

Charlemont Conservation Committee
May 11th, 2023 6:00 pm
Via conference call and in person, Town Hall
Meeting Minutes

Members Participating: Thorne Palmer, Barbara Beall,

Via phone: Erica Chenoweth

Others Participating: Justin Maynard, Bill Harker, Star Atkeson, secretary.

Thorne called the meeting to order 6:05 P.M.

ACTION ITEMS:

1. Review Approve/Minutes from 4/13/2023.

Barbara Beall made the motion to accept the minutes as written, seconded by Erica Chenoweth, All in favor.

2. Review RDA from Justin Maynard, 200 Avery Brook Rd, for placement of shipping container.

The Board received Maynard's RDA on May 5th or a few days before (put in internal mailbox by staff.) The RDA is for the shipping container that is too close to the road. The RDA for the shed which is also too close to the road has not been submitted yet.

APPOINTMENTS:

6:15 Justin Maynard to discuss structure placement on his property with ConComm and Mark Stinson (DEP) and how to proceed.

Justin showed the board on a map where he would like to move the shed—between a well casing and a tree, south of his streambank restoration. Justin described the new location as 25 or 30 feet from the river. The Board would like to make a site visit.

The Board deliberated over whether to skip the RDA and go straight for an NOI, as Justin's entire property is subject to the Wetlands Protection Act and its regulations. That would mean a permit was required, abutters would be notified, and it would be filed with the DEP. Justin is hoping an RDA would suffice. The Board will do a site visit and gather information.

Justin would like to show the board the highwater mark on their visit.

Erica asked what Justin was hoping to store in the container. Currently he has sheet goods, plywood, metal roofing and insulation, beehive equipment, gas powered tools: chain saw, weedwhacker, and ramps.

Erica made a motion to table the decision on the RDA until they can do a site visit. Thorne Palmer seconded. All in favor.

Justin argued that since the ConComm had issued a Certificate of Compliance about a streambank restoration, plantings, a path and lot improvement in 2021, and the shed was on site when they did their walk through that that should mean that everything on the site was approved of.

Thorne and Barbara disagreed with that interpretation, saying that the Certificate of Compliance was meant to certify that the project that was proposed in the Notice of Intent, upon which an Order of Conditions were given, was complete. The shed was never proposed or mentioned and the order of conditions were never amended.

Erica suggested moving forward to see what they can do to make sure paperwork is filed for his situation as is the Commission's charge to the town. The concerns are erosion, pollution, impeding the flow of water, movement of structures in flood which could cause damage down the brook.

The Board discussed whether one or two NOIs should be filed if the decision on the RDAs leads to an NOI. Erica suggested compromising on one NOI having both structures on them.

The Board recommend Justin refile his RDA with both structures on them. Justin confirmed that he can draw the structure in on a map, the same way he did his first RDA.

DISCUSSION ITEMS:

1. Request for Letters of Support for HD2795: Payments in Lieu of Taxes for State Owned Land.
 - Erica questioned the relevance of the item for the Commission. Secretary admits it's not really a ConComm specific item, she was trying to get the word out to the Boards to write letters.
2. Establishing a ConComm library (links and hard copies) for the Commission and the community; next steps with Mark Stinson's emailed links
 - There are a lot of Links from The DEP and MACC and other towns websites as well. The links could be accessible to the Board and to the public. Thorne Suggested having a link titled "If building within 200 feet of a wetlands or resource area, submit an RDA." Barbara told of three links she found to be very informative which could be a good starting point: WPA FAQ's; What is WPA – (list of 8 reasons why it's important); and a 5 page Mass Audobon link.
 - Thorne suggested having Sarah show them their ConComm page on the Town website for them to add and edit links. Barbara will bring hard copies of what she suggested linking to, to review at the next meeting.

CORRESPONDENCE:

1. Pan Am Yearly Operational Plan, Formal notification re:herbicide application.
 - Thorne read the notification of herbicide application. Thorne sees that it could be a problem, it being so close to the river and wants to check out the pesticide Board regulations and the Mass general Law that they say they are in accordance with.

Erica remembered reading that a town rejected the application of herbicides. If they were really concerned they could talk to the selectboard. Thorne said they could also talk to Board of Health Rob Lingle, as he is interested in pesticides.

2. Division of Fisheries and Wildlife Biomap. Notification of a new map found at: [Mass.gov/biomap](https://www.mass.gov/biomap)
The Commission read the notification.
 - Barbara brought up the problem that the Town doesn't have an open space committee. There are grants for ConComm, but they need an Open Space Plan, they are not eligible to apply for funding without it. The Open Space Plan needs to be initiated by the town.
3. National Grid vegetation control, mechanical cutting and herbicide use notification.
 - Thorne acknowledges that it will also be pesticide use.

Loose Ends

- Erica would like to make sure they follow up with Justin's letter of service on the ConComm. It had been ready, it just needs to be given to him. It doesn't need to be signed. Barbara would like to see the wording again. Secretary will put it on the next agenda and send out digital copies.
- Site visits: Erica wanted to talk about site visits. She had gone to visit a building site and it was clear that there were no wetlands. It raised the question to her about whether people should be filling out RDAs when it's not close to water. A building permit had been issued.
- Secretary will find out from FRCOG if ConComm can have their own username and password to Permit Eyes. The Board touched on other site visits they had done and signed off on.
- Erica will resign from the ConComm in July or August because of a change in work schedule.

Barbara Beall made a motion to close the meeting at 7:50 PM, Erica Chenoweth seconded it. All were in favor.

The next meeting will be held on June 8th, 2023.

Minutes respectfully submitted by Star Atkeson 05/31/2023.

Documents reviewed in meeting:

Agenda of 5/11/2023 Meeting

Minutes of 4/13/2023 Meeting

Justin Maynard's RDA Application

Mass Audubon Bio Map notification

Pan Am Notification

National Grid Notification

