

Holland Conservation Commission  
27 Sturbridge Road, Holland, MA 01521

HCC Minutes for May 24, 2022

Note: This meeting was conducted on-line with some participants in the Community Room. The remote participants used Go-To-Meeting. The meeting was recorded.

Members attending: Samuel Spratlin, Dawn Kamay, Agent George Russell, Rick Lundin, Marcia Beal

Member Attending Remotely: Kaitlin Laabs.

Member Absent: Jessica Wales

Guests Attending: Jacob Seidel, DCR Forestry; Lori McCool, Jay Dubois (remotely)

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Dawn Kamay called the meeting to order at 6:42 PM.

Mr. Jacob Seidel, the new DCR Forester for Holland, spoke about the forest cutting plans approval process and said we will be notified of those coming up in Holland. He also noted the info will be on the DCR website. He covers 19 towns and can be contacted at 857-345-2535. He also noted there is a 20 acre limit on clear cutting to keep a forest healthy.

The minutes from May 10, 2022 were reviewed. Sam Spratlin made a motion to accept the minutes as corrected, Rick Lundin seconded the motion, and all approved.

Because the town elections are taking place on June 14, 2022, the Conservation Committee will not meet that evening.

Dawn Kamay and Marcia Beal will work together on a Conservation Commission welcome packet for newcomers to Holland.

7:04 PM – RDA for Kenneth and Dori Ferrence, 12 Brandon Road – A tight tank installation. Jay Dubois of DC Engineering attended the meeting remotely and presented the application which will consist of a tight tank installation in the front of the house, just off the road and about 90 feet from the water body. No members of the public commented. Rick Lundin made a motion to close the hearing, which was seconded by Sam Spratlin, and all approved. Rick Lundin then made a motion to approve a negative 3 determination for a 2,000 gallon tight tank installation with the conditions as outlined in the Agent's report, which Sam Spratlin seconded and all approved.

7:15 PM – RDA continuance – 25 Craig Road. Lori McCool, registered sanitarian, represented the owners. They wish to replace the septic system which is located in the buffer zone. Rick Lundin moved to close the hearing and Sam Spratlin seconded, all approved. Then Sam Spratlin made a motion to approve the RDA as a negative three with the stipulations as outlined in the Agent's Report as well as the special conditions that one native hardwood tree is to be planted within 15 feet of the water body

and 12 inch straw wattles are to be used for erosion control, which was seconded by Marcia Beal. Rick Lundin abstained and the other members approved the motion.

Agent George Russel brought in a listing of native trees which can be used as a reference. The Commission will review the listing as well as one from Marcia Beal and discuss adoption at the next meeting.

Bill Hardy of 19 Pine Tree Drive requested the removal of two trees on his property. Agent George Russell will assist him with the application and Sam Spratlin will review the site.

Al Pakluski of 136 Sturbridge Road wanted to know if his property is in our jurisdiction. Agent George Russell will check it out and contact him with an answer.

The Commission decided to request an amendment to the Order of Conditions to establish the changes that Michael Breor of 326 Mashapaug Road has made during construction that were not in the original plan. Sam Spratlin made a motion to require this amendment be submitted to establish changes made and include the need for an elevation certificate with the amendment. Rick Lundin seconded the motion and all approved.

Dawn Kamay is following up to re-certify George Russel as our Agent.

8:55 PM – Sam Spratlin made a motion to adjourn the meeting which was seconded by Marcia Beal and all approved.

The Agent's report is attached to and made part of the minutes.

Marcia Beal  
Secretary

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RE: Agent's Report

DATE: 5/24/22

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

1.1. This is from my last report, but I am including it again since Jacob will be at the meeting.

FCP Brimfield Road: It would appear that this FCP was in fact submitted to us in August 2021 but did not have a locus map. I interpreted "Brimfield" to mean the cutting was in Brimfield and generated an e-mail to our forester that the location of the FCP could not be determined and to please clarify. This clarification never was received. Thus, we technically commented on the plan, but we didn't comment on the plan. As a result, the FCP was eventually approved.

To "complicate" matters, our region just had a newly assigned forester. The response to my email was:

I reviewed this plan on 2/16/22 and was unaware of this situation.  
Please find the attached original paper submission. The admin box is empty on the paper copy so here is that info: the file number is 043.33774.22, the river basin is Quinebaug, it is an LT objective plan, it is not under 61, it is not within public drinking water supply, and is not in an ACEC.

It is in between two house lots with the addresses of 169 Brimfield Rd and 127 Brimfield Rd.

I've added the plan preparer Gary Gouldrup in the CC. I am not aware of any harvesting currently occurring.

Thank you,

Andrew Rawcliffe, Service Forester  
Department of Conservation and Recreation

I have again e-mailed Andrew and Jacob, the new forester that cutting appears to have started and there is erosion on site.

1.2. Letter to HR Residents: I have come across a letter, which I will pass out at the meeting, that That requires the residents along the reservoir to complete labeling of docks etc. NLT 6/12/22. Is anything to be done with this or will the by-law amendments take care of the issue?

