

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

**Minutes of Conservation Commission held on February 13, 2018**

**Members Present:** Chairperson Andrew Harhay; Marcia Beal; Kathy McKenna; Sam Spratlin; Jessica Chaffee; Anne Hall; Chris McCoee participated remotely. All votes will be roll call votes using initials in the minutes.

- Guests Present: Mark Stinson, DEP Circuit Rider
- **Members Absent:** None
- **Meeting Called to order at 6:30 by Andy Harhay.**

**Read and approve minutes:**

- **Minutes of January 23, 2018: Anne Hall made a motion to approve the minutes of 1/23/2018 as amended. Jessica Chaffee seconded. A Har, MB, KM, SS, JC, AH, CM voted in favor; motion passed unanimously.**

**Email Correspondence:**

- 1/24/2018: From Mark Stinson with information about Bordering Vegetative Wetlands and its delineation. Recommends a third party consultant for this and notes that credible evidence must be submitted with regard to BVW delineation.
- 1/24/2018: Ginger sent out information to ConCom members so they can connect with Cox Business Email remotely.
- 1/24/2018: From Andy to Land Planning, Inc. (O'Mara property) reminding them that Conservation asked for specific data regarding the delineation of BVW at the Public Meeting and that ConCom will likely consider the potential need for independent verification of the delineation.
- 1/25/2018: From Anne Hall with suggestions for possible companies that can delineate BVW and suggesting a third party review.
- 1/25/2018: From Pat Beaudry with the Pioneer Valley Progress Report for January.
- 1/25/2018: From Last Green Valley asking for volunteers to host outdoor adventures in the area.
- 1/28/2018: Forward from Andy Harhay with response from Land Planning, Inc. regarding O'Mara Property and his expertise in delineating BVW. Norman Hill cited his experience over 30 years and feels a third party review is not necessary and will add significantly to his client's construction costs.
- 1/28/2017: From Andy Harhay noting that an email he sent to Mark Stinson was inadvertently and automatically included with Norman Hill's reply and he wanted ConCom members to know that he in no way wanted to express an opinion on this question of delineating BVW. He wanted Mark Stinson's personal insight and expertise in order to make an informed decision at the ConCom meeting.
- 1/29/2018: From Joy Duperault with a flyer for distribution—*Bioengineered Streambank Stabilization Flyer and Job Aid*.
- 1/30/2018: From Andy Harhay to Norman Hill of Land Planning, Inc. regarding O'Mara Property and thanking Bryan Hill for the overview given to ConCom members at the meeting on 1/23/2018.
- 2/1/2018: From Amy C. Chisholm, Esq. regarding an outstanding OOC for File # 184-0248 asking to be contacted regarding this. (*Andy to Contact Amy Chisholm*)
- 2/2/2017: From Andy Harhay to Land Planning, Inc. regarding the selection of a date for the continuance of the Public Hearing for George O'Mara's property.
- 2/2/2018L. From Andy Haray to Amy C. Chisholm informing her that he will put the request of COC on the agenda for 2/13/2018.
- 2/2/2018: From Joy Duperault with information regarding a 4-day Flood Insurance Program Course that is being offered in New London, CT June 4-7, 2018.
- 2/4/2018: From Chris McCoee sent pictures of completed walls on a stream at 11A & B on Lakeridge. She had observed the project and noted that they abided by WPA protections for the lake and the stream.

- 2/5/2018: From Joy Duperauld regarding a job posting for Stream Crossing Specialist.
- 2/5/2018): From Mark Stinson with NOI file number for George O'Mara's Property at 97 Leno Road—DEP File # 184-0343.
- 2/5/2018: From Mark Stinson to George O'Mara (File #184-0343) and ConCom indicating that the BVW Boundary has not been adequately documented or justified in accordance with 310CMR10.55(2)(c)2 or 3. Detailed information was not included.
- 2/5/2018: From Mark Stinson regarding using false color imagery to delineate the BVW line.
- 2/5/2018: From Ginger Buteau asking for agendas by Wednesday. If agendas are sent on Thursday, they will need to be sent to Sharon (Town Clerk) as Ginger will be out of the office.
- 2/6/2018: From Worcester T & G regarding the hearing notices for Cleo Gullette, 17 Roberts Park Road, and for Jessica Chaffee, 93 Sandy Beach Road. Both hearings to take place on February 13, 2018.
- 2/6/2018: From Barbara Newton with All Department Expenditure Summary through 1/31/2018 attached to email.
- 2/9/2018: From Bryan Hill regarding the wetlands flagging on Cleo Guillette's property.
- 2/10/2018: From Andy Harhay informing ConCom members that he asked Cleo Guillette's consultant to provide background information on delineations performed on the property at 17 Roberts Park Road.
- 2/11/2018: From Andy Harhay to Mark Stinson regarding NOI paperwork file for Cleo Guillette.
- 2/12/2018: From Kelli Robins requesting Annual Reports to be submitted by Thursday, Feb. 15, 2018
- 2/12/2018: From Mark Stinson informing Andy that he will attend the ConCom meeting on 2/13 to help Ginger with issues regarding on-line filings and will be available to stay for the ConCom meeting.

