



Town of Holland Conservation Commission

27 Sturbridge Road, Holland MA 01521

MINUTES OF THE MEETING of AUGUST 10, 2021

Note: This meeting was conducted both in person at the Town Hall Conservation Room, as well as remotely via GOTOMEETING

MEMBERS ATTENDING: Sam Spratlin, Dawn Kamay, George Russell (Agent), Kaitlin Laabs (remotely), Jessica Chaffee Wales (remotely)

MEMBERS ABSENT: Marcia Beal

GUESTS: Jeff Frohn, Alex Vargas, Dave Porier, Terry and Dave Walker, George O'Mara, Jay DuBois (remotely)

The meeting was called to order at 6:43pm by Jessica Wales, Chair.

The approval of the minutes of July 27, 2021 was tabled until the next meeting to allow several important additions and corrections. The changes were reviewed by those in attendance for accuracy prior to having the Secretary amend and finalize the draft. Dawn motioned we table the approval of the minutes, Sam seconded, all in favor (Kaitlin recused herself) motion carried.

Review of Phone Messages and Email Correspondence: George Russell summarized the recent items, key being 53 Mashapaug, 97 Leno Road and 83 Sandy Beach. Letters were mailed by George to about a dozen residents regarding the pending expiration of OOC's this year. 10 Over the Top Road wants a meeting with Town Administrator, Highway Department, and George Russell (Conservation Agent) due to erosion they believe is being caused by the changes in road runoff caused by the Leno Road repaving project. Jessica requested that George inform the Commission of the date/time/place of such meeting so that the Commission may also attend.

Review of Site Visits Made Since Last Meeting: George reported that he'd visited 53 Mashapaug, 97 Leno, 83 Sandy Beach and a complaint site on Sandy Beach. Sandy Beach complaint property will file a NOI and comply asap.

Site Visits Prior to Next Meeting: George suggested those would best be determined after this meeting, subsequently, no visits were planned at this time.

Tree Removals: George Russell and Sam Spratlin inspected 6 Brandon Road regarding a large pine tree in the rear of the residence. Mitigation will be shrub plantings as there is adequate canopy.

COC for 21 Shore Drive (Terbush) DEP# 184-0377: All work completed and erosion mitigation plantings and mulching are in. Sam motioned approval of the COC and Dawn seconded. All in favor, motion carried.

Roundtable: George brought up the new system for notification of abutters. Going forward the applicants will be responsible, as per statute, for creation/delivery of abutter's notices. Dawn asked George to add the address for DEP to the Affidavit of Service to be sure copies being sent to them go only to the Springfield office vs. Boston. Jessica was in agreement provided that explicit instructions were given to applicants to prevent errors. Sam moved that we change the procedure as presented by George Russell, Dawn seconded. All in favor, motion carried.

Public Hearing on NOI for 53 Mashapaug Road DEP# 184-0385

Chair, Jessica Wales, opened the hearing at 7:05pm. Jessica recused herself as her father would be doing part of the construction. Jason Dubois called into the meeting via GOTOMEETING representing the client. J. Dubois presented the project to the Commission. Property belongs to Howard Kogan and Annette Goldberg and was previously used as a marina, now just a residence. The house will be untouched, and along the water side are existing garages. The garage closest to the water will remain and the other closer to the house will be demolished. Plantings and fence will be placed on the northern property line, and the lakeside area will have a patio and firepit built. The seawall will be rebuilt same place and same height with fieldstone or cement block – not yet determined. No flood storage will be lost. Dawn asked about installation of the seawall which will require digging in the lakebed so all work must be done during drawdown. Material (minimal) from the lakebed to be taken off site. Sam asked about the indication of hay bales on the plan and it was suggested 12" waddles be used instead. The plan also indicated silt fence which George Russell recommended against, and added that all material be biodegradable eliminating need for changes to the plans/drawing as submitted dated 5/21/2021. Kaitlin made a motion to close the public hearing, Sam seconded. All in favor (Jessica recused) and the public hearing was closed at 7:27pm. George recommended the OOC include his stipulations numbered 20, 20.1, 21,23, 24. 27-30, 34, 37-41 and 44-51. Kaitlin agreed. George highlighted 20.1 regarding floating mitigation being used in case of any engine fluid/hydraulic fluid escapes into the water body. Jason Dubois agreed it was necessary and he preferred this type of mitigation as he'd be using equipment with hydraulic fluids. This floating mitigation material costs about a dollar/foot. Sam moved to approve the draft of the Order of Conditions as presented by George Russell. Dawn seconded, all in favor, motion carried.