1.3. Native Plants: I will be handing out a list of native plants developed by Mass Audubon that I would ask the members to review. The goal is to get these up on the webpage as a reference for what plants the Commission will accept.

1.4 Breor, 326 Mashapaug: I have seen the photos taken during the site visit on the 14<sup>th</sup>. It is my opinion that this fence needs a modification to the NOI under the local by-law and the Commission will need to answer the question: "does the fence propose a barrier to wildlife movement". (See 310 CMR 10.02 (b) 2 b.) Also bear in mind that this fence is in both the buffer and the resource area.

1.5. By-Law amendment: The current Holland By-law in Ch. 15 §15.3.2., states:

*Other than as stated in the section, the exemptions provided in MGL Ch.131, section 40 and regulations 310 CMR 10.00 shall not apply.*

It is my opinion, that this wording is legally too broad and the local by-law cannot overrule the state statute, but it can "overrule" 310 CMR 10.00 since it must be more restrictive than the state regs. Also, what "section" is this referring to; is it the exceptions listed in Ch. 15.3.1? I believe the way this is worded; it applies to **all** exemptions, including those in 310 CMR 10.58 (6). (Think 7 Lakeridge.) In light of this, the Commission may want to amend this section of the by-law. Suggested reading could be:

*15.3.2. The exempt activities enumerated in 310 CMR 10.02 (b) 2 a-e, 310 CMR 10.02 (3) and 310 CMR 10.58 (6) are subject to permitting under this by-law except for stacking cordwood and maintaining landscaped*

areas.  
of trees.

*Maintenance of landscapes areas does not include the cutting*

I would recommend the members read the above sections of 310 CMR 10.02 & 58 to make sure they are comfortable with the exceptions that will need to be permitted and to cure any insomnia they may have.

## 2.0 Public Hearing Items on this agenda:

2.1. 12 Brandon RDA: This RDA is for a septic system repair. The application has been filed with the BOH as per statute. I have inspected the site. The proposed activity is 70'± from the flood hazard zone and even further from the bank, about 90'±. On the plans, the engineer actually put the 689" flood hazard boundary which I wish more would do. I would recommend a negative # 3 with the following conditions: 20, 24, 25, 28-30, 34, 37-41 & 54.

2.2. 25 Craig Rd. Boudreau RDA: This RDA was continued from the last meeting due to a no-show by the applicant and is for the repair/replacement of a septic system. The entire system and work are within the buffer zone. I have inspected the site and I would recommend a negative # 3 with the following conditions: 20, 24, 27-30, 34, 38, 44, 50 & 54.

## 3.0 E-mails and phone calls

5/10/22

- **E-mail from K. Fournier at DEP Springfield re: 9 Birch**
- E-mail from L. Palmer, 179 Sturbridge Road on vegetative debris
- May newsletter from MACC; forwarded to members
- E-mails & phone call from D&C Engineering on RDA for 12 Brandon
- E-mail to Dawn & Kate on the above
- E-mail from Mike B. on OOC/COC process
- E-mails to and from Dawn on new forester on coming to the Commission's meeting on the 24<sup>th</sup>
- Phone call from Scott Davis, 63 Mashapaug on his project
- E-mails to and from DK & SS on outstanding tree removal permit
- E-mail to DK on meeting with Curving at 9 Birch
- E-mails to and from W. Terbush on amendments to his OOC

5/11/22

- Letter to resident of 1 Roberts Park on material placed within jurisdiction
- **E-mail from Town Administrator on warrant posting forwarded to members**
- E-mail to Lisa Boudreau on hearing for 25 Craig
- Letter to 8 N. Leisure on RDA permit
- E-mail to Craig Cormier on OOC amendment
- E-mail to members on new application at 12 Brandon
- E-mail to Val to put amendment process on webpage

- Letter to Fetko, 35 Lakeridge on permit expiration

5/17/22

- E-mails to and from Al Harhay on 22 Massaconic
- E-mails to and from Katie Daviau on status of Sandy Beach Road
- E-mail from MB on fence at 326 Mashapaug
- Reviewed minutes and sent suggestions to MB
- E-mails and phone call to tree permit applicants on incomplete application
- E-mail to BJ on potential issue on Halfway Road
- E-mails to and from SS on new patio
- E-mail from Roger Parker on NOI application
- E-mail to BJ, FD & PD on dangerous situation on Halfway Road
- Letter to 45 N. Wales on violation
- E-mails to and from Danielle Forcier on 53 Mashapaug NOI
- Phone call to and from "Allen"; no answer on return call
- **E-mail from police chief re: 8 N. leisure, 9 & 5 Birch – forwarded to Commission**

5/18/22

- E-mails to and from Danielle Forcier on 53 Marshapaug NOI
- E-mails to DK, MB & KL on signing RDA
- E-mail from DK on new forester attendance at the meeting on 5/24/22
- E-mail to Heidi Cormier on COC