

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

**Minutes of Conservation Commission held on November 14, 2017**

- **Members Present:** Chairperson Andrew Harhay; Marcia Beal; Kathy McKenna; Jessica Chaffee; Sam Spratlin; Chris McCooe
- **Members Absent:** Anne Hall
- **Special Guests Present:** Mark Stinson, MassDEP Circuit Rider and Kate Marquis, DCR Service Forester.
- **Meeting Called to order at 6:33 pm by Andy Harhay.**

**Read and approve minutes:**

- **Minutes of October 24, 2017: Jessica Chaffee made Motion to approve the minutes of 10/24/2017, Marcia Beal seconded, all in favor motion passed.**

**Email Correspondence:**

- **10/24/2017:** Andy Harhay to ConCom members forwarded email from Mark Stinson addressing Concom's jurisdiction over an intermittent stream relative to questions regarding the O'Mara property.
- **10/24/2017:** Ann Hall forwarded an email from Robert Wernerehl, PhD. , State Botanist regarding pollinator plants, and advising that it is best to use native species to Hampden, County, and suggests using only lists that include scientific names. Some links were included in the email.
- **10/25/2015:** From Paul Catanzaro at UMass Extension with a MassWoods Update.
- **10/25/2017:** From Carol at Green Hill Engineering regarding NOI submittal deadlines.
- **10/25/2017:** From Lindsay Martucci eMACC Advocacy Update regarding changes to Open Meeting Law and other information for conservation commissions.
- **11/03/2017:** From MHP regarding a workshop on November 27, 2017 for Massachusetts Housing Partnership.
- **11/03/2017:** From Joshua Earnest regarding volunteer potential or career opportunities with the Holland Conservation Commission.
- **11/04/2015:** From Barbara Newton with the attached all Dept. Expenditure Summary (10/31/2017).
- **11/2, 11/3, 11/7/2017:** Several emails from Worcester T & G confirming RDA notices for Mike Brady, 3 Wall Street and Mike Scanlon, 46 Wales Road (did not print).
- **11/9/2017:** From Kevin and Kathy McKenna informing Concom that they plan to begin work on repairing their wall along the waterfront now that the drawdown is complete.
- **11/14/2017:** From Joy Dupereault regarding a Local Solutions Conference with some travel grants.

**Phone Calls/Messages:**

No new messages

**Order of Business**

**COC for Margaret Candito—25 Pine Tree Drive—DEP file # 184-0328:**

- Andy Harhay and Chris McCooe made a site visit and a picture was taken.
- **Chris McCooe made a motion to accept their request for Certificate of Compliance and sign the form form 8 B. Jessica Chaffee seconded. All in favor, motion passed.**

**Emergency Certification for Tree Removal— Margaret Candito—25 Pine Tree Drive:**

- The emergency certification is due to a tree that came down on their house.
- Andy Harhay and Chris McCooe visited the site and saw the tree.
- Andy issued the emergency certification for tree removal.
- **Chris McCooe made a motion to accept the Emergency Certification for Tree Removal. Kathy McKenna seconded. All in favor, motion passed.**

## **Overview of Forester Responsibilities, Kate Marquis:**

- Kate discussed the role of forestry management and how it relates to Concom's role. Kate had walked Mike Scanlon's property with his logger on 11/3/17; Andy Harhay and Sam Spratlin also walked the property with Mike on 11/4/17.
- Kate noted that a Forest Cutting Plan means that new trees are planted or re-seeded. A Forestry Plan requires reforestation.
- Clearing is different than a forestry plan. A Cutting Plan is for thinning. It is implemented if the landowner wants a change of use for the property. It cannot be covered under a Forestry Plan.
- Kate noted that other towns have rolled a Cutting Plan into the NOI. However, she cautioned that an NOI and a Cutting Plan can create some problems.
- Andy questioned whether ConCom or DCR has jurisdiction the case of the Scanlon clearing proposal, as it appears not to evolve a wetlands issue and does not involve reforestation.
- Kate said that we need to watch for a Forestry Permit if someone really has the idea of putting in a subdivision. Heavy cutting (80% or more of the trees gone) is a concern.
- She explained the permitting process: A forester sends the application to Kate Scanlon. Concom should get the application at the same time. If we receive the permit and not the application, we need to contact Kate Marquis. Concom has 10 days to respond after receiving the Forestry Permit. If we don't get the preliminary application, we can ask Kate to give us 10 days for review.
- Forestry Plans are good for 2 years and they can apply for two 1-year extensions, which ultimately can extend a permit to 4 years. Concom should be notified of extensions.
- Concom noted that we have not been getting the preliminary applications.
- Kate will follow up to make sure we get timely notification when someone applies for a Cutting Plan. We should call and let forestry know if we have concerns. She said we also need to consider endangered species and suggested using the Hydrologic Connection maps.
- Concom asked about training opportunities for using on-line mapping. Kate will send us a brochure on how to use the on-line mapping.
- Mark Stinson said that he will follow-up with training on the Hydrologic Connection Maps.
- Kate mention that during the timber sale periodic site visits are made. If not compliant a cease and desist order will be issued.
- DCR and DEP are trying to work together to keep each other informed. They are working together to try to determine if the intent for change of use came before or after an application for a Cutting Plan. DCR and DEP are looking for upgrades that are good enough for farming or logging, but not for future development down the road.
- Kate noted that a permanent crossing is NOT allowed under a Forest Cutting Project. If a permanent crossing is proposed, it would need to come to Conservation. DCR is pushing for better crossings. Culverts are no longer compliant.
- Conservation should contact DCR directly with questions or concerns regarding Cutting Plans.
- Kate left some materials for Conservation.

