

Conservation Commission – August 17, 2023 hybrid Meeting

Members present were Dr. John Schreiber, Co-Chair, Mr. Freddy Friedman, Co-Chair, Dr. Doug Hyde and Mrs. Nanci Worthington. Others present were Ms. Martha Bryan, Ms. Shannon Boomsma, Ms. Brittany Bailey, Mr. Matt Putin, Mr. Allen Isaacson, Mr. Rubin Kier, and Mr. & Mrs. Robert Hartt.

Meeting was called to order at 5 PM.

Meeting minutes of July 20th, 2023 were accepted as amended.

NM Highway Department Hearing: Mr. Charles Loring, Highway Superintendent submitted a copy of a letter that was sent to Division of Fisheries & Wildlife, that stated if working in Natural Heritage sites, prior to work they will be notified and obtain the permits needed for any new projects. After reviewing the letter 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 following conditions: must contact Natural Heritage Endangered Species & receive approval prior to any work in the Natural Heritage Endangered Species areas, notify Conservation Commission when work occurs.

Bailey Hearing: Present for this continued hearing was representative, Ms. Shannon Boomsma, White Engineering Inc., property owner Ms. Bailey. Ms. Boomsma submitted supplemental information that stated the discharge from the catch basin on Hartsville New Marlborough Rd across from Hartsville Mill River Rd, uses a pipe that runs diagonally through the Umpachene Grange property to an intermittent stream. The pipe is to be about 18" below the rim of the catch basin. A permanent steel plate will be placed over the pipe where the new parking lot will cross over it to protect the pipe from the weight of vehicles. The new gravel surface for the parking lot will be installed over the steel plate as well. The stream to the south of the Umpachene Grange property is not mapped on the USGS map available on MassMapper or on the 2021 USGS Map, therefore, STREAMSTATES can't be used to determine its watershed. Per 310 CMR 10.48 (2) and 10.00 appendix to Wetlands Protected Act defines an intermittent stream shown or not shown on the USGS Map with certain criteria if the watershed is greater than ½ square mile. Ms. Boomsma also stated she determined the watershed size to be 93 acres which is 0.15 square mile, therefore the watershed size is less than ½ square miles (640 acres/per square mile) and it is there categorized as an intermittent stream. Dr. Schreiber inquired if the stream changes to a perennial stream due to climate changes will this have an effect on the project. Ms. Boomsma stated no, since the property is already in the flood plain and they design planned for the water to be directed into the rain garden which will mitigate any water runoff impact no wetlands or abutters. 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 submitted.

Hartt Hearing: Present for this hearing was representative Mr. Matt Puntin, SK Design Group Inc. and property owners Mr. & Mrs. Robert Hartt. Applicant submitted a NOI for the purpose of demolition & removal of existing damaged barn, construct new barn of equal size on same location. Property location is 829 Mill River Southfield Rd. Mr. Puntin mentioned that the Konkapot River is behind the barn and an intermittent stream is on the property. Mr. Puntin mentioned that erosion control will be around the whole barn, believes the foundation is concrete. Part of the project includes removal of invasive species by hand and the owners will plant native vegetation. Mr. Puntin reviewed DEP comments with the Commission and agreed to meet both requests by DEP. 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 following conditions: replacement of invasive species with plants chosen from the state list of Berkshire native vegetation, and permission for the Conservation Commission to site visit annually to moderate the project.

839 Stratford Rd: Dr. Schreiber mentioned that lakefront area work occurred that was not permitted, which were noticed by DEP aerial maps done in 2014 & 2019. The Commission completed a site visit with the property owner, Mr. Kier. Mr. Kier mentioned that they have been in contact with wetland engineers.

New Business:

Dr. Schreiber mentioned that DEP has noticed unpermitted lakefront work occurred at 171 (2 lots), 187 & 201 Stratford Rd. The Commission decided to send violation letters to the property owners.

Dr. Schreiber mentioned that another violation has occurred on 0 Canaan Southfield Rd, a 1 ½ acre lot. An intermittent stream has been buried and it appears that all wetlands were removed. The Commission will send out a violation letter to the property owner.

Old Business:

Dr. Hyde inquired if there was any response to the complaint regarding unpermitted pond lowering on East Hill Road. Dr. Schreiber mentioned that that contractor who submitted the previous RDA stated they didn't do the lowering of the pond possibly the property manager did and the Commission needs a plan submitted or annual raising and lowering of the pond.

35 Stratford Rd – an email was received from Mr. Bryan Siter, Foresight Land Service stating that the NOI is complete and waiting for the property owner approval before submitting.

83 Old North Rd – Ms. Boomsma submitted a wetlands delineation report which was required from the Commission enforcement order. Ms. Boomsma mentioned that a tennis court was constructed that wasn't permitted on wetlands fill. The Commission has already site visited the property for another previous NOI that was filed. Ms. Boomsma is seeking to replicate wet meadow.

Mail:

*Recorded – White Engineering Inc. -certificate of compliance – Maher – 164 Woodleigh Ave

Next meeting is scheduled for September 21, 2023 at 5PM.

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

Respectfully submitted,

Kathy Chretien
Secretary