



Holland Conservation Commission

Minutes of July 12, 2022

Note: Minutes were not recorded as GoToMeeting connection didn't work for Dawn, Kait or Jess.

Attendees: Dawn Kamay, (Chair), Rick Lundin, Sam Spratlin, George Russell (Agent)

Remote Attendees: Jessica Wales, Kaitlin Laabs (via iphone speaker)

Absent: Marcia Beal

Guests: Doug Curving, Mark Farrell (Greenhill Engineering), Jeff Frohn, Maggie and Travis Koske, Lisa Boudreau, Brian French, Stacy Stout, Jeanette Wassmuth, Fiona Lyons, Michael Lyman, Chris Dinallo

The meeting was opened by Dawn Kamay, Chair, at 6:45pm, late due to attempts at making an internet connection.

Approval of Minutes:

Approval of previous minutes of May 10 and May 24 were tabled to next meeting. As noted on the agenda, June 14 was cancelled due to town elections and June 28 cancelled as the agenda was posted less than 48 hours prior due to town hall's computer issues.

Old Business:

326 Mashapaug (Breor)- it was decided to pass over this item as the last site visit had been discussed previously and Mr. Breor was not present to continue dialogue.

Agent's Report:

George Russell discussed the various items in the report. Among key items discussed were the following:

Changes to Chapter 15 Bylaw: In an effort to remove from the Commission's purview in Holland the same activities as removed from the Massachusetts's regulations under CMR 310:10, the Commission plans to put forth an Article for the next Annual (or Special should there be one) Town Meeting. Dawn asked about conversion of lawn to buffer plantings – that would be an exclusion as it would be more

beneficial (plantings vs turf). Minor changes in proposed wording of 15.3.2 will be made and presented to the Commission at a future meeting.

1 Roberts Park: After lengthy discussion opened by George it was concluded that as this is a multi-faceted issue involving potential action by more than just Concom. A meeting to be arranged with the Police Dept., the Board of Select and Building Department (BJ Church).

487 Mashapaug (Truck/Trailer Drop Yard): The noise and reported pollution issues continues. George has tried several times to find someone on site to give permission to inspect the property without success. it is hoped that the issues will be thoroughly investigated and resolved in the near future.

The balance of the Open Meeting section was held to the end of the meeting, time permitting.

RDA for 10 Collette Dr. (Stacy Stout) / Deck Rebuild: Stacy Stout presented her need to rebuild a failing deck structure. After learning that the existing footings were to be maintained, no digging and no heavy equipment being used. The commission closed the hearing via a motion by Rick Lundin and seconded by Sam Spratlin, vote to close was unanimous. Motion by Rick Lundin to issue a negative 2, seconded by Sam Spratlin. Motion carried unanimously.

Continuation of discussion regarding the work already completed at 25 Pine Tree (184-0396) was passed over as Mr. Martin was not present.

RDA for 21 Craig Road (Jeanette Wassmuth) /deck and stairs: Jeanette presented. This RDA is the result of a stop work order issued by the Conservation Agent. A building permit was issued and the owner was not aware of the need for a permit from the commission. This was an after the fact RDA. After short discussion and determination that the construction had caused minimal disturbance and no negative impact to the interests of the act, Rick Lundin made a motion to close the hearing, second Sam Spratlin, all approved. Rick then made a motion per the Agent's recommendation to issue a negative 3, Sam seconded, all in favor, motion carried unanimously.

Per site inspections and recommendation of agent, George Russell, COC requests were granted for both 65 Morse and 35 Lakeridge.

RDA for 8 N. Leisure Dr (Fiona Lyons) / hillside erosion control: Fiona presented the issue and subsequent mitigation via rip-rap installation and perennial plantings along it. After brief discussion Rick Lundin made a motion to close the hearing. Sam seconded, motion carried unanimously. Rick Lundin made a motion to complete the proposed work as well as the work started via a negative 3, Sam seconded, motion carried unanimously .

Request by Mass Electric for a letter of exemption for 3 pole replacements on N. Leisure and Leisure Drives: All were in agreement that this was in order, including the removal of one arborvitae at the N. Leisure pole location. George Russell to generate the letter.

Emergency Order, 2 N. Leisure (Dawn and Bob Kamay)/ Stairway paver reset over sand and gravel: Due to extreme washout, pavers had settled below the wooden risers posing a major trip hazard. An emergency order was granted as the contractor notified the owners of a soonest work day. Work completed in a day with net zero change to the site, all work done by hand. Jessica suggested that an RDA should be submitted after the fact as has been done with some previous projects brought to or noted by the Commissioners or the Agent. Dawn contested that insistence on an RDA or NOI should be contingent upon the degree and complexity of the project and it's potential for negative impact to the interests of the act. George reminded that provided the work was completed within the 30-day period allowed by an emergency order, an RDA isn't always necessary. As the EC for 10 Collette was brought up as an example, George pointed out that the work had not been completed under the emergency order in 30 days and therefore an RDA was required in order to buy more time.

