

**Holland Conservation Commission  
27 Sturbridge Road, Holland MA 01521**

**Minutes of Conservation Commission held on January 23, 2018**

- **Members Present:** Chairperson Andrew Harhay; Marcia Beal; Kathy McKenna; Sam Spratlin; Jessica Chaffee; Chris McCooe; Anne Hall
- **Guests Present:** Kaitlin Desmarais (new Holland resident with an interest in ConCom activities); Ernie Fancy (Finance Board Chair); Allen Johnson (Planning Board Chair)
- **Members Absent:** None
- **Meeting Called to order at 6:35 pm by Andy Harhay.**

**Read and approve minutes:**

- **Minutes of January 9, 2018:** Anne Hall made a motion to approve the minutes of 1/0/2018. Jessica Chaffee seconded. All in favor; motion passed.

**Email Correspondence:**

- 1/10/2018: MHP Winter Training Courses
- 1/10/2018 & 1/11/2018: Pioneer Valley Planning Commission State Rail Trail Information Session—Revised date is 1/29/2018
- 1/10/2018 & 1/11/2018: From Worcester T & G re public notice of transfer of Liquor License
- 1/11/2018: Save the date for Making Sustainable History 4/27/18 in Plymouth, MA—asking for presenters
- 1/11/2018: Submittal notification for NOI for George O'Mara 97 Leno Road
- 1/11/2018: From Mark Stinson asking for more information up front before he issues an NOI for George O'Mara. Mark is concerned about compliance with stream crossing standards and undisclosed impacts to the bank.
- 1/11/2018: From Mark Stinson with additional concerns regarding George O'Mara's NOI. He wants a 401 Water Quality Certificate issued and compliance with the BVW performance standards and compliance with stream crossing standards. He noted that he has 21 days to issue a file number, and has not received the fee from George O'Mara.
- 1/12/2018: From MACC a free Webinar is being offered on 1/17/2018 with important information on sign-in procedures.
- 1/14/2018: From Mark Stinson with additional questions, comments and information regarding George O'Mara's NOI submittal. He noted that ConCom should keep the NOI open until DEP issues the 401 Water Quality Certificate. He also suggested getting a third party review on delineations.
- 1/14/2018: Andy Harhay responded to Mark Stinson's questions about the actual submittal of George O'Mara's NOI and a bit of history regarding the proposed project.
- 1/14/2018: Response from Norman Hill of Land Planning, Inc answering some of Mark Stinson's concerns. Mr. Hill said that a 401 Water Quality Certificate should not be required because less than 5000 sq. ft. of property is being altered. They are offering better than a 1 to 1 wetland replication and will comply with the stream crossing provisions.
- 1/15/2018: From Andy Harhay to the chair of the finance committee with an attached copy of the *Level Expense Forecast* budget for ConCom that was voted on at the 1/9/2018 meeting.
- 1/16/2018: From Worcester T & G confirming the posting of a legal notice for the Public Hearing regarding MGL Ch. 44, Sec. 53G
- 1/16/2018: From Mark Stinson noting George O'Mara's fee has been cleared and he will be issuing a file number soon. He explained why the land is into 401 because of the failure to comply with stream crossing standards. He indicated some of the diagrams on the submitted plan were inadequate.
- 1/18/2018: From Mark Stinson clarifying 4 things that he talked about with Norman Hill regarding the O'Mara Property and that these need to be addressed on the new plan.
- 1/18/2018: From Mark Stinson with slides and information on Winter Wetlands delineation work.

