

Conservation Commission – July 20, 2023 hybrid Meeting

Members present were Dr. John Schreiber, Co-Chair, Mr. Freddy Friedman, Co-Chair, and Dr. Doug Hyde. Others present were Ms. Martha Bryan, Mr. Tom Harvey, Mr. Bryan Siter, Mr. Chris Tryon, Ms. Shannon Boomsma, Mr. Jack Tolin, Mr. Mike Parsons, Ms. Emily Stockman, Mr. Scott Morrison, Mr. Bill West, Ms. Abby Crine, Ms. Sarah Jackson, Mr. Keith Salzman & Ms. Brittany Bailey.

Meeting was called to order at 5 PM.

Meeting minutes of May 23rd, 2023 were accepted as amended.

Meeting minutes of June 15th, 2023 were accepted as amended.

NM Highway Department Hearing: Dr. Schreiber mentioned that a written response from National Heritage and Endangered Species Program is needed to approve this application, so a motion was made, seconded and so voted to continue this hearing till August 17th meeting.

Camp Wa Wa Segowea: Present for this continued hearing was representative, Mr. Tom Harvey, engineer and president. Applicant submitted a RDA for the purpose of foundation repairs and concrete deck replacement for existing steel framed building. Property location is 408 Foley Hill Road. Mr. Harvey mentioned that there are three floating aluminum dock in the pond 3 or 4 months a year, and he'll apply for the dock permit through DCR, Chapter 91. After discussion a motion was made, seconded and so voted to close hearing. A motion was made, seconded and so voted to approve this application with a negative #3 determination with the conditions: minimal heavy equipment on bank, double silt fence & straw bales, chapter 91 permitting required and site visit during work.

Tolin Hearing: Present for this continued hearing was representative, Mr. Chris Tryon, Berkshire Geo-Technologies and applicant Mr. Jack Tolin. Applicant submitted a NOI for the purpose of construction of a dock & steps. Mr. Tryon mentioned that he didn't notice any effects of the 2 aluminum docks, which will be removed off season. National Heritage responded with no concerns, although the Commission had not yet received a copy of the letter. Mr. Tryon also mentioned that the bank is very steep and will install 5 steps. Mr. Tryon also stated that the silt fence is doing the job thus far and he will add to the silt fence. 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 with the conditions: site visit during to be scheduled in August, 2023, and to see that the ground cover is in place.

Herzig Hearing: Present for this hearing was representative, Ms. Emily Stockman, Stockman Associates LLC. Applicant submitted a RDA for the purpose of remediating existing gravel driveway, an electrical pole & utility trench, single family house, septic system and well. Property location is 268 New Marlborough Hill Rd. Only a small portion of the driveway is

jurisdictional. Ms. Stockman mentioned that the property has 2 lots which are in a sub division. Ms. Stockman also mentioned that in 2009 an order was issued for existing driveway. Ms. Stockman stated that a double silt fence is installed throughout the project to comply with a Natural Heritage rare turtle ruling. After discussion a motion was made, seconded and so voted to close this hearing. A motion was made, and so voted to approve this application has a negative 33.

Kennedy Hearing: Present for this hearing was representative, Mr. Mike Parsons, Kelly, Granger, Parsons & Associates Inc. Applicant submitted a RDA for the purpose of installing a new 1500 gallon 2 compartment septic tank, install a 13' X 37' level mound system consisting of 3 rows of GSF B43 Eljen units with 9 units per row (27 units total) and the existing tank to be pumped, ruptured and backfilled or removed. Mr. Parsons stated that the area in the back of the property is the only place available due to ledge rock elsewhere and the current system has failed. Mr. Parsons mentioned that straw wattle barrier will be around the project area. 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 with a negative #3 determination with the conditions; no stockpiling of materials while work is occurring, existing straw wattle barrier to be installed prior to any excavation.

Plasencia Hearing: Present for this hearing was representative, Mr. Mike Parsons, Kelly, Granger, Parsons & Associates Inc. Applicant submitted a RDA for the purpose of repairing an expanding and repairing an existing gravel driveway in order to construct a 2 bedroom house, and install a new well & new septic system. Mr. Parsons mentioned that the property is an open field, with an existing driveway. It was noted that no permit can be located for the existing driveway which appears to have wetlands on both sides. The Commission discussed that the area was very wet and had pockets of water when completing the site visit, and suggested that Mr. Parsons withdrawal this application and submit a NOI since the project work will alter the buffer zone area and since it was not clear exactly where the wetlands were located, and since no permit was discovered allowing the construction of the road which might be in a jurisdictional area. After discussion a motion was made, seconded and so voted to close this hearing. A motion was made, and seconded and so voted to a positive determination 2b & 4, which requires the filing of a NOI.

