

Holland Conservation Commission
27 Sturbridge Road, Holland, MA 01521

HCC Minutes for November 22, 2022

Note: This meeting was held in the Community Room. The meeting was recorded.

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

Members of the public who attended: Mark Farrell, Mark Thibault, Ruth Mairacin, Kurt Leaning, Katie and Jon Weaver, Mark Trescott, Janice Schiappe, Richard McCracken, Thomas Pineau, Michael Breor and Stacy Stout; Town Administrator.

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

Sam Spratlin made a motion to accept the October 25, 2022 minutes, seconded by Dawn Kamay and approved by all. There was no November 8, 2022 meeting because that was Election Day.

Site Visits:

61 Sandy Beach Road made by Dawn Kamay and Sam Spratlin for seven trees.

Before the next meeting a site visit needs to be made at 4 Collette Drive for an NOI for a wall replacement.

Someone needed to check with the Highway Department for signs prohibiting dumping on the property at 92 Maybrook Road. Dawn Kamay agreed to do this as there has been no response to the Agent's inquiries.

After the new year the Commission must pursue the need for more coordination between boards.

A letter will be sent to 19 Old Turnpike Road, also known as 519 Old County Road, to request compliance with the stipulation #23 which, as per Agent George Russell has been a continuing problem. Sam Spratlin moved a letter be sent to the Cormiers requesting they comply with the required stipulation. This was seconded by Jessica Wales and all approved.

At 41 Sandy Beach Road several trees were removed by Eric's Tree Service without a tree removal application form. Chairperson Dawn Kamay stopped the work and follow-up letters were sent to the owner. The owner responded that he will file a tree removal permit but insists upon being on site during any visit by any member of the Commission.

40 Old Country Road – owner Michael Sherman – Log removal - This complaint was addressed and resolved. log removal.

89 Union Road appears to have complied with the issued enforcement order. A letter from Green Hill Engineering stated all work was completed according to the approved plan. Sam Spratlin made a motion to issue the COC, Jessica Wales seconded the motion and all approved.

35 Lakeridge Drive –Applicant Daniel Fetko lost the signature page of the COC and a new one was signed at this meeting.

The Committee discussed the process of getting to the Conservation Commission via the town website’s “How do I ...” section, and discussed what situations need applications and permits. Jessica Wales made a motion to table the discussion for a future meeting. Sam Spratlin seconded the motion and all approved.

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.

7:00 PM – 17 Craig Road - Kurt Leaning dba Leadmine Stonework as contractor for the owners, Joseph and Marlene Gay, needs to repair a retaining wall. Mr. Leaning presented the project including the plans showing the location and material. No NOI number has been received from the DEP. Jessica Wales made a motion to continue this hearing to the next meeting or have a Zoom meeting when we receive it. Samuel Spratlin seconded the motion and all approved except for Rick Lundin who abstained.

NOI #184-0415 – 14 Collette Drive – Mark Farrell, Project Engineer, Green Hill Engineering, presented the project. The owners wish to install a new and larger holding tank and pump sewage up and away from the lake. The work to be done is outside the 100 foot area, with minimal disturbance. Sam Spratlin made a motion to close the hearing which was seconded by Jessica Wales and approved by all. Jessica Wales made a motion to approve the presented plans which was seconded by Sam Spratlin. All approved the motion except for Rick Lundin who abstained.

NOI#184-0416 – 11 Hamilton Drive - John and Kate Weaver, owners. Mike Thibeault of Landscape Evolution described changes in the plans. Rusted tubes will be removed from disturbing the lake bottom only disturbing two square feet of LUWB (Land Under Water Body). Gravel will be brought in to slow down erosion and four trees will be removed. Ruth Mairacin, a neighbor, was present at the hearing to find out what construction was being done. Michael Breor, who lives at 326 Mashapaug Road, has relatives who own vacant lots next to the Weavers. Jessica Wales recommended that evidence of a bond be placed with the Town to protect the concerned properties. Sam Spratlin made a motion to close the hearing. Rick Lundin seconded the motion and all approved. Jessica Wales then made a motion to approve the project as per the amended plan, which Sam Spratlin seconded. All approved except for Rick Lundin who abstained.

