

Holland Conservation Commission
27 Sturbridge Road, Holland MA 01521

Minutes of Holland Conservation Commission (HCC) held on Aug 11, 2015.

Members Present: Marcia Beal, Fran Gallo, Valerie Lundin, Chris McCooe, Jeanne Crowley, Jessica Chaffee

Guests Present: Mark Stinson, Department of Environmental Protection (DEP) representative

Meeting called to order at 6:35 by Chairperson Marcia Beal.

Motion by F. Gallo, 2nd by J. Crowley to waive reading of minutes and accept with amendments.

a) Correspondence: Issue concerned #35 Lakeridge Dr., not #31. Property owner: Daniel Fetko, not S. Pino.

b) Walk-Ins, 7:25pm: M. Beal, not C. McCooe to contact B. Johnson.

2nd by J. Crowley. All in favor. Motion passed.

Order of business: Announcements

☒ J. Crowley has registered for the class. She will give the invoice to the town for reimbursement.

☒ M. Stinson explained the process of the Request for Determination form. When Form 1: "Request for Determination of Applicability" is submitted, and it is determined that the work involved has a positive impact on BVW (bordering vegetation wetlands), it is considered a POSITIVE determination. If it is determined that the work involved does not impact BVW, it is considered a NEGATIVE determination.

When all conditions of work have been met, form 8B-(actual) "Certificate" of Compliance is then signed.

☒ M. Stinson explained and discussed varied issues of Conservation and site maps which would assist in the execution of Conservation Commission duties. Property information necessary may be found in Oliver, ARCMap, Google Earth and GIS, the site the town uses. He suggested HCC purchase a program that could be projected on a TV or screen that would allow all members to see properties and issues in question.

☒ M. Stinson explained what is considered a "resource area". Included is:

- a) bank lake; streams; pond; river (100' buffer)
- b) BVW: bordering vegetation wetlands (Wetlands Protection Act) (100' buffer)
- c) land under the water
- d) land subject to flooding - flood plan area
- e) river front area 200' out.

All locations that fall within the 100' "buffer zone". A request for Determination of Applicability must be submitted to the HCC prior to any work being done within the 100' buffer zone. All requests are subject to review prior to signing the Notice of Intent.

M. Stinson also commented that there should be a filing fee for all Notice of Intents submitted.

- ☒ M. Stinson has scheduled a DEP workshop for Conservation Training on Monday, September 14 from 7:00-9:00pm. M. Beal to reserve a room at the Town Hall. Other towns will be invited.

- ☒ M. Stinson responded to what type of work – if any – is allowable in a “Right of Way”...if – for example - there are five home owners that have Deeded Rights, and one home owner wants to build a dock, that home owner must submit a Notice of Intent (if work is in the Research Area), of which all owners must agree and sign (since they also have Deeded Rights to the RofW), prior to any work being authorized by Conservation.

A Deeded Rights request could be submitted by one owner, however, all property owners must be informed and copies must be sent to them.

- ☒ C. McCooe announced the 1st Lake Oversight Committee is scheduled to meet on August 24th. All are welcome to attend.

Phone Calls: N/A

Correspondence: N/A

New Business: N/A

Old Business: N/A

- ☒ N. Byrne, 29 Lakeridge Dr., (R04/A/15) DEP File #184-0283.
Site visit was made on 7/29/15. Order of Conditions (which owner recorded at Registry of Deeds prior to work being done) have been met - repair retaining wall. HCC signed the Certificate of Compliance and the original will be hand delivered. A copy will be retained for the file. Upon receipt, N. Byrne must register with the Registry of Deeds.
- ☒ S. Roman, 39 Shore Dr., (R01/A/22) DEP File #184-804.
Site visit was completed on 7/29/15. Order of Conditions have been met – erection of deck. HCC signed the Certificate of Compliance and it will be mailed to him.
- ☒ Steven and Sharon Davis, 5 Candlewood Dr.
The issue on debris filling in the northwest corner of the causeway is still in progress. M. Beal will speak with B. Johnson.
- ☒ David Botticelli, DB Tree (508-570-8335): re: 25 Hamilton Dr., (R41/B/63) tree removal.
Came in to follow up on the tree removal. Site visit was made on 7/29/15, tree removal was approved and Procedure Sheet was signed by M. Beal.

Walk-ins:

7:15

David Botticelli, DB Tree (508-570-8335): re: 45 Shore Dr., (R02/A/19) tree removal. Came to follow up on the tree removal. After a site visit to M. Jacobson, 45 Shore Drive on July 29 2015, the tree in question had not been tagged. Therefore, HCC was unable to complete the Procedure Sheet. D. Botticelli said the tree in question has now been tagged with a florescent flag. M. Stinson pulled up property maps on his computer to actually view the area/tree in question. However, upon discussion, M. Stinson informed HCC that no explanation was listed on the Procedure Sheet as to why the property owner (M. Jacobson) wanted to remove the tree. The Procedure Sheet was returned to D. Botticelli to return to the property owner and revise the form with an explanation stated on the Procedure Sheet. Also, a Request for Determination form must be submitted when working with in the 100' buffer zone. If the tree is healthy, there is no reason to remove it. Only a certified arborist could determine this. If there is an "eminent threat to public health and safety" a request for determination may be submitted for tree removal. However, the tree may be cut for wood for home owners for their own use, i.e. firewood, but the wood may not be removed from the property