- 1/19/2018: From Chris McCooe with an attached copy of the COC for Thomas and Mary Shaw at 105 Sturbridge Road.
- 1/22/2018: From Joy Duperault informing us that NFIP (National Flood Insurance Program) is currently “in lapse” meaning that the program is not currently authorized. A FEMA FAQ Sheet was attached which clarifies questions for those working with or holding NFIP Flood Insurance Policies.
- 1/22/2018: From Mark Stinson to Andy Harhay with additional information/concerns regarding the O’Mara property.
- 1/22/2018: From DEP with NOI file number for Amanda Rutherford, 30 Pine Tree Drive—WE #184-0341.
- 1/22/2018: From Mark Stinson informing ConCom that he will not get have a chance to issue a file number for George O’Mara until later in the week. He has concerns about the location of the sediment barriers and noted that a 410 is still going to be required as insufficient information has been show with regard to compliance with the stream crossing standards.
- 1/22/2018: From DEP with NOI file number for Cleo Guillette, 17 Roberts Park Road—WE #184-0342
- 1/22/2018: From Mark Stinson with delineation slides and more information and comments regarding O’Mara property.
- 1/22/2018: From Mark Stinson indicating that he is still reviewing the O’Mara NOI and has not issue a file number as of today. He was concerned about sediment barriers and sent two attachments—Wetlands Replication Guidelines (35 pages—not printed) and MA Crossing Standards (28 pages—not printed).
- 1/23/2018: From Joy Duperault informing us that the NFIP ((National Flood Insurance Program) is not in lapse anymore, since the US Government is no longer in a shut down mode for the next few weeks.
- 1/23/2018: Revised Plan for O’Mara property.
- 1/23/2018: From Land Planning, Inc. Bankfull report on O’Mara property.
- 1/23/2018: From Mark Stinson with an attachment on 10 steps for a conservation commission to consider when reviewing an NOI.
- 1/23/2018: From Anne Hall—4 emails with video footage of O’Mara Property.

#### **Phone Calls/Messages:**

No new messages

It was agreed that Kathy could delete old phone messages.

#### **Order of Business**

- **Blue sheet and Process explanation document:** Jessica feels that we need to add information to the blue sheet on indigenous plants for mitigation. Jessica and Chris will do this. Also, the blue sheet information will be used as the introduction to the RDA and NOI Process sheet.
- **Shaw Property/COC:** Chris said that the Shaw COC was for a septic system and not for the OOC issued by ConCom. Andy noted that the boards need to figure out process.
- **COC for Rob Say:** Chris McCooe asked us to sign the COC for Rob Say’s house on Stoney Hill Road. Chris will mail the signed COC to Rob Say.

#### **Public Hearing 6:45 pm**

##### **Consider adoption of M.G.L. Ch. 44, Sec.53G for the hiring of outside consultants.**

**Persons in Attendance:** Chairperson Andrew Harhay; Marcia Beal; Kathy McKenna; Sam Spratlin; Jessica Chaffee; Chris McCooe; Anne Hall; and guests—Kaitlin Desmarais; Ernie Fancy; Allen Johnson

#### **Public hearing opened at 6:50 pm**

**Discussion:** Andy noted that adopting Section 53G does not require a town meeting. This gives ConCom the ability to require an applicant to pay for a consultant that ConCom feels is necessary in order to make a determination. Anne says we have 135 million dollars worth of property surrounding the lake and we need to protect the lake. Anne wants the wetlands delineated and she feels we need a consultant for third party review because of the complexity of Wetlands Delineation. Andy noted that we are voting for the ability to hire a consultant on

certain projects with the consultant fees paid for by the applicant. Not all projects require a third party consultant and this is not a vote to hire an Agent. This vote is to approve the adoption of MGL 44, Section 53G.

**Motion:** Chris McCooe made a motion to accept Chapter 44, Sec. 53G. Jessica Chaffee seconded. All in favor, motion passed.

**Decision:** ConCom will have the ability to recommend consultants as necessary for certain projects and the fees will be billed to the applicant. Sam suggested that we make a list of qualified consultants and their strengths for future reference.

Chris McCooe made a motion to close the public hearing. Kathy McKenna seconded. All in favor motion passed.

Public Hearing closed at 6:58 pm.

