

Conservation Commission – April 20, 2023 in Zoom/Conference Call Meeting

Members present were Dr. John Schreiber, Co-Chair, Mr. Freddy Friedman, Co-Chair, Mrs. Nanci Worthington, and Dr. Doug Hyde. Others present were Ms. Martha Bryan, Mr. Michael Schafer, Mr. Alexander Thorp, Ms. Loren Smith, Ms. Shannon Boomsma, Mr. Peter Scala, Mr. Bryan Siter, Ms. Sabrina Cherry, Mr. Marc Gourevitch, Mr. Chuck Loring, Mr. Allen Isaacson, Mrs. Barbara Marchione, Ms. Sylvia Eggenberger, and Mr. Paul Hess. Meeting was called to order at 5 PM.

Meeting minutes of Minutes March 16th, 2023 were accepted as amended.

Hess Hearing: Present for this hearing was Mr. Alexander Thorp, Accord Engineering & Surveying, LLC and property owner Mr. Paul Hess. Applicant submitted a RDA for the purpose of removing a large tree that had come down during the recent nor'easter storm. Property location is 178 New Marlborough Southfield Rd. Mr. Thorp mentioned that a crane might have to be used to assist with the tree removal. Dr. Schreiber mentioned that DEP, Circuit Rider, Mr. Mark Stinson commented that DEP would prefer the tree to stay in the river, so there is no disturbance. Dr. Schreiber explain to Mr. Stinson that the river is level with the property owners land and is a risk for causing flooding of their land and house. It was mentioned that the tree will be cut with a chain saw and removed with minimal disturbance of resource areas. 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 has a negative #2 with the following conditions: minimal disturbance of resource area will be required during tree removal, trees will be cut by hand prior to removal.

Brown Hearing: Present for this hearing was Mr. Alexander Thorp, Accord Engineering & Surveying, LLC and property owner Ms. Diane Brown. Applicant submitted a RDA for the purpose of removing a large dead tree that had come down during a nor'easter storm adjacent to 178 New Marlborough Southfield Rd. Property location is 124 New Marlborough Southfield Rd. 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 has a negative #2 with the following conditions: minimal disturbance of resource area will be required during tree removal, trees will be cut by hand prior to removal.

NM Highway Department Hearing: Present for this continued hearing was Mr. Chuck Loring, Highway Superintendent. A NOI was submitted for road maintenance and beaver control. Mr. Loring reviewed the revised NOI and DEP comments with the Commission. After discussion a motion was made, seconded and so voted to continue this hearing till a response is received from the National Heritage and Endangered Species Program.

Mahaney Hearing: Present for this hearing was representative, Mr. Brian Siter, Foresight Land Services. Applicant submitted a NOI for the purpose of construction of a single family house and studio. Property location is 0 Konkapot Road. Dr. Schreiber mention that no previous NOI

has been filed for this property, but an enforcement order was issued to the previous owner. Mr. Siter reviewed DEP comments with the Commission. It was suggested that if the property owner were going to use the agricultural road in the future as a driveway that would be change of use in a jurisdictional area and require another NOI will have to be submitted. Mr. Siter mentioned that there will be a stone curtain for drainage from the house and there will not be any discharge into the wetlands. 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 plan submitted and the following condition: if trees are removed from buffer zone in front of proposed house they will be replaced 1 to 1 with native trees.

Gourevitch Hearing: Present for this hearing was representative, Ms. Shannon Boomsma, White Engineering Inc., also present was property owners, Mr. Marc Gourevitch & Ms. Sabrina Cherry. Applicant submitted a NOI for the purpose of construction of two additions to the existing single family house. Property location is 98 Lumbert Cross Road. Ms. Boomsma mentioned the first addition will to build a full foundation, second is addition is a three-season screen porch which will be on piers and a mud room on a frost wall. Ms. Boomsma also stated that there will be erosion controls around the whole property along with silt fence and straw wattle will be installed. Ms. Boomsma reviewed DEP comments with the Commission. 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 submitted.

Stratford Road Follow-up hearings:

35 Stratford Rd – Mr. Bryan Siter, Foresight Land Service was present for property owner, Ms. Loren Smith. Mr. Siter mention that Foresight has completed a site visit but hasn't had time to complete a restoration plan. The Commission requested a site visit be scheduled since the Commission has not been on the property, which permission was granted. Mr. Siter requested to continue this discussion until May meeting.

881 Stratford Rd - Mr. Michael Schafer, Huntley Associates Inc. was present for property owners, Mr. & Mrs. Paul Cooper. Mr. Schafer requests to continue this discussion till May meeting to complete a plan, and will possible submitted a retro NOI.

Mr. Peter Scala, one of the developers of Windemere (Stratford Rd) mentioned back when establishing the lake & properties DEP received pictures and that Windmere followed all DEP orders when developing the lake and they also went through the State legislation. Mr. Scala inquired as to why know is there are issues. Dr. Schreiber mentioned that when the lake was established there weren't any wetlands regulations. Since Massachusetts has approved the Wetlands Protection Act it includes all wetlands, even private ones developed in previous decades. Thus Windemere Lake is jurisdictional under 310 CMR 10.00 Wetlands Protection Act. Mrs. Worthington suggests that Mr. Scala contact DEP with questions.

New Business: Dr. Schreiber mentioned that he has been in contact with the Planning Board Chair regarding house size in the Lake Buel area as well as a new potential bylaw to better protect river front areas in town undergoing severe erosion.

Mr. Friedman mentioned that the Board of Assessors is looking into a new program that would have some benefits to the Commission, just that the Commission would have to pay for the fee for it to be installed.

Mail:

- Gourevitch/Cherry – 98 Lumbert Cross Road – recorded certificate of compliance.
- Lush/Mallory – 0 Mill River Great Barrington Road – recorded order of conditions.
- Landkeepers spring report.

Next meeting is scheduled for May 18, 2023 at 5PM.

A motion was made, seconded and so voted to adjourn at 6:22 PM.

Respectfully submitted,

Kathy Chretien
Secretary