

Conservation Commission – August 28, 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. James, Ms. Boomsma, Mr. Puciloski, Mr. Harshbarger, and Ms. Stockman.

Meeting was called to order at 8:10 AM.

Meeting minutes of July 17th, 2021 were accepted as amended.

Old Business:

Golub Hearing: The Commission received an email from Attorney, Ms. Elizabeth Goodman on behalf of Benton Hill LLC relating to the matters of the property located at 0 Rhoades and Bailey Road. A NOI was submitted which was dated for July 13, 2021 for proposed work on this property, and at this time the client hereby withdraws the NOI. However the client may refile a new NOI at some time in the future. A motion was made, seconded and so voted to accept the withdraw of the NOI that was submitted

Harshbarger: Mr. Jonah Harshbarger was present to review the revised plan submitted to the Commission. Mr. Harshbarger mentioned that he has planted native maple trees and he hopes to have the driveway in question leveled within a few weeks. Mr. Harshbarger inquired about his other driveway, which is on the other side of the house. Does he need to have hard material installed? Dr. Schreiber mentioned that he has noticed run off has occurred from this driveway and it would be better if the driveway was permeable able and stable. Mr. Harshbarger agreed to address the situation.

Knight Road Solar LLC: The Commission completed a site visit with Mr. Eric James, Field Engineer to close out the RDA that was submitted in April, 2018. Mr. James mentioned that 95% of the work area is stabilized and has wood chip mulch has been placed where requested by the Cons. Comm. The Commission recommends planting a few native trees if possible in these areas. Mr. James will forward the recommendation onto the property owners. It was noted that the plan was well completed. After discussion a motion was made, seconded and so voted to completely close the RDA.

Wigmore Forest Resource Management: It was mentioned that the Commission is still waiting to receive either a NOI or a notice that the tree harvesting work will not occur in the jurisdictional area.

Grassmarket LLC: Ms. Emily Stockman, Stockman Associates, & Attorney, Mr. Puciloski were present to review and discuss the enforcement order that was issued. Ms. Stockman had presented a wetland resource area delineation and impact assessment. Dr. Schreiber mentioned that he noticed wells have been drilled on a parcel of the land that is for sale, north of area of this enforcement, from site visit with Ms. Stockman, it was noted that they didn't

access this other property. Dr. Schreiber mentioned that tree cutting in potential flood plain has occurred and the use of the agricultural road for development required a NOI and was not permitted. Ms. Stockman mentioned that she isn't aware of any logging permitting for O Konkapot Rd. Mr. Puciloski mentioned that the commission has permission to access the property to visualize slurry run off where the wells were drilled into the wetlands area on Konkapot Cross Rd to Canaan Valley. It was also noted that the agricultural road is pre-existing road, and that there are two agricultural roads one close to the river and that there is two agricultural fields that run parallel to each other. Dr. Schreiber mentioned that there are three areas of concern: agricultural road – only to be used for agricultural purposes unless permitted, buffer zone – need mitigation and timber harvesting in presumed flood plain that was not permitted. Mr. Puciloski will research to find out if the harvest cutting that occurred was permitted. A motion was made, seconded and so voted to continue this enforcement order.

New Business:

Shalaby Extension: Ms. Shannon Boomsma, White Engineering Inc. was present to request a extension for the order of conditions for three years, since there has been a delay obtaining a contractor to complete the project work. A motion was made, seconded and so voted to approve the three year extension.

Note that Dr. Schrieber recused from the following hearing and was present as an applicant.

Schreiber Hearing: Present for this hearing was, applicant Dr. John Schreiber, who submitted a RDA for the purpose of treatment of phragmites on the periphery of the fire pond with herbicide. Property location is 112 Hillingdon Road. Dr. Schreiber mentioned that he has received prior approval for this treatment, but the time has expired and needs to be renewed. Mr. Friedman inquired on why not dredge the pond. Dr. Schreiber mentioned that in the future that's what will need to occur, but now the area is too wet. Mrs. Worthington inquired if the pond still needs to be labeled as a fire pond. Dr. Schreiber feels that yes it still needs to be a fire pond. 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 determination.

Note that Dr. Schreiber returned to the meeting as a member.

Dr. Schreiber mentioned that there is a violation on Konkapot Cross Rd, in which a few wells Have been drilled and sediment linking. Dr. Schreiber spoke with DEP who suggests that the Board of Health should have approved the wells being drilled. Dr. Schreiber will reach out to the Health Agent to confirm drilling.

The Commission discussed changing the date and time of their meetings. After discussion a motion was made, seconded and so voted to have the monthly meeting on the third Thursday of the month at 5PM.

It was mentioned that the Commission is still waiting for someone to do some training for the Oliver GIS program.

Mrs. Worthington mentioned that it would be a good idea to meet with the Board of Selectmen and inform them on what the Commission does for the Town.

The Commission reviewed the mail:

- White Engineering Inc. – proof of recording order of conditions- Trustees of Jamipa Trust – 14/16 Norfolk Rd.
- White Engineering Inc. – proof of recording extension of order of conditions – Koch/Noe.
- White Engineering Inc. – proof of recording order of conditions – Tatlock – 1191 Canaan Southfield Rd.
- Forest Cutting Plan – Ormsbee – Sisson Hill Rd – 20+ acres.

Next meeting is scheduled for September 16th at 5PM.

A motion was made, seconded and so voted to adjourn at 9:27AM.

Respectfully submitted,

Kathy Chretien
Secretary