

MINUTES
CONSERVATION COMMISSION
REMOTE PARTICIPATION
November 1, 2021

OPENING: The regular scheduled meeting of the Conservation Commission opened at 7:00 via Zoom only. Acting Chairman MacWilliams made note of the two new members, Kevin Solek and Rose Hanna and welcomed them to the Committee, announced the names, time and date of the meeting, and stated that the meeting was being recorded.

ATTENDANCE

David MacWilliams, Chairman	Present
Mehmet Mizanoglu, Commissioner	Present
Brian Drenen, Vice Chairman	Present
Brian Pranka, Commissioner	Present
Jerry Patria, Commissioner	Present
Rose Hanna	Present
Kevin Solek	Present

MINUTES

Comissioner Drenen made a motion to accept the minutes of September 30, 2021. Commissioner Patria seconded the motion. The roll call vote was as follows:

David MacWilliams	yes	Mehmet Mizanoglu	yes
Brian Drenen	yes	Brian Pranka	yes
Jerry Patria	yes	Kevin Solek	yes
Rose Hanna	yes		

Chairman MacWilliams made a motion to approve the minutes of October 4, 2021. There was no quorum at this meeting. Commissioner Pranka seconded the motion. The roll call vote was as follows:

David MacWilliams	yes	Mehmet Mizanoglu	yes
Brian Drenen	yes	Brian Pranka	yes
Jerry Patria	yes	Kevin Solek	yes
Rose Hanna	yes		

NOMINATIONS

Commissioner Drenen nominated David MacWilliams as Chairman of the Conservation Commission. Commissioner Patria seconded the motion. The roll call vote was as follows:

David MacWilliams	abstained	Mehmet Mizanoglu	yes
Brian Drenen	yes	Brian Pranka	yes
Jerry Patria	yes	Kevin Solek	yes
Rose Hanna	yes		

Commissioner Pranka made a motion to nominate Commissioner Patria as Vice Chairman. Commissioner Patria declined the nomination, and made a motion to elect Commissioner Drenen as Vice Chairman. Chairman MacWilliams seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Brian Drenen abstained
Jerry Patria yes
Rose Hanna yes

Mehmet Mizanoglu yes
Brian Pranka yes
Kevin Solek yes

Vice Chairman Drenen nominated Chairman MacWilliams to represent the Conservation Commission for the Community Preservation Committee. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams abstained
Brian Drenen yes
Jerry Patria yes
Rose Hanna yes

Mehmet Mizanoglu yes
Brian Pranka yes
Kevin Solek yes

Chairman MacWilliams has also attended meetings for the Master Plan Committee.

PUBLIC COMMENT

Crepes Tea House Mr. Arturas Ribinskas asked about the agenda item listed as a violation. Chairman MacWilliams explained that it was an error when posting the agenda. Mr. Rininskas Asked about the completion of his Notice of Intent. Chairman MacWilliams and Coordinator Clark did view the property and stated that the silt fence can be removed and Mr. Rininskas can then submit a request for a Certificate of Compliance with the return of his bond.

Sebrina Pooler made note that she had submitted an application for the vacant position of Conservation Commission Coordinator to the Select Board. Chairman MacWilliams will contact Mr. Stinehart on the status of the application.

PUBLIC HEARINGS

Mr. Ryan Nelson, R. Levesque & Associates

125 Sheep Pasture Road DEP # 292-0391 Chairman MacWilliams opened the public hearing by reading the legal ad as posted in the Reminder Publication on October 21, 2021. The agenda has the hearing as a continuation, but the reposting of the NOI was due to the change in members so they may get a better understanding of the project. Mr. Nelson stated that the property was an Estate Lot subject to a Special Permit from the Planning Board. The project is for construction of a single family home which includes crossing of a culvert, there will be no tree cutting, and there will be two retention ponds to collect subsurface water. Mr. Nelson reviewed comments from Mr. Mark Stinson, DEP, concerning the crossing of the culvert under the driveway which is dependent upon the amount of water flowing which determines if it is a stream crossing. The Commissioners were concerned with heavy equipment for the construction crossing the culvert. Mr. Nelson stated that the project is not scheduled to begin until the next growing season. The Commissioners agreed to a site visit on November 3rd. Chairman MacWilliams made a motion for a continuation of the Public Hearing. Vice Chairman Drenen seconded the motion. The roll call vote was as follows:

David MacWilliams yes

Mehmet Mizanoglu yes

Brian Drenen yes
Jerry Patria yes
Rose Hanna yes

Brian Pranka yes
Kevin Solek yes

Mr. Ryan Nilson, R. Levesque & Associates

110, 112, 138R Hillside Road DEP # 292-0390 Chairman MacWilliams opened the public hearing by reading the legal ad as posted in the Reminder Publication on October 21, 2021. The agenda has the hearing as a continuation, but the reposting of the NOI was due to the change in members so they may get a better understanding of the project. Mr. Nelson explained that the Public Hearing was for the delineation of wetlands only. There are approximately 1,200 flags on the property that show the location of various wetlands on the 100+ acre parcel. There is a stream connected to Turtle Brook to the rear along with three perennial streams. The Commission and Mr. Nelson reviewed comments from Mr. Mark Stinson, DEP who noted that the wetlands can be defined differently through various times in the year. The Commissioners discuss the possibility of R. Levesque contracting with Kate Bednes as a consultant to confirm the wetlands. Once the study is completed, the Commissioners will schedule a site visit. Mr. Nelson stated that the intention of the property owner is to construct a subdivision. Chairman MacWilliams made a motion for a continuation of the Public Hearing until at least the November 15th meeting. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Brian Drenen yes
Jerry Patria yes
Rose Hanna yes

