

## Conservation Commission – January 19, 2023 in Zoom/Conference Call Meeting

Members present were Dr. John Schreiber, Co-Chair Chair, Mr. Freddy Friedman, Co-Chair, Mrs. Nanci Worthington, and Dr. Doug Hyde. Others present were Ms. Martha Bryan, Ms. Shannon Boomsma, Mr. Mike Meyers, Ms. Ann Getsinger, Mr. David Madow, Mr. Thomas Brazie, Ms. Pamela Hardcastle, Mr. Jeff Scherr & Mrs. Jane Rennert.

Meeting was called to order at 5 PM.

Meeting minutes of Minutes December 16<sup>th</sup>, 2022 were accepted as amended.

Construct Inc Hearing: Present for this continued hearing was representative, Ms. Shannon Boomsma, White Engineering Inc. Mr. Brent White sent an email request to continue this public hearing until the February meeting, since the special permit has not yet been approved by the Select board and may have other work involve work that is jurisdictional for the wetlands protection act. Dr. Schreiber gave an overview of the project that was submitted to the Commission. The area of the potential lower level parking area is the only portion of the proposed special permit that is jurisdictional for the Wetlands Protection Act. Dr. Schreiber also stated that if they decide to keep the lower level parking area a NOI permit application will be required to MA DEP. Ms. Boomsma mentioned that they owners want to keep the RDA open, awaiting the outcome of the special permit before deciding on if they will withdrawal the RDA or if they need to submit a NOI. Ms. Ann Getsinger an abutter inquired if the owners would stay with their decision on using the lower level parking area. Ms. Martha Bryan, 5 Village News inquired if a RDA was submitted. Dr. Schreiber stated yes there was a RDA submitted and there is a request to extend the public hearing until February meeting. After discussion a motion was made, seconded and so voted to approve the request to continue hearing until February 16<sup>th</sup> meeting per the request.

### New Business:

A certificate of compliance: Present was Ms. Shannon Boomsma, White Engineering Inc. Construct (Carpenter – previous owner) 604 Hartsville New Marlborough Rd for an order of conditions issued for construction of a fire pond, which was issued in 2006 and extend till 2011. A motion was made, seconded and so voted to approve the certificate of compliance file number 237-0142.

Dr. Schreiber recused himself from the following hearing:

Schreiber Hearing: Present for this hearing was the applicant Dr. John Schreiber. Applicant filed a RDA for the purpose of removing a dead ash tree 60 feet from a mall fire pond. Property location is 112 Hillingdon Rd. Dr. Schreiber mentioned that the dead tree has been cut down, and will be removed with stump and roots to be left in place. A native hardwood tree – possibly an apple tree will be planted by hand within the same 100 foot area from the fire

pond. After discussion a motion was made, seconded and so voted to close this hearing. A motion was made, seconded and so voted to approve this application as a negative #3 determination.

Cooper Hearing: Present for this hearing was Mr. Jeff Scherr, Granoff Architects. Applicant filed a RDA for the purpose of construction of a retaining walls to create a level surface for a pickle ball court. Mr. Scherr mentioned that the area is currently lawn and is the best location, Granite steps will be installed going down to the court, and total area of the court will be 50 by 70 feet. Dr. Schreiber inquired how much wetland to be removed. Mr. Scherr said none. This area has the least disturbance on the 100 foot setback. Mrs. Worthington inquired if the project could be moved 10 feet out of the jurisdictional area, and was this mentioned to the property owners. Mr. Scherr stated that yes the request was mentioned to the owners. After discussion a motion was made, seconded and so voted to close this hearing. A motion was made, seconded and so voted to approve this application as a negative #3 with the following conditions, move court area 10 feet and permission for the Commission to site visit the project once work is completed.

Rennert Hearing: Present for this hearing was property owner, Mrs. Jane Rennert and representative, Ms. Shannon Boomsma, White Engineering Inc. Applicant submitted a NOI for the purpose of work in the riverfront area including revegetation, clean up, addition, driveway, well and septic system to existing house. Property location is 346 New Marlborough Southfield Rd. Ms. Boomsma mentioned that the debris within 50 feet of the river has been removed up, but the silt fence has not yet been repaired and dumpster is still at the property. Mrs. Rennert will contact a contractor to fix the silt fence as soon as possible. Ms. Boomsma mentioned that a new well will be 60 feet from the riverfront, and the deck at the back of the house will be restored the length of the house, gravel will be used for the driveway, and will replant 15 native trees. Ms. Boomsma submitted supplement information from DEP comments – septic is exempt, expand area with planting of native trees (shrubs), driveway will be gravel, and permission to the Commission to site visit during project work. Mr. Thomas Brazie, an abutter inquired if the new well, leech field would affect his water supply. Ms. Boomsma stated no, old well will be not be used and that the new septic was more than 100 feet from the Brazie well across the street. Mrs. Rennert mentioned that it has been hard to find contractors to work on her property and that why it took so long to file the NOI. After discussion a motion was made, seconded and so voted to close this hearing. A motion was made, seconded and so voted to approve an order of conditions per plan, the supplement comments dated January 19<sup>th</sup> and silt fence repaired next week.

