

**MINUTES
CONSERVATION COMMISSION
REMOTE PARTICIPATION
May 2, 2022**

OPENING: The regular scheduled meeting of the Conservation Commission opened at 7:00 via Zoom only. 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	Present
Brian Drenen, Vice Chairman	Absent
Brian Pranka, Commissioner	Absent
Jerry Patria, Commissioner	Present
Kevin Solek	Present
Maryssa Cook-Obregon	Present

Acting Conservation Commission Coordinator Dennis Clark was also in attendance.

MINUTES

Commissioner Patria made a motion to accept the minutes of April 4, 2022. Commissioner Solek seconded the motion. The roll call vote was as follows:

David MacWilliams	yes	Mehmet Mizanoglu	yes
Jerry Patria	yes	Kevin Solek	yes
Maryssa Cook-Obregon	yes		

There were no public comments

PUBLIC HEARINGS

Mr. Ryan Nelson, R. Levesque & Associates

NOI 194 Hillside Road DEP # 292-0398 Chairman MacWilliams opened the continuation of the Public Hearing. Mr. Nelson reiterated that the property was for a potential single family dwelling. The property previously had an Order of Conditions which had expired. There had been trees removed, without a permit prior to resubmitting a Notice of Intent, which will be reforested. The disturbed area is approximately 500 square feet. The Commissioners were concerned with a portion of the deck in the 50 foot Buffer Zone which if allowed, may set precedence. To protect the resource area, there will need a buffer to protect it from any disturbance coming into the site during and after construction. Acting Coordinator Clark suggested a deed restriction be included with the final proposal and as the applicant did go forward with removing trees without a permit, an Enforcement Order could be issued. Mr. Nelson will revise the plan to attempt to accommodate the suggestions of the Commission, and

requested a continuation of the Public Hearing. Chairman MacWilliams made a motion to continue the Public Hearing. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes
Maryssa Cook-Obregon yes

Mehmet Mizanoglu yes
Kevin Solek yes

Mr. Ryan Nelson, R. Levesque & Associates

NOI 5B Sawgrass Lane DEP # 292-0399 Chairman MacWilliams opened the continuation of the Public Hearing. Mr. Nelson noted that there has been no change in the plan as discussed in the previous meeting. Approximately 39,685 square feet of permeable surface that was removed and now will be reduced to only 1,557. A portion of the previous parking area will remain to return to a natural state. Only a small portion of the driveway will actually be in the 200 Riverfront area. Mr. Greg Hamelin, owner, stated that MA DPW had approved the curb cut, which was previously used as an entrance to the club house. Acting Coordinator Clark stated that the plan was an improvement from the previous use. As there was no further discussion, Commissioner Mizanoglu made a motion to close the Public Hearing. Commissioner Patria seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes
Maryssa Cook-Obregon yes

Mehmet Mizanoglu yes
Kevin Solek yes

Commissioner Patria made a motion to accept the project with the standard Order of Conditions with no bond. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes
Maryssa Cook-Obregon yes

Mehmet Mizanoglu yes
Kevin Solek yes

Heather Comee, Heather Comee Wetland Consultant

Mr. Anthony Wheeler, Property Owner

NOI 194 Granville Road DEP # 292-0402 Chairman MacWilliams opened the Public Hearing by reading the legal ad as posted in the Reminder Publication on April 21, 2022. Due to technical difficulties, the Public Hearing was not held until after all other Public Hearings were concluded. Ms. Comee explained that the proposal is for a single family dwelling with the septic system, a portion of the dwelling, and a deck within the 100 Buffer Zone. There will be no encroachment in the 50 Buffer Zone. Silt fencing will be installed for erosion control. Acting Coordinator Clark stated that this would be the best use of the property taking into consideration the forested area and the sloping. As there was no further discussion, Chairman MacWilliams made a motion to close the Public Hearing. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes
Maryssa Cook-Obregon yes

Mehmet Mizanoglu yes
Kevin Solek yes

Chairman MacWilliams made a motion to approve the project as presented with the standard Order of Conditions, sizable boulders at the 50 foot Buffer Zone boundary, and a \$10,000.00 bond. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes

