

Holland Conservation Commission
27 Sturbridge Road, Holland, MA 01521

HCC Minutes for September 28, 2021

Note: this meeting was conducted in-person in the Community Room, with one remote participant using Go-To-Meeting. The meeting was recorded.

Members attending in person: Marcia Beal, Dawn Kamay, Sam Spratlin, and agent George Russell.

Member Attending Remotely: Kaitlin Laabs

Absent: Jessica Chaffe Wales

Dawn Kamay called the meeting to order at 6:30 PM.

All had reviewed the meeting minutes for September 14. Sam Spratlin made a motion that the minutes be accepted. Dawn seconded and all approved.

George Russell reviewed phone calls and e-mails:

Of special notice was a stop order at 25 Sandy Beach Road for trash in a gully.

53 Mashapaug Road had a procedure problem, ***which has been worked out with the applicant.***

The DEP requested the town use a new abutter notice format.

A NOI for 7 Massaconnic Trail was received too late for review. A site visit will be made on schedule for the next meeting.

Site visits were made to 189 and 187 Mashapaug Road

Trees:

41 and 42 Craig Road - a site visit was made and approved.

4 Vinton Way – site visit made

Round Table:

9 Butterworth Road – needs to bring in a plot plan for review to determine if it is in wetland. George Russell will reply. ***Not sure it is #9; I believe it is lot 3 a number has not yet been assigned by the Assessor***

A complaint was made that a tree was in danger of falling on a town lot on Lake and Union Road. This was referred to the town Tree Warden and Selectboard.

George would like a change of policy for outdated OOC's and will present it at the next meeting when all members are present. ***Please change to "George is recommending a policy for . . .***

Public Hearings:

7:00 PM - DEP# 184-0398 – 4 North Leisure Drive – will be continued to the next meeting. McClure Engineering submitted a 13 page plan ***change plan to document*** that requires more time to review. Bob Kamay at 2 North Leisure Drive questioned how the wall will be connected to his property. He is concerned about damage to his wall and property. He is also concerned about the heavy equipment damaging his road. Work will start at drawdown. Sam Spratlin made a motion for a continuance to the next meeting and Marcia Beal seconded. All agreed to the motion with Dawn Kamay abstaining.

7:20 PM – NOI # 184-4388 – 189 Mashapaug Road – Owner Bill Turnbush wants to place rip rap on top of the retaining wall ***change retaining wall to bank*** to stop erosion. A dump truck will transfer material to a location 25 feet above ***from*** the water. A skidder will then transfer the material to the waterfront in front of and on top of the existing wall. George Russell required ***Change required to requested*** no storage of rip rap and no hydraulic equipment is to be within 25 feet of the edge of the water or a boom in the water will need to be used. There is 40 feet of waterfront, and the top rock wall was built in 2017. Sam Spratlin made a motion to close the hearing and approve the OOC. Dawn Kamay seconded and all approved.

7:45 PM – 197 Mashapaug Road – Owner Rebecca Oslinger wants a new wall and wishes to amend the NOI Order of Conditions that have been revised. She will submit new plans showing where rip rap and disturbances on bank will be. This will be a new category. George Russell will assist her. Sam Spratlin made a motion to continue hearing ***Change hearing to meeting*** to the next meeting and Dawn Kamay seconded. All approved the motion.

