

Holland Conservation Commission  
27 Sturbridge Road, Holland, MA 01521

HCC Minutes for January 10, 2023

Note: This meeting was held in the Community Room. The remote participant used Go-To-Meeting. The meeting was recorded.

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

Member Attending Remotely: Jessica Wales

Members of the public who attended: Mark Stinson from the DEP, Pete Angle, Stacy Stout, Town Administrator, Michael Breor, the contractor for Kogan –Boston Outdoor Living

Dawn Kamay called the meeting to order at 6:34 PM.

Sam Spratlin made a motion to accept the December 13 and 27, 2022 minutes, seconded by Marcia Beal and approved by all.

Phone messages were reviewed.

Wordage for the sign to be installed on Maybrook Road was approved. Sam Spratlin made a motion for the Commission to put up the sign when we receive it. The motion was seconded by Marcia Beal and all approved.

Tree applications will be reviewed to see what the status is for 2023 and enforcement will be discussed at a future meeting. There are no current tree applications.

RDA applications for 105 Sandy Beach Road and for a pipe at 11-12 Sandy Beach Road will be covered at the next meeting.

Samantha Evans, our Board Clerk, has submitted her resignation, but will do newspaper ads at present. Stacy Stout will do the filing fee deposits.

Michael Breor at 326 Mashapaug Road will have a new survey done but not until the end of the week. If he needs an extension he will send us a letter stating the situation and have the survey results for the next meeting.

Public Hearings:

To comply with the Open Meeting Law, all hearings are scheduled for 7:00 PM. Unless there are compelling reasons to do otherwise, they will be taken in the order in which they appear on the agenda.

7:06 PM – COC # 184-0385 and #184-0422 Kogan at 53 Mashapaug Road. His COC has been recorded and closed out. He submitted a plan showing the work completed and what work needs to be done. All banking work must be done during drawdown and will be continued in the fall of this year. DC Engineering had inadvertently closed out without realizing that not all the work was done. A new NOI #184-0422 has been made. Sam Spratlin made a motion to continue the hearing to January 24, 2023 which was seconded by Jessica Wales and all approved.

7:29 PM – RDA for the Holland Highway Department reconstruction of Union Road. All the roadway drainage will be away from wetlands and 12 inch wattles will be used. A Negative 3 with narrative will be made. Sam Spratlin made a motion to close the hearing which was seconded by Jessica Wales and all approved. Sam Spratlin made a motion under Holland bylaws to approve a Negative 3 with explanation which Jessica Wales seconded and all approved.

Our new representative from the DEP, Mark Stinson, returned to the DEP after taking leave and attended our meeting. He had time to answer some questions.

The Holland Conservation Commission reports to the Holland Select Board.

NOI and DEP numbers are the same and can be referred to as a DEP file number.

The DCR may be contacted for agricultural and forest problems.

Updates on wetlands will be coming from the state.( FEMA floodplain redefinition)

Pete Angle from McClure Engineering represented Tim Martin of 29 Pine Tree Drive. A site visit will be made in an attempt to clear up any questions.

8:43 PM – Sam Spratlin made a motion to close 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: 1/10/23

1.0 Items from past meetings that need action/discussions:

1.1. By-Law Amendment: Based on the action of the Commission at their 12/27/22 meeting, I have revised the wording of the proposed B-law amendment to read:

*15.3.2. The exempt activities enumerated in 310 CMR 10.02 (b) 2 e, 310 CMR 10.02 (3) and 310 CMR 10.58 (6) (c) are subject to permitting under this by-law except for stacking cordwood and maintaining landscaped areas. Maintenance of landscaped areas does not include the cutting and/or removal of trees.*

I realize this is still subject to discussion but I believe this represents as far as the last discussion went.

I would also ask the members to look at section 15.6.5 requires that all FCPs must receive approval from the Commission. If we are going to amend the by-law, I think this section should be deleted since it conflicts with the statutes governing FCPs (MGL Ch. 132 sections 40-46) and it is my opinion that a local by-law cannot impose this requirement on a statute that does not "control" the creation of the wetlands by-law.

If this is not deleted, I recommend at a minimum we get a legal opinion

1.2. Role of the Agent: The Town Administrator has requested the Commission consider revising the Agent's contract to "redfine" the role of the agent in both the day-to-day operations of the ConCom office as well as his role in the administration of the laws and by-laws governing the actions of the Commission.

1.3. 29 Pine Tree: this is on the agenda given that the Commission may wish to modify the EO, given that the on-site meeting with the members the owner and his engineer took place on the 10<sup>th</sup>. I hope to receive a time-line from the engineer on the project and if received by the meeting we can use it to set a new "date" in the EO.

