

MINUTES
CONSERVATION COMMISSION
HYBRID PARTICIPATION
October, 16, 2023

ATTENDANCE

Christopher Pratt, Chairman	Present
Norman Cheever, Vice Chairman	Present
Mehmet Mizanoglu, Commissioner	Present
Jerry Patria, Commissioner	Present
Kevin Solek, Commissioner	Present
Andrew Reardon, Commissioner	Present
Dennis Clark, Commissioner	Present

Chairman Pratt opened the meeting at 7:00 PM by announcing the date, time and members in attendance.

MINUTES

Vice Chairman Cheever made a motion to accept the minutes of 10/2/23. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

Chris Pratt	yes	Norm Cheever	yes
Mehmet Mizanoglu	yes	Jerry Patria	yes
Kevin Solek	yes	Andy Reardon	yes
Dennis Clark	yes		

There were no public comments.

Mr. Ryan Nelson, R. Levesque & Associates
Mr. Frank Grillo, Owner

81 Point Grove Road NOI DEP # 292-0415 Chairman Pratt opened the continuation of the Public Hearing. Mr. Nelson explained the procedures for removing the beaver dam by addressing the DEP comments. There will be less than 100 cubic yards of dredged material removed from the site. Commissioner Clark suggested that a third party and an official from the State be consulted to ensure that the project is in accordance with all the provisions relative to a habitat removal within the lake. The project is within the threshold of land under water. One of the reasons for the removal is the configuration of the dock to allow better access to some of the slips at the shoreline and allowing for better access between the North Pond and Middle Ponds through the culvert. Alterations of the dock must be approved through Chapter 91. Mr. Grillo stated that the current placement of the dock is a hazard as there has already been four accidents at the location this season. Vice Chairman Cheever made note that the Lake Management Committee supported the dock re-allocation. However, there has been no formal design of where the dock will be placed once or if the beaver dam is removed. Commissioner Mizanoglu made a motion for a continuation of the Public Hearing. Vice Chairman Cheever seconded the motion. The roll call vote was as follows:

Chris Pratt	yes	Norm Cheever	yes
Mehmet Mizanoglu	yes	Jerry Patria	yes
Kevin Solek	yes	Andy Reardon	yes

Dennis Clark yes

662A College Highway NOI 292-0412 The Public Hearing was continued until November 6th at the previous meeting.

Mr. Ryan Nelson, R. Levesque & Associates
Mathew Donahue, Attorney
Mr. Ken Eggleston, Owner

141 Congamond Road DEP# 292-0400 Order of Conditions Mr. Nelson requested an alteration of the number 4 and 7 of the Special Order of Conditions. Number 4 was for the Green Locks that were installed to stabilize the bank. It was reported that the silt fencing prohibited the sock tubes from establishing vegetation along the shoreline in some areas. The seeds within the sock rotted as they were saturated and did not develop. The proposed change will be to re-establish plantings along the shoreline with non-evasive species to secure the shoreline from erosion. Commissioner Solek suggested that the vegetation be reestablished in the areas that did not develop. Mr. Nelson will submit a list of approved plantings.

The condition of number 7 was that the docks be removed every winter – “ice out” is December 1st. Mr. Eggleston stated that he was not aware of what he was agreeing to at the time of the proposal. The purchased docks are designed not to be removed and in accordance with Chapter 91, the State allows for 1,999 square feet of dock to remain. In the event the docks are required to be moved, they must be removed by hand. The only option to removing the dock would be to store them in the parking lot which would reduce the available space for customers. There are 62 docks, 10 feet wide. There is a concern with snowmobile activity as a safety hazard. The removal of 16 docks and the installation of motion sensor lights and cones could reduce the possibility of accidents. The Commission will consult with the Harbor Master for his opinion on the matter. Vice Chairman Cheever commented that the Order of Conditions was issued and how the removal of the docks was accomplished and where they were placed was not a concern of the Commission. Mr. Richard Grannells, Chairman of the Lake Management Committee, stated that there are alternative dock types that are designed for removal such as the ones at the Town boat launch. The provision of number 7 of the Order of Conditions has specifications that may be under the jurisdiction of the Chapter 91 license, and not the Conservation Commission.

Troop 12916 There was no one in attendance for this issue.

Noble Steed Vice Chairman Cheever conducted a site visit and noted that at this time, progress is slow, and the rain caused massive erosion problems with sediment being washing into the resource area. There is a lean on the property which if transferred to the Town, all the conditions of the Order of Conditions will remain with the property. In the event the Town does take ownership, an Enforcement Order can be issued that will be part of a deed on the property. Town Counsel will be consulted as to the necessary steps needed to transfer the bond money to the Town. Coordinator Pooler will contact the owner and request his attendance at the next meeting.

