

CHAPTER XV

Holland Conservation Commission

Section 1 Declaration of Purpose

The Holland Conservation Commission (HCC) was formed in 1976 with the primary function of administering the rules and regulations of the Massachusetts Wetland Protection Act - MGL Ch. 131, Section 40, and Regulations under 310 CMR 10.00. The Town of Holland hereby declares that it has interests in conservation issues that either go beyond the Act, are not specific enough in the Act or must be more clearly defined by its bylaws. The purpose of this chapter is to protect the wetlands, related water resources, wildlife habitat and the entire watershed area in the Town of Holland by controlling activities deemed by the HCC likely to have a significant or cumulative adverse effect upon the resource areas and the watershed area and deemed important to the community (collectively, the resource area values protected by this chapter). This chapter uses the Town's home rule authority to protect resource areas and values and establish standards and procedures in addition to those of the Wetlands Protection Act.

Section 2 Jurisdiction

(a) Except as permitted by the HCC or as provided by this chapter, no person or persons shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas: any fresh water wetlands, marshes, wet meadows, bogs, swamps, vernal pools, banks (at the normal high water mark), reservoirs, ponds of any size, rivers, streams, creeks, lands under water bodies, lands subject to flooding or inundation by ground water or surface water, lands within 100 feet horizontally of any of the aforesaid resource areas (The Buffer Zone) and upland areas within the watershed area of the Town of Holland (collectively known as the Resource Areas). Said Resource Areas shall be protected whether or not they border surface waters.

Section 3 Conditional Exceptions

(a) The application and permit required by this chapter shall not be required for maintaining, repairing or replacing but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunications services, provided that written notice has been given to the HCC prior to the commencement of work and provided that the work conforms to performance standards and design specifications in regulations adopted by the HCC.

Chapter XV, Section 3, Cont

(b) Other than as stated in this section, the exceptions provided in MGL Ch. 131, section 40 and Regulations 310 CMR 10 00 shall not apply

Section 4 Application

Written application shall be filed with the HCC to perform activities affecting the areas protected by this chapter.

Section 5 Application Requirements

- (a) A plot plan of the area in which the project is to be executed, showing the Map, Block and Lot number of the property, the street address, an accurate position of the project with dimensions, distances to property lines, septic systems and wells
- (b) A certificate of the Tax Collector that there is no current tax delinquency with respect to the lot or lots comprising the area in which the project is to be executed
- (c) A signed, written, accurate description of the project including method of construction, materials to be used, machinery involved, time frame for construction, mitigating measures and site access
- (d) In applications involving walls or structures, plan and side elevations with dimensions must be included.
- (e) Applications may also be made, in writing, in the form of a Request for Determination of Applicability
- (f) The HCC in an appropriate case may accept as the permit application and plans under this chapter, the Notice of Intent (NOI) and plans filed under the Wetlands Protection Act MGL Ch 131, Section 40 and Regulations 310 CMR 10 00
- (g) The applicant of any application requiring the filing of a NOI and a public hearing, or in cases where the HCC deems it necessary, must notify abutting property owners of the filing date and date of the hearing at least seven days prior to the hearing. Evidence of such notifications will be required at the public hearing

Chapter XV, Section 5, Cont

(h) The HCC may require additional plans, documentation, drawings, etc , and if it so determines may require the physical staking out of the proposed project site

(i) No applications will be accepted as complete unless and until all information requested is clearly and properly submitted.

(j) Filings to the HCC and the Department of Environmental Protection (DEP) must be made at the same time and be identical in content

(k) Two copies of all paperwork and documents must be submitted in addition to those required by the DEP

(l) All applications must be presented in person at a regularly scheduled posted meeting of the HCC by the property owner or person duly authorized by the property owner

(m) All applications are reviewed under the rules and regulations of the Mass Wetlands Protection Act, the provisions of this chapter and the regulations of the HCC

(n) The HCC may require that the applicant pay the full cost of the services of any consultant hired by the HCC in connection with the application

(o) No work may proceed at all until an application has received:

(1) Written approval by the HCC fully describing the nature and location of the proposed project and either:

(2) A Determination of Applicability issued by the HCC within 21 days of receipt of a written Request for Determination. A determination may be negative or positive and appropriate further action may be taken or:

(3) An approved NOI with a DEP file number. If it has been determined that an NOI is required, all the requirements of an NOI application must have been met, including but not limited to the Order of Conditions issued by the HCC and after the waiting period required by the act

Section 6 General Provisions

- (a) No person shall cause any solid or liquid matter, other than storm water drainage, to be dumped, poured, thrown or otherwise introduced into a water body or wetland resource area
- (b) No structure of any kind is to be built below the general high water mark of any water body or over the water without the approval of the HCC.
- (c) No person may extend their property by means of filling or other method beyond the existing high water mark of a water body. No retaining wall shall be placed below the high water mark of any water body
- (d) No person may cut down any tree within the buffer zone over ten feet in height or six inches in trunk diameter five feet above ground unless permission has been received from the HCC
- (e) All forest cutting or logging operations within a wetland resource area must have received prior approval from the HCC
- (f) No person may carry out work on a property that causes, in the opinion of the HCC, substantial erosion and subsequent siltation of a wetland resource area.
- (g) Only phosphate free detergents may be used within the buffer zone
- (h) No work as described in Section 2 a is to be executed within areas subject to the jurisdiction of the HCC, without the required permits
- (i) The applicant shall inform the HCC in writing of the termination of work at the project. Following a site visit, if required, and provided all requirements under the application have been met, the HCC shall issue a Certificate of Compliance
- (j) The HCC is authorized to propose and adopt such Rules and Regulations as it sees fit to effectuate the purposes of this chapter
- (k) Where a project proposed by an applicant requires a permit or other authorization from any other town official or board for which a public hearing is required, the HCC is authorized, with the agreement of the applicant and the cooperation of the other officials concerned, to schedule all required public hearings for the same date for the convenience of all parties

Section 7. Violations & Enforcement.

(a) The HCC, its agents, officers and employees, shall have authority to enter upon privately owned land for the purpose of performing their duties under this chapter

(b) The HCC may proceed against any person violating any provision of this chapter, or any decision or regulation of the HCC pursuant to this chapter, by criminal complaint. Each day such violation continues after notice to the party concerned shall constitute a separate violation subject to a fine not to exceed \$50.00. The HCC may also proceed pursuant to the provisions of MGL Ch. 40, section 21D and impose a civil assessment of \$50.00 for each such violation.

Chapter XV approved January 3, 1995