

Holland Conservation Commission
27 Sturbridge Road, Holland, MA 01521
HCC Minutes for October 12, 2021

Note: this meeting was conducted in-person in the Community Room, with one remote participant using Go-To-Meeting. The meeting was recorded.

Members attending in person: Marcia Beal, Dawn Kamay, Sam Spratlin, Jessica Chaffee Wales and Agent George Russell.

Member Attending Remotely: Kaitlin Laabs

Jessica Wales called the meeting to order at 6:34 PM.

Jessica said she wants copies of e-mails sent out to members of the HCC.

All had reviewed the meeting minutes for September 28. Sam Spratlin made a motion that the minutes be accepted after corrections. Dawn seconded and all approved.

Sam Spratlin made a site visit to 24 Over The Top Road for a split pine tree and to 13 Forest Court to fix a wall.

COC #184-64 – Need to find the file for Sherman at 41 Sandy Beach Road – a COC 1989.

7:00 PM – NOI #184-0390 for 4 North Leisure Drive – Continuance - The Conservation Commission has requested a bond to protect the land, buildings and road around the project. The area is restrictive and road closures will probably be necessary. A verbal request by the owners who attended via Go-To-Meeting was made and the bond to be discussed with McClure Engineering.

7:20 PM – NOI #184-0384 – 197 Mashapaug Road – Continuance – Work on retaining wall. All the information has been received and the work will be done during the drawdown. An amendment was made to the Order of Conditions to include 120 linear feet and adding rip rap to be done by Chaffee Landscaping. Jessica Wales recused herself from this project. Sam Spratlin made a motion to approve an amendment to NOI #184-0384 to add a new OOC with the correct Book and Page number. Dawn Kamay seconded the motion and all approved.

7:52 PM – NOI #184-0393 – 13 Forest Court – Owner Deborah Colt and Contractor Michael Thibeault presented a project to replace her retaining wall with marine grade galvanized cages 3 feet wide by 3 feet high. Work will be done in sections to be completed in one day. It is projected to be a four day project. Work will be done during lake draw down. Sam Spratlin made a motion to close the hearing. Dawn Kamay seconded the motion and all approved.

8:00 PM – 3 Brook Road – Continuance – Owner wishes to build home and add septic system. Abutters Dawn Merriman of 5 Shore Road and Paul Gabrian of 5 Brook Road were concerned abutters who felt this would add to the flooding problems that already exist in that area. A site visit will be made on the 17th by HCC members. Philip Loricco requested a continuance.

Round Table:

Agent George Russell is proposing a new policy for expired COC's when they are outdated and engineers and owners are not available for verification. He is writing a proposal to be reviewed at the next meeting.

It was also discussed that all erosion controls must be biodegradable and all work done during drawdown. This will be written up for the next meeting.

9:15 PM - Sam Spratlin made a motion to close the meeting which Dawn Kamay seconded and all approved.

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

Marcia Beal

Secretary



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: 10/12/21

1.0 Items from last meeting or new items:

1.1. Enforcement status attached

1.2. Discussion Expired OOC Release policy: We have received a request for a release from conditions that was approved in 2011 for 28 leno and there were some issues complying with 310 CMR 10.05. I have attached a proposed policy for the release from conditions which are old and it may not be possible to get the required certification under 310 CMR 10.05 (9) (d) which states:

(d) If a project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect or land surveyor, a written statement by such a professional person certifying substantial compliance with the plans and setting forth what deviation, if any, exists from the plans approved in the Order shall accompany the request for a Certificate of Compliance.

Should the Commission feel this is valuable, I recommend a formal vote to accept the policy.

Note that this issue was resolved for 28 Leno, but it took some luck and good timing and it also could have been used for 41 Sandy Beach from the last meeting.

1.3 Standard Conditions: I have attached the standard conditions sheet so that when the members need to jog their memory of what the numbers mean, they can refer to this.

1.4. Cover Letter: As per the Commission's request, I have attached the cover letter that will go out with all OOCs.

2.0 Items on this agenda:

2.1. 4 North Leisure Rd., NOI: This permit is to replace the retaining walls, improve the site drainage, place new decks on the structure, and to fix the house foundation. The latter part of the permit will involve jacking up the structure. I have conducted a review of the application and conducted a site visit. DEP has also reviewed the project and offered multiple comments. One on the issues which held the project up, was the fees were calculated incorrectly. I have generated a review memo to the applicant's engineer. DEP's and my comments have been addressed and these comments were forewarned to the members for review. When all is addressed to the satisfaction of the Commission, I would recommend that the OOC be issued with the following special conditions: 20-24, 27-30, 34, 37-51 except for #45.

2.2. Lot 3 Brook Road, NOI: I have conducted a site visit and reviewed the application. We were missing the plans and the filing fees until 9/21/21 but have a DEP # 184-0391. There has been considerable e-mail correspondence between DEP and the applicant's engineer addressing deficiencies in the plans and the application. Given the issues raised and the late submittal of the material, it is my opinion that this application needs to have the details raised by DEP and myself addressed to the Commission's satisfaction. So far, they have not been addressed. In addition, and very important, is the fact that the BOH has not given final approval to all of the components of the septic system. This may impact the NOI and I would suggest that the Commission should know if the final design and/or location of the system or any of its components will change, in order to prevent the applicant having to come back to the Commission for an amendment to the plans.

