

# Holland Conservation Commission

Minutes of Commission meeting held on July 22, 2008.

Present: Mary vandenBerg, Chairperson, Patricia Caron, Howard Fife, Rolf Hilbig and James Wettlaufer.

7:00 p.m. Chairperson called the meeting to order.

7:05 p.m. The minutes of July 8, 2008 were read and accepted and will be distributed.

No meeting was held on July 15, 2008 – No quorum

We received from Tom Kolek a Request for Certificate of Compliance for his project at 115 Sandy Beach Rd., DEP File #184-0207. Agent Howard Fife will investigate.

Agent Howard Fife did a site review per Request for Certificate of Compliance for Luke Perczak of 40 Allen Rd., DEP File #184-170 and found the project in compliance with the Order of Conditions.

7:10 p.m. Joe Sutter of 378 Mashapaug Rd. reviewed his plans that he will present to the Pioneer Valley Planning Commission for the Storm Water Assistance Fund. He will require a Notice of Intent and he was given an Instruction Sheet on how to obtain an NOI from the Virtual Town Hall site.

7:30 p.m. The Public Hearing for Northeast Concepts Inc., Michael LaMountain was held. He gave us a check paying for his Legal Ads. He then presented his Request for Determination for the re-classification of Amber Brook from Perennial to Intermittent at Map #10, Parcel A-6. Keith L. Morris, Environmental Consultant was not present. No abutters came. Since the request was to change the status from perennial to intermittent for the entire length of the property the Commission must deny the request on the basis of insufficient credible evidence. The evidence provided does seem to show some areas as dry, it does not show the entire stream to be dry. Further, the Board has chosen to interpret 310 CMR 10.58 (2)(a)1.d to mean that observations must be made over 4 consecutive days in any twelve (12) month period. Applicant's observations were made only over 3 consecutive days and 5 in total. The applicant, Mr. Michael LaMountain, indicated when shown the wording in the Regulations that he would interpret them as we have. In addition, the field observations, photos and the narrative were not signed by the Wetlands Specialist, Keith Morris as required in the regulations. Following discussion, a motion was made by James Wettlaufer that we make a Positive Determination and deny the Request do to failure to provide the required evidence that the Amber Brook is intermittent. Seconded by Howard Fife, all were in favor. All were in favor of closing the Public Hearing at 8:00 p.m.

8:00 p.m. The Public Hearing for Northeast Concepts Inc., Michael LaMountain was held. He presented his Request for Determination to remove a concrete post for vehicular access to the beachfront area on Map #11, Parcel A-3. Keith L. Morris, Environmental Consultant was not present. No abutters came. Wetlands Protection Act requires even minor activities which will remove, fill, dredge or alter that area is subject to regulations under MGL c 131 sec 40 and requires the filing of a Notice of Intent. Since the post is on the beach bordering the lake, a Notice of Intent is required. Following discussion, motion was made by Mary vandenBerg that the Request be a Positive Determination, which will require a Notice of Intent along with all permits and compliance with all enforcement actions need to be in place prior to application. Seconded by Howard Fife, all were in favor. All were in favor of closing the Public Hearing at 8:20 p.m.

8:30 p.m. Mark Farrell of Green Hill Engineering gave us a check for the filing of a Notice of Intent for Alexander and Janice Puziak of 264 Mashapaug Rd., Map R-8-A-4 to demolish and re-build house and septic system. A Public Hearing is schedule for 8-5-2008 at 7:30 p.m.

8:50 p.m. David Bee of 8 Sandy Beach Rd., Map R-35-C-23 said that the letter given to him on June 3, 2008 stating that his property is at least 35 feet above the 100 year flood zone was not sufficient to prove to his Mortgage Insurance Co. that his house is not in the flood plain. We gave him a copy of the flood map of his

2a.  
Motion to adjourn was made, seconded and approved by all. Meeting adjourned at 9:00 p.m.

Respectfully submitted by:



Patricia J. Caron, Secretary

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