

Conservation Commission – December 16, 2021 in Zoom/Conference Call Meeting

Members present were Dr. John Schreiber, Co-Chair Chair, Mr. Freddy Friedman, Co-Chair, Mrs. Nanci Worthington, and Mr. Doug Hyde. Others present were Mr. Alex Keyser, Mrs. Mary Wigmore, Mr. Steven Mack, Mr. Jackson Alberti, Mr. Leonard Golub, and Attorney, Ms. Elizabeth Goodman.

Meeting was called to order at 5:01 PM.

Meeting minutes of November 18th, 2021 were accepted as amended.

Martin: Present for this continued enforcement was Mr. Alex Keyser, Eastern States Well Drillers. Property location is 0 Konkapot Rd AKA Canaan Southfield Road. Mr. Hyde completed a site visit last week to the site and saw that all work was completed as per the restoration plan. Mr. Hyde mentioned that no additional slurry was running and that the work was well done. A motion was made, seconded and so voted to close this enforcement order since all the requirements have been completed.

New Business:

Wigmore Hearing: Present for this hearing was Mrs. Mary Wigmore, Wigmore Forest Resource Management. Applicant submitted a RDA for the purpose of proposed travel route, stump removal and gravel transport. Property location is 0 Mill River Great Barrington Road. Dr. Schreiber mentioned that a previous Forest Cutting Plan had been filed and the property owners would like to establish a camping ground. It was noted that both Mr. Hyde and Dr. Schreiber did a site visit. Mrs. Wigmore mentioned that no harvesting was done within the 50 foot riverfront area. It was mentioned that a public hearing was held with DCR, Conservation Commission, and Mrs. Wigmore and that the outcome of the hearing was for a RDA to be submitted. DCR during the meeting mentioned that originally this request probably should have gone through the Conservation Commission not forestry division since it involved the creation of a family campground. Mrs. Wigmore is requesting to use existing road to remove stumps, in 4 trips using an excavator, and then bring in a load of gravel. Mrs. Wigmore mentioned that 49 trees were taken down, which was over cut from what was permitted by DCR, and that she had been in contact with NHESP and they stated no cutting within 50 foot riverfront. 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: replanting 50% with native trees at least 10 feet tall within the 200 foot riverfront area, silt fence and straw wattles to be around removal of a plank bridge, work to be completed by June 1st, and permission for the Commission to site visit once work is completed

Golub/Benton Hill LLC Hearing: Present for this hearing was Mr. Steven Mack & Mr. Jackson Alberti, Foresight Land Services, Attorney Ms. Elizabeth Goodman, and property owner Mr. Leonard Golub along with other family members. Applicant submitted a NOI for the purpose of storm water culvert installation, driveway resurfacing. Property location is 0 Rhoades & Bailey

Road. Mr. Golub extending greetings to all and mentioned that there are three points he will referencing. First point is the main entrance from Rhoades & Bailey Rd. Second entrance, woods road, only leads to a hiking trail, in which Mr. Golub wasn't aware of when purchasing the property and never was shown the entrance. Mr. Golub mentioned that there was miscommunication between previous engineer and contractor. Dr. Schreiber stated that the Commission members are volunteers and appointed by the Board of Selectmen but work for DEP and are goal is to follow 310 CMR the wetland protection act. Attorney, Ms. Goodman gave a brief overview of applicant's application. The new NOI application now is a redevelopment within a previously developed riverfront area (310 CMR 10.58 (5)). Mr. Alberti reviewed the project narrative for the proposed installation of a storm water culvert and resurfacing of an existing woods road. Property is approximately 235 acres parcel of land, proposed work is partially within 200' riverfront area (310 CMR 10.58) of an unnamed perennial stream and the 100' buffer zone of bordering vegetated wetlands (310 CMR 10.55). Site work will consist of minor site grading, minor vegetation removal within the existing woods road, removal of one maple tree, and replanting of five maples. It was mentioned that buildup of Rhoades & Bailey Road which has caused a 24 inch drop to the main entrance and ATV's are digging up the property. The project was site visited by Dr. Schreiber and Mr. Hyde and no evidence of previous development other than for agriculture could be ascertained. In addition, the Regional DEP Circuit Rider comments also felt that this was not a redevelopment riverfront project since the actual riverfront was vegetated and not in need of improvement. The site visit also determined further wetlands down the proposed road as well as a water crossing due to a spring on the side of the road. The Conservation Commission gave the applicant two options: First they could turn down this application and the applicant could appeal to DEP, the second option was to continue the NOI with the Commission suggestion that it be submitted as a new development project with a full alternative access analysis of the project and include the wetlands and spring/stream crossing as part of the NOI. The attorney for Mr. Golub (Ms. Goodman) chose the second option so that this hearing would be continued and potentially submitted as new development, with stream crossing, and access alternative analysis. Ms. Goodman requested to continue this hearing till January 20th meeting. A motion was made, seconded and so voted to continue this hearing till January 20th meeting per the request.

New Marlborough Southfield Rd: Dr. Schreiber mentioned that there is clearing, stump removal, occurring on NM Southfield Road and he has spoken with the contractor to stop work and file a RDA. A motion was made, seconded and so voted to send a letter of violation that will include filing a RDA and immediate cessation of the work.

Old Business:

Dr. Schreiber mentioned that a site visit was completed by both Mr. Friedman and himself to NM Hill Road to view work that was done. Property owner has stopped the work and will not do any additional work until an application is filed and approved by the Commission.

The Commission reviewed the mail:

- Forest Cutting Plan – Nolan – Old North Road – 18.69 acres – approved.
- New Marlborough Land Trust – letter seeking donations.
- MACC – FY23 dues amount of \$207.00

Next meeting is scheduled for January 20th at 5PM.

A motion was made, seconded and so voted to adjourn at 7:05 PM.

Respectfully submitted,

Kathy Chretien
Secretary