

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

Members present were Dr. John Schreiber, Co-Chair Chair, Mr. Freddy Friedman, Co-Chair, Mrs. Nanci Worthington, Mr. Doug Hyde and Mr. Dave Herrick. Others present were Ms. Stockman, Mr. Mike Kulig, Ms. Michele McAuley, Mr. Matt Puntin, Mr. Tim Martin and Ms. Marth Bryan.

Meeting was called to order at 5 PM.

Meeting minutes of August 28th, 2021 were accepted as amended.

New Business:

McAuley Hearing: Present for this hearing was property owner, Ms. Michele McAuley. Applicant submitted an RDA for the purpose of removal of white pine trees to the north and west of the garage and house. Dr. Schreiber mentioned that from the site visit they noticed that the trees behind the house look healthy but the other trees looked diseased and were close to the house. After a brief 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: one to one replanting with native planting hardwood and shrubs.

Reynolds Hearing: Present for this hearing was representative, Mr. Matt Puntin, SK Design. Application submitted a RDA for the purpose of installation of a soil absorption system (SAS) in conjunction with the creation of a 2 bedroom apartment within an existing barn/garage. It was noted that the applicant has already been granted a special permit through the Board of Selectmen for the renovation of garage/barn. Mr. Puntin mentioned that the Board of Health has approved the SAS system, and the system will be completely buried, with no mound. Mrs. Worthington inquired on what mitigation will occur for the ground water. Mr. Puntin mentioned that you have to be prepared for storms that raise the water table to 4 foot ground level increase and that the system was well prepared to manage this. Dr. Schreiber inquired on what is being used for erosion control. Mr. Puntin mentioned that straw waddles and silt fence will be installed. 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 conditions being work completed per plan submitted and allow the Commission to complete a site visit during construction.

GrassMarket LLC: Present was Ms. Emily Stockman, Stockman Associates, Inc. Ms. Stockman mentioned that she completed another site visit with 2 members of the Commission. Ms. Stockman also mention in her updates that a portion of the land is in the 100 year flood plain, and that a firm has been hired to survey and determine the flood plain. It was noted that the Commission is not concerned about logging permits, just rather logging and removal of trees in a jurisdictional area (flood plain) without Conservation Commission/DEP permitting. Ms. Stockman will be in contact with attorney to inform him of this.

Martin: Mr. Timothy Martin was present for the enforcement issued for Konkapot Cross Rd AKA Canaan Valley Cross Rd. Mr. Martin has purchased the property from Grassmarket LLC. The Commission issued the enforcement order for the reason of drilling of well spoils/slurry from the operation altering bordering vegetated wetlands. Mr. Martin mentioned that the enforcement order should have been issued to the well driller. Dr. Schreiber mentioned that the Commission issued this order from noticing that the wetland area has been altered in which they saw from a site visit to an abutting property. Dr. Schreiber also said that the Commission didn't access Mr. Martin's property. Dr. Schreiber also stated that the land owner is the responsible person to contact not a contractor. Mr. Martin stated that he is aware of wetland regulations since he is a home builder and has worked in Vermont, Rhode Island, and New York, Connecticut. Mr. Martin suggests that the Commission Google him and also to Google 17-2450-cv in order to understand who he is. He also mentioned that the Commission must sign off on his building permits. Both Mrs. Worthington and Dr. Schreiber mentioned that the Commission handles the Massachusetts Wetland Protection Act, and following 310 CMR 10 regulations and assisting homeowners/landowners to follow the regulations. The Conservation Commission does not sign off on building permits if the construction is not in a jurisdictional area. It was mentioned that the issue specific issue is the slurry from well drilling with no containment that has caused damage to another piece of property that is in a wetlands area which is a violation of wetlands protection act. Dr. Schreiber mentioned that he would like to contact DEP for guidance/input on how to proceed, and thus a motion was made, seconded and so approved to continue the hearing until next meeting.

Kenyon/Hayes Hill Nominee Trust: Present was Mr. Mike Kulig, Berkshire Engineering, Inc. Applicant submitted a request for certificate of compliance. Property location is Hayes Hill Road. It was noted that the Commission completed a site visit to this property and saw all work was completed done per or of conditions. A motion was made, seconded and so voted to approve a complete certification of compliance.

The Commission reviewed the mail:

- White Engineering Inc. – proof of recording extension of order of conditions- Michele Shalaby – 1055 Clayton Mill River Rd

Next meeting is scheduled for October 21st at 5PM.

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

Respectfully submitted,

Kathy Chretien
Secretary