8:30 PM – 25 Sandy Beach Road, owner Pineau – No NOI number issued – The project was presented to replace a concrete grill pad. The upper patio grill area will be leveled with permeable pavers. The town is working on drainage issues. With the consent of the applicant, this hearing will be continued until the NOI number is received. Agent George Russell raised issues concerning significant erosion on the north side of the lot and into the lake. Erosion gullies were present on the LUWB (Land Under Water Body). The Agent’s opinion is the property owner is ultimately responsible for water drainage issues, a position that Commission member Rick Lundin did not agree with during the discussion. The

Town is planning to address this issue, but there is no definite timetable for doing so. Agent Russell's opinion is that this matter needs to be addressed now to stop further degradation of the lake.

8:52 PM – 326 Mashapaug Road – Under Holland Conservation Commission Bylaw #15, owner Michael Breor needs an RDA for fencing that was done without a permit. Jessica Wales made a motion to close the hearing which was seconded by Sam Spratlin. All approved except for Rick Lundin who abstained. The Commission agreed to let the fence remain and allow an after the fact negative determination 3 for the project.

An Application Form 8A for a Certificate of Compliance for the house built at this address had also been received. The Commission has previously indicated the requirement of a professional "as built" certificate stamped by an engineer and elevation certification proving that the compensatory flood storage created by fill added to the lake side of the property had been done and done correctly as per the OOC. No COC can be issued until the Commission has this information. Prior to this meeting, Mr. Breor had given the Commission an unsigned and un-stamped fraudulent letter. Furthermore, at this meeting he attempted to submit to the Commission a duplicate of the same certification letter, with what appeared to be a forged signature of Mr. Joseph Levesque. Mr. Breor was given an e-mail from the "signatory" of this letter to read stating that neither they, nor anyone in their employ, had written such and this was "...very deceptive and fraudulent..." The Commission requested Mr. Breor acquire the correct and valid documentation by January 10, 2023. With Mr. Breor's consent the matter will be re-addressed at the January 10, 2023 meeting of the Commission.

9:09 PM – Jessica Wales made a motion to close the meeting which was seconded by Sam Spratlin, and all approved.

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

Marcia Beal
Secretary

RE: Agent's Report

DATE: 11/22/22

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

1.1. 519 Old Country Road (aka 19 Old Turnpike Rd.): I am requesting that the Commission send a letter to the applicant for this OOC indicating that failure to comply with stipulation # 23 will result in the initiation of enforcement action. This issue, concerning the required reporting, has been a problem with this OOC since it was approved. I have attached a draft letter for your consideration.

1.2. Staff/commission coordination: There have been an increasing number of incidents where the lack of coordination among the land use boards and/or staff is creating problems for applicants.

As you know, under the statute, if an applicant needs the approval of any land use board, e.g., the BOH or the ZBA, the applicant must file an application with that body BEFORE an application is submitted to the Commission. Given that I have no authority in this regard, I would request the help of the members to see if we can come up with a plan to make the situation better. This item is on the checklist for applications which I developed, but I do not want to be in the position where someone submits an NOI for say a septic system and I have to inform them I cannot accept it until it is submitted to the BOH. This is also highlighted by the issues surrounding 6 White/2 Massaconnic and the "junk" at 1 Roberts Park.

1.3. Holiday Meeting Schedule: I am getting several requests from people who want to know if and when the Commission will be meeting in December. It would help me a lot if the Commission can make a decision on this as soon as possible so that I can inform applicants.

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 can start a spreadsheet on this, but would request input from the Commission on how they wish to enforce these timelines.

1.5. Webpage amendment: As discussed at the last meeting and as a starting point for discussion, I would offer the following to be placed in the "How do I" link on the town's webpage:

- Under letter "C": Conservation Commission, jurisdiction and permits with a link to the Commission's webpage and
- Under letter "W": Working within 100' of a water body and within 200' of a stream with a link to the Commission's webpage.

1.6. 41 Sandy Beach: We have received correspondence from the owner's son on the tree cutting. This letter was forwarded to you. I believe given what was communicated, that there will be more trees removed and they will file a permit when they have information for the tree cutting service. An incomplete application was filed on 11/15/22 and the owner was notified of this on the same day. It is my opinion, that the Commission should not act until the complete application is filed save to send a letter again requiring the permit and give the owner 60 days to submit said permit. The owner in his letter has made it explicated clear that he does not want anybody on his property with him being present.