Certificate of Compliance: Present for this request was Ms. Shannon Boomsma, White Engineering Inc. Jamipa Trust - 14 Norfolk Rd request a certificate of compliance for stabilization of a steep, eroded slope and riverfront area improvements. An order of conditions was issued in 2021. A motion was made, seconded and so voted to approve the certificate of compliance file number #237-0208.

Emergency Certificate: Ms. Shannon Boomsma, White Engineering Inc. submitted an emergency certificate for 14 Norfolk Rd – Jamipa Trust – Mike Meyers, due to exposed utility lines that are exposed to an intermittent stream. Mr. Mike Leining, New Marlborough Wiring Inspector has given his approval that this was an emergency for the property owner and the Town and thus the Conservation Commission could issue a permit. Mr. Mike Meyers property owner stated that Obanhien Electric inc. will complete the work. A motion was made, seconded and so approved the emergency permit.

Meyers/Jamipa Trust Hearing: Present for this hearing was property owner, Mr. Mike Meyers, and representative, Ms. Shannon Boomsma, White Engineering Inc. Applicant submitted a NOI for slope stabilization of severely eroded area. Property location is 14 Norfolk Rd. Ms. Boomsma mentioned that all members of the Commission have site visited the property. Mr. Meyers had pictures of the eroded area. Ms. Boomsma stated that boulders have been placed to stabilize the bank and that the Army Corp of Engineers has given the approval for this project. Ms. Boomsma submitted a supplement responses to DEP comments, silt bag will be used utilized only if necessary, and sandbag cofferdam will be temporary. The impact bank is 128 LF, 540 LUWW. The native species plan has not been completed from previous order, proposed planting will be submitted to the Commission prior to planting schedule, Gifford Engineering will be overseeing the construction, a crane will be located on the lawn area, where an excavator will be place the material, work will start from the bottom and work upwards. Dr. Schreiber inquired on how long it will take to pump the area. Ms. Boomsma mentioned 3 to 4 days. After discussion a motion was made, seconded and so voted to close this hearing. A motion was made, seconded and so voted to approve an order of conditions per plan and the supplement letter dated January 19<sup>th</sup>.

Certificate of Compliance: Present for this request was Ms. Shannon Boomsma, White Engineering Inc. Gourevitch – 98 Lumbert Cross Rd requests a certificate of compliance for tree removal and shoreline stabilization. An order of conditions was issued in February, 2022. A motion was made, seconded and so voted to approve this certificate of compliance file number #237-0216.

Certificate of Compliance: Present for this request was Ms. Shannon Boomsma, White Engineering Inc. Stienglass/Gourevitch 148/98 Lumbert Cross Rd requests a certificate of compliance for tree removal and replanting. An order of conditions was issued in March, 2022. A motion was made, seconded and so voted to approve this certificate of compliance file number #237-0217.

Certificate of Compliance: Present for this request was Ms. Shannon Boomsma, White Engineering Inc. Town of New Marlborough – Umpachene Park Commission – 510 Umpachene Falls Rd requests a certificate of compliance for shoreline stabilization. An order of conditions was issued July, 2020. A motion was made, seconded and so voted to approve this certificate of compliance file number #237-0206.

Dr. Schreiber mentioned that while completing a site visit at 881 Stratford Rd, the Commission noticed violations that occur on Stratford Rd. The violations were observed across the lake while site visiting 881 with permission and by aerial photos review by DEP. The locations are 5, 35, 881 Stratford Rd. A letter will be drafted and sent to the property owners request them or representative to be present at their meeting March 16<sup>th</sup> with a restoration plan. After discussion a motion was made, seconded and so voted to send out violation letters to the three property owners.

Mail:

- Area Deerwood LLC - (Bailin) – 228 Deerwood Park Drive – recorded order of conditions.
- Forest Cutting Plan – Woodburn Farm Preservation Trust -56 Corashire Rd – 9 acres – approved.
- Forest Cutting Plan – Crine – County Rd- 200 acres – approved.
- Forest Cutting Plan – Crine/Edelman - County Rd – 40.5 acres - approved
- MACC Dues – FY24.

Next meeting is scheduled for February 16, 2023 at 5PM.

A motion was made, seconded and so voted to adjourn at 6:37 PM.

Respectfully submitted,

Kathy Chretien  
Secretary