested that the Highway Department submit records for catch basin and retention pond cleaning. JoAnne Higgins will ask the Highway Department about this.

#### Public Hearing

#### **7:30 pm DEP # 184-0332 Philbin 16 Leno Drive**

**Persons attending:** Mark Stinson, DEP Circuit Rider; Anne Hall; Marcia Beal; Kathy McKenna; Andy Harhay; Fran Gallo; Chris McCooe; Paul Philbin

**Marcia opened the Public Hearing at 7:35 pm.**

#### **DISCUSSION:**

- Marcia gave Paul Philbin receipts for the NOI filing (\$67.50), and he gave us receipts for the abutters notice. He shared additional pictures.
- Ann asked a question about a big boat in such a shallow area.
- Marcia noted that one tree that Paul wants to cut is an understory tree. Paul feels that both trees are leaning over the dock. He commented on the fact that there are lots of trees in his cove.
- These two trees are under the apron of other trees on his neighbors' property and on his property.
- Fran asked that Paul consider planting a couple of bushes along the waterfront to compensate for the tree removal.
- The retaining wall serves a purpose of reducing run-off.
- The stump needs to remain in place, can be cut low but not ground down or roots removed.
- **Motion to close the hearing at 7:50 pm made by Fran Gallo. Second by Andy Harhay. All in favor. Motion passed.**

**DECISION/MOTION:** Andy made a motion that ConCom approve this NOI for tree cutting along the waterfront with specific conditions. Two trees will be removed with stumps and roots to remain in place. Trees cannot be dropped into the water, and all the brush and tree material must be removed from the property. Chris seconded the motion. All in favor. Motion passed.

**(NOTE: According to Mark Stinson, ConCom needs to close the hearing before making motions to accept or deny the NOI.)**

#### Public Hearing

#### **8pm DEP # 184-0331 Continuance Cormier (58 Morse Road)**

**Persons attending:** Mark Stinson, DEP Circuit Rider; Anne Hall; Marcia Beal; Kathy McKenna; Andy Harhay; Fran Gallo; Chris McCooe; Mark Ferrell (Greenhill Engineering); Heidi Cormier

**Marcia opened the Continuance for Cormier (58 Morse Road) at 8:03 pm.**

#### **DISCUSSION:**

- Members raised questions about crossing the stream for electrical conduit. Code is about 2 feet deep. Cannot bury conduit in right of way.
- Mark Ferrell feels it will have only a temporary impact. They will be using a small track machine. Root and seed mass will be left in tack, and it will be heavily watered.
- Marcia was concerned about the stream and she wanted a Wetlands' Specialist to oversee the project.
- Mark Stinson asked about bank alterations, and said we need to include 2 feet of bank alterations in the OCC if crossing a stream. After reviewing the pictures, Mark Stinson determined it was just a wetland area and not really a stream so we do not need the bank alteration in the OCC.
- Discussed Mark Ferrell's qualifications to oversee the work done in the wetlands. He will oversee the work and will notify ConCom when the trench will be dug.

- ConCom made a copy of a letter Mark Ferrell received about Wood Turtle Habitat.
- No adverse effects according to wetlands letter. Before any work the applicant must provide a wood turtle protection plan. Dave Paulson has given guidance and Mark Ferrell must comply with recommendations. ConCom cannot enforce MESA. As long as conditions are met per the letter dated 3/21/17 and email dated 3/29/17 from Dave Paulson.
- Heidi Cormier noted that she has lived on this property all her life, and wants to preserve it. The property will be maintained as a hayfield.
- Project needs to be monitored by ConCom.
- **Motion to close the hearing at 8:35 pm was made by Chris McCooe. Second by Andy Harhay. All in favor. Motion passed.**

**DECISION/MOTION: Andy Harhay made a motion that we accept the proposed project for 58 Morse Road as presented with special conditions. Second by Chris McCooe. All in favor. Motion passed.**

**NOTE: ConCom requested that Andy Cormier notify us when he is digging the trench. Mark Ferrell indicated that the silt fence will be installed this week.**

#### Walk-ins

**1. Jeff Plumb with PDP came in regarding 39 Vinton Road. The property is owned by Bill Magnotta.**

- Jeff started a permitted renovation project, but discovered some structural defects that require replacing approximately 30 feet of the foundation.
- Jeff is not sure if the house is more than 100 feet from Hamilton Reservoir.
- The applicant needs to show us a plot plan and measure the distance from the road to the house and the house to the water.
- The excavation to be done with a bobcat 4 feet from the house, using straw wattles to protect the resource area.
- ConCom will make a site visit at 10:30 on Thursday, April 13, 2017 to measure and determine if an RDA is necessary.

**2. Mike Lacey needs to send RDA to DEP and do formal notice in paper for the hearing on April 25, 2017.**

**3. Ralph Donadio 19 Lakeridge Drive. Tree removal and he did another pink sheet for putting up a new house. Informed him that he will need to do another NOI for the house construction.**

Chris McCooe made a motion to adjourn at 10:30 pm. Seconded by Fran Gallo. All in favor—Meeting adjourned 10:30 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**