344 Mashapaug (Michael Lyman) / Build of an Attached Garage / DEP# 184-0402: Michael presented his project to the Commission taking place in what Holland GIS shows as being in land subject to flooding. Michael indicated that he would not be using a contractor but doing the work himself. Per the agent's report, clarification was supplied regarding amount of comp flood storage needed and there appears to be no net loss. After a brief discussion Rick Lundin made a motion to close the hearing, Sam seconded. the vote to close was unanimous and the hearing was closed. Rick then made a motion to issue an OOC as drafted by George Russell, Sam seconded. The vote was unanimous and thus the motion carried.

5 Sunset (Laura Hayden) / Septic replacement / DEP# 184-0403: Short discussion ensued. Jess said she's familiar with the lot and the area is flat, this was confirmed by agent Russell. Project appears very straightforward with little chance of impact to the interests of the act, and the Commission had no issues with it as presented. Rick Lundin made the motion to close the hearing, Sam seconded, all in favor and hearing closed. Rick made a motion to issue an OOC with conditions as suggested and drafted by George Russell, Sam seconded, all in favor, motion carried.

9 Birch (Douglas Curving) / Retaining Wall and Septic in the buffer zone/ DEP# 184-0404: Mark Farrell of Greenhill Engineering was there to answer questions on the septic. Doug Curving spoke about the wall. Chris Dinallo, Jeff Frohn and Travis Koske were interested abutters who asked questions during the hearing. There was concern about the height of the wall on the N. Leisure side due to potential of snow blowing problems it may create and asked about allowance for groundwater absorption and recharge due to wall and patio to be built atop the finished wall area. Doug assured patio would allow water seepage and that landscaping consistent with residential housing would be installed to beautify the area. Chris Dinallo raised his concern about heavy construction equipment driving over Birch potentially damaging septic, etc. – who would be liable? Both Mark Farrell and Doug Curving said it was their belief the contractor would be liable for any damages caused by their equipment. Doug indicated Chris could consider having steel plates put down to alleviate his concern. Jeff Frohn and Travis Koske expressed extreme concern regarding the septic system placement's proximity to stormwater catch

basins which run directly into the lake and the degree of slope involved especially on such a small lot . Mark Farrell assured everyone that neither issue should be of concern. Contentious discussion ensued mostly about the septic issue, not the 8' concrete block wall. Rick Lundin strongly motioned that the public hearing on the wall be closed as the septic problem was a BOH issue that the abutters should take to them. Sam seconded the motion, all in favor, hearing closed. Rick motioned that an OOC be issued with the stipulations outlined in the July 12 agent's report, Sam seconded, all in favor, motion carried. (Note: As abutter Dawn Kamay recused and did not vote)

Discussion of 25 Craig Road (Lisa Boudreau) / Septic replacement/ 1 Native Tree Planting Requested by Concom: Ms. Boudreau brought her complaint to the commission that planting a tree should have nothing to do with a septic installation RDA. Dawn Kamay informed her that per her inquiry to the DEP as to whether or not restorative native plantings could be requested of an applicant as a condition when using Form 2, DEP confirmed that it could be. Ms. Boudreau continued to insist that she had plenty of trees and plantings on her lot and would not be open to planting a tree and would, in fact, consider not replacing her not yet failing system should the commission continue to insist upon it. Kaitlin Laabs then asked if she would consider a small native, such as a Dogwood. No. Kaitlin then suggested bushes. Again, no. Kaitlin then suggested and Lisa agreed to a letter stipulating removal of the tree requirement in favor of a bat and/or bird house. No further discussion. George Russell to compose the letter. The Form 2 will need to be amended to reflect deletion of the (1) native hardwood tree and inclusion of a bat and/or bird house. Sam motioned that we amend the RDA (Form 2), Rick seconded, by roll call all voted yay, except Dawn Kamay who voted nay.

Discussion of 45 N. Wales Road (Brian French)/ Old Electric Power Line Poles Stored On Bank of Intermittent Stream: George Russell recommended an enforcement order in his report of July 12 and added that they (the telephone poles) are not blocking the stream flow and that perhaps removal of them at this juncture would be worse for the bank than leaving them. Rick Lundin and Sam Spratlin opined that as they are old poles there are likely harmful substances with which they have been treated and should be removed. The poles were in essence hazardous materials. Brian French indicated he'd taken them in order to use in the future to build retaining structures on his property. Rick Lundin said they really need to be totally disposed of in a best practices manner and not used on the property at all. Brian has agreed to take care of the matter. George will maintain vigilance of the situation. Sam made a motion to have the property owner file an NOI, Rick seconded, motion passed unanimously.

Rick Lundin made a motion to adjourn, seconded by Sam Spratlin, all in favor, motion carried and the meeting was adjourned at 9:30pm.

Respectfully submitted,

Dawn Kamay, Acting Secretary for Marcia Beal

(Agent's report attached hereto as part of these minutes)

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: 7/12/22

1.0 Items from last meeting or new non application items that need action/discussion:

1.1. 45 N. Wales Rd. violation: I will be submitting copies of letters generated on this address and photos that show the violation. I would ask the members to visit the site prior to our meeting so the Commission may decide what action they wish to take on this issue. I would recommend an enforcement order requiring the filing of an NOI to allow the material to remain or the allow the removal of said material. It is my opinion, that the removal will potentially cause more damage to the bank than allowing it to remain.