Mehmet Mizanoglu yes

Jerry Patria yes
Maryssa Cook-Obregon yes

Kevin Solek yes

Ms. Alexandra Cichetti, R. Levesque & Associates

NOI 14 Beach Road DEP # 292-Chairman MacWilliams opened the Public Hearing by reading the legal ad as posted in the Reminder Publication on April 21, 2022. As of this meeting, there has been no DEP number assigned to the project, thus no comments from DEP. The Town of Southwick is the applicant for the replenishment of beach sand within the Buffer Zone. Erosion control will be installed for stabilization. The need to replenish the sand is due to erosion at the shoreline and will remain in place until a Certificate of Compliance is issued. The Commission would have liked to see sand from the lake dredged and reused, but that would trigger an entirely different threshold that would not be practicable. Sand will be imported above the Mean Annual High-Water Line of Lake Congamond and washed sand will be used.

As DEP had not submitted a review of the Notice of Intent, The Conservation Commission suggested that the project be postponed until the next meeting. Ms. Cichetti made that request. Chairman MacWilliams made a motion to continue the Public Hearing until May 16th. Commissioner seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes
Maryssa Cook-Obregon yes

Mehmet Mizanoglu yes
Kevin Solek yes

Mr. Ryan Nelson, R. Levesque & Associates

Ms. Alexandra Cichetti, R. Levesque & Associates

NOI 138R Hillside Road DEP # 292-0401 Chairman MacWilliams opened the Public Hearing by reading the legal ad as posted in the Reminder Publication on April 21, 2022. Mr. Nelson presented the project using an ANRAD filing which determined the boundaries of wetlands. The proposal is for a 5 dwelling subdivision. There is a Bordering Vegetated Wetland to the rear of the property. Each individual lot may need a separate NOI to ensure the 50 foot Buffer Zone is not encroached upon. Chairman MacWilliams read an email sent from Mr. Tom FitzGerald, Health Director concerning the percolation tests locations and the wells located which may be too close to the proposed building envelope. Mr. Nelson explained that the proposal of the building locations is just an estimate and may not be in actuality, where the buildings are located. The Conservation Commission members wanted assurance for future buyers to be notified that they may need to file an NOI and not encroach on the 50 foot buffer. Ms. Cichetti stated that the Planning Board had reviewed the project and there is a Statement of Easement covered by a Covenant that will be imposed on the subdivision. The comments from DEP were submitted just a short time before the beginning of the meeting. The Conservation Commissioners did not have time to review the comments and the rebuttal from Mr. Nelson prior to the meeting. Chairman MacWilliams made a motion for a continuation of the meeting of the public hearing. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows.

David MacWilliams yes
Jerry Patria yes
Maryssa Cook-Obregon yes

Mehmet Mizanoglu yes
Kevin Solek yes

Mr. Ryan Nelson, R. Levesque & Associates

NOI 1 Honeybird Run DEP # 292-0403 Chairman MacWilliams opened the Public Hearing by reading the legal ad as posted in the Reminder Publication on April 21, 2022. The Notice of Intent was for after the fact work that was done creating a grassed back yard with positions within the 100 foot Buffer Zone to a Bordering Vegetated Wetland. Mr. Nelson explained that when the roadway was constructed, a silt fence was installed which encroached on the 50 foot Buffer Zone. There was approximately 558 square feet that was disturbed. The proposal will move the silt fence outside of the 50 foot Buffer Zone and the land will be left to revert to its natural state. The 50 foot to the 100 foot Buffer Zone will be a lawn for the dwelling. The Notice of Intent is for the maintenance of a lawn within the 100 foot Buffer Zone. Conservation Commissioners met with Mr. Greg Hamelin, builder at the site who was not in agreement with boulders as monument markers. Mr. Hamelin was present and commented that his understanding was that boulders needed to be placed at the 100 foot Buffer Zone, not the 50 foot Buffer Zone. Mr. Hamelin had no issues with boulders being placed at the 50 foot Buffer Zone. Acting Coordinator Clark stated that there has been no pre construction site visit requested nor a bond posted. Mr. Hamelin stated that he had no issue with compliance and putting up a bond and the Order of Conditions will be part of the closing. As there was no further discussion, Chairman MacWilliams made a motion to close the Public Hearing. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes

Mehmet Mizanoglu yes

Jerry Patria yes

Kevin Solek yes

Maryssa Cook-Obregon yes

Chairman MacWilliams made a motion to issue a standard Order of Conditions, grass planted up to the 100 foot Buffer Zone, monumentation at the 50 foot Buffer Zone and a \$10,000.00 bond. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes

