

Conservation Commission –October 27, 2018

Members present were Dr. John Schreiber, Mr. David Hosford & Mr. David Herrick.

Meeting was called to order at 10 AM.

Meeting minutes of September 22nd 2018 were accepted as amended.

Scheffey (Ravine Falls Trust) Hearing: Present for this continued hearing was representative, Mr. Thomas Coote. Applicant submitted a NOI for the purpose of restoration of dam on Old North Rd (NM Monterey Rd). Mr. Coote stated that the Town of Monterey has signed off with a RDA and would request that NM Conservation Commission handle this project (face of dam runs the border of both Monterey/New Marlborough). Mr. Coote also mentioned that the Natural Endanger Species & Army Corp of Engineering as signed off as well. Mr. Coote had submitted a revised NOI per one of the comments of DEP. Mr. Coote mentioned that 80 yards of material will temperately be placed on the edge of the pond. NESP will come and inspect and test the material taken out, and if material is fine then it will be used around the property, Mr. Coote stated. Mr. Coote also mentioned that the draw down will begin in July. 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.

Leavitt: Present was Mr. Scott Smith, caretaker of 19 Konkapot Road. Mr. Smith submitted a request for a certificate of compliance. A NOI was filed in August, 2017 for pond maintenance and approved on August 5, 2017. It was noted that the Commission completed a site visit prior to the meeting. Mr. Smith mentioned that the sediment is clean and cat tails are clean as well. After a brief discussion a motion was made, seconded and so voted to approve the signing a certificate of compliance.

Massachusetts Electric Company: Present was Ms. Mary Zawatski, Tighe & Bond. Tighe & Bond submitted a request for a certificate of compliance. A NOI was filed in February, 2017 for installation of five new pole, six new guy anchors and replacement of existing electric utility pole and anchors for 747 Rhoades & Bailey Road, which was approved on May 27, 2017. The Commission completed a site visit prior to the meeting. After a brief discussion a motion was made, seconded and so voted to approve the signing a certificate of compliance.

Devine Hearing: Present for this continued hearing was representative, Ms. Shannon Boomsma, White Engineering Inc. Applicant submitted a NOI for the purpose of dredging Harnett Pond. Ms. Boomsma request to continue this hearing since they are waiting for 401 and MEPA input per DEP recommendation. A motion was made, seconded and so voted to approve the request to continue to the next meeting to be held on December 8, 2018.

Gourevitch Hearing: Present for this hearing was property owners, Mr. Marc Gourevitch & Ms. Sabrina Cherry and representative, Ms. Shannon Boomsma, White Engineering Inc. Applicant submitted a NOI for the purpose of tree. Property location is 98 Lumbert Cross Road. The Commission noted that some of the trees are dead and a few are in danger of coming down, and each tree is already marked. Ms. Boomsma mentioned that native seed mix will be used and stumps will remain, and there is a restoration plan. Applicant is proposing 1 to 1 mitigated and DEP recommendation is 2 to 1 per 310 CMR 10.58(5)(g). Dr. Schreiber mentioned that there is a exemption for personnel use 310 CMR 10.04(Agriculture)(a) if don't exceed 5,000 board feet or ten cords of wood during any 12 month period, then the Commission can grant a withdrawal of the NOI. Ms. Boomsma requests a withdrawal of the NOI per 310 CMR 10.4. A motion was made, seconded and so voted to approve the request to withdrawal the NOI.

Mummert Enforcement: Present was Ms. Shannon Boomsma, White Engineering Inc, to review the enforcement order issued to Ms. Deanna Mummert, 105 Hartsville Mill River Rd. Enforcement was issued for clearing, grading, filling of both Bordering Land Subject to Flooding and Bordering Vegetated Wetlands, approx 1,000 sq. ft. of BLSF and 500 square feet of BVW. The Commission reviewed the restoration plan that was submitted on September 21st and revised on October 10th. The Commission would like the last paragraph of the plan letter to be moved from the enforcement and be filed separately under a NOI. A motion was made, seconded to extend the deadline to November 1st for planting 4 native shrubs. The Commission would like to complete a site visit prior to their next meeting.

Old Business:

Mr. Peter Hagen, Chairman of the Lake Buel District appeared before the Commission to request an extension of two orders of conditions. One was for the dam and other one was for beavers. Mr. Hagen submitted a letter to the Commission to conclude that the activities stipulated in the NOI 237-0173 be allowed even after the order has expired. Mr. Hagen will file an exemption for the dam NOI.

New Business:

Dr. Schreiber mentioned that he attended a class on walking trails at the MACC conference. Dr. Schreiber also stated that certain areas are exempt from filing with the Commission and some are jurisdictional. Dr. Schreiber would like to have the Commission meet with the Land Trust and others to discuss walking trails. After discussion it was decide to do an educational seminar on walking trails and see if someone from MACC and lead the seminar possible in the spring.

The commission reviewed the mail:

- Received an email from Ms. Emily Stockman – regarding the enforcement for Walker – Old North Rd (NM Monterey Rd) requesting to extend the deadline to June 20, 2019. A motion was made, seconded and so voted to approve the extension per Ms. Stockman's request.

Next regular meeting is scheduled for November 17th.

A motion was made, seconded and so voted to adjourn at 11:08 AM

Respectfully submitted,

Kathy Chretien
Secretary