

**Holland Conservation Commission
27 Sturbridge Road, Holland MA 01521**

Minutes of Conservation Commission held on October 24, 2017

- **Members Present:** Chairperson Andrew Harhay; Marcia Beal; Kathy McKenna; Jessica Chaffee; Sam Spratlin; Anne Hall
- **Members Absent:** Chris McCooe
- **Meeting called to order at 6:30 pm by Andy Harhay.**

Read and approve minutes:

- **Minutes of October 10, 2017:** Motion to amend minutes by adding a note to the section on the public hearing for George O'Mara, as follows: *It had been thought that an NOI had been submitted for the George O'Mara Project, but that was incorrect. The NOI has not yet been submitted by Green Hill Engineering for George O'Mara. So a continuance was not necessary. A note has been added to the minutes of October 10, 2017 regarding this.*
- Motion to approve the minutes of October 10, 2017 as amended made by Jessica Chaffee seconded by Marcia Beal. All in favor; motion passed.
- Discussed whether to include OOC details in the minutes. The details are submitted online and tracked by file number, so including the same detail in minutes is redundant and time consuming. The Secretary will make the determination if and when to include OOC details in minutes.

Email Correspondence:

- **10/11/2017:** Mike Thibeault asked if 4 North Leisure Drive/NOI could be placed on agenda for 10/24; said NOI was completed and they would drop off the paperwork to the Town Hall on 10/11/2017. (NOTE: Ginger contacted Kathy McKenna to indicate that she had not received the paperwork. Kathy McKenna contacted Marie Thibeault by phone, and Marie indicated that the project was on hold for the time being and NOT to put 4 North Leisure Drive on the agenda for 10/24).
- **10/12/2017:** Pioneer Valley Progress Report
- **10/12/2017:** From Kelli Robbins regarding internships for next summer.
- **10/12/2017:** From eDEP Confirmation of OOC submittal for James Blanchette (DEP # 184-0337)
- **10/13/2017:** From Joy Duperault regarding Webinar on 10/24 at 3 pm (Iowa Watershed Approach: A New Paradigm for Flood Resilience).
- **10/16/2017:** Forwarded emails with pictures indicating concerns about work being done on a retaining wall without a permit at 8 Julia Ann Drive.
- **10/12/2017:** From Joy Duperault with information from the state regarding the 9th Edition of the State Building/Residential Code.
- **10/16/2017:** From eDEP Project File Number for Robert St. Jacques, 8 Collette Drive is **#WE 184-0339**
- **10/20/2017:** From PVPC regarding Local Update of Census Addresses
- **10/20/2017:** From Ralph Donadio a *Thank You Message* (Kathy read the message to Conservation Members.)
- **10/23/2017:** From Carol at Green Hill Engineering checking on next meeting dates and NOI submittal deadlines. (Kathy returned email and left a phone message).
- **10/24/2017:** From Andy Harhay email to Mark Stinson regarding Enforcement Orders.

Phone Calls/Messages:

None received

Order of Business

COC for Melvin Anderson - 6 Collette Drive – DEP file # 184-0310:

- Andy visited the property on Thursday, October 19, 2017 and visually appeared in order. The NOI was for installation of a septic system; OOC was issued 8/18/15 and the work completed that year.

- Andy made a motion that we issue the COC for Melvin Anderson, Jessica Chaffee seconded, all in favor, motion passed.
- **COC signed by members, and will be sent to Melvin Anderson.**

COC for David Hemsworth – 2 Collette Drive – DEP file # 184-0244:

- Andy also visited this property on Thursday, October 19, 2017; the NOI was for the building of a single family home.
- No special conditions were listed on the OOC, which was issued on April 28, 2017. Andy Harhay made a motion to issue the COC for David Hemsworth, Sam Spratlin seconded, all in favor motion passed.
- **COC signed by members and given to David Hemsworth.**

RDA and NOI Guides/Checklists: Discussed format/detail and determined that a 10- day time frame for a Legal Notice in the newspaper was a reasonable amount of time. Members are in agreement that this is a good handout and needs to be put on the ConCom website.

Information for Tree Removal/Landscape Contractors: Discussed the letter drafted to potentially send to the contractors. Jess raised concerns that it might be too ‘wordy’ and would not be read. Anne suggested that perhaps an infographic could be developed containing snippets of the same information. Anne and Marcia will work on an infographic that can be mailed to landscape contractors and tree removal companies.