1.7 29 Pine Tree: We have received the plot plan, which was forwarded to the members. A site visit needs to be arranged.

1.0 Items on this agenda:

2.1. 14 Collette NOI 184-0415: I have conducted a site inspection and communicated with the engineer and property owner. The project is for a septic repair with a new tank and leaching field. An application has been submitted to the BOH. I would recommend approval with the following conditions: 24, 25, 27-30, 33-35, 37, 38, 41, 44, 47, 49, 50, 54 & 55.

2.2 326 Mashapaug RDA and COC: The Certification Letter required on COC requests that were prepared by a licensed professional was submitted unsigned and no mention was made on any document about the elevation certificate that was required by the Commission. Considering this, I would recommend the Commission deny the COC until such time as this project is reviewed by a peer reviewer retained by the Commission. **I need to address this at the meeting in a public forum.**

The RDA was submitted for the fence as per the Commission's directive.

2.3. 17 Craig NOI 184-0XXX: This project is for "bank enhancement". I have conducted a site inspection and met with the contractor. The work is in two resource areas: bank and land subject to flooding. There will be no net loss of flood storage capacity. If the NOI number is received, would recommend approval with the following conditions: 24, 25, 27-30, 33-35, 37, 38, 41, 44, 47, 49, 50, 52, 54 & 55.

2.4 COC for 89 Union 184-0156: This permit has expired and my site inspection did not reveal any issues. However, there was a "Notice of Non-Compliance" and an Enforcement Order issued for this property. The first was for the erosion control and the second for the drainage under the driveway discharging into a BVW. The drainage pipe that is installed appears to be almost flat but would need a surveyor to determine this. Nevertheless, the issues seem to have been resolved and we have the signed and stamped engineer's certificate. Therefore, I would recommend the COC be granted.

2.5. 25 Sandy Beach, NOI 184-0XXX: This permit is for the replacement of a concrete grill area about 50' from the flood zone, with permeable pavers and another small section of concrete about 4' from the pond and in the flood hazard zone, will also be replaced. There will be no change in the flood storage capacity. I have inspected the site and met with the owner. The inspection revealed a problem to the left of the work areas as one faces the house: there is a point source drainage pipe at the road/property line that is draining into a corrugated pipe and then into a drainage ditch that goes to the water. There is significant erosion going into the water and this erosion is very evident at the shore. I would recommend, that **if** this ditch is on the instant property, and I believe it is, erosion barriers, e.g., jute mesh and check dams be placed in the ditch and its bank to alleviate this issue. If the ditch is not on the applicant's property, I would recommend a letter be sent to the adjoining owner requesting they address the issue. If the NOI number is received, I would recommend the following stipulations be added to the OOC: 24, 25, 27-30, 33-35, 37, 38, 41, 44, 47, 49, 50, 52, 54, 55 & 57 to reflect the issue of the ditch.

2.6. 11 Hamilton Drive NOI 184-0416: This permit is for the replacement of a retaining wall functioning as the bank, removal of 3 trees, installation of perimeter drains and an expanded parking area. The work is also in a flood hazard zone and land under water bodies. There will be no change in the flood storage capacity. I have inspected the site with the owners and discussed the project with Landscape Evolution. There will be a couple of changes to the submitted plan that will be discussed at the meeting and initialed and dated by the Chair and applicant. I would recommend the following stipulations be added to the OOC: 24, 25, 27-30, 33-35, 37, 38, 41, 44, 47, 49, 50, 52, 54 & 55.

2.7. 29 Lakeridge COC: This request is in order in that the requirements from the professional certification were submitted with the form 8a. I have conducted a site inspection and met with the owner and would recommend the COC be issued.