1.3. Discussion Butterworth: I have e-mailed and met with Mr. Bodensieck concerning the "confusion" on which lot he is referring to on Butterworth. It is worth noting that in 2019 an NOI was filed by him for lot 3 on Butterworth, but the Orders were never issued. The lot number in this case is the builder's lot number not the assessor's lot number. I have responded to his request for a letter on jurisdiction and a copy is attached.

1.4. 13 Forest Court NOI: This application is for the repair of the retaining wall at the bank. We have received the DEP # and one of the questions raised by DEP is access to the work area. I would

recommend the members visit this site before the meeting. The wall is deteriorating and is in need of replacement. I would recommend approval with the following special conditions: 20.1, 24, 27-30, 34, 37 & 50.

1.5. 197 Masapaugh: I have e-mailed the applicant (see below) as to what information we will need and not received the response on the 7th. We have not yet received the filing fee however which is over \$400.

Becky,

As a result of last night's meeting, the Commission will entertain and amendment to your OOC upon the submission and review of the following:

- A narrative of what you want to do, including quantities and type of material removed and deposited;
- A map showing where the activity will take place on your property;
- A filing fee that is the difference between the \$62.50 you paid already and the fee for the new work which is \$4/linear foot; and
- A narrative of how you will meet the performance criteria for working in a bank as outlined in 310 CMR 10.53 (4) (a) which states:

(4) General Performance Standard. (a) Where the presumption set forth in 310 CMR 10.54(3) is not overcome, any proposed work on a Bank shall not impair the following: 1. the physical stability of the Bank; 2. the water carrying capacity of the existing channel within the Bank; 3. ground water and surface water quality; 4. the capacity of the Bank to provide breeding habitat, escape cover and food for fisheries; 5. the capacity of the Bank to provide important wildlife habitat functions. A project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, Effective 10/24/2014 310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION 1987, that (cumulatively) alter(s) up to 10% or 50 feet (whichever is less) of the length of the bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. In the case of a bank of a river or an intermittent stream, the impact shall be measured on each side of the stream or river. Additional alterations beyond the above threshold may be permitted if they will have no adverse effects on wildlife habitat as determined by procedures contained in 310 CMR 10.60.

10.60 means you have to "prove" to the best of your ability that:

Wildlife Habitat Characteristics of Inland Resource Areas. (a) Banks. The topography, soil structure, and plant community composition and structure of banks can provide the following important wildlife habitat functions: 1. Food, shelter and migratory and breeding areas for wildlife 2. Overwintering areas for mammals and reptiles.

I know this is a lot. Please let me know if you have any questions.

3.0 E-mails and phone calls

9/28/21

- Phone call from "Lisa" concerning private ROW Rd and issue with a dock; returned call need

to inspect

- Phone call and e-mail from Chris Bodensieck concerning wetlands on Butterworth Road. I have responded.
- Phone call from Tom Pineau concerning SWO/NOV letter on 25 Sandy Beach
- Phone call from Chris Bodensieck concerning site visit in May for wetlands on site
- DEP # for 13 Massaconnic
- E-mail from Soper Construction notifying us the erosion control is in at 66 Sturbridge
- E-mail from McClure Eng. requesting NOI for Lot 3 Brook Road be continued to next meeting
- Generated e-mail on new NOI at 7 Massaconnic
- Generated e-mail on tree removal permit at 8 Brandon

9/29/21

- E-mail to complainant at 2 Sandy Beach on my site visit
- E-mails to the members on information from last night's meeting and for the next meeting
- Generated review E-mail on incomplete NOI application for 8 Brandon, received a reply and asked the potential applicant to determine where he wants to do what, put it on paper and we will set up a meeting to discuss the application and process.
- E-mailed a response to Scott Berg on projects on Lakeridge. It needs to be noted that there is no approved application in the file only a request for an RDA.

9/30/21

- E-mails with applicant at 8 Brandon concerning NOI permit application

10/5/21

- Phone call from Marie Thibeau on NOI application
- E-mails from C. Bodensieck on lot on Butterworth Rd.
- Letter on 25 Sandy Beach Road closing the violation
- Received an incomplete forest cutting plan and e-mail C. Capone on it
- E-mails on "lot 7" on Hisgen Road generated and received
- Letter from owner of 29 Pine Tree claiming they have a permit and are not within Jurisdiction. Return letter generated.

10/6/21

- E-mail from Mark at DEP questioning property ownership of the Reservoir and the land under it forwarded to the town administrator for a response
- E-mail from 7 Massaconnic requesting a continuation of the hearing to 10/26/21
- Review e-mail generated on 13 Forest Court
- Received DEP NOI # for 13 Forest Court

- Letter generated on lot 3 Butterworth
- Phone call and e-mail for Louise Sullivan requesting a copy of our most recent OSRP
- Call from Donna Allard on permitting, conducted a site visit and walked her thru the NOI
- E-mail from owner of 55 Sandy Beach on COC process

10/7/21

- E-mail from R. Osleger outlining what the changes are at 197 Mashapaug
- E-mail from McClure Engineering on Lot 3 Brook Road