Andy reviewed the Conservation Commission Accounts as of 10/10/2017:

	Starting	Balance
Expenses	\$1,800.00 - \$266.56.	= \$1,533.44
Stipends	\$3,500.00 - \$0.00	= \$3,500.00
Clerk	\$2,912.00 - \$253.40	= \$2,658.60
Wetlands Fund	\$3,239.22 + \$0.00.	= \$3,239.22

10/19/17 Andy’s phone conversation with Keith Bazinet – 8 Julia Ann Drive – trees and wall: Marcia Beal had sent a letter dated March 2, 2017 to Keith Bazinet, asking that he attend the next ConCom meeting to review a neighbor’s allegation that Mr. Bazinet cut down numerous trees on his neighbor’s property. Mr. Bazinet’s attorney had sent a letter to Marcia on March 10, 2017, asking that we delay having Mr. Bazinet attend a ConCom meeting until settlement of a civil action brought by the neighbor. As about seven months had past, Andy contacted the attorney, who said he no longer represented Mr. Bazinet. Andy called Keith Bazinet to check status and to indicate that the Commission still wants to meet with him about the tree issue and also about his starting to repair his lakefront wall, without having come to us for a review. On the tree issue, Mr. Bazinet indicated that his insurance company’s legal staff and the neighbor are currently in negotiations. On the wall repair issue, he said that he had worked on about ten feet of the wall, but would not do any further repair work until he can come to a ConCom meeting for a review of the project; he said that he does not want anymore issues. Andy said he will ask Mr. Bazinet to attend an upcoming meeting relative to unapproved work in the buffer zone.

Round Table Discussion

Anne brought up a number of topics:

- Asked if everyone who considers a piece of property should check out the wetlands map with Conservation. Jess thought that a buyer or the buyer's attorney should investigate this, as part of their due diligence.
- Mitigation needs to be considered when trees are removed. Andy indicated that the topic was discussed at the last meeting and everyone agreed that we should talk with the applicant about potential mitigating measures, on a case by case basis.
- Would like to make a change to the Tree Policy. She shared a comment from the Sturbridge Tree Cutting Policy that deals with mitigation. Andy noted that the current HCC approved procedure does have the Commission request that the applicant consider replacement.
- Discussed turtles and endangered species; it triggers a lot of issue for the property owner. Marcia agreed we need to raise awareness about endangered species and turtles.
- Anne questioned what is being done about 13 Collette relative to the apparent septic waste water overflow problem reported to a Commissioner by nearby residents. Andy indicated that he checked with BOH and their sanitary engineer on the concern; they are aware of the situation. It has been a periodic problem at this location; the BOH has jurisdiction and will address the situation.

Andy made some comments:

- Mark Stinson will be attending our next meeting on November 14, 2017.
- Kate Marquis, with the Bureau of Forestry, will also attend the next meeting.
- Members were forwarded an email from Mark Stinson regarding our question on whether intermittent streams fall within our jurisdiction; this came up in considering the project proposed by George O'Mara. The intermittent stream by itself does not provide jurisdiction, but authority would be provided if it flows in or below an area of wetland vegetation.
- Again made the point that, per the Open Meeting Law, the members cannot state opinions about, or deliberate on, issues coming before the Commission to a quorum via email. The discussion/deliberation is to only occur at an open meeting. Kathy reminded us that an exception is made for Commissioners on site visits; a quorum can discuss observations during a visit, but no decisions are to be reached.

Tim Martin (29 Pine Tree Drive)—DEP # 184-0317: All the following information was based on previous minutes and members recollections. Andy is trying to close out the file. The Minutes from March 8, 2016 seemed to indicate that an OOC had been issued, as the minutes state "HCC to schedule a site visit in the spring to review the progress of his wall."

However, ConCom is unable to locate the OOC electronically or in office files; in addition, nothing can be located on file at the Registry of Deeds. It's not clear, at this point, what happened with the OOC. Two actions suggested by DEP in issuing the NOI file number were that Conservation should review the amount of dirt being brought in, with respect to the flood plain, and whether the wall met height standards. Relative to the volume of new dirt, the area was apparently found not in the flood plain. On the wall height issue, Tim came to the ConCom meeting on Feb. 9, 2016 with a Procedure Sheet showing that Jack Keough provided his approval for the lower height; Marcia had signed the Procedure Sheet, indicating ConCom approval. The

neighbor who expressed a concern that a subsurface water drain line could release water to the edge of her property is satisfied that this issue has been resolved. Andy suggests that ConCom members should make a site visit to review the property ahead of potentially issuing a COC.

