

MINUTES
CONSERVATION COMMISSION
REMOTE PARTICIPATION
November 15, 2021

OPENING: The regular scheduled meeting of the Conservation Commission opened at 7:00 via Zoom only. Acting Chairman MacWilliams made note that Rose Hanna has resigned as a Conservation Commissioner. Chairman MacWilliams 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	Absent
Brian Drenen, Vice Chairman	Present
Brian Pranka, Commissioner	Absent
Jerry Patria, Commissioner	Present
Rose Hanna	Resigned
Kevin Solek	Present

MINUTES

Vice Chairman Drenen made a motion to accept the minutes of November 1st with corrections as previously corrected. Chairman MacWilliams seconded the motion. The roll call vote was as follows:

David MacWilliams	yes	Brian Drenen	yes
Jerry Patria	yes	Kevin Solek	yes

PUBLIC HEARINGS

Mr. Ryan Nelson, R. Levesque & Associates

125 Sheep Pasture Road DEP # 292-0391 Chairman MacWilliams opened the continuation of the Public Hearing. Several members of the Conservation Commission and Coordinator Clark conducted a site visit at the location. There appears not to be much of a potential disturbance, the plan is to upgrade the existing driveway. Commissioners Patria and Solek stated that it appears to be engineered correctly and a straight forward project. Mr. Nelson stated that there would be some minor disturbance to the hayfield and a buffer zone to a wetland and all the storm water concerns have been met and approved by Fire, and DPW Departments along with the Planning Board

Chairman MacWilliams made a motion to close the hearing. Commissioner Patria seconded the motion. The roll call vote was as follows:

David MacWilliams	yes	Brian Drenen	yes
Jerry Patria	yes	Kevin Solek	yes

Commissioner Patria made a motion to approve the project. Chairman MacWilliams seconded the motion. After a short discussion, it was agreed that no bond will be required as the project is minimal and not a great disturbance of the wetland area with minimum reclamation. Commissioner Patria then changed the motion to approve the project without requiring a bond. Commissioner Solek seconded the motion. The roll call vote was as follows:

David MacWilliams	yes	Brian Drenen	yes
Jerry Patria	yes	Kevin Solek	yes

Mr. Ryan Nelson, R. Levesque & Associates

110, 112, 138R Hillside Road DEP # 292-0390 Chairman MacWilliams opened the continuation of the Public Hearing for a determination of the wetland resource areas. Mr. Nelson stated that Ms. Bednaz was in the process of submitting a proposal to the Town. As of this meeting, the proposal has not been received. Mr. Nelson requested a continuation of the Public Hearing. Coordination Clark did speak with Ms. Bednaz who was confident that it would be ready for the next meeting. Chairman MacWilliams made a motion for a continuation until the December 6th meeting. Vice Chairman Drenen seconded the motion. The roll call vote was as follows:

David MacWilliams	yes	Brian Drenen	yes
Jerry Patria	yes	Kevin Solek	yes

Mr. Ryan Nelson, R. Levesque & Associates

42 Depot Street DEP # 292-0385 Chairman MacWilliams opened the continuation of the Public Hearing explaining the multi family dwelling complex with a proposed 100 units. Mr. Nelson stated that the 50 foot buffer zone had been staked out and shown to the Conservation Commission members at the site visit. Units 5 – 16 were shifted further away from the wetlands by 10 feet to the east by moving the units closer to the road. This would be the maximum amount of footage without having to redesign the entire project.

Mr. Nelson stated that the developer was open to installing a stockade or split rail fence along the 50 foot buffer to prevent access. The type of fencing to be installed (such as vinyl or composite) and the length of the fence will be part of the Order of Conditions. There will also be a Conservation Restriction for the wetland property just to ensure that no action is taken within the wetlands. The current plan on file needs to be updated. There were no comments from the public or abutters at the meeting, however, Chairman MacWilliams read a letter from Robin Nargi, 36 Depot Street expressing concerns of runoff, pesticides, and the wetlands as a matter of record. Chairman MacWilliams made a motion to continue the Public Hearing until December 6th. Commissioner Solek suggested that due to the extensive work, a substantial bond may be a consideration. Commissioner Patria seconded the motion. The roll call vote was as follows:

