

MINUTES
CONSERVATION COMMISSION
HYBRID PARTICIPATION
July 18, 2022

OPENING: The regular scheduled meeting of the Conservation Commission opened at 7:00 via in person 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, Commissioner	Present
Brian Pranka, Commissioner	Absent
Jerry Patria, Commissioner	Present
Kevin Solek	Present
Maryssa Cook-Obregon	Present

PUBLIC COMMENTS

Carol Guay, 137 Mort Vining, attended the meeting to discuss the areas around two ponds at Sofonowski Land Preserve. Ms. Guay presented a map and pictures showing an overgrowth of trees and plants around the ponds that limits access and visibility. The property is brush hogged on a yearly basis, but the immediate area near the shore line of the ponds is becoming increasingly overgrown. Commissioner Solek stated that the trees are currently 6 to 8 inches around. There is a Conservation Restriction on the parcel that will need to be researched before any action can be taken. Vice Chairman Cook-Obregon suggested that Ms. Guay attend a meeting of the Agricultural Commission who can work in conjunction with the Conservation Commission to further discuss a resolution.

Daniel Hess Email Vice Chairman Cook-Obregon read an email from Mr. Hess expressing his concern of the excessive amount of pontoon boats at Kings Beach, a conservation lane, limiting access. Mr. Hess' email suggested that the area divided to allow access to all, not just pontoon boats.

MINUTES

Commissioner Patria made a motion to accept the minutes of June 21, 2022. Commissioner Solek seconded the motion. The roll call vote of the Committee was unanimous in favor.

David MacWilliams	yes	Brian Drenen	yes
Maryssa Cook-Obregon	yes	Jerry Patria	yes
Kevin Solek	yes		

Commissioner Drenen made a motion to accept the minutes of July 6, 2022. Commissioner Solek seconded the motion. The roll call vote of the Committee was unanimous in favor.

Commissioner Mizanoglu joined the meeting after the vote to approve minutes.

PUBLIC HEARINGS

Mr. Randy Brown, DEP Director

Ms. Megan Woytik and Mr. Jeremy Cigal, Tighe & Bond

NOI Kline Road Culvert Replacement DEP # 292-0408 Chairman MacWilliams opened the Public Hearing by reading the legal ad as posted in the Reminder Publications on July 7, 2022. Mr. Brown gave a background explanation of the project. The current culvert is at the South Loomis Street end of Kline Road. The existing culvert is deteriorated and likely undersized. The replacement culvert will be a box style culvert 9 feet wide and 6 feet high (half of which will be buried). The Town was issued a grant for the design portion of the project, however, grant funding will be secured before construction can begin. Any trees that will need to be removed will be presented to the Planning Board and may be able to be replaced. Ms. Woytik presented a plot plan showing the location of the stream and wetland area that will be impacted by the project and have been met in accordance with all standards. Mr. Cigal made note that all stream crossing standards have been included.

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

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

Vice Chairman Cook-Obregon made a motion to approve the plan with the standard Order of Conditions and the inclusion of the potential to replace trees that have been or may need to be removed. Commissioner Solek seconded the motion. The roll call vote was as follows:

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

Mr. Andy Reardon, Owner

RDA 1 Hudson Drive Chairman MacWilliams opened the Public Hearing by reading the legal ad as posted in the Reminder Publications on July 7, 2022. Mr. Reardon had previously submitted an RDA, but has since expired. Mr. Reardon began the presentation by establishing that the stream near the project location was intermittent. Acting Commissioner Clark noted that the RDA is for an expansion of the existing self-storage facility, and was of the opinion that the stream was intermittent. The limit of work does not extend into the stream. The Commissioners reviewed the submitted plan. Commissioner Mizanoglu made a negative determination on the plan with the inclusion of erosion control. Commissioner Patria seconded the motion. The roll call vote was as follows:

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

NEW BUSINESS

Commissioner Brian Pranka Chairman MacWilliams related an email from Mr. Pranka to accept his resignation as a Conservation Commissioner. Chairman MacWilliams thanked Mr. Pranka for all his hard work and dedication during his years as a member of the Commission. Mr. Pranka expressed interest in returning to the Commission at a future time.

Request for a Certificate of Compliance 800 College Highway Road DEP # 292-0216

Coordinator Pooler conducted a site visit at the location and noted that a Certificate of Compliance was not issued due to the plan not in previously compliance. Coordinator Pooler suggested that boulders be placed in the 50 foot buffer area. Acting Coordinator Clark made note that the installation of boulders was already a condition that needs to be satisfied before the Certificate of Compliance can be issued. The Order of Conditions do mention "shrubs", but could be replaced by boulders to establish the limit of work. There was no one in attendance or on Zoom representing the request. The Certificate of Compliance was not approved.

Request for a Certificate of Compliance 75 Will Palmer Road DEP # 292-0238

Coordinator Pooler conducted a site visit and noted that the plantings in the Order of Conditions were not established. There is natural vegetation that has been established within the scope of the plan. However, there is an established path that is currently being mowed (approximately 6 feet wide and 15 feet long) which accesses the wetland buffer zone. Commissioner Mizanoglu made a motion to issue the Certificate of Compliance. Commissioner Drenen seconded the motion. The roll call vote was as follows:

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

Potential Violation/Enforcement Order 3 Honeybird Lane DEP# 292-0396

Coordinator Pooler conducted a site visit and noted that mowing was being done beyond the 50 foot buffer zone where the boulders have been established. Coordinator Pooler suggested that a letter be issued to the property owner noting the violation and including a pamphlet on the Massachusetts Wetlands Protection Act.

