

Holland Conservation Commission  
27 Sturbridge Road, Holland, MA 01521

HCC Minutes for October 25, 2022

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: James Blanchette, Building Inspector B. J. Church, William Terbush, plus Annette and James Niemiroski and David Poirier.

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

Rick Lundin made a motion to accept the September 27, 2022 minutes, seconded by Sam Spratlin and approved by all.

After discussion, Rick Lundin made a motion to cancel the next Conservation Committee meeting as November 8, 2022 is Election Day. Sam Spratlin seconded and all approved.

Site Visits:

189 Mashapaug Road for amendment of an OOC.

25 Old County Road – Stipulations considered for an OOC.

39 Island Road for a tree.

89 Union Road – no COC for NOI # 184-0156.

Agent George Russell will contact the Commonwealth Record Management Unit for permission to destroy old records, namely RDA files from 2000-2009.

A letter will be sent to Maybrook Road residents asking for permission to post a sign.

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 – DEP#184-0388 – 189 Mashapaug Road – William Terbush for a review of an OOC amendment to repair a patio and retaining wall with no loss of flood storage capacity in a flood zone.

Rick Lundin made a motion to close the public hearing which was seconded by Sam Spratlin and all approved. Sam Spratlin made a motion to approve the OOC amendments as recommended in the Agent's report. Marcia Beal seconded the motion and all approved.

7:16 PM – NOI#184-0346 – 25 Old County Road – Mr. Niemoski has an existing Order of Conditions for a shed but needs to do a COC to close this out.

NOI #184-0414 was issued for a retaining wall and patio as the work is in the buffer zone and a silt fence and straw wattles will be used. Mr. and Mrs. Niemiroski presented the project. Agent George Russell indicated that the Niemiroski's were issued a NOV/SWO at the direction of the Chairperson since work was started without a permit. He also stated that they have been very cooperative and filed the NOI application very soon after receiving the NOV/SWO. At 7:26 PM Sam Spratlin moved to close the hearing which was seconded by Rick Lundin and all approved. Sam Spratlin then made a motion to issue an Order of Conditions for #184-0414 with the stipulations outlined in the agent's report, which was seconded by Rick Lundin and all approved.

Old Business:

6 White Road – Continuance of a complaint and a discussion about a ditch dug by Mr. Phelps on Mr. Phelps' property. David Poirier constructed the approved septic system and the level of the property was raised and finished in March of 2022. Mr. Blanchette presented photos showing construction on the property, and B. J. Church, Building Inspector, participated in the discussion. A letter from the Conservation Commission will be sent to both property owners Phelps and Blanchette saying that any future permits will require a survey. This issue is a civil matter and not a Conservation matter. Any future land disturbance by either Blanchette or Phelps will require a permit.

8:25 PM – Sam Spratlin made a motion to close the meeting which was seconded by Rick Lundin, 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: 10/25/22

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

1.1. Follow-up letter to May Brook residents: I am attaching a draft follow-up letter to the residents of May Brook Road for the Commission's edification. This letter would be mailed to the same individuals who received the first letter.

1.2. Web site amendment: I have had a couple of citizens, the latest one being the owner of 25

Old County (see # 2.2 below) that they could not find any "guidance" on the town's website about needing a permit from the Commission. Specifically mentioned was the page on "How Do I" (<https://town.holland.ma.us/where> ). I would ask the members to review this page and think about how we might put something in there that would steer people to us, when necessary, i.e., before the fact. We may want to consider putting under "W" "Working within 100' of any water body or 200' of any stream requires a permit from the Conservation Commission." I don't think we should use the term "wetlands" since many do not know what a wetlands is.

1.3. 6 White: I have forwarded to you a lengthy e-mail from the owner of 6 White. The e-mail is self-explanatory and the owner has requested the opportunity to address the Commission. There is also a request from the building inspector on the removal of fill and I have forwarded this e-mail as well.

1.4. Destruction of Records: Unless there is an objection, I would like to submit a request to the Secretary of State to dispose of RDAs from 2000- 2009. There are no RDA files in the office from 2010-2014.

1.5. By-law amendment: this is still a pending item that should be decided. Suggested wording for the amendment is:

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

## 1.0 Items on this agenda:

2.1. 184-0388 OOC Amendment for Terbush, 189 Mashapaug: From the narrative submitted by the applicant:

Replace the existing paver patio and fence along the back of my home to create a new water permeable patio of similar dimensions. In the process, the existing material will be removed, and new processed gravel brought in as a sub -surface. The surface will be compacted and regraded to reduce the current erosion being experienced on the garden below the patio. The existing wooden split rail fence will be replaced with a vinyl fence to match the fencing on the nearby deck. The patio dimensions are approximately 15' x 30 `and the edge of the patio closest to the water is approximately 50' from the water.

The retaining wall along the existing ramp to the water is collapsing. This wall will be rebuilt with concrete blocks. This wall is approximately 30' long.

The existing paved ramp from the patio down to, but not including the concrete pad on the waterfront, will be removed, and replaced to establish a water permeable surface. The concrete pad, the portion of the ramp that goes into the water, will remain. This pad is approximately 11' wide by 16' long. Granite steps will be added.

As can be seem from reading the project description, this is a significant project in terms of potential impact. In light of this, I would recommend that all original stipulations remain in effect.

2.2. 25 Old County NOI 184-0XXX: This application is a result of a SWO/NOV issued at the direction of the Chair for work within the buffer to the flood hazard zone. The work is outlined in the attachment to the e-

mail for this report. I have worked with the owners and visited the site and would recommend the following stipulations be attached to the OOC: 24, 27-30, 33-41, 44, 47, 50, 54 & 55.

**NOTE:** Unless the NOI # is received before the meeting, this hearing will need to be opened and continued. I have reached out to DEP on this.

## 2.0 E-mails and phone calls

### 10/11/22

- Call from Donna Burns on tonight's meeting
- E-mails to and from JoAnne at Highway on RDA for Old County
- E-mails to and from Robin Hellinger on COC/OOC
- E-mails to and from Bill Terbush on application for an amendment to his OOC
- E-mailed suggested changes to the 9/27/22 meeting minutes to MB
- E-mails to and from DK on by-law amendment
- E-mail to Town Administrator on computer
- E-mails to and from C. Pafumi on meeting

### 10/12/22

- E-mail to BJ on 20 May Brook
- E-mails to Soucy on recording of OOC
- E-mails between DK and owner of 6 White
- Filed OOCs with DEP
- E-mail from Highway on CB cleaning schedule – forwarded to members
- E-mails to and from M. Bogacz on building addition

### 10/13/22

- Legal notice mailed to town clerk
- **E-mails to and from the owner of 6 White concerning the last meeting**
- E-mails to and from owner of 25 Old County on NOI and site visits
- **E-mails to and from BJ on 2 Massaconnic/6White**
- E-mails to and from Mary Ellen Mac Fadden on OOC
- E-mails to and from applicants for the next meeting for permission to go onto the properties

### 10/18/22

- Phone calls and e-mails to and from owner of 7 Hamilton on NOI application
- E-mails to and from the Chair on a number of issues, e.g., wording for legals

- Request from owner of 6 White to come into the office and review the file
- E-mails to and from K. Leaning on NOI application
- E-mails to and from R. Bard on recoding of OOC

10/19/22

- E-mails to and from Sam E. on handling of fees and legals

10/20/22

- Call and e-mails to and from owner of 4 Collette on NOI process
- E-mail from HPD on road closure – forwarded to members
- E-mail to DK on fuel oil tank at 1 Roberts Park Rd.