141 North Lake Avenue LPP Permit A permit was issued for a dock. However, it was discovered that the dock was placed on the tow path and not on the property owned by the North Pond Views Association. The Town of Southwick GIS mapping program does show that the dock is located

on the tow path, and not on property owned by North Pond Views Association. The property owner apparently did not have permission to install the dock on any shoreline. Mr. Michael Russo, 28 Castle Street, and Rich and Wanda Anderson, 138 North Lake Avenue, all stated that the dock was on the tow path. The Town does not show any ownership of the tow path. Vice Chairman Cheever made a motion to send a letter stating that the current LPP permit is to be revoked and that the dock and vessel must be removed within a two-week period and no permit will be issued in the future for a dock and vessel at that location. Commissioner Clark seconded the motion. The roll call vote was as follows:

Chris Pratt	yes	Norm Cheever	yes
Mehmet Mizanoglu	yes	Jerry Patria	yes
Kevin Solek	yes	Andy Reardon	yes
Dennis Clark	yes		

21 Noble Steed Possible Violation Coordinator Pooler presented images of the property showing where the delineated wetland area is in potential violation by encroaching in the 100 foot Buffer Zone. The property owner will be contacted.

16 Berkshire Avenue Possible Violation Vice Chairman Cheever presented a picture showing a bobcat repairing a retaining wall that was damaged from a neighbors tree that fell, but the property owner did not apply for any permits. A letter will be issued to the property owner.

142 Berkshire Avenue Possible Violation Coordinator Pooler issued an Emergency Certification to remove 2 large black oaks in August of 2022. However, the property owner not only removed the trees, but installed fencing and a possible deck within the resource area of the lake without submitting an application. A letter will be issued to the property owner.

579 Forrest Road, Suffield – Possible Wetland Violation Vice Chairman Cheever noted that the officials in Suffield will address the erosion issue along the shoreline but will not take action on the 14 foot jetty constructed in the water as they do not have jurisdiction beyond the shoreline. Mary Montoty, neighbor, stated that the change had a negative impact on her shoreline. Vice Chairman made a motion that a letter be issued to the property owner stating that the rock jetty be removed. Commissioner Reardon seconded the motion. The roll call vote was as follows:

Chris Pratt	yes	Norm Cheever	yes
Mehmet Mizanoglu	yes	Jerry Patria	yes
Kevin Solek	yes	Andy Reardon	yes
Dennis Clark	yes		

Sandra Macdowell, President, South Pond Four Seasons Assoc.
Giseppi Sculder, Vice President, 526 Griffin Road, Suffield
Nancy Drury, 530 Griffin Road West Suffield

Four Seasons Association Complaint Ms. Macdowell issued a letter of complaint concerning the placement of the neighboring dock which does not allow for safe docking at the Association. Members of the South Pond Four Seasons Association did come before the Conservation Commission with a Request for Determination for the installation of the dock, which was granted. According to current mapping, the Association dock is close to the Southwick/Suffield line. Ms. Drury stated that she did move her dock 10 feet from the property line when requested earlier this year to move it.

In accordance with the LPP, docks must be 25 feet from a neighboring property line unless permission is granted to be closer than 25 feet. Mr. Scuderi measured the location of Ms. Drury's dock and made note that it actually protrudes into the Association property. No LPP permits will be issued in the future unless the dock is 25 feet from the property line.

North Pond Conservation Area Coordinator Pooler stated that the Southwick Police requested that a tree and some limbs be removed where the rope swing is located. In accordance with the Conservation Commission regulations, whoever wants to remove the tree and limbs will have to file and RDA.

Mr. Ryan Nelson, R. Levesque & Associates
Mr. Jim Oleksak, Property Owner

31 Sam West Road – Possible Wetland Violation Mr. Oleksak stated that the owner of a portion of the 5 acre parcel cut down several trees for a solar farm then was not granted permission for the project. The cut trees remained on the property for a period of 8 or 9 years. Mr. Nelson explained that a berm was constructed, but because of all the rain this year, it was breached, and the sediment did flow downward into a wetland in an area of approximately 2,600 square feet and may have to be cleaned out by hand. Commissioner Clark suggested that a Friendly Enforcement Order to be issued and a mitigation plan be submitted.

112 Berkshire Avenue Mr. Nelson presented a plan showing the 5 trees being removed and the replacement trees being planted and the installation of a 500 gallon dry well. The Commission signed the updated plan.

Star Gazers Event Commissioner Solek repaired the access path and will place wood chips on top of the path. Coordinator Pooler stated that access to the area is very wet and the weather outlook does not look favorable, so the event may be cancelled.

13 Berkshire Avenue Coordinator Pooler will get more information on the cost and the process of procuring the land.

Vice Chairman made a motion to adjourn the meeting at 9:35 PM. Commissioner Reardon seconded the motion. The roll call vote was as follows:

Chris Pratt	yes	Norm Cheever	yes
Mehmet Mizanoglu	yes	Jerry Patria	yes
Kevin Solek	yes	Andy Reardon	yes
Dennis Clark	yes		

Respectfully submitted,

Jean Nilsson, Secretary

cc:
Select Board
Town Clerk

Christopher Pratt, Chairman

Norman Cheever, Vice Chairman

Mehmet Mizanoglu, Commissioner

Jerry Patria, Commissioner

Kevin Solek, Commissioner

Andy Reardon, Commissioner

Dennis Clark, Commissioner

Date