

Holland Conservation Commission

27 Sturbridge Road, Holland Ma 01521

Minutes of Commission meeting held on May 13, 2014

Present Members: Chairperson, James Wettlaufer; Marcia Beal; Pat Caron; Fran Gallo

Others: Jason Curving, Elias Hanna, Michael Loin, Burton Engineering; Mark Ferrell, Green Hill Engineering; Howard Fife, former conservation, member; Robert Terwilliger, Joseph & Lois Tibbetts

7:07 pm. James Wettlaufer, Chairperson, called meeting to order.

Motion by JW to waived reading and accept amended minutes from April 22, 2014; MB (2nd)

New Business

Pat Caron and Fran Gallo - up for reappointment to HCC. Both agree to reappointment for another 3 year term.

Correspondence:

Paul Sullivan – 5 Waterfront Way, Map #R10/A/4 -Represented by Joel Jette, Contractor Would like to build stairs to shore and deck. Public hearing needs to be scheduled – tentative date, June 10th – 7:30pm. Site visit pending.

Phone calls:

Jason Curving – 1 Hamilton Drive, Map #R41/B/50 Phone call from Curving's attorney JC selling home – would like to release the lien – after septic tank installed in 2004. Pat C. will call attorney to advise they will need to go to registry of deeds to record the information to remove lien, in addition to returning any documents they have to the HCC. Certificate of Compliance signed by members.

PUBLIC HEARING

7: 30 Elias Hanna, Property located corner of Sturbridge and Leno Road, Map #R3/B/46/1 Michael Loin, Burton Engineering.

- JW stated for there are outstanding taxes owed to the town of Holland. In order to hold the public hearing and go forward – the back taxes must be paid, state law. Tax title is from 2005, and the total amount due as of yesterday, May 12, 2014, is \$3814.46.
- EH and BE stated that the information was incorrect all taxes were paid. Claims taxes were made current when he, Hanna, took back the property. EH stated that he has copies of the cancelled check.
- JW stated that they will have to bring the cancelled checks to the treasurer office. JW advised there were also additional problems that have to be addressed.
 - A drawing that includes the 200 foot river front not listed on drawing;
 - An alternative analysis has to be done to comply with 10.58 at river front zone;
 - Due to inaccuracies – at Mr. Hanna's expense - reflagging must be done by a third party to confirm wetland.
- Burton Engineer - advised Mr. Hanna the HCC are just trying to make things difficult.
- Howard Fife, a conservation member in 2005 which issued original OOC for EH, advised that at the time, one driveway could have been built, which legally could have been a street. Not doing this save EH 10's of thousands of dollars. Also, five driveways also could have been built – which would have fragmented the land into useless wetland. Added that the HCC and EH agreed to 2 driveways and for EH to give up the 1 lot (to protect part of the wetland)
- JW stated 2005 was the year the lot was supposed to have been turned over to the town – this is when the tax bill was not paid. Added, the four building permits that were issued for the other four lots were predicated upon the

NOI that was issued at that time - part of that agreement, that EH signed, was that the lot would be over to the town. Additionally, EH went to the assessor's office and had the property abated in 2010 because of the wetland - Property is now being accessed at 10% of value, because of the wetland.

- JW and PC advised that they must see Jack Keough to get a procedure sheet. This should have been first.
- EH ask after all these conditions are meet, where do they go from there
- JW stated it is still being reviewed by the town council about the legality of the original agreement.
- JW stressed this is not a personal issue between anyone here. This has to do with an agreement between all of these parties, that you, Hanna, agreed to and are now fighting to renege on the deal. JW added to this board acted in good faith every step of the way to facilitate the construction on those houses to issue those building permits; and, when you, Hanna, sold that ~~proper~~ property, we facilitated that sale by giving the change in those certificates that were needed, for those 4 lots so that sale would go through. We, the HCC, have done everything that was asked of us - at this time you, Mr. Hanna, do not want to uphold your end of the bargain.
- BE asked for a copy of the agreement.
- JW stated the agreement was the Order of Conditions, which, Mr. Hanna agree to and did not appeal.
- EH asks for the information from the town council as soon as it becomes available.
- JW will send over to BE as soon as he receives the information from town council.

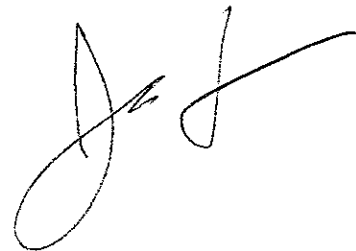
Continuous of Public Hearing June 10, 8pm

Walk-ins:

- ❖ **Jason Curving** - 1 Hamilton Drive, Map #R41/B/50. Doug Curving representing JC. 1 Hamilton Drive, Map #R41/B/50. House closed on Wednesday. PC advised it must be recorded at the Registry of Deeds then returned to us. COC given to DC. See phone call above.
- ❖ **Robert Terwilliger** - 51 Sandy Beach Road, Map #R36/K/7. Homeowner's contractor came before board for general conservation questions regarding building steps to water.
- ❖ **Joseph & Lois Tibbetts**, 31 Pine Tree, Map #R41/b/15. Jack Keough discussed with board homeowner's concerns.
- ❖ **Mark Farrell**, of Green Hill Engineering. Brought in 3 NOIs & town filing fees. MF representing the applicants:
 - Richard Heinemann/Hampden Bank - 27 Candlewood Drive - Map #R29/F/15. Hampton Bank wants MF to resolve septic issue between the two houses 27 & 25 Candlewood Drive - NOI public hearing tentatively scheduled for June 10, 7:45.
 - Charlene Henault-Henchey, 30 Stony Hill Road, Map #R31/C/12 - Proposes retaining wall along shore. NOI public hearing tentatively scheduled for June 24, 2012 - 8pm.
 - Ryan McDowell - Sturbridge Road - Install Septic/Build a new home. NOI tentatively scheduled for June, 24 - 8pm.

9:00 PM - JW made a motion to adjourn, seconded by MB. All in favor

Respectfully Submitted,
Fran Gallo



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