8:00 PM – DEP # 184-0389 - NOI – Lot 7 has been given a house number of 19 Old Turnpike Road. Cormier Construction and Mark Farrell of Green Hill Engineering presented a new structure and septic plan. Work will be limited to 40 feet from the wetland area. Mark Stinson of the DEP will send details of conditions for approval. ***Change to DEP has sent the DEP # with a series of questions to be addressed by the applicant*** There will be no adverse impact to the environment and foundation drainage will allow water infiltration. Sam Spratlin made a motion to close the hearing and Dawn seconded. All agreed. ***Need to add that the OOC was issued with the stipulations as outlined in the Agent's report.***

8:30 PM – DEP # 184-0392 – 13 Massaconnic Trail – Mike Thibeault of Landscape Evolution and the owners Gerald and Donald Joyal presented the project. The present wall is falling in and will be replaced by Rosetta stone. This will be the same height built on top of 1 to 1 1/2 feet of drain stone. This will be a live load with no storage. A mini excavator will be used. Sam Spratlin made a motion to **accept Change accept to issue and add with the stipulations as outlined in the Agent's Report.** the OOC and to close the hearing. Dawn Kamay seconded and all approved.

8:45 PM – 83 Sandy Beach Road – Continuation of public hearing – Owner Ken Denning and contractor Alex Vargas presented abutter notices. An amendment was made to the OOC with a reference added to include sheet 3. Sam Spratlin made a motion to accept **accept to issue and add with the stipulations as outlined in the Agent's Report.** the OOC as amended and Dawn seconded, all approved. ***Need to add that the hearing was closed and the motions and vote.***

9:00 PM – Lots 7 and 8 on Hisgen Road – two separate lots, with owner Carlton MacGilliveray attending. The wetland at the back of the lot will be checked by George Russell. If there is none it will be signed off.

9:10 OM - Sam Spratlin made a motion to close the meeting which Dawn Kamay seconded and all agreed.

Add a sentence here that the Agent's report is attached to and made part of the minutes.

Marcia Beal
Secretary

TOWN OF HOLLAND

CONSERVATION COMMISSION

27 Sturbridge Road, Holland, MA 01521

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

Email: conservation@hollandma.org

TO: Holland Conservation Commission

FM: George Russell, AICP
Conservation Agent

RE: Agent's Report

DATE: 9/28/21

1.0 Items from last meeting or new items:

1.1. Discussion Expired OOC Release policy: We have received a request for a release from conditions that was approved in 2011 for 28 leno and there were some issues complying with 310 CMR 10.05. I have attached a proposed policy for the release from conditions which are old and it may not be possible to get the required certification under 310 CMR 10.05 (9) (d) which states:

(d) If a project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect or land surveyor, a written statement by such a professional person certifying substantial compliance with the plans and setting forth what deviation, if any, exists from the plans approved in the Order shall accompany the request for a Certificate of Compliance.

Should the Commission feel this is valuable, I recommend a formal vote to accept the policy.

Note that this one was resolved for 28 Leno, but it took some luck and good timing.

1.2. Tree Removal Permits: There was one permit for the removal of 7 large pine trees at 42 Craig Road and are awaiting one for 4 Vinton Way.

2.0 Items on this agenda:

2.1. 189 Mashapaug, NOI This application is to stabilize the bank by placing rip rap on the bank, which has significantly eroded, for stabilization. The bank itself is a resource area and it is also in a flood hazard zone. We do have an NOI # and DEP has raised a number of issues that need to be addressed. I have attached these comments and I think the two most critical ones are numbers 1 & 3. The applicant and I have also exchanged e-mails on these issues. I have inspected the site and would recommended the following stipulations when the application is approved: 20.1, 24, 27-30, 33-35, 44 & 50.

2.2. 4 North Leisure Rd., NOI: This permit is to replace the retaining walls, improve the site drainage, place new decks on the structure, and to fix the house foundation. The latter part of the permit will involve jacking up the structure. I have conducted a review of the application and conducted a site visit. DEP has also reviewed the project and offered multiple comments. One on the issues which held the project up, was the fees were calculated incorrectly. I have generated a review memo to the applicant's engineer. Until DEP's and my comments are addressed to the satisfaction of the Commission, I would recommend that the OOC NOT be issued. When approved, I would recommend the following special conditions: 20, 20.1, 21-24, 27-30, 34, 37-41 & 44-51.