2.0 E-mails and phone calls

10/25/22

- E-mails to and from DK and Andy H. on 184-0394
- E-mails from Landscape Evolutions on recording and erosion control at 41 Williams
- E-mails to and from Robin Hellinger on recording of OOC
- E-mails from Tim Martin to his Engineer on setting up a meeting
- E-mail from HPD on road closure of Old County Rd. – forwarded to members
- E-mails to and from D. Snead on recording of OOC
- E-mails to and from M. Beam on COC for 89 Union
- E-mails to and from DK, GR and SS on Samantha's appointment

10/26/22

- Phone call from Dan Fetko on COC for 35 Lakeridge
- E-mails to and from Sturbridge Agent on procedures

10/27/22

- Phone call from Mike at Landscape Evolution concerning erosion controls at 17 & 19 Island
- E-mails to and from Landscape Evolution on November meeting dates
- E-mails to and from DK on minutes, meeting dates and draw down
- E-mail to Michelle Beam on expired OOC policy
- E mail from MACC on workshop proposals
- E-mails to and from Russ Hoyt on NOI permit

11/1/22

- Phone call from M. Sherman that he no longer owns 41 Sandy Beach
- E-mails to and from K. Learning on NOI application
- E-mails to and from owners of 25 Old County on work
- E-mails to and from Green Hill Eng. on NOI submittal
- E-mails to and from D. Fetko on COC
- E-mails to and from Cassandra Santana on 89 Union COC
- Email from DCR on FCP survey; forwarded to members
- E-mails to and from Breor on COC/RDA application
- E-mails to and from A. Harhay on beginning of work
- E-mail to applicant for 25 Sandy Beach on NOI permit

11/2/22

- E-mail K. Learning on NOI for 17 Craig
- E-mail DK on field inspections
- E-mail from Town Clerk on postings of agendas and minutes
- E-mails from Brian French on NOI
- E-mails to and from A. Harhay on inspection at 7 Massaconnic
- E-mails to and from Green Hill on NOI for 14 Collette
- E-mails to and from H. Kogan on fence at 53 Mashapaug

11/3/22

- E-mail from the state authorizing the "destruction" of the old RDA files
- E-mails to and from H. Kogan on RDA for 53 Mashapaug
- E-mails from Brian French on NOI
- E-mails to Green Hill and Landscape Evolutions sending them the new "permission" form

11/8/22

- E-mail from town clerk on town hall closure on 11/10/22; forwarded to members
- E-mails from town clerk on legal notices
- E-mails to and from R. Kogan on RDA for 53 Mashapaug
- E-mails to and from Dan Fetko on COC
- E-mails to and from R. Hoyt on setting up a meeting
- E-mails to and from Michelle Beam on 89 Union COC
- E-mails to and from Landscape Evolution on NOI for 11 Hamilton Dr.
- E-mails to owners of 11 Hamilton and 25 Sandy Beach to set up site inspections.
- E-mails to and from Amy Chisholm on 89 Union COC
- E-mail to the members on recommended site visits before the next meeting
- E-mail to Dawn on by-law amendment

11/9/22

- E-mails to and from Dan Fetko on COC
- NOI number received from DEP for 14 Collette
- E-mail from Select Board on ARPA funded projects – forwarded to members
- E-mails to and from Landscape Evolution on 11 Hamilton Dr.
- E-mail to members on site visits
- E-mail from Flag on 41 Sandy Beach – forwarded to members

- E-mails to and from owner of 11 Hamilton on site visit
- E-mail SS application deadlines for 2022 & 2023

11/15/22

- E-mails to and from owner of 11 Hamilton on site visit
- **E-mails to and from F. Lyons on N. Leisure making a formal complaint concerning logs being rolled into the pond by the owner of 40 Old County. Notified Commission and indicating she has retained counsel.**
- E-mail from Town Administrator on e-mails attempting to hack into our system
- E-mails to and from owner of 29 Lakeridge on COC
- E-mails to and from DK on marked trees at 184 Mashapaug
- E-mail to Highway on signs
- E-mails to and from McClure Engineering on 4 N. Leisure
- E-mails to and from Russ Corriveau on 4 N. Leisure

11/16/22

- E-mails to and from Tighe & Bond on utility project on the causeway
- E-mail to Tom G. on DEP NOI numbers for upcoming hearings
- E-mail to Landscape Evolutions on erosion control at 19 Island
- E-mails to and from Dawn on the agenda
- E-mails to and from FR. Lyons on the issue of logs in the lake
- Phone calls and e-mails to and from Levesque Geometrics on COC application
- E-mails to and from Tim Martin on plans for 29 Pine Tree

11/17/22

- E-mails from DEP with NOI numbers
- Call from Brimfield PO on certificates of mailing receipts (I have been informed that these are being discontinued by the PO.)