:Mehmet Mizanoglu yes

Jerry Patria yes

Kevin Solek yes

Maryssa Cook-Obregon yes

Mr. Ryan Nelson, R. Levesque & Associates

NOI 2 Silvergrass Lane DEP # 292-0404 Chairman MacWilliams opened the Public Hearing by reading the legal ad as posted in the Reminder Publication on April 21, 2022. This property is neighboring to 1 Honeybird Lane and have the same conditions. Thus, Chairman MacWilliams made a motion to close the Public Hearing. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes

Mehmet Mizanoglu yes

Jerry Patria yes

Kevin Solek yes

Maryssa Cook-Obregon yes

Chairman MacWilliams made a motion to issue a standard Order of Conditions, grass planted up to the 100 foot Buffer Zone, monumentation at the 50 foot Buffer Zone and a \$10,000.00 bond. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes

Mehmet Mizanoglu yes

Jerry Patria yes

Kevin Solek yes

Maryssa Cook-Obregon yes

Mr. Ryan Nelson, R. Levesque & Associates

NOI 141 Congaomond Road DEP # 292-0400 Chairman MacWilliams opened the Public Hearing by reading the legal ad as posted in the Reminder Publication on April 21, 2022. Mr. Nelson presented a site plan for the restoration of a preexisting restaurant, a parking area, retaining wall and docks. Mr. Nelson explained that the project will begin with the installation of erosion and sedimentation controls prior to cutting and stumping of vegetation within the approved limit of work. There will be an expansion of the parking lot some of which is on Town own land and is in the process of negotiation. Two docks may be installed with 20 slips for transient users, and another 20 for a marina. The docks will need to be permitted by the State under a Chapter 91 license. Mr. Cheever, Lake Management Committee, stated that a unanimous vote of the Committee strongly opposed another marina due to the already overcrowding of the lakes. A slope east of the retaining wall will need to be regraded for compensatory storage. Erosion controls shall remain in place until the site is fully stabilized, vegetated, and a Certificate of Compliance is issued. The Conservation Commission members will conduct a site visit at the location on Saturday, May 7th at 9:00 AM. Chairman MacWilliams made a motion to continue the Public Hearing. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes
Maryssa Cook-Obregon yes

Mehmet Mizanoglu yes
Kevin Solek yes

BUSINESS

American Legion Memorial Day Parade The Conservation Commission received an invitation to participate in the parade. None of the members present would be able to join in the festivities.

CRC Donation The Conservation Commission received a request for a donation to the Citizens to Restore Congaomond. Commissioner Mizanoglu made a motion to donate \$100.00. Commissioner Patria seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes
Maryssa Cook-Obregon yes

Mehmet Mizanoglu yes
Kevin Solek yes

Mr. Dan Dumas – 2 Sodom Mountain Mr. Dumas requested to act as the erosion control monitor on his property during construction. Mr. Dumas has been a professional Residential General Contractor for more than thirty years, having developed residential subdivisions and completed dozens of custom houses, primarily building in Granby, CT and surrounding towns. Chairman MacWilliams made a motion to approve Mr. Dumas as the erosion control monitor. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes
Maryssa Cook-Obregon yes

Mehmet Mizanoglu yes
Kevin Solek yes

146 Berkshire Avenue Ms. Mary Ann Marshman, property owner, is looking to have some trees and shrubbery removed on her property. Mr. Randy Brown, Tree Warden and Chairman MacWilliams conducted a site visit and discovered that most of the issues were sumac and smaller shrubs with one large tree near the lake shore. Chairman MacWilliams of the opinion that the large 3 trunk oak should remain from a habitat and erosion standpoint, but could be vista pruned. Ms. Marchman was opposed to keeping the large oak near the lake. Acting Coordinator Clark stated that removal of the tree does not qualify for an Emergency Permit, thus Ms. Marshman will need to submit a Notice of Intent before the Commissioners can vote on a proposal.

Future Meetings Che Commissioners agreed to have future meetings via hybrid (in person and Zoom).

Chairman MacWilliams made a motion to adjourn at 9:19 p.m. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

David MacWilliams yes
Jerry Patria yes
Maryssa Cook-Obregon yes

Mehmet Mizanoglu 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

Maryssa Cook-Obregon, Commissioner

Date