

Charlemont Conservation Committee
August 24th, 2023 6:00 pm
Via conference call and in person, Town Hall
Meeting Minutes

Members Participating: Thorne Palmer, Barbara Beall

Others Participating: Justin Maynard, Ward Smith Wetlands Consultant, Star Atkeson (secretary.)

Thorne called the meeting to order 6:01 P.M.

6:00 Public Hearing for Notice of Intent submitted by Justin Maynard for the placement of a shed and a shipping container at 200 Avery Brook Rd

This meeting is mainly to do with the shipping container. The ZBA granted a variance for the shed, allowing it to stay at the road. If the road is widened, Justin will have to go through the whole process again. Ward Smith asked whether the town could include moving Justin's shed as part of their NOI for the road project. The bridge is on the list of bridges to be repaired and the road may be widened for that. There is not a date yet. Ward Smith suggests using an RDA to move it, 1 to 1, not altering any additional vegetation.

The ConComm would like more information such as the annual mean high-water mark. Ward said they used the same map from the 2019 NOI prepared by Bill Latrell, and it is on there.

Thorne wants to see if the streambank restoration was affected by the rain that came on July 9th. They need to know that that restoration hasn't been affected. Ward Smith suggested that Bill Latrell do that as he was familiar with the property and prepared the first NOI.

Thorne wants to see the vegetation area outlined as restored, that hasn't been altered since 1996. It was said that 1200 sq. feet will return to its natural vegetative state. They need to see it was not cut after the passage of the Rivers act of 1996. Thorne wanted to know how the area got to its current state, why the bank needed to be restored.

Justin said it was a 14-foot bluff to the bottom at the water. He re-sculpted and added hazelnut trees. It was covered under the original OOC, 1200 sq ft already returned to vegetative state, and maintained as orchard.

Barabara asked if Justin will do 1200 new square feet. Ward Smith suggested additional planting, and asked if there is a species preference, they talk about different tree options. Hemlock doesn't do well. He will suggest hobble bush, maple leaf viburnum with edible berried that wildlife eat. He will see if Balsam Fir is native.

Thorne reminded Justin that he needs a building permit. He looked and didn't see one on file. Justin replied that it was denied due to the setback. He will need to apply for one in the newly proposed location.

Barbara went over the different structures on his property and asked if there is any other spot to place the container that is further from the brook. Justin said the only other spot is a vineyard. Justin believes ZBA will deny anything closer to the road. Barbara thinks there could be a compromise. Ward Smith suggested a site visit. Barbara questioned whether she was welcome on site. Yes, Justin would allow it.

Barbara asked Justin if the shipping container was a necessity. Ward Smith said that according to The Redevelopment regulations, a structure did not need to be essential, as the riverfront redevelopment stuff predated the Rivers Act. The whole theory, Ward explained was that you need to give something in return that is better than it is now.

Barbara asked Justin if the shipping container was essential and Justin said that he had wanted to represent himself but hadn't been allowed to. Thorne asked him who had told him that.

Ward suggests setting up a site visit date in an email. They will meet for a site visit on August 31st at 8:00 AM and they will request a continuance for the Public Hearing on September 14th at 6:00 PM. Thorne Palmer pointed out that they want Justin to apply for a building permit and they would like to see the progression of vegetation from 1996— what it was like before the Rivers act.

Justin replied it was a woody bank, 14 ft. tall created by Irene, and in 2019 and 2020 he re-graded it and planted hazelnuts. Thorne asked for confirmation that that in 2011 the trees were wiped out by Irene. He hadn't been sure whether it was Irene or Clear cutting.

Justin said he did streambank restoration and lot improvement and every tree that was cut was marked and identified during restoration.

Ward Smith handed in the abutter notification receipts to Secretary.

Thorne Palmer made a motion to close the meeting at 7:47 PM, Barbara Beall seconded it. All in favor.

The next meeting will be held on September 14th, 2023.
Minutes respectfully submitted by Star Atkeson 09/01/2023.

Documents reviewed in meeting:

Hearing Notice

Justin Maynard NOI application