

Stinson, Mark (DEP)

From: heasue@cox.net
Sent: Wednesday, October 25, 2006 5:54 PM
To: Stinson, Mark (DEP)
Subject: agriculture

Mark:

We are all concerned about the LaMountain project on Mashapaug Road here in Holland. The DEP has issued two enforcement orders and has dismissed one on appeal. You will remember this is the fellow that claims he is a farm and therefore exempt from nearly all regulation. I have been having an ongoing conversation informally with our town attorney concerning this situation and one question continually pops up; what happens in six months from now when Mr. LaMountain has finished cutting trees and burning everything in sight and then clears out what essentially will be housing plots and then appears at a planning board hearing to announce that he finds that farming is not economically feasible and therefore he has decided to develop the land into housing units of some sort? He has at that point used the right to farm regulations to further his profits while not needing to comply with the more stringent regulations and oversight that would have come with the application for a subdivision in the beginning. What is the penalty? What statute would we use to make him put things back where they should have been before he clearcut and slashed his way through the property? This is an individual with no formal education, no historical background in farming or agriculture, no prior experience in farming and plenty of experience in contracting and developing housing and commercial development. He paid \$389,000 for the 70 acres that is not farmland but a ledgey hillside with a commanding view of the lake and 1000' of road frontage. He has not placed it in chapter 61 to reduce his tax exposure. What is the test for farming or agricultural pursuit? The definition? This is not a high priority request at this time, but I would welcome some insight and direction on how the Town should look to protect its interests and the environment? He stated in land court back in July in front of the hearing officer that he did not care what regulations we try to enforce he is going to clear the top of the hill and do whatever he wants to do and there is nothing any of us can do to stop him he is protected by the right to farm. How is that just proclaiming yourself to be a farmer makes it so? Sorry to ramble on, but this is a real thorn in a lot of peoples sides. Here is a man using the farming statutes to circumvent the law on development and environmental protection.

Jim Wettlaufer
ConCom and Board of Selectmen Town of Holland

Ex-15-01

Stinson, Mark (DEP)

From: heasue@cox.net
Sent: Thursday, October 26, 2006 4:46 PM
To: Stinson, Mark (DEP); McKenna, Timothy (DEP)
Subject: RE: agriculture

Tim:

Thanks for responding. Actually, Mr. LaMountain has a state approved logging plan and has been cutting for about 3 weeks now, as well as burning under the agricultural burning permit he received from our Fire Chief. I am going to contact the Dept of Agriculture to get a definition of "normal maintenance or improvement of land in agricultural use" that might shed some light on our discussions. If we are understanding how this is supposed to work, the filing of the forest cutting plan works like a notice of intent as regards clearing this property and dealing with the buffer zone to Amber Brook and the lake. Unfortunately, we did not know we could have issued orders of conditions on the forest cutting plan. Mr. LaMountain has not properly placed the hay bales and silt fence nor the water bars he indicated he would. If we really believed he was going to farm this land there would be no issue, but we have very serious reservations about his intentions. ←
Thank you for the quick response.

On another matter, our emergency culvert repair has been completed on Mashapaug Road and the lake is being brought back to the 2 foot drawdown level. It should be up to proper level by the end of the weekend.

Thanks again.

Jim Wettlaufer

EX-15-03