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

From Amy C. Chisholm, Esq. regarding an outstanding OOC for File # 184-0248 asking to be contacted regarding this. *(Andy returned her call/sent an email)*

#### **Order of Business**

**Request for Certificate of Compliance/DEP # 184-0248:** Dominic Gentile, 11B Lakeridge Drive has requested a COC. The OOC was issued on 10/27/2010 for a retaining wall. Jessica Chaffee made a site visit and took pictures. She said the wall looks good. Chris McCooe noted that both the water and work area were protected when the wall was being constructed. Conservation issued and signed the COC for the completed work.

**Finalize Annual Report:** Marcia was concerned about revisions to the annual report and she felt we need to work together a bit more. She would have liked the revisions sooner. Andy will make the changes that the Conservation members discussed with regard to the report that was included in the agenda packet. He will submit it to Kelli by Thursday, February 15, 2018.

**Review Mass DEP comments on O'Mara file:** Mark Stinson said that Riverfront Area is not considered "waters of the United States" because it is not part of the clean water act. Any time a project involves filling in wetlands there are certain triggers. If you alter or fill over 5000 square ft. is one trigger and another trigger is stream-crossing standards. These triggers mean the Mark has the authority to require a 401 Water Quality Certification if he feels there are undisclosed impacts to the clean water act under the "waters of the United States." For the O'Mara property he said that more information is needed that would indicate all the impacts have been disclosed, then Mark can remove the 401 requirement. Filling or dredging wetlands is a potential trigger for a 401. Mark feels like he is not getting enough information. There is no justification for any resource area and not enough information on bank full. Mark noted that there are wetlands over the entire front of the lot. All Mark is asking for is for proof that the boundaries are correctly delineated. Andy has compiled a list of professionals that we can have available for the hearing. Andy asked if he put in a bridge does it still impact wetlands. There are wetlands on both sides of the bridge and there are no measurements for bank full. Mark Stinson said if you look at the flags from the photos that the flags are in the middle of the stream. It was noted that there is a leak-

ing well on the neighbor's property contributing to the water flow. Mark said that the original plans showed a 24 ft. wide wetland crossing which is the size of a subdivision road according to Mark Stinson.

Andy copied the Replication Checklist/Appendix 3. Mark stated that if sees a proposal to fill in wetlands, he always asks for an Appendix 3 data sheet to be submitted. Replication should be done at the same time that excavation is done. Mark does not have a good feeling on the stream crossing and the wetlands. Mark asked for the information in a separate attachment. Mark still thinks that there should be a third party review. Mark's comments hit the high spots, but not everything. The applicant needs to respond to ConCom and to Mark Stinson. Mark Stinson said that ConCom should not approve this project until we have all the information. Mark said that consultants may not always understand the wetland concerns, so we should not take things for granted as they work for the applicant.

**Public Hearing 7:00 pm**  
**NOI for Cleo Guillette, 17 Roberts Park Road DEP # 184-0342**

**Project:** Elevate single family house, install a new foundation, and remove tree close to cottage

**NOTE: Public Hearing had to be rescheduled to February 27, 2018 because abutter notices did not go out in a timely manner. Conservation will assume additional cost of the Public Notices. Andy requested that Land Planning, Inc. be at this Public Hearing.**

Andy asked Mark about his comment that the commission should utilize 310 CMR 10:53 (1). Some of the house will be in the flood plain. If a new foundation is above the existing contours and requires fill, he needs to cut and vise versa. Mark said that the plan shows an intermittent stream, but intermittent streams can still run year round. A stream needs the water shed area and a flow rate to be considered a perennial stream. Intermittent streams do not require the 200 feet buffer zone and flood plain. It was noted that the house has an existing elevation. If he is going to build a foundation to bring it up to 689 feet elevation, he will need compensatory storage. If he fills the flood plain, he needs to cut somewhere else. Mark indicated that Cleo Guillette may be better off to elevate the house on piers and keep the foundation open, so there would be flow through and he would not need flood insurance. He suggested that it would be best to dig piers instead of a full foundation. Mark Stinson's comments will be shared at the Public Hearing on February 27, 2018.