## **7:30 PM—RDA Mike Brady—3 Wall Street**

### **Public Meeting called to order at 7:34 pm**

**Persons attending:** Chairperson Andrew Harhay; Marcia Beal; Kathy McKenna; Jessica Chaffee; Sam Spratlin; Chris McCooe; Mark Stinson, Mike Brady.

- **Project:** To rebuild a section of lakefront rock wall.
- **Discussion:** Showed pictures of the wall and what had been repaired previously. The part to be repaired will have fabric behind it and is about 20-25 feet in length. Marcia suggested some planting when he finishes the wall, to stabilize the rocks. Mike said that he had not considered doing landscaping.
- **Kathy McKenna made a motion to accept Mike Brady's RDA for the rock wall repair with a Negative Determination # 3 with the following condition that a silt fence be placed between the wall repair and the water. Chris McCooe seconded. All in favor, motion passed.**
- **Decision:** RDA accepted with a Negative Determination #3.
- Mike Brady paid the fee for the Public Notice with a check.

## 7:45 PM—RDA Mike Scanlon—46 Wales Road

### **Public Meeting called to order at 8:09 pm**

**Persons attending:** Chairperson Andrew Harhay; Marcia Beal; Kathy McKenna; Jessica Chaffee; Sam Spratlin; Chris McCooe; Mark Stinson, Mike Scanlon and Jennifer Lalone.

- **Project:** To determine if location of proposed barn and pasture is subject to the Wetlands Protection Act.
- **Discussion:** They plan to build a horse barn and create a pasture. Kate Marquis had visited the property to address the tree clearing. Andy Harhay and Sam Spratlin visited the site also. A stream is located on an adjacent property approximately 300 feet from the closest area of work on the Scanlon property. Mike wants to clear cut approximately 3-4 acres; Sam noted that many of the trees in this area are “hazard trees.” The trees will be either used for lumber or cord wood. Select trees will be left for shade for the horses. Mike checked off incorrect boxes on the RDA (1A and D) due to the confusing language, so these boxes were crossed off and the RDA was amended and initialed by Mike Scanlon. Mike’s RDA wants to confirm that Concom agrees that his project will not impact any wetland areas.
- **Jessica Chaffee made a motion that we accept this RDA with a negative determination #4 because the work is out of Concom’s jurisdiction area. Sam Spratlin seconded. All in favor, motion passed.**
- **Decision:** RDA accepted with a Negative Determination #4
- Chris Scanlon paid the fee for the Public Notice with a check.

### Walk-ins

**Fred Kozyra McGillivray Drive, Assessors Lot B-5:** The property is a gravel bank off of East Brimfield Road, Assessors Lot B-5. Fred asked Conservation to sign off on the project. The GIS maps were checked, and they appeared to verify that the property is not jurisdictional under the Wetlands Protection Act. Fred plans to build a new house with an in-law apartment and a basement. The projects were approved by Jack Keough. Andy signed the two pink sheets issued by Jack, one for the house and one for the in-law apartment.

### Member Comments/Roundtable:

#### **Mark Stinson, Mass DEP Circuit Rider:**

- Mark Stinson suggested that we make sure we give the property owner 2 copies of FORM 8 B to sign. One needs to be recorded at the Hampden County Registry of Deeds. Often the OOC is not being recorded with the Registry. The OOC is the lien.
- He strongly encouraged Concom to add a condition to any NOI requiring a pre-construction site visit with the property owner and the contractor made 48 hours before the start of any project. At this visit, Concom should require the following:
  - A. proof that the OOC has been recorded at the Registry of Deeds.
  - B. Digital photos of the site before and then after construction, and accurate copies of the plan.
  - C. A letter signed by the applicant and the contractor that they have read and understand the OOC.
- Mark clarified intermittent stream jurisdiction.
- Mark strongly suggested we adopt Mass General Law 53-G. It gives Concom the ability to hire a third party to assist in reviewing complex conservation issues. It also gives Concom the right to bill the applicant. There is a detailed process to follow in order to adopt this regulation.
- Mark expressed his concerns that Concom did not appear to address his comments on the specific project of the lake-front wall proposed by Chris Wozolak, 95 Maybrook. He felt that the OOC, as written, was not clear, and hoped Concom would address this.

- He reminded Concom that the Wetlands Protection Regulation 310CMR10.53(1) provides commissions the ability to require mitigation. We can have the property owners tell us what they intend to plant or offer them options. Mark suggested that project proposals “Give back to Mother Nature.”
- Mark thought that the health of the Hamilton Reservoir is in jeopardy. He wanted to see native plantings used to replace walls along the lakefront to stabilize the bank.
- Members felt that walls may be more effective in some instances. Mark was adamant about wanting Concom to deny approvals for new wall construction without an effective mitigation/planting plan. He feels that wall are detrimental to the health of the lake.

### Adjournment

**Motion by Kathy McKenna to adjourn meeting. Chris McCooe seconded the motion. All in favor, motion passed. Meeting adjourned at 9:50 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