7:33

Daniel Fetko: 35 Lakeridge Drive (R04/A/14). D. Fetko attended meeting (8/11/15) as requested by HCC with all documentation pertaining to property work. Re: working in buffer zone. HCC requested D. Fetko to stop work and attend to discuss the silt fence and erection of a block retaining wall. D. Fetko had not submit a Notice of Intent because – he stated – after he purchased the property, he received verbal permission to "clean up" the property by order of the town. William Royal 33 Lakeridge Drive, (R04/A/13) the original property owner, had accumulated a lot of debris on the property and D. Fetko cleaned up as much as he could. He assumed that also meant he could replace the original rip raft wall that was falling down with an interlock stone wall as part of "Clean up" and to help stop erosion of the bank. However, M. Stinson stated the wall is in violation of the of the wetlands protection act. In compliance with the act, this wall must be removed and set in above the mean annual flood level above the bank. A "bio-engineered" wall could be used with natural vegetation with a good solid root system planted to hold back and retain soil from run off. May need to do this work from the water, perhaps in the winter. D. Fetko also informed HCC that some of the original rip raft wall could be seen in front of the new wall. To go forward: HCC to issue an Enforcement Order to acquire a Notice of Intent. Discussed. Action: a site visit by boat (C. McCooe) has been scheduled for Sunday, August 16th at 5:30 for closer observation of the wall in question. The issue will be discussed at the next meeting on Tuesday, August 25th, 2015.

8:15

Andy Cormier: Re: 30 Stony Hill Road (R35/C/12). Came as a curtesy to say that due to the heavy rain today, he did go to the property with his father, and check that hay bales were in place to alleviate runoff.

However, M. Stinson showed a photo that was "anonymously" sent to him showing sand that had washed into the lake. Neighbors have been very proactive since the beginning of the project. C. McCooe and J. Chaffee also visited the property and noticed the sand deposit in the water the swale was filled and sediment running into lake. M. Stinson

viewed the property today and seeing the sand himself, has issued an enforcement order to remove all accumulated erosion sediment that has accumulated in the lake. This is a significant violation. A neighbor had complained to the DEP that this project has been going on too long. Consultant for the project has is Mark Farrell. Work has not progressed because A. Cormier is still waiting for a permit to be issued by the Health Department to dig the well. It had been decided the original well would not support year round living. He can't dig a trench until the well has been dug. It will redo the sediment basins since they filled in when it rained. In reference to the pipe, it has been there but it has been clogged and will clean it out.

The issue was discussed at length. M. Stinson recommends to HCC that the violator shall hire a certified erosion sediment control specialist by Friday August 14, 2015. Said specialist must insure the site has been stabilized by Aug. 18, 2015 and a report shall be made to the Holland Conservation Commission.

Discussed. Motion made by C. McCooe (same as Enforcement Order) to ratify an Enforcement Order against Charlene Henchy, 30 Stoney Hill Road, in violation of section 18 of the Order of Conditions, failure to properly stabilize site resulting in sediment entering water column and replacing fill in approximate 1000 sq. ft. of land and land under waterways. 2nd by J. Chaffee. All in favor. Motion unanimously passed.

Action:

HCC will issue an Enforcement Order to Charlene Henchey (mail to her home address of 12 Ravine St., Chicopee, MA 01020) concerning property at 30 Stoney Hill Road, Holland MA. (R35/C/12) stating:

A) Violation Information:

The Enforcement Order is issued by: Holland, 8/11/15.

To: Charlene Henchey: 30 Stoney Hill Road, Holland MA 01521 (R35/C/12)

Extent and Type of Activity:

... failure to properly stabilize site resulting in sediment entering water column and placing fill in approximately 1000 Square Feet of (LUWW) land under waterways.

B) Findings:

The issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, 40 and its Regulations (310 CMR 10.00), because:

... the activity has been/is being conducted in an area subject to protection under c. 131, 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to Charlene Henchy.

C) Order:

The issuing authority hereby orders the following:

... a restoration plan shall be filed with the issuing authority on or before October 1, 2015 for the following: removal of all unpermitted sedimentation. Sedimentation shall be removed on or before Dec. 1, 2015 or the raising of the water level whichever is first.

8:35

Lois (Terry) Tibbetts: 31 Pine Tree Drive (R41/B/15).

Concern is that what T. Martin, 29 Pine Tree Dr., (R41/B/14) is doing to his property is making property at #31 erode.

Approximately two years ago T. Martin hired a mason to build a stone wall on the water front of the property. He wished to make a level area above the wall. The area in question used to be covered in vegetation sloping down to the waterfront. However, the wall being erected is approximately 8' high, significantly higher than the 3 foot height allowed. There is also a very large mound of sand piled where the wall has not yet been completed. Run off of this sand has washed down on her property and settled on her bottom step and accumulated on the water bottom. Ms. Tibbetts had contacted J. Keogh at the Building Department when the work began if a permit had been issued and numerous times thereafter, however, she was told it was a conservation issue. At the time the project was started, it was not known if he had come before Conservation with a request and Procedure Sheet. If he did not, question is was a "Cease & Desist" order issued? Discussed. Action. A site visit is scheduled for Sunday, August 16, 2015 at 5:30 pm. The issue will be discussed at the next meeting on Tuesday, August 25th, 2015.

8:50

Mark Farrell (Green Hill Engineering) - representing Melvin Anderson, 6 Colette (R/14/A/9) DEP file #184-310:

To replace the old septic leach field with a new one. Previously discussed at HCC meeting of July 14, 2015.

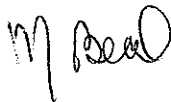
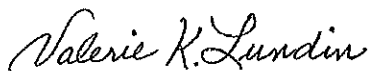
Public Hearings: N/A

Hearing in Response to Complaint: N/A

Motion to adjourn – J. Chaffee. 2nd F. Gallo. All in favor. Motion passed.

Meeting adjourned 9:30 PM.

Minutes respectfully submitted.



Val Lundin, Recording Secretary

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