1.2. Approval of Emergency Order for 2 N. Leisure: The EO was approved to replace pavers that are in danger of washing out and making access to the home dangerous. The EO should be "approved" by the Commission as per 301 CMR 10.06 (1) and then the EO is sent to DEP. Work may start before approval by the body as a whole.

2.0 Items on this agenda for Public Hearings/Meetings:

2.1. Lyman, 344 Mashapaug Road, NOI: This application is to add a garage to the existing house in land subject to flooding. I have requested clarification on the amount of flood storage lost and need for compensation and this has been supplied and the regulations requiring a no net loss of storage has been met. When approved, I would recommend the following conditions: 20, 24, 27-30, 34-41, 49 & 54. NOTE: AS OF TODAY, WE HAVE NOT YET RECEIVED THE NOI # FROM DEP AND THUS THE HEARING MUST BE CONTINUED IF NOT RECEIVED BY THE MEETING. I HAVE REACHED OUT TO TOM G. BUT HAVE NOT RECEIVED A RESPONSE AS OF THIS MAILING.

2.2. Curving, 9 Birch NOI: This permit is to demolish the existing structure and build a new house, septic and retaining wall. I have visited the site twice, once with Kait. The jurisdiction of the Commission extends only to within the area of the slope that goes down to N. Leisure where the retaining wall and a small portion of the septic are going to be placed. If approved, I would recommend the following conditions: 20-30, 34-39, 41, 44, & 51. NOTE: AS OF TODAY, WE HAVE NOT YET RECEIVED THE NOI # FROM DEP AND THUS THE HEARING MUST BE CONTINUED IF NOT RECEIVED BY THE MEETING. I HAVE REACHED OUT TO TOM G. BUT HAVE NOT RECEIVED A RESPONSE AS OF THIS MAILING.

2.3. Hayden, 5 Sunset NOI: This permit is for a septic system repair. I have conducted a site visit and the site is basically flat with little chance of significant erosion. I would recommend approval with the following conditions: 20, 24, 27-30, 34-41, 49 & 54. NOTE: AS OF TODAY, WE HAVE NOT YET RECEIVED THE NOI # FROM DEP AND THUS THE HEARING MUST BE CONTINUED IF NOT RECEIVED BY THE MEETING. I HAVE REACHED OUT TO TOM G. BUT HAVE NOT RECEIVED A RESPONSE AS OF THIS MAILING.

3.0 E-mails and phone calls

6/28/22

- E-mails to and from DK on erosion issue on south basin
- E News update from MACC forwarded to members
- E-mails to and from Green Hill Eng. on NOI applications
- Phone calls to and from "Mike" 15 Forest Dr. on NOI application
- Phone calls to and from "Kathy" re NOI application
- Phone calls to and from "John" for work on Craig Road
- Phone call on weeds on Lake from owner of 10 Craig Road
- E-mails to all applicants cancelling meeting and asking for "permission" to continue to 7/12/22

6/29/22

- E-mails to and from Mike Lyman on NOI
- E-mails from F. Lyons, Heidi Cormier, Lisa Boudreau and JJ Wassmuth to continue hearings/actions
- Phone calls to and from resident of 10 Craig concerning weeds in the pond – referred to BOS
- E-mail to Mr. MacGillivray on RDA application

6/30/22

- Phone calls to and from Brian French re violation at 45 N. Wales
- Phone calls to and from "Carol" re NOI 41 Craig Road; meeting set up
- E-mails to and from MACC with membership information

7/5/22

- E-mail and phone calls to and from Dennis Sneade, 20 Maybrook on NOI process
- Received via e-mail cert. of mailing for NOIs for 9 Birch and 5 Sunset
- E-mail Sharon Davis a form 8a as per her request
- E-mails to and from Mike Lyman on "next steps" in the process
- E-mail to Tom G. at DEP on pending NOI numbers

7/6/22

- E-mails to and from M. Lyman on meeting on the 12th
- E-mails to and from Brian Sacerdote on joining the Commission
- E-mail from the Holland Community Center – forwarded to members
- E-mails and phone calls to and from Danielle Forcier-White on work at 31 Pine Tree; forwarded to members
- E-mails to and from MACC on e-mail addresses of members
- Phone calls to and from Chris Donnelly on NOI for 9 Birch
- E-mails to and from DK on paving on E. Brimfield Rd.
- E-mail from Kevin Bard on issues at Brandon Cove that he indicated he was notifying the town administrator about; (did not specify the issues) – forwarded to members

7/7/22

- E-mail from Town Clerk that agenda is posted
- E-mail from Assessor on lots on Stony Hill
- E-mails to & from Treasurer on new payroll/payment process – forwarded to members
- E-mail to DK & KL on issues at 22 Massaconnic
- Phone calls to & from L. Philbin on Milfoil treatment at her home – forwarded to DK & SS; Dawn will forward to FHRA
- E-mails to and from Dawn on erosion issue on Mashapaug