**Public Hearing 7:30 pm**  
**NOI for Jessica Chaffee, 93 Sandy Beach Road DEP #184-0344**

**Project:** Raze and rebuild single family house and install a new septic system.

**Persons in Attendance:** Chairperson Andrew Harhay; Marcia Beal; Kathy McKenna; Sam Spratlin; Jessica Chaffee; Anne Hall; Chris McCooe participated remotely; Mark Ferrell, Greenhill Engineering; Derek Wales, interested person. All votes will be roll call votes.

**As applicant, Jessica Chaffee will recuse herself from deliberating and voting on this project.**

- Guests Present: Mark Stinson, DEP Circuit Rider

- Public hearing opened at 7:35 pm

- **Discussion:** Mark Ferrell shared plans for the project on Sandy Beach Road. The house has been abandoned and is in disrepair. He noted that the proposed new septic system is further from his neighbors well than the current cesspool. The square footage of the house is less than the current footprint of the house and the decks. Construction equipment staging and work can be done by setting up on the road above the house. When the house is demolished, debris will be removed up to the road away from the lake. Currently, the slope is heavily vegetated with English Ivy. Plans show a row of straw wattles. Many of the trees are overgrown landscape trees according to Mark Ferrell. Half of the trees on

the road will be taken by National Grid because they are in the power lines. Jessica plans to keep all the trees on both sides of the property. She counted about 60 trees on the property and only about 8-9 are coming down. The original NOI did not address tree removal. Anne is concerned about the amount of tree cutting. Mark noted that the reason Jessica asked to remove one row of trees is because she is moving the new house to that location. The house is being moved to make it more conforming per ZBA request. Mark Stinson expressed concern about the erosion/sedimentation controls. Mark Ferrell said there is no water running across the lot at this point in time, and this was also observed in pictures taken at the site visit made on February 12, 2018 by Andy Harhay and Kathy McKenna. Jessica noted that there is a concrete retaining wall covered in ivy about 25 feet back from the water. Marcia Beal asked that any tree removal not in the foundation location should have the stumps left in place. Mark Stinson would like to see a row of hay bales to control the water on the steep hill. He is concerned about exposed soils coming down the steep slope, and hay bales are taller than straw wattles. Mark Stinson also noted that they may need to double up the hay bale protection if a storm is coming. Mark Farrell also said he will place straw wattles to deflect any possible runoff away from the construction area. Andy wanted to make sure that members are in agreement to allow the removal of a row of trees, and the use of hay bales. This is a buffer zone project the distance from the limit of work to the resource area is about 20 feet from the resource area. Daily erosion control is critical while the foundation is open, so extra wattles or hay bales need to be available on the site to divert any run-off. Mark Ferrell will send us a revised plan with information on the location of erosion controls and the distance from the resource area marked and included on the plan.

- **Motion:** Anne Hall made a motion to continue the hearing on DEP # 184-0344 until February 27, 2018. Marcia Beal Seconded. A Har, MB, KM, SS, AH, CM voted in favor; motion passed. (Note: As applicant, Jessica Chaffee recused herself and did not vote.)
- **Decision:** Public Hearing continued to February 27, 2018.
- **Fees:** Greenhill engineering did the public notices and fees were paid to DEP and the Town of Holland.

**Public Hearing session ended at 8:07 pm.**

#### **Walk-Ins**

- **No Walk-ins tonight**

#### **Member Comments/Roundtable:**

- Marcia wanted us to host something for the Last Green Valley. Kathy gave her the email that was received, and Marcia will plan something.
- Mark Stinson noted that the MACC website has a powerpoint for beginners on the Wetlands Protection Act.

#### **Adjournment**

**Motion by Marcia Beal to adjourn meeting. Kathy McKenna seconded the motion. A Har, MB, KM, SS, JC, AH, CM voted in favor; motion passed unanimously.**

**Meeting adjourned at 8:40 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