### **Public Hearing 7:00 pm**

#### **DEP # 184-0341 Greenhill Engineering for Amanda Rutherford, 30 Pine Tree Drive**

**Project:** NOI for repair of septic system and drilling a new well

**Persons in Attendance:** Chairperson Andrew Harhay; Marcia Beal; Kathy McKenna; Sam Spratlin; Jessica Chaffee; Chris McCooe; Anne Hall; Mark Farrell (Green Hill Engineering); and guests—Kaitlin Desmarais; Ernie Fancy

Public hearing opened at 7:01 pm

**Discussion:** Amanda Rutherford would like a conventional septic system rather than a holding tank. The holding tank is a 1500 gallon tank. The house is a year-round, 2 bedroom house. Mark Farrell indicated that the only area compliant for a Title V leach field is 25 feet from the water. For new construction a leach field needs to be 50 feet from a body of water, but for a repair this can be less if approved by the Board of Health. The proposed septic system will use a recirculating sand filter. Currently, the Rutherford's have a dug well and plan to drill a new well. Andy asked what they plan to do with the dug well. Mark said possibly it will be used for irrigation or abandoned. Andy also asked what will happen to the slurry when the well is drilled. Mark noted that he forgot to put in a spoils pit for the slurry. Board of Health has not yet approved this project. Chris McCooe asked about recording at the Registry. Mark said that Green Hill Engineering will do this for the applicant. Mark Farrell added the 100 year flood line on the plan per Mark Stinson's request. Andy asked whether this system would be better than a tight tank. Mark said that the new systems are less prone to failure than a tight tank. Andy asked whether an inspection was required each year for a system such as this. This would be in the BOH approval and this system is designed to be inspected once a year. Mark Farrell noted that this would be stated in the compliance letter received from the State of Massachusetts. Mark plans to return in March after the BOH has approved the project.

**Motion:** Chris McCooe made a motion to continue the hearing to a date to be determined in March pending Board of Health Approval. Anne Hall seconded. All in favor, motion passed.

**Decision:** Hearing will be continued until March. Green Hill Engineering will inform us of BOH approval and request a specific date for the Continuance of this Public Hearing

**Fees:** The NOI fee has been paid. Greenhill Engineering filed all of the public notices and mailed the abutters letters for the applicant, so no fee was charged for the notices.

Marcia Beal made a motion to close this public hearing meeting and continue it in March. Andy Harhay seconded. All in favor; motion passed.

Public Hearing closed at 7:30 and will be continued in March.

### **Public Hearing 7:30 pm**

#### **Land Planning, Inc. for George O'Mara, 97 Leno Road**

#### **NO DEP # has been issued to date**

**Project:** NOI for constructing a driveway that crosses a stream, building a house, drilling a well, and installing a septic system—No DEP number has been issued as of today, but this is still considered a hearing and will need to be continued.

**Persons in Attendance:** Chairperson Andrew Harhay; Marcia Beal; Kathy McKenna; Sam Spratlin; Jessica Chaffee; Chris McCooe; Anne Hall; Bryan Hill, Land Planning, Inc.; George O'Mara, applicant; Giovanni

Franco, abutter (95 Leno Rd.); Michael Rondeau, abutter (95 Leno Rd.) and guests Kaitlin Desmarais & Ernie Fancy;

**Public hearing opened at 7:33 pm**

**Discussion:** Andy Harhay noted that we do not have a DEP sign off, but we are planning to listen and ask questions. This hearing will need to be continued. Bryan Hill spoke and noted that there are a lot of constraints on the property. To go down the lot line even though it does not cross the stream would cause more problems and double the amount of fill necessary. This would have a greater detrimental impact on the wetlands. He explained the stream crossing and the banks and what the DEP asked them to refine in their plan. They needed to meet an openness ratio for the stream crossing. The openness ratio is .82. In the revised design, they plan to cross the stream permanently with a culvert. It is a box culvert—it will be like a bridge. They proposed a replicated wetlands area that will be twice the size of the altered wetlands area (a 2 to 1 ratio). The sediment barrier will stay in place until the wetland area is fully replicated. Anne asked how they delineated the wetlands. Bryan noted that the plant life changed dramatically in the wetlands area. Anne wanted to know how the delineation could be accurate. They saw the stream was dry and when the test was done the ground was frozen. Anne said that she can't tell what plant life is there. Andy asked Bryan Hill to provide the Commission with the data sheets showing the basis for their delineation boundary. Andy suggested having them check with the Zoning Board, to see if a variance could be provided to move the house further northwest on the property, away from the stream. Bryan noted that it is about a 40 acre watershed and does not originate in another wetland. Anne said that there is a vernal pool off of the property. Andy asked questions about the existing well and what might be done with it. It was suggested that George O'Mara talk with ZBA to see if he can get a variance to move the house a minimum of 20 feet closer to the rear property line and further from the wetlands and stream; Currently, the house is situated about 17 feet from the wetland and 25 feet from the stream. The current setback requirement from the northern boundary is apparently 40 feet.