Michael Scanlon/46 Wales Drive/Horse Farm/Tree Removal: Mr. Scanlon had walked in to an earlier ConCom meeting to discuss building a horse barn and pasture area on a 19 acre property recently purchased; his forester suggested contacting us to make sure there were no conservation issues. Andy walked the heavily wooded property with Michael Scanlon (owner) on October 22, 2017, primarily to note the location of a stream on an adjoining property; the stream looked to be 300 to 400 feet from where Mr. Scanlon hopes to build a pasture for horses. Kate Marquis (Bureau of Forestry) met with Mr. Scanlon's forester on October 23, 2017 and also walked the property. Andy talked to Kate on the afternoon of the 23rd. Kate indicated that she typically only works on projects that involve replanting. She agreed that the stream was well away from the area where trees will be removed to create the pasture.

7:15 PM—NOI Public Hearing— Robert St. Jacques – 8 Collette Drive—DEP # 184-0339

Public Hearing called to order at 7:18 pm.

Persons attending: Chairperson Andrew Harhay; Marcia Beal; Kathy McKenna; Jessica Chaffee; Sam Spratlin; Anne Hall; Robert St. Jacques; Stacy Stout (Abutter, 10 Collette Drive); Pat Cassells (Abutter, 6 Collette Drive)

- **Discussion:** Andy questioned the water coming down the driveway and how the water will get to the drainage/plunge pool? Robert has already graded the driveway to better direct runoff towards the side of the property toward the proposed pool and away from the beach. -Anne asked for additional details about the type of plantings around the rain garden (plunge pool) proposed in the plan. Bob said that he would also put plantings along the rock wall on the shoreline. Sam asked about the run-off, given the heavy rains today. Bob said that the Over-the-Top Road Project seemed to have escalated the run-off problem because the water comes down the hill faster. Andy thought that Bob should consider enlarging the capacity of the plunge pool, as what is proposed is of less volume than the lawn area Bob estimated to have flooded in earlier storms. Andy asked the Abutters present if they had any comments. The Abutters indicated that they are new neighbors and wanted to learn about what they would maybe need to do, because both have the same type of run-off problems.
- **Anne Hall made a motion that we accept the NOI for DEP # 184-0339 with specific conditions. Kathy McKenna seconded. All in favor, motion passed.**
- **Decision:** Accept the NOI for DEP # 184-0339 with specific conditions to protect the lake and limit the run-off.
- **Kathy McKenna Made a motion that we close the hearing, Anne Hall seconded it. All in favor motion passed**
- **Public Hearing adjourned at 7:44 pm.**
- **Order of Conditions:**
 - Developed the OOC, some of which included enlarging the plunge pool to 7.5 feet x 7.5 feet x 1 feet
 - Other conditions addressed reducing “beach” size per plan (approximately 50%) and using native plantings to border by the water and around the plunge pool.
 - Protection of waterfront so that run-off into the lake is limited.
- **Bob St. Jacques said that he will drop off the check with Ginger when he picks up the OOC.**
- **NOI and OOC approved and signed by ConCom Members.**

Walk-ins

Mike Brady, 3 Wall Street- repair a retaining wall on the lakefront:

- Mike wants to repair about 1/3 of the wall. He had previously repaired a different section of this wall. Andy explained that he will need to complete an RDA. Mike would be repositioning the large stones that fell out of his wall, as the result of being undercut by the water. His contractor will need to use a mini-excavator to lift the stones, as they are very large. Jessica is checking the RDA information because she thought this type of partial repair only required a signed Procedure Sheet.
- Jessica will check out the regulations and get back to Mike with the information.

Adjournment

Motion by Kathy McKenna to adjourn meeting. Jessica Chaffee seconded the motion. All in favor, motion passed. Meeting adjourned at 9:05 pm.

Minutes respectfully submitted,

Kathy McKenna
Conservation Commission Secretary

CC: Select Board, Town Clerk, Board of Health, Planning Board, Building Inspector, Highway Surveyor, Zoning Board of Appeals, File and HCC Chairperson, Board Clerk