1.4. Tree permit follow-up enforcement: The Commission amended its tree removal permit application to place time lines on the removal and replacement of trees. I would suggest the attached letter be sent to all the tree permit holders for 2022 permits to follow-up on the status of their "project".

## 2.0 New items that are not public hearing items

2.1. Yard Waste: I have attached an "educational page" that I would ask the Commission to review with the intent of putting it on our webpage.

2.2 Flow Charts: Samantha has developed flow charts which are attached that are for the Commission's review with the intent of putting them on the webpage. I will also bring copies to the meeting.

2.3. Docks on the lake: In reviewing the DEP comments from 184-0369, DEP raised the issue of docks on the property, and stated "if these were never permitted by the Commission, they should be." DEP is indicating that all new docks must be permitted. I think it would behoove the Commission to review whether they want to permit all new docks.

2.4. COC 326 Mashapaug: This was continued from the last meeting and the items requested by the Commission, e.g., the signed and stamped engineer's certification, have not been received. I would recommend a continuance until the information is received.

## 3.0. Items on this agenda for public hearings:

3.1. Union and Lake RDA: This RDA is for the reconstruction of Union Road at this intersection. The closest point of work is 85± feet. All roadway drainage is away from the BVW. I have inspected the site and would recommend a negative #3.

3.2. 53 Mashapaug NOI 184-04XXX: This permit application was filed as a result of the letter on the fence and the application includes the fence. This permit is for all of the work that was not completed under 184-0385, which in fact included PART OF the fence. The portion of the fence that extends from the house to almost the pavement was

NOT on either the original plans nor the instant plans. The COC for 184-0385 was issued in December 2021 and evidently came as a surprise to the contractor. DEP has raised a number of issues that need to be addressed; among them (1) the COC was not recorded (2) this NOI must stand on its own given that the same plans are being used that were used for 184-0385 (3) given that the plans were prepared and stamped by an RLS, does the applicant understand that this professional will need to submit a completeness certification when the project is complete, and we need a detailed narrative explaining what was done and what was not done under this last OOC and this OOC. These issues MUST be addressed before an OOC can be granted and the NOI # will not be issued until they are. Therefore, the hearing will need to be continued to the 1/10/23 meeting. The applicant has been made aware of the issues. When approved, I would recommend the following stipulations when the OOC is issued: 24, 25, 27-30, 33-35, 37, 38, 41, 44, 47, 49, 50, 52, 54 & 55.

#### 4.0 E-mails and phone calls

12/27/22

- Phone call and e-mails to and from Ton G at DEP & DK re 326 Mashapaug
- Phone call and E-mails to and from Bacon and Weston re COC for 105 Sandy Beach
- E-mails to and from T. Pineau on recording of OOC
- E-mails to Board Clerk on legal notices
- E-mails to and from sign maker on colors for, and orientation of, sign forwarded to DK for input

12/28/22

- E-mails to and from K Daviau re the COC for 105 Sandy Beach
- E-mails to and from DK on new flow charts
- E-mails to Tim Martin of 29 Pine Tree
- E-mails to and from Jacob Seidel on FCP at 107 Union; no logging activity noted and none is allowed at this point.
- E-mail to DK and SS on office on meeting nights
- E-mail to BJ on 1 Roberts Park
- E-mail to BOH on perennial streams in town
- E-mails to and from K. Horyn on dock at 7 Hamilton

12/29/22

- E-mails to and from K Daviau re the COC for 105 Sandy Beach
- E-mails to and from K. Horyn on dock at 7 Hamilton
- E-mail to BJ on 326 Mashapaug

1/3/23

- E-mail from T. Martin setting up site meeting with engineer and commission for 10 AM 1/5/23 – forwarded to Commission
- E-mails to and from DK and MS at DEP concerning him coming to meeting on the 10<sup>th</sup>

- E-mails to and from K. Leaning on recording the OOC for 17 Craig
- E-mail from the HPD on Union Rd. Closure – forwarded to members
- E-mails to and from Danielle Forcier on COC for 53 Mashapaug
- E-mails to and from Paul Tortolani on permitting at 83 Sandy Beach
- E-mail to DK with annual report numbers

1/4/23

- E-mails to and from Paul Tortolani to meet on permitting at 83 Sandy Beach
- E-mails to and from DK on proposed May Brook Road sign
- E-mails to and from DK on upcoming meeting, permits and local by-law
- E-mail from Town Clerk on agendas
- E-mails to and from K. Daviau on COC for 105 Sandy Beach

1/5/23

- E-mail with a list of 2023 holidays – forwarded to the members
- E-mails to and from DK & MB on minutes
- E-mails to and from all boards clerk on minutes