David MacWilliams	yes	Brian Drenen	yes
Jerry Patria	yes	Kevin Solek	yes

Mr. Tim Tomko, Creative Exteriors

186 Berkshire Avenue DEP # 292-0383 Chairman MacWilliams opened the Public Hearing by reading the legal ad as posted in the Reminder Publications on October 21, 2021. Mr. Tomko explained the scope of the project is to dismantle the existing retaining wall and replace it with segmented wall. The existing wall is deteriorated to the point where it will fall into the lake. Mr. Tomko had not submitted plans in an electronic format, thus did not have a presentation to show the Commissioners. The project was initially started in March with Mr. Tomko filing with DEP,

but did not submit the forms, payment, or pictures to the Commission until earlier this month. Chairman MacWilliams noted that the Commissioners would likely want to go out on a site visit before making a decision on the project. Mr. Tomko will send an electronic copy of the proposal for a presentation at the next meeting. A site visit was scheduled for Monday the 22nd at 3:30. Chairman MacWilliams made a motion for a continuation of the Public Hearing until December 6th. Commissioner Solek seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes

Brian Drenen yes
Kevin Solek yes

Mr. Ryan Nelson, R. Levesque & Associates

19 Noble Steed Crossing DEP # 292-0392 Chairman MacWilliams opened the Public Hearing by reading the legal ad as posted in the Reminder Publications on November 4, 2021. Mr. Nelson explained that the applicant proposes to construct a single family dwelling with a portion of the rear part of the property within the 100 foot buffer zone. A silt fence will be installed and some grading will take place from the septic system to the wetland buffer zone. However, there will be no work within 50 feet of the buffer zone. The neighboring property has boulders as markers to the 50 foot buffer zone. Coordinator Clark suggested that the line of boulders continue to have consistency. Silt fencing will border the property to the west around the rear and ending on the eastern part of the property. Commissioner Solek requested an explanation of why individual lots needed a Notice of Intent. Mr. Nelson explained the placement of the dwelling prior to the lots being individually subdivided.

Commissioner Patria made a motion to close the Public Hearing. Chairman MacWilliams seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes

Brian Drenen yes
Kevin Solek yes

Commissioner Patria made a motion to approve the project with boulders at the 50 foot buffer for perpetuity and silt fencing installed, a plan for roof drain infiltration included in the Order of Conditions, and a \$10,000.00 bond. Vice Chairman Drenen seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes

Brian Drenen yes
Kevin Solek yes

NEW BUSINESS

Easement Request at Sofonowski Land Preserve The Conservation Commission received a request for a neighbor to access the rear of his land through Lincoln Road for logging purposes. Coordinator Clark stated that the Mr. Gregoir had previously requested access through a section of the land preserve that is currently being mowed and is a very wet area. The request had previously been denied by the Conservation Commission.

19 South Longyard Road The land owner is looking to install a pond on the property. The Conservation Commission will need to advise the owner if it is possible, and how to go about creating the pond. The area is very near Great Brook. It was recommended that the property owner contract an engineering firm to evaluate the project, and/or if it is outside of the 200 foot riverfront area it is out of the Conservation Commission's jurisdiction. The property owners Cindy and Drew DeMay attended the meeting. Mr. DeMay explained that there is a drainage problem in the Woodland Circle neighborhood behind their property and wants to contain the water before it gets to the Conservation Commission land. Coordinator Clark stated that this may

be a DPW issue, and no plan has been submitted for review. The sketch that was presented had no detail in which to make a determination. Chairman MacWilliams reiterated that the Conservation Commission is only concerned with the impact on Town owned land, or within the 200 foot river front area.

Congamond Lake Weir Gates Chairman MacWilliams stated that DPW is looking to put weir gates on the lake. Coordinator Clark was concerned on how the de-watering was to take place. Mr. Granells assured Coordinator Clark that there would be no de-watering or impact to the bank, thus is not jurisdictional.

LPP Update Mr. Cheever noted that there are two points of concern on the lake relative to erosion mainly due to the amount of rainfall, poor drainage out of the canal and wake boarding. Some homeowners lost as much as 3 feet of lakefront. LPP is discussing lowering the nominal lake level 2.5 inches. The new weir gates will help maintain the lake level throughout the year. Commissioner Patria was questioned if residents can pull weeds from the lake. Coordinator Clark said that “hand” pulling is not necessarily a bad thing, but to make a determination, a plan should be submitted.