Timothy Tomko – Erosion Control Monitor DEP # 292-0383 186 Berkshire Avenue

Commissioner Mizanoglu made a motion to accept Mr. Tomko as the erosion control monitor of the project. Commissioner Solek seconded the motion. The roll call vote was as follows:

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

Greg Hamelin – Erosion Control Monitor DEP # 292-0407 6 Silvergrass Lane

Commissioner Patria made a motion to accept Mr. Hamelin as the Erosion Control Monitor of the project. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

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

Erosion Control Monitor DEP # 292-0400 141 Congamond Road Coordinator Pooler made note that an Erosion Control Monitor was not voted on at the meeting of July 6, 2022. It was also unclear at that meeting if Mr. Eggleston would accept the responsibility. The issue will be tabled until the next scheduled meeting once a confirmation is received from Mr. Eggleston.

Procedure Issues Coordinator Pooler created a template for RDA and NOI procedure so that all applicants are aware of the steps needed to successfully submit applications and adhere to processes required for completion. There have been situations where projects have begun before a pre-construction site visit. The form will be sent to applicants when submitting a project. Once an Order of Conditions is finalized, the Town Clerk will receive a copy of the procedures inclusive of what steps have been completed and what steps need to be completed.

Enforcement Noble Steed Coordinator Pooler conducted a site visit and presented pictures of excessive erosion at the location, silt fencing failure, silt in the wetland resource area and on the roadway, etc. The property has a current Enforcement Order with limited corrective action taken on the part of the owner. Acting Coordinator Clark recommended fining. Coordinator Pooler needs to be authorized or may be authorized as part of her position as Coordinator. Commissioner Solek made a motion to go forward with issuing a letter stating that a \$300.00 per day fine will be imposed for the wetland violations by August 1, 2022. Vice Chairman Cook-Obregon seconded the motion. The roll call vote was as follows:

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

Mr. Drew Demay, Owner

19 South Longyard Road Mr. Drew Demay attended the meeting to discuss conservation issues relative to encroachment on Town owned land abutting his property. A DPW complaint was issued stating erosion coming off of Mr. Demay's property into the abutting and Town property near a Waterfront. Coordinator Pooler conducted a site visit and noted structures (easy up – chicken coop - rocks) that are on Conservation land along with drainage that is depositing silt into Great Brook. Mr. Demay presented a plan showing the location of a pipe that will be removed, replace with a catch basin and filled with large round straw bales that will decompose naturally and create regrowth and stop silt from going into Great Brook. Chairman MacWilliams cautioned Mr. Demay that he cannot do any work on the neighbors or Town owned property. Mr. Gary Yelin, 7 South Longyard Road, requested that the work be monitored by an official, which cannot be mandated by the Committee. A survey to determine the exact property lines was required by the Building Department and Planning Board but was never done. Mr. Demay said that a survey cannot be done as there are no neighboring markers and would require extensive expensive research. Chairman MacWilliams stated that the structures on Town land will need to be removed immediately with no further encroachment.

LPP Updates Mr. Norm Cheever, LMC, stated that the annual boat inventory has been completed. There are 627 power vessels on the lake and 97 fewer docks than last year which Mr. Cheever believes is an error. There are violators identified by photos taken by Mr. Cheever that

have been issued letters on behalf of the SPD and Conservation Commission, some of which have paid avoiding fines. There are also few docks that have the street code listed for identification from the lake. As of this meeting, the Conservation Commission has not been informed by the Select Board of potential violators on the Connecticut shoreline.

OLD BUSINESS

Certificate of Compliance Lots 7 & 21 There was no one in attendance to address the issue.

Request for a 3 year extension DEP# 292-0363 An email was issued from R. Levesque prior to the meeting requesting an extension until the next scheduled meeting. Commissioner Patria made a motion for continuation. Commissioner Mizanoglu seconded the motion. The roll call vote was as follows:

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

Mr. Alex White, Health Director

North Pond Trash Mr. White received a complaint for rubbish which included diapers and toilet paper which appears to have fecal matter at the entrance off of South Longyard. There was also debris and what appears to be a fire pit. Mr. White was concerned with protection of the public health and requested suggestions to prevent these issues. Coordinator Pooler stated that due to the Conservation Restriction, a porta potty could only be installed at the entrance for the remainder of the summer season. Chairman MacWilliams noted that most people are not near the entrance for a period of time to use it, and the Conservation Commission is not budgeted for a porta potty. Because of the Conservation Restriction from US Fish & Wildlife, a porta potty cannot be installed in a location closer to the beach without their permission. Mr. White has already contacted US Fish & Wildlife and DEP, as of this meeting has not received a response. Chairman MacWilliams has signs that will be posted to help resolve at least some of the issues.

Next Meeting Chairman MacWilliams will not be available for the next meeting. Vice Chairman Cook-Obregon will Chair the next meeting.

Commissioner Mizanoglu made a motion to adjourn at 9:07 p.m. chairman MacWilliams seconded the motion. The roll call vote was as follows:

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

Respectfully submitted,

Jean Nilsson, Secretary

cc:
Select Board
Town Clerk

Dave MacWilliams, Chairman

Maryssa Cook-Obregon, Vice Chairman

Jerry Patria, Commissioner

Brian Pranka, Commissioner

Mehmet Mizanoglu, Commissioner

Kevin Solek, Commissioner

Brian Drenen, Commissioner

Date