Discussion of 97 Leno Road with Property Owner, George O'Mara

Discussion was opened at 7:46 with George O'Mara (GO) present in person. Mr. O'Mara asked permission to record the discussion which was granted by the chair. Jessica opened the discussion about his request to extend his OOC. Major issues were noted by our Agent regarding bank erosion, stream degradation, and vehicles apparently driving through/over the stream. GO explained that he only crossed with his own vehicle in the upper property covered by the current OOC. He used 4-6" logs over the stream for his vehicle. Regarding excavation, GO insisted the only soil disturbance was caused by tractor treads of equipment used in the upper area to pull stumps, move logs to clear the foundation area and prep for septic install. Also used to move boulders. All other work done with an excavator was done outside (over 130 feet) of the buffer zone. The stream in question is intermittent per the Commission. It is flowing hard now due to all the amount of rainfall in July and exacerbated by the logging upland of the property (north side). 300 feet of stream overall, and 10 feet was disrupted. DEP contested the 6" banking saying it was 1'. Soil at the crossing is all 8-10" deep loam and difficult to install crossing material on.

GO is feeling pressured due to contractor availability and feels rainfall conditions will prevent him from being able to build anything any time soon.

Chair said can only cross the stream when it's dry and when there is a steel plate across per the OOC. George R. said GO filled in the stream with rocks in some places and caused degradation of bank. GO was advised to submit a formal DEP request for extension ASAP.

George R. said that there is a violation of the bank ((material added not authorized) and recommended the applicant (GO) require an amendment to the NOI so that the new requests can be added, conditions edited - and at the same time, request an extension of the OOC. Discussion ensued concerning what date the current OOC will expire in order to stay within the 30 day requirement. It was determined the OOC would expire on October 9, 2021.

Commission decided to extend the OOC and asked GO to come to the meeting August 24. Kaitlin said if he wants to do a driveway vs. a footbridge across the stream he'd have to have a professional reevaluate the wetlands boundaries. The OOC is dated 10/9/18 and confirmed by Jessica, so GO will do another request by Aug. 17 so we can get it on the agenda for the next meeting. This is to be a "good faith" extension and an enforcement order will be issued if orders are not complied with.

83 Sandy Beach (Denning) Tight Tank Install

Alex Vargas (representing Ken Denning), Dave Porier (Contractor), and Dave and Terry Walker (abutters). Jessica opened the public hearing at 8:29pm. George R. recommended that we not act upon this application as it is incomplete and should be denied due to the fact that it was sent to Boston, not Springfield, and this constituted a legal procedural error.

Alex Vargas to meet with Mark Stinson on August 11 to find out what he needs to do to move this forward as things are missing. Jessica said we need Mark's info first and therefore need to extend the public hearing. Alex said he had proof of delivery to the abutters which is the proof of mailing from the Post Office (this was not collected at the meeting). It was decided to extend the public hearing to the next date to allow the applicant to discuss the project with Mark Stinson and correct missing information and procedural defects. This application is for a tight tank installation. The abutters were fine with it as it will be a tight tank only. Alex Vargas made a formal request to extend the public hearing to August 24th. Sam moved to acknowledge request for extension and Dawn seconded. All in favor, motion passed – public meeting extended to August 24, 2021.

Further Roundtable:

George discussed the new OOC for 197 Mashapaug (DEP# 184-0384 – Osleger/Seplowitz). The original OOC had serious typo/info errors. There were still some issues with the new OOC, such as on the signature page the date was wrong for date of issue (8/18/2015). Jessica will handle the COC and the OOC writing as well as getting the two documents recorded. Jessica will get a check to cover these costs from our operating cost account. In future the Commission needs to double check prepared docs prior to signing.

Kaitlin asked about the status of 326 Mashapaug (Breor). Jess informed they had received a temp CO (90 days) from the Building Inspector. He needs to satisfy the Commission's issues prior to getting a final CO and the Inspector agreed to this condition. Going forward adherence to the 'pink sheet' will be done.

2 COC's for next meeting: 8 Shore Lane and 2 Collette (EcoTech). Also George O'Mara (97 Leno) and Alex Vargas (83 Sandy Beach).