**Motion:** Chris McCooe made a motion to continue the public hearing after Conservation receives the DEP number. Sam Spratlin seconded. All in favor, motion passed.

**Decision:** Hearing will be continued upon receipt of the DEP File Number.

**Fees:**

Chris McCooe made a motion to close tonight's Public Hearing to be continued when we have the DEP File Number. Sam Spratlin Seconded. All in favor, motion passed.

**Public Hearing closed at 8:04 pm.**

### Walk-ins

**Brian, Robert, and Angela Zelinski, 50 Stoney Hill Road. Rich Rivet, builder:**

- Rich discussed a building proposal for a new home. They have a pink sheet from Jack Keough and met with the Planning Board earlier today. The Planning Board asked them to meet with Conservation and Board of Health. They want to know what they need to do from Conservation's standpoint. There were questions about the tree cutting. The width of the property by the lake is 103 feet and the street width is about 110 feet. The house will be a bit bigger and is not on the same footprint. They are proposing a tight tank of approximately 2500 gallons. The lot is steep and has a lot of rock. Currently there is a cesspool that will be removed. The proposed house will be situated 57 feet from the water.
- Jessica wants to see erosion control in the plan. Anne wants elevations, and Kathy suggested a mitigation plan. They plan to keep the existing well and dig a deep well.
- Jessica noted that we need to have the driveway location noted on the plan. The Zelinski's have met with the septic engineer who feels that there is no way to install a leach field. Guest, Kaitlin Desmarais suggested that the Zelinski's send the Commission written documentation from the professionals saying that a leach field is impossible to install on the property and why. ConCom members agreed with the suggestion. Andy asked that we be provided with written assessment from the engineer as to why a leach field is not feasible.
- Marcia stated that she does not want to see any more tree cutting until a plan is approved.

- The Zelinski's need to complete a NOI, and the process was explained. Jessica gave them a draft copy of the procedure sheet for ConCom. The Zelinski's hope to begin the project in May.

**Jessica Chaffee, 93 Sandy Beach Road:**

- Jessica does not have a septic plan as yet. She will be taking down a lot of trees, many are dead. She should have a septic and plot plan by the next meeting. The property has been overgrown with ivy and the trees are diseased. She is trying to keep the trees on both sides of the property. National Grid will be taking some trees down for the power lines. Kaitlin Desmarais noted that dead trees are fantastic from a wildlife perspective. Jessica said she would get pictures and she will tag trees at the base with spray paint. Mark Farrell will be doing the septic plan. She will be building a 2 story home with a full walk-out cellar. Jessica wants to start work as soon as possible.

**Member Comments/Roundtable:**

- Marcia is working on the annual report and it will need to be reviewed at the next meeting. She will email copies to members for review and comments.
- Anne said that she is doing tree work on her property to improve the wildlife environment. She is dropping trees but not removing them.
- Anne's map for Open Space showing all the town-owned parcels has been completed, and she is working on mapping other parcels. She has identified 5 properties that have issues with the recording of the deeds. Chris suggested that Anne share this information with the Lake Oversight Committee. Andy asked whether the Si-chol property is being looked at for Senior Housing and a Library.
- Kathy asked about the Community Preservation Act and would it be applicable to Holland's Open Space Committee. Anne talked about how it works. Andy noted that the advantage of the Community Preservation Act is the ability to gain matching funds from the state; however the amount of matching funds has decreased as so many towns have taken advantage of the Community Preservation Act.
- Kaitlin Desmarais would like to be more involved in the town and is interested in environmental issues. She would be interested in being an alternate on the Conservation Commission. Chris said she talked with Kelli and does not think we can have an alternate. Kaitlin works for the US Geological Survey.

**Adjournment**

**Motion to adjourn meeting made by Chris McCooe. Anne Hall seconded the motion. All in favor, motion passed.**

**Meeting adjourned at 9:20 pm.**

Minutes respectfully submitted,

Kathy McKenna  
Conservation Commission Secretary

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