Mehmet Mizanoglu yes
Brian Pranka yes
Kevin Solek yes

Mr. Ryan Nilson, R. Levesque & Associates

42 Depot Street DEP # 292-0385 Chairman MacWilliams opened the public hearing by reading the legal ad as posted in the Reminder Publication on October 21, 2021. The agenda has the hearing as a continuation, but the reposting of the NOI was due to the change in members so they may get a better understanding of the project. Mr. Nelson presented the plan showing the wetland boundaries, some of which are 16 feet from the rear of the dwelling. The subdivision is for a 100 unit condominium. The drainage will be directed to a culvert on Depot Street and the common open space will be in the middle of the complex. The plans as presented at the Planning Board meeting, show no work outside of the 50 foot buffer zone on the westside of the property, and no work outside of the 100 foot buffer to the north. The Conservation Commission prefers all work to be done outside of the 100 foot buffer and was concerned with the equipment need to construct the dwellings so close to the 50 foot buffer. Commissioner Pranka suggested fencing be placed to the rear of the units on the west side to prevent any occupants from entering the wetlands. There were no comments from DEP. Mr. Nelson stated that people who purchase condominiums “usually” are not concerned with outdoor space and choose a condominium over a single family dwelling due to not having to maintain the property. Members of the Conservation Commission will conduct a site visit on November 3rd. Chairman MacWilliams made a motion for a continuance of the Public Hearing until November 15, 2021. Vice Chairman Drenen seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Brian Drenen yes
Jerry Patria yes
Rose Hanna yes

Mehmet Mizanoglu yes
Brian Pranka yes
Kevin Solek yes

186 Berkshire Avenue DEP # 292-0383 Chairman MacWilliams opened the public hearing by reading the legal ad as posted in the Reminder Publication on October 21, 2021. The agenda has the hearing as a continuation, but the reposting of the NOI was due to the change in members so they may get a better understanding of the project. As there was no representation of this project in attendance, Chairman MacWilliams made a motion for a continuation until the next scheduled meeting on November 15, 2021. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Brian Drenen yes
Jerry Patria yes
Rose Hanna yes

Mehmet Mizanoglu yes
Brian Pranka yes
Kevin Solek yes

1 Noble Steed Crossing Coordinator Clark was informed that the property owner did not want to place the barriers as stated in the Order of Conditions. Modifications will need to be made to the Order of Conditions as the bond on the Notice of Intent will not be returned due to noncompliance. Mr. Nelson will discuss the issue with the property owner.

Conservation Commission Coordinator Position Chairman MacWilliams discussed the replacement of Coordinator Clark with Mr. Stinehart. There are currently 38 similar positions posted in Massachusetts. Mr. Stinehart is working with a “regional” or “shared” position with Blandford. The Conservation Commission was looking for a local person that knows Southwick and was hoping to be able to offer more hours per week. Coordinator Clark was only paid 24 hours per week. The replacement for Coordinator Clark will be appointed by the Select Board. The Conservation Commission members endorsed Sabrina Pooler for the position as she has the qualifications.

North Pond There is evidence of machinery that use a track for transport knocking down a fence between the 22 Babb Road property and the North Pond Land Preserve. Tracks have also been documented by photos on the beach, throughout the trails and in the wooded areas causing deep ruts. A request to cease and desist letter was sent to the occupant of 22 Babb Road via certified letter. Coordinator Clark did receive a call from the Southwick Police Department relative to the activity which prompted the letter as an immediate form of action. As a result of the letter, Mr. Fox, Selectman, called for a meeting at the location with Conservation Commission members, DEP, Fish & Wildlife, Southwick Police Department to develop a plan going forward. The Conservation Commission members agreed to place “no motorized” vehicle signs to prevent future events from occurring and bring the property back to its natural state. The property owner will be contacted with a request for reparations for damages. There are clear violations, however, the DEP representative at the joint meeting did note that the attempt at resolution may not have been handled correctly.

Michelle Pratt, 152 Berkshire Avenue, began a discussion as to why the Conservation Commission members that were not reappointed as the appointment should have been for 3 years, not 1 year. Mrs. Pratt noted provisions in MGL concerning the length of terms.

Zoom Meetings Commissioner Solek questioned why the meetings were being conducted only by Zoom. The Town does allow access to the building and most Boards and Committees conduct meetings via a hybrid model. Commissioner Solek noted that Mr. Nelson’s presentation

was momentarily interrupted. Coordinator Clark stated that was a rare occasion and the majority of the Conservation Commission members find using Zoom a convenience.

CPC Coordinator Clark made note that he is an unpaid consultant to the CPC. The Committee agreed to have former Chairman Chris Pratt attend the Conservation Commission meetings as a nonvoting consultant for his expertise and guidance as his knowledge in conservation matters is invaluable.

LMC Issues related to weeds and fines will be tabled until the next meeting.

The next scheduled meeting of the Conservation Commission is scheduled for November 15, 2021.

As there was no further business to discuss, Commissioner Patria made a motion to adjourn the meeting at 8:41. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Brian Drenen yes
Jerry Patria yes
Rose Hanna yes

Mehmet Mizanoglu yes
Brian Pranka yes
Kevin Solek yes

Respectfully submitted,

Jean Nilsson, Secretary
cc:

Select Board
Town Clerk

Dave MacWilliams, Chairman

Brian Drenen, Vice Chairman

Jerry Patria, Commissioner

Brian Pranka, Commissioner

Mehmet Mizanoglu, Commissioner

Kevin Solek, Commissioner

Rose Hanna, Commissioner

Date