

Minutes October 17, 1990 Conservation Commission

Meeting was called to Order at 4:05

This was a continuation of a hearing begun on October 11, 1990 Members Present Jed Lipsky, Ray Tryon, Ellen Pearson, John Piretti Fred Vorck, Connie Ohman, Art Hastedt Members Absent The Secretary was also not present at the meeting. The following minutes are a summation of the Public Hearing.

Ellen reported that she had River Rd Project Continued Hearing received additional information sent to her home Post Office Box. The information she received included pictures and a map showing entering and exit points.

Georgiana O'Connell reported that she had spoken to Jerry Mew. and also that the BOS had sent letters to all the abuttors Jed Lipsky commented that the newly submitted information looked great.

Ray Tryon reported that Leona Chamberlin (one of the abuttors) did not want any one to enter by the cabin. He also stated that she was upset that the highway superintendent had discussed the passage over her land with someone other than herself.

It was reported that the county could get any equipment that was The DEP had stated that it did not like the idea of a needed. rubber tired skidder, they did like the idea of a crane.

Jed Lipsky stated that the commission should allow additions tress There should be some mechanism to allow any other to be listed. trees to be included.

Ellen Pearson stated that the commission should discuss time periods it should not be done at high water.

GOC state that the County Commissioners are going either to Adams or Monterey after the 18th.

Ray Tryon suggested closing the gate at the lake.

Discussion of when work could begin. There is a ten day appeal period before work could commence. The commission explained that it is 10 business days from the post mark or hand delivery date of The Selectmen were confused as to when the Order of Conditions. the appeal period started.

Ray Tryon asked for a general profile of where the hay bales will be placed. More haybales will be needed than is shown. Will the equipment be skidder + winch or skidder + crane, Extra erosion controls should be planned in case other machines come in. best to anticipate problems before the O of C is written.

EP The commission can accept this project as applied for before closing hearing. Then write the Order.

Motion to accept the application. JL

EΡ Second

Who will be in charge? GOC stated the Don Amstead will work with the crew cheif Bernie Marer(?)

RT wants one contact person

BB: Talk to Don

GOC will appoint Don Amstead to be in charge. She inquired who would speak for the board

Ellen volunteered.

BB suggested Ray.

GOC state it should be someone who understands machinery.

EP The O of C will state that the CC must be notified when the project begins O of C item #2

GOC asked if the commission wanted to be notified as soon as the men are working by hand? and again as soon as the machinery comes? Commission: yes

GOC asked if the BOS could contact the county and ask them to come back on Oct 31? Using Oct 18 as the post mark date. (not ten days See follow up letter in file)

Hearing Closed 4:31

John Piretti inspected the Edlestein project at 10:45 on  $10\18$  all is in order.

Barbara Resnick sent letter outlining her beach maintenance project.

Mosyellin



Conservation Commission meeting October 9, 1990

Members Present: Art Hastedt, John Piretti, Ray Tryon, Ellen Pearson, Fred Vorck.

Members Absent: Connie Ohman, Jed Lipsky

Chair called the meeting to order

Continued Hearing River Road Project

The Conservation Commission had issued a Cease & Desist Order to the Town for performing work in the Konkapot River with out can Order of Conditions. An O of C is required by law before work may proceed in a wetlands.

Ellen Pearson had formulated a letter to the BOS. The letter was a repeat of what was asked previously.

Bill Bohn stated it is up to the commission to provide the information to the applicant.

RT stated that the commission receives the information, not provide it. He again asked for a layout of the river, where the river will be entered? where the properties will be crossed, and a profile. The DEP had also asked for further information.

RT stated that once there is a complete plan from the Town then the commission helps with the plan.

The Selectmen stated that the CC knows what the BOS is trying to do.

Commission responded that it needs to be in writing.

MW Stated the regs should be followed and both boards should be working for the Town. He suggested there should have been an emergency meeting.

