

Charlemont Conservation Commission Meeting Minutes
April 3, 2019
Charlemont Town Hall

Conservation Commission Present: Bill Harker, Tom Shields, Carlene Hayden and Steve Ferguson

Absent: Rob Lingle

Guests: Mark Stinson (DEP) and Justin Maynard (200 Avery Brook Road)

Meeting called to order at 6:00 pm.

6:02- Follow up discussion regarding 200 Avery Brook Road Enforcement Order.

- ⑩ Mark Stinson noted that we need not be overly concerned that the work at 200 Avery Brook Road is behind schedule.
- ⑩ Tony Wonseski, engineer for work at 200 Avery Brook Road has requested an extension for said work's deadline. Stinson replied with an email on 3/28/19 (see file). Con. Com. acknowledged the request (see file).
- ⑩ Wonseski, also, questioned if work beyond stabilization would require an NOI.
- ⑩ Discussed idea of constructing a swale but Stinson feels the area should be left flat, with vegetation, to allow for sheet flow of water across the ground.
- ⑩ Justin Maynard stated that, thus far, the re-stabilization work performed has included the planting of winter rye, hay mats and coir logs.
- ⑩ Throughout the process, Mr. Maynard has been cooperative and appreciative.
- ⑩ It was noted that the regulations include exemptions for the placement of decks, sheds and pools set on grass if 50 feet or more from a body of water.

6:25- Began discussion regarding property opposite 215 West Oxbow Road.

- ⑩ Stinson noted that an exemption exists allowing homeowners to cut wood within a resource area if it is to be used for fire wood but that this is not the case in this instance.
- ⑩ Stinson advised that the Commission should issue an Enforcement Order for the owners to hire a consultant to provide them with a restoration plan for the property. He advised that the window for hiring the consultant and providing a restoration plan should be a short one but that the window for the actual work should be longer to allow time for an NOI to be filed and an Order of Conditions be established.
- ⑩ Carlene Hayden will email Stinson for photos of property and Enforcement Order language.
- ⑩ Ferguson moved to initiate the Enforcement Order. Shields seconded the motion. The motion passed unanimously.

6:43- Began discussion regarding pro-bono attorney for Enforcement Order for 180 Route 8A North.

- ⑩ Pro-bono attorney, Tom Reidy, from the law firm of Bacon and Wilson, submitted a request to be appointed a special town employee.
- ⑩ Tom Reidy's appointment as a special town employee is to take place on 4/22/19.

6:55- Read and signed minutes from 2/28/19 and 3/6/19. Shields moved to accept the minutes. Ferguson seconded the motion. The motion passed unanimously.

7:00-Discussed the processes for the Forest Cutting Practices Act and D.C.R. Forest Cutting Plan, noting 3 things of concern, the actual forest management, might there be a better landing zone and do the wetland delineations appear reasonable.

7:15- Reviewed the Forest Cutting Plan for James Schaefer's property on South River Road

7:30- Shields moved to adjourn. Ferguson seconded the motion. The motion passed unanimously. Meeting adjourned at 7:30.

Respectfully submitted by Steve Ferguson.

Minutes not official until signed.

Documents:

Agenda for 4/3/19 meeting

Minutes from 2/28/19 and 3/6/19

Enforcement Order-200 Avery Brook Road; 10/4/2018 (which I'm just realizing now only has one signature, so we'll ratify that at the next meeting).

Email from Mark Stinson re. above EO; 3/28/2019

Enforcement Order-180 Route 8A; 12/5/2018

Pictures of property adjacent to 215 West Oxbow Road; taken 4/2/2019

Tax Map printout of above property; Tax Map 9, Parcel 29

Forest Cutting Plan for James Schaefer property; 3/6/2019