

Charlemont Conservation Commission Meeting Minutes
November 7, 2018
Charlemont Town Hall

Conservation Commission Present: Doug Telling, Bill Harker, Tom Shields, Rob Lingle and Steve Ferguson

Absent:

Guests: Mark Stinson D.E.P., Wanda Mooney, Peg Dean (Town Administrator), Bill Lattrell, Marguerite Willis (Select Board), Carlene Hayden (Planning Board), Sarah Reynolds (Select Board), David Roberts and Brian Dupree

Meeting called to order at 6:00 pm

- ⑩ Con Com members read and signed minutes from 10/3/2018

6:05- Telling opened hearing for RDA Application for Heidi Haddad, 2167 Mohawk Trail (Route 2), an existing residential lot that is being sold.

- ⑩ This is a Title 5 repair for a failed existing system. The old system was 15' from the delineated wetland. The new system will be 19' away and thus, an improvement.
- ⑩ Erosion control between the area of work and the wetland resource area will be installed before any work begins.
- ⑩ Lingle made motion for a 3-month determination for work to be performed. Harker seconded. Motion amended to include right for members of Con Com to enter property during construction. Motion passed unanimously.
- ⑩ Lingle made motion to accept boundaries as delineated in plan of record. Telling seconded. Motion passed unanimously.

Hearing closed at 6:20.

6:30- Opened discussion regarding WPA Form-9 Enforcement Order for Route 8-A North for approximately 100 vehicles, (as stated by Brian Dupree, owner of property), stored within 200' of Resource Area.

- ⑩ Enforcement Order was issued on 5/9/2018, ordering vehicles within 200' of Resource Area to be removed by 10/2018. The work has not been performed, although, a small percentage of the vehicles, according to Dupree, have been removed.
- ⑩ Dupree states his only employee retired unexpectedly, which prevented him from removing the vehicles, as he is too busy performing other work in his repair shop. Dupree, also, states that many of the vehicles aren't owned by him but are vehicles that were towed through his AAA affiliation, by order of law enforcement agencies and subsequently abandoned. Dupree said it takes time to file the necessary paperwork to take ownership of abandoned vehicles.

- ⑩ Dupree, when asked why another towing/recycling company couldn't remove the vehicles, made a derogatory comment regarding that company and said he wouldn't do business with them.
- ⑩ When asked if any of the vehicles within the Resource Area had been removed, Dupree responded that several had been and then, amended that to 15, the equivalent of 5 truck loads.
- ⑩ Dupree, also, stated that he now has a helper and is playing "catch up" at his business.
- ⑩ Dupree was argumentative regarding his lack of a class 3 license and special permit enabling him to have more than 3 unregistered vehicles on his property. Hayden explained that the issue of the class 3 license and special permit would not be addressed until the enforcement order from the Con Com was complied with.
- ⑩ Willis inquired if Con Com would be satisfied if paperwork showing vehicles being removed were to be provided by Dupree every two weeks.
- ⑩ Stinson made two points, that six months had passed since the enforcement order was issued and that if we amended it we would be shooting ourselves in the foot, as the enforcement order could then be appealed in 60 days. Thus, it would be equivalent to issuing a new enforcement order.
- ⑩ Dupree stated that winter conditions would prevent him from removing vehicles. Willis asked why couldn't vehicles be removed during the winter and shared that it would be preferable to stay out of court proceedings. Ferguson concurred and stated that it should be easy enough to move the vehicles with the loader Dupree uses to process the vehicles for recycling.
- ⑩ Lingle commented that nobody wants to put anyone out of business. Reynolds said that we should wait and see if any progress is being made before slamming Dupree with any enforcement order actions. Lingle then asked that Stinson suggest a time frame for the complete removal of the vehicles. Stinson responded that it isn't his enforcement order.
- ⑩ After discussion by those present, it was decided that the removal of 3 vehicles per week, on average, accompanied by proper documentation, would be amenable.
- ⑩ Lingle moved that the Enforcement Order be amended to require Dupree to remove 3 vehicles per week until the Con Com Enforcement Order is met through the removal of all vehicles within the Resource Area, with proper documentation submitted to the Con Com and that the Con Com be granted approval by Dupree to enter the property to monitor the progress of the work.
- ⑩ Dupree stated that it would be alright for the Con Com to enter the property.
- ⑩ Stinson advised us to further discuss the wording of the Enforcement Order in preparation for our next meeting. Telling, then, moved to withdraw the motion. Seconded by Lingle. The motion to withdraw the motion passed unanimously.
- ⑩ In closing, Willis, strongly, suggested to Dupree that, in the meantime, he should show good faith by beginning to remove the vehicles and providing proper paperwork showing that to the Con Com.

Discussion ended at 7:20 pm

7:23-

- ⑩ Telling submitted his resignation as Chair. Ferguson stated that he would not serve as Chair. After some discussion, both Telling and Lingle agreed to serve as Co-Chairs.

- ⑩ Telling stated that he will provide Stinson with the wording for an amendment to Dupree's enforcement order for his approval.

7:43- Ferguson motion to adjourn. Telling seconded. Unanimous. Meeting adjourned at 7:43

Respectfully submitted by Steve Ferguson

Minutes not official until signed.

Documents:

Minutes from 10/3/18

WPA Form-1 for 2167 Route-2

WPA Form-9 for 180 Route-8A North

Agenda for 11/7/18