The Commission had met with GOC on Sept 28, 1990

GOC stated there was a glitch on the part of someone else not them. JP state that cutting and winching were being done and that the water in the river "was coming down like crazy".

AH stated that it was ridiculous that the board in charge has to ask the workers what they are doing.

GOC gave some background on the project.

GOC stated that the CC should have come to the BOS if the CC thought the BOS was wrong.

JP pointed out that once the violation was determined the Cease and Desist Order was not served on the workers so work continued. He had to personally serve it a noon time. He felt that was negligent on the part of the BOS.

GOC state the we don't work together. She further stated that the CC had not served the Town.

EP explained that a Cease and Desist is not punitive. The CC did not know what the BOS was doing. The BOS needed to have the O of C in hand. The CC needed more information in writing in order to write the O of C...(the CC had written a letter to the BOS requesting the BOS attend the October meeting in order to try again to obtain the needed written information to write the O of C See file) Ellen also stated the County should have known better than to work in the river without an O of C. There is no way to bypass the process.

RT Stated the Conservation Commission should not be condemned because it is upholding the law.. In working without an Order of

Mul

Conditions the BOS violated the law.

GOC state the BOS has no control over the county.

AH stated that the BOS does have control over the county. The BOS had met with the county, the highway superintendent know what steps are required. (Don A. had state that he had questioned both the county and the BOS about the O of C.) Does anyone know what machinery will be used?

DA stated a wrecker with 400' of cable.

RT asked how are they going to do this. Would the cable run from the trees?

JP stated the Town could be subject to a  $$25,000\day$  fine for violating the WPA.

JP also took issue with Bill Bohn because of the way BB had spoken to John's wife in the store because of the Cease & Desist Order. John inquired if Bohn planned to threaten his kids next.

FV Stated while he was late and had not been to all the meetings it seemed to him to be a communications problem. He asked where the project is now.

The BOS stated the County crew would not be able to get back until next fall.

FV Why didn't the county notify the town when it was coming. The county should not have sent in equipment without notification. (The BOS, Highway Supertendent and the County crew had met on site on Sept 28, 1990.) The County has to go by the law. The county should at least take out what they cut. If they had notified the BOS this would not have happened.

RT Give the CC a written list of the type of machinery that will be used. Write a plan of where the machinery will enter and exit. Write a detail of how the river will be protected from erosion. Draw a typical section of the project.

It was stated that the logs would be skidded up the bank.

RT "We did not want this to happen" Don't want the project to cause erosion. The commission suggest that the project use 3 to 4 location only. Maybe the County is into a project they are not equipped to handle.

AH Since we are dealing with trees the tree warden should be involved in this project. He had disassociated himself from the project because he wanted to bid on it.

GOC stated the tree warden would do this job.

JP stated that regardless of who does the job the CC still needs more information.

GOC asked the commission to tell the BOS what kind of equipment to use.

MW stated that the BOS was responsible to the land owners, it was not the business of the CC.

The CC pointed out they are responsible for the river and the banks RT The Town has \$5,000 hire a crane to get the logs out, pull the logs to the base of the bank. If the ground was frozen when this was done they would cause little damage.

BB stated he didn't think it could be done for \$5,000.

AH if the BOS is worried about any loose logs the CC could order that they be taken out.

DA stated all that was down there was one oak and in his opinion it would not move.

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MW

RT question the pitch of the bank DA will draw a cross section. Ellen reviewed the requirements in the letter to the BOS (see file) Reviewed what additional information the DEP had requested. The hearing was continued until receipt of the requested information.

RT Motion to ratify the enforcement order.

FV second

Unanimous

Matt Williams had stated that Town Counsel had informed the BOS that it was illegal for one member of the CC to sign an enforcement order. A copy of the applicable section was given to him. 310 CMR 10.08 (3).

Gail Cerecia review with the commission a project for a repair of a retaining wall on Lake Buel. Kane property. 2 day job. The members will inspect on Oct