

Holland Conservation Commission  
27 Sturbridge Road, Holland, MA 01521

HCC Minutes for July 27, 2021

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

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

Member absent: Kaitlin Laabs

Member Attending Remotely: Jessica Chaffee

Walk-in – Jeff Frohn of 17 Leisure Drive came to observe.

Jessica called the meeting to order at 6:33 PM.

The minutes of May 25 and July 17 were reviewed prior to the meeting. Sam Spratlin made a motion that both minutes be accepted. Dawn seconded and the motion was carried.

Michael Breor of 326 Mashapaug Road open project

Jennifer Mott came in to get final signatures for the Town Forest, and they needed to be notarized.

A motion was made by Dawn Kamay to have agent George Russell review phone and e-mail messages when he is in the office. This will become part of his report at future meetings. Sam Spratlin seconded the motion and all members approved.

Site visits to be made by agent George Russell are 53 Mashapaug Road and 83 Sandy Beach Road.

17 Candlewood Road – dead pine – permission granted to remove it.

9 Union Road – Sam Spratlin will check out the complaint

Discussion to improve our remedial process - We decided to amend the tree application process to include a requirement to photograph the tree locations to help with the follow up after tree removal. George Russell will amend the application and bring it to the next meeting for Commission approval. Dawn suggested including wording that the tree or bush has to be kept alive or it will need to be replaced.

Sam Spratlin made a motion to do this, Dawn Kamay seconded the motion and all passed.

Round Table

Agent George Russell will receive a mileage reimbursement as per his agent's contract for site inspections within the town in accordance with the IRS rate for said reimbursement. The Town

Administrator will be asked to add such wording to the contract. A motion was made by Sam Spratlin to do this, and Dawn seconded. The motion passed.

33 Lee Avenue – They have requested a COC for DEP # 184-0315 and it was agreed to issue a partial COC on their open OOC as not all conditions have been met. They will be re-applying to improve part of the waterfront. Sam Spratlin motioned that we accept George Russell's partial COC and Dawn seconded, all in favor and the motion carried. The Commissioners signed at this meeting.

FHRA – Sam Spratlin made a motion to extend #184-0353 OOC for maintenance and maintaining the boat launch since high water from the rain storms created delays. Dawn Kamay seconded the motion and with all in favor, the motion carried.

George Russell will resubmit the Emergency Certification to open the dam spillway per suggestions from Mark Stinson.

83 Sandy Beach Road – Discussion of application for a tight tank installation which Board of Health has approved. There will be more discussion at the next scheduled meeting.

97 Leno Road – degradation of stream crossing land - George Russell will deny the extension and will create an enforcement order requiring him to attend the August meeting with an NOI and a plan to remedy the problem. Dawn Kamay made a motion to accept the proposal, Sam Spratlin seconded and all approved.

Rebecca Hilbig submitted a COC for #184 – 0382 as written by George Russell. Dawn Kamay made a motion to issue it, Sam Spratlin seconded the motion and all approved.

Dawn Kamay made a motion which Sam Spratlin seconded to have Mike Breor of 326 Mashapaug Road who did new construction, submit new plans and attend the September 14 meeting. All approved.

Agent George Russell will send a letter to the State Forester to make sure we receive notices of forest cutting. No work is to begin until they are reviewed.

Sam Spratlin made a motion to close the meeting and Dawn Kamay seconded it. The meeting closed at 8:17 PM.

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@townofholland.necox.mail.com](mailto:conservation@townofholland.necox.mail.com)

TO: Holland Conservation Commission

FM: George Russell, AICP  
Conservation Agent

RE: Agent's Report

DATE: 7/27/21

### 1.0 Items from last meeting or new items:

- 1.1. The Tree Cutting Permit has been amended to require two signatures and it is up on the Commission's webpage.
- 1.2. Tree removal for 17 Candlewood approved.
- 1.3. Dam/Spillway Emergency Certification: I issued the Emergency Cert for the Spillway opening and it was kicked back by DEP. I am trying to get the information DEP request and will issue it again. DEP recommends we do not change the existing OOC, but issue Emergency Certs when necessary.
- 1.4. Agent's Contract: In order for the Agent to receive milage reimbursement, the contract needs to be amended to specifically allow this to happen. I would suggest the Commission consider the following amendment which has been vetted by Stacy:

This contract is hereby amended to allow for the milage reimbursement incurred for site inspections within the Town in accordance with the current IRS rate for said reimbursement.

### 2.0. Items for the instant meeting:

- 2.1. COC 33 Lee Ave.: I have spoken to the owner of 33 Lee and discussed the issue of the timber retaining wall. They emphatically want the COC to be issued and will come in with another NOI for the wall and some bank work. Therefore, I would recommend the tabled COC be issued with the note that the retaining wall was not completed.