Cooper Hearing: Present for this hearing was representative, Mr. Mike Schafer, Huntley Associates P.C. and Mr. Scott Morrison, Environmental Scientist EcoTec, Inc. Applicant submitted a NOI for the purpose of after the fact permitting of site work including creation of two beach areas, vegetation replacement, and shed installation. Mr. Schafer reviewed DEP comments with the Commission. It was mentioned that when a previous RDA was filed for a pickle ball court that at the site visit it was noticed that there was a non-permitted beach, vegetation removal and beach erosion. Property location is 881 Stratford Road. Dr. Schreiber extended thanks to the property owners, and representatives for completing the mitigation which includes a new beach without fabric that is away from the water line and replacement of vegetation with native species. 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 and issue an order of conditions per plan submitted.

Bailey Hearing: Present for this hearing was representative, Ms. Shannon Boomsma, White Engineering Inc., property owner Ms. Bailey, abutters, Mr. West, Mr. Salzman, Ms. Jackson, & Ms. Crine. Applicant submitted a NOI for the purpose of construction of parking lot, septic, well and handicap ramp in the buffer zone and bordering land subject to flooding. Property location is 1386 Hartsville Mill River Road in which the entire property including the antique building is located in the flood plain. Ms. Boomsma reviewed the updated plan that she submitted to the Commission and DEP comments. It was noted that the property was dry when completing the site visit. Ms. Boomsma mentioned that no work will be done on the foundation, and per zoning there will be 11 parking spaces with a rain garden. Abutters presented stated that they are concerned about draining and storm water damage. In addition a storm drain is present and it is not clear where this water goes currently. Discussion occurred if the stream is intermittent or perennial. Ms. Boomsma mentioned that they use the current USDA maps or do testing for a year, per the regulations. Dr. Schreiber mentioned that a curb cut application will address these issues of drainage. After discussion a motion was made, seconded and so voted to continue this hearing till August 17th meeting to address these various issues.

New Business:

Litvack certificate of compliances: Ms. Boomsma of White Engineering Inc. was present for 2 requests for 156 Woodleigh Ave. First certificate is for file number 237-0188 was for driveway creating mitigation areas and removing mulch, plant native vegetation. Second certificate is for file number 237-0205 was for installing a patio. An inconsistency was found in a new parking area not permitted in the original NOI. After discussion Ms. Boomsma requested to withdrawal both requests for certificate of compliances and will resubmit creating mitigation to account for the lost lake front surface area.

Maher certificate of compliance: Ms. Boomsma of White Engineering Inc. was present for this request regarding 164 Woodleigh Ave, file number 237-0222. It was noted that all mitigation and planting was completed. A motion was made, seconded and so voted to approve the request of compliance.

Dr. Schreiber mentioned that DEP has determined a potential violation at 839 Stratford Road which was noticed by aerial maps, and the house was built in 2007. Clearing was done with no permits from the house down to the lakefront. A motion was made, seconded and so voted to send a violation notice to the property owner.

Dr. Schreiber mentioned that next budget the Commission should ask for funds for an agent for the Commission.

Dr. Schreiber mentioned that he received a complaint regarding unpermitted pond lowering on East Hill Road, and will reach out to the contractor to see what has occurred.

Old Business:

Kimball extension order of conditions: Mr. Stinson mentioned that the current extension expired in May, 2020 and it's too late to extend. Mr. Stinson recommends that the Commission check their records to confirm and if so request a new NOI be filed.

35 Stratford Rd - Mr. Bryan Siter, Foresight Land Service was present and requested to continue this matter since there in the process of submitting a NOI, which hopeful will be submitted for the August 17th meeting.

River Bank Bylaw:

Discussion of the potential river bank bylaw will be discussed at another meeting since Mrs. Worthington was not present.

Mail:

*Forest Cutting Plan – Nolan – 18.69 acres – Old North Rd – approved

*MACC annual dues – a motion was made, seconded and so voted to approve payment of annual dues.

*NM Land Trust letter seeking donations – a motion was made, seconded and approved by two in favor one against the donation of \$150 to the NM Land Trust.

Next meeting is scheduled for August 17, 2023 at 5PM.

A motion was made, seconded and so voted to adjourn at 7:02 PM.

Respectfully submitted,

Kathy Chretien
Secretary