Sam Spratline moved to adjourn at 9:00pm, Kaitlin seconded, all voted in favor, motion carried and meeting adjourned.

Respectfully submitted,

Dawn Kamay, for Marcia Beal, Secretary

Attachments: Conservation Agent's Report of August 10, 2021



TOWN OF HOLLAND

CONSERVATION COMMISSION

27 Sturbridge Road, Holland, MA 01521

T: 413 245 7108 ext 114 F: 413 245 7037

TO: Holland Conservation Commission
FM: George Russell, AICP
Conservation Agent
RE: Agent's Report
DATE: 8/10/21

1.0 Items from last meeting or new items:

- 1.0. Forest Cutting Plans: I have sent a letter to Jennifer Fish on the forest cutting plans in town and it its attached for your edification.
- 2.0. Pink Sheets: I have touched base with the Building Inspector and she is still using the "Pink Sheets" for sign-offs. She informed me that she only sends them to ConCom if there is land disturbance.
- 3.0. Minutes of 7/27/21: The paragraph beginning "97 Leno Road. . ." at the bottom of the first page should read:

Degradation of bank and LUWB by stream crossing by vehicles: George Russell recommended the denial of the COC and will generate a letter to the owner asking him to attend the 8/10/21 meeting with a plan to remedy the proposal. Dawn . . . approved.

In addition, in the next to last paragraph on page 2, "State Forester" should be "State Forestry Director".

4.0 Enforcement: Attached is the first "report" on the status of enforcement actions. I will fill you in on any details you may want at the meeting.

5.0. One tree removal permit was approved for 6 Brandon Road.

2.0 Items on this agenda:

2.1 Discussion Permit Procedures et al: Forwarded earlier for your review and comment were new permit procedure "instructions" (changes are in *italics* and strike outs) stipulations, abutter notifications, and NOI checklists. Please bring these to the meeting.

2.2 83 Sandy Beach Road NOI: I have reviewed the permit and conducted a site visit. I have repeatedly tried to e-mail the applicant and the e-mail would not go thru. I then put my concerns in writing and returned the applicant's phone call. I could not leave a message since the "mailbox was full". Eventually, I have touched base with the owner's representative who has not yet provided the "missing" and the incorrect information, including proof of mailing to the abutters. Also, there are significant procedural defects as noted in the 8/3/21 e-mail from DEP.

It is my opinion that the public hearing for the application should at the minimum be opened, since it was advertised, but not closed since we do not have a DEP NOI# nor do we have the abutter notification information that these were in fact set out. Further, the information on resource areas in the application are in error and need to be corrected.

I have reviewed the statutes and regulations and it would appear that the applicant has in fact tried to obtain, or has applied for all permits that would be necessary for the project, including the BOH and the ZBA.

IF the abutter notices are OK, and when we have a DEP #, I think the Commission should proceed on the application under the clear understanding that should any changes in the plans be required (e.g. by the Building Inspector) a revision to the OOC will be necessary. In light of this, I would recommend stipulation numbers: 20, 20.1, 21, 23, 24, 27-30, 34, 37-41 & 44-51 be attached to the OOC.

OR

The Commission deny the application as procedurally flawed (in terms of abutter notifications, DEP filing and fees paid) and incomplete in terms of content (the resource areas are incorrect).

- 2.3. 53 Mashapaug, NOI: I have reviewed the permit and conducted a site visit. The project is fairly straight forward in that the applicant wishes to replace the deteriorating wall which is functioning as a bank. When approved, I would recommend the following stipulations be attached to the OOC: 20, 20.1, 21, 23, 24, 27-30, 34, 37-41 & 44-51. (Assuming the Commission does in fact adopt the numbered stipulations.)
- 2.4. 97 Leno Road: The Commission directed letter to the applicant is attached. At the meeting, I will have a packet of information for the members that was sent by the applicant. You should be able to see the photos the owner took on this link: [Stream Repair per MA Crossing 1-16 pdf.pdf](#)
- 2.5. 21 Shore Drive, COC: The original orders have been recorded and we have received. the request for the COC. I have conducted a site inspection and reviewed the file. I would recommend the COC be granted.
- 2.6. 197 Mashapaug Road: When preparing the OOC for this project, I made a mistake in the DEP NOI number. The orders were recorded. In order to rectify the issues created, a new set of orders and a release from the "misnumbered" orders needs to be signed by the Commission and both recorded. I will have to paperwork at the meeting for your signatures.