Select Board Update of Conservation Commission Chairman MacWilliam noted that the members of the Select Board accepted the resignation of Rose Hanna as a Conservation Commission member, Maryssa Cook-Obregon has been re-instated as a Commissioner.

Sylvanna Sajewicz, 4010 Mountain Road Ms. Sajewicz submitted a request for a Variance of an Annual Dock removal. The dock at the location is the original structure and it is not removable. The dock consists of a permanent, stable, wooden structure that is supported by concrete slabs/pillars. To improve safety, lights have been added. Coordinator Clark stated that the procedure would be to send it over to Lake Management System. Ms. Sajewicz is a new owner of the property. Coordinator Clark noted that permanent docks should be permitted by DEP, and not the local permitting program. Mr. Cheever, LMC will consult their list of Chapter 91 licenses to determine if it has a Chapter 91 issuance. In the event a Chapter 91 license will be required, the Conservation Commission will help Ms. Sajewicz through the process.

Master Plan Committee Chairman MacWilliams was under the impression that he was a member of the Committee representing the Conservation Commission. It appears that Chairman MacWilliams will require a nomination and approval from the Conservation Commission before becoming a member of the Master Plan Committee. Commissioner Patria nominated Chairman MacWilliams as the Conservation Commission liaison to the Master Plan Committee. Vice Chairman Drenen seconded the motion. The roll call vote was as follows:

David MacWilliams	yes	Brian Drenen	yes
Jerry Patria	yes	Kevin Solek	yes

Potential Violation at Noble Steed Crossing Commissioner Clark and Chairman MacWilliams conducted a site visit at the location. Commissioner Clark stated that it appears the entire subdivision may be in violation. Silt running into Great Brook was noted at a site visit with Mr. Brown, DWP Director, a few months ago. The developer was cautioned that all the open land would continue to wash into the brook during rain events. Another more recent site visit confirmed that no action had been taken and more silt in the wetland and resource area along with going into the brook. The silt fences are in disrepair. Chairman MacWilliams also viewed

the site and was amazed that the silt fences are even partially standing. There are ruts in the soil increasing in depth which is a large factor in the water runoff. Acting Coordinator Clark suggested that an Enforcement Order needs to be issued as the condition has deteriorated and no action has been taken for corrective action with the developer not being responsive. An assessment will be done to determine what jurisdiction under the Southwick Bylaw and the MA Wetlands Protection Act. Immediate action will require putting up reinforced silt fencing with hay bales and to cover any areas that have bare earth. A plan will need to be submitted to the Conservation Commission for stabilization. The disturbance covers most of the entire subdivision.

North Pond Trail Map Coordinator Clark presented a map of the trails. Chairman MacWilliams had placed no motorized vehicle signs at the location. During the installation of the signs, a motorized vehicle was on the site. The driver refused to stop for Chairman MacWilliams. Two days after the incident, the no motorized sign had been removed. Andrey Belyshev, Eagle Scout, coordinated a project which included a kiosk at the front of the entrance and mapping of several trails as defined by color coding aluminum tags. Downed trees have been cleared and leaves removed from the trails.

A copy of a cease-and-desist order was issued to the landowner. The potential violator on the property is a tenant of 22 Babb Road. The landowner did reply stating that their son, Adyn Kirk who rents the property had not intended the work to be detrimental, but in fact believed that his actions was being helpful. He had also removed trash from the property prior to the Town of Southwick obtaining ownership. Mr. Kirk would like to continue to work as a steward with the Conservation Commission to maintain the property. Chairman MacWilliams suggested that a meeting be conducted to view what had transpired and possibly make a plan for the future to reclaim what had been done to the property, and mitigate the damage that has been done. Vice Chairman Drenen believed that Mr. Kirk's intentions were not bad. Chairman MacWilliams will make an effort to coordinate a meeting with the parties involved. The Conservation Commissioners agreed that it would be better to work with residents for the better good.

The next scheduled meeting of the Conservation Commission is scheduled for December 6, 2021.

As there was no further business to discuss, Chairman MacWilliams made a motion to adjourn the meeting at 8:36. Commissioner Patria seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes

Brian Drenen 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

Date