2.3 83 Sandy Beach Road NOI 184-0386: I would recommend the members visit this site before the meeting. The revisions requested by the Commission have been received and sent to the members. It should be noted, that the application has changed from just a tight tank to a tight tank AND the house. There is very significant erosion on site due to the recent heavy rains. The chair and I had reached out to the applicant to install erosion controls immediately and he has done so. This application has gone thru a number of permutations but may finally be ready to be acted upon. When approved, I would recommend the following stipulations: 20, 20.1, 21-24, 27-30, 34, 37-41 & 44-51 be attached to the OOC.

2.4. 13 Massaconninc NOI: This application is for the repair of the retaining wall at the bank. The wall is severely deteriorating and is in need of replacement. I would recommend approval with the following special conditions: 20.1, 24, 27-30, 34, 37 & 50.

2.5. 19 Old Turnpike Rd. NOI: This NOI came in as lot 7 Old Turnpike Rd., but has been assigned a street address by the assessor as #19. I have conducted a site visit and have generated a couple of review e-mails to the applicant's engineer and DEP has raised some of the same issues. When approved, I would recommend the following stipulations: 20, 20.1, 21-24, 27-30, 34, 37-41 & 44-51 be attached to the OOC.

2.6 Lot 3 Brook Road, NOI: I have conducted a site visit and reviewed the application. We were missing the plans and the filing fees until 9/21/21 but have a DEP # 184-0391. There has been considerable e-mail correspondence between DEP and the applicant's engineer addressing deficiencies in the plans and the application. Given the issues raised and the late submittal of the material, it is my opinion that this application needs to have the details raised by DEP and myself addressed to the Commission's satisfaction. In addition, and very important, is the fact that the BOH has not given final approval to all of the components of the septic system. This may impact the NOI and I would suggest that the Commission should know if the final design and/or location of the system or any of its components will change, in order to prevent the applicant having to come back to the Commission for an amendment to the plans. (See item 3 in DEP's review.)

E-mails. Phone calls and letters (date refers to the date I read them, not necessarily the date sent or received.):

9/14/21:

- E-mail from W. Terbush on question on the DEP review. I responded to the e-mail;
- E-mail to Town Administrator concerning printing issues with Ricoh printer;
- E-mail to Sam on a tree removal permit for 42 Craig Rd.;
- E-mail from M. Winslow on attending the meeting with a response from Dawn;
- E-mails between Dawn, Stacy and Denise Knight on a public records request;
- SWO/NOV letter to owners of 25 Sandy Beach;
- Returned phone call from applicant for NOI at 55 Sandy Beach;

9/15/21

- E-mail to the members on #29 Pine Tree
- E-mail from owner of 28 Leno on status of COC; He will pick up and did.
- **E-mail from DEP asking the town to use a new abutter notification form.**
- E-mail from DEP re 4 N. Leisure to the applicant asking if they are going to respond to DEP's comments.
- E-mail to highway once again asking for info on the dam/spillway so I can get it to DEP.

9/16/21

- E-mails between Mark and Peter Engle on N. Leisure Drive NOI
- E-mail to Alex V on new abutter notification forms
- E-mail to McClure on Brook NOI concerning plans and fees
- Memo from the Assessor assigning street addresses to the lots on Old Turnpike Road
- Copy of legal ad on 19 Old Turnpike from applicant's engineer

9/21/21

- E-mail from Kate on As-Builts and when the Commission has been getting them
- E-mail to Jess concerning applications on the next two agendas
- E-mail from Rose Sczurek on tree removal – sent her an application

9/22/21

- E-mail to Peter Engle on review of plans for lot 3 Brook
- E-mail to Mark S at DEP for help with Forest Cutting Plans and his response with an MOU that has been forwarded to the members

9/23/21

- Issued letter on 53 Masahpaug on non-compliance with stipulations of approval sent to owner and contractor
- E-mail from a resident on Butterworth asking about wetlands on site replied that I need map and parcel