- 2.2. Breor: I have drafted and attached an Enforcement Order for the Commission's consideration.
- 2.3. 97 Leno, Request for Extension: The owner/applicant has requested an 18-month extension. I have also received another complaint on this property which I have investigated. There is significant bank degradation due to vehicles crossing the stream channel and the erosion controls are no longer functioning in many areas. In addition, the drainage pipes under the driveway entrance at the road are 99% full of sediment and really not functioning. I am going to recommend the commission require an amendment to the existing OOC to require you to amend the exiting permit to show a stream crossing and appropriate "construction" to prevent further degradation of the bank and stream channel.

Please follow this link to see photos of the issues:  
C:\Users\caronp\Desktop\Agent\Enforcement\Violations\97 Leno\Photos

Further, this extension request must be acted on tonight as 310 CMR 10.05 (9) (a) states:

Certificates of Compliance. (a) Upon completion of the work described in a Final Order of Conditions, but not later than the three year term of an Order of Resource Area Delineation or any extension thereunder, the applicant shall request in writing the issuance of a Certificate of Compliance stating that the work has been satisfactorily completed. Upon written request by the applicant, a Certificate of Compliance shall be issued by the issuing authority within 21 days of receipt thereof

- 2.4. FHRA request for an Extension: The owner/applicant has requested a 36-month extension. I would recommend it be granted.
- 2.5. Discussion Forest Cutting Plans: I have E-mailed the state forester concerning the recently filed forest cutting plans to ascertain if the Commission has had the required view option. Conducted a site visit of both plans and returned the phone calls of the residents who have called concerning these plans. Response from Chris Capone the forester said please feel free to comment on the plans. According to the Massachusetts Forest Cutting Practices Act and the regulations promulgated by DCR, the Commission must receive a copy of the Forest Cutting Plan (FCP) and has 10 days to comment. If this has not happened, the operations should be halted until such time as the Commission can and does comment. I would therefore recommend that the Commission approval a formal request to DCR to stop the operations until such time as the plans are submitted to the town and we can comment.
- 2.6. Discussion Abutter notification: I have developed a revised abutter notification form and it is attached for your review and comment. Note there is also a "perjury" form. I have a number of legal opinions that this form carries some legal weight if there is any issue with the notifications. I want to once again indicate that the statute requires the applicant to

send out these notices.

It also needs to be noted, that the abutter notification for the permit at 197 Mashapaug came very close to not meeting the required 7 business days for mailing. (Further the permits for 53 Mashapaug and 83 Sandy Beach are being delayed due to issues with the abutter notifications not meeting the statutory time lines.) If this time frame was not met, the town/commission would have been responsible for the technical/procedural error. I believe this is another reason why the Commission should have the applicant send the abutter notices.

- 2.7. 83 Sandy Beach NOI: This application is being placed on the 8/10/21 agenda since the abutter notifications were not sent out and the legal notice were not published in time for this meeting. 310 CMR 10.05 (4) (a) states in part:

. . . Mailing at least seven days prior to the public hearing shall constitute timely notice.

Given that the time frame is less than 10 days for both the abutter and the legal notice, the 10 days are business days.

Further, 310 CMR 10.05 (5) states:

(5) Public Hearings by Conservation Commissions. (a) A public hearing shall be held by the conservation commission within 21 days of receipt of the minimum submittal requirements set forth in the General Instructions for Completing Notice of Intent (Form 3), Abbreviated Notice of Intent (Form 4) and Abbreviated Notice of Resource Area Delineation, and shall be advertised in accordance with M.G.L. c. 131, § 40 and the requirements of the open meeting law, M.G.L. c. 39, § 23B.

And the WPA states:

Notice of the time and place of said hearing shall be given by the hearing authority at the expense of the applicant, not less than five days prior to such hearing, by publication in a newspaper of general circulation in the city or town where the activity is proposed and by mailing a notice to the applicant and to the board of health and the planning board of said city or town.

- 2.8. Discussion New NOI stipulations: I have taken the standard stips that the Commission uses and combined them with ones that I developed in a former life. I would ask the member to review these and if comfortable, vote to approve them. It needs to be noted that not all stips need to be attached to all OOCs and when an NOI is on the agenda, I will recommend which ones I think appropriate by number. (Saves typing) The commission can add or subtract or can add one they deem appropriate to the standard ones.

Please note stipulations 20 & 23. The second paragraph in #20, mandates a floating barrier in the water body under certain conditions to help mitigate and control any spillage into said water body. Stipulation #23 is very helpful in keeping tabs on a project and will only be used when professional help was retained for the project.

- 2.9. Hibig, 9 Hamiton, COC: We have received a request for the release from conditions for this OOC (184-0382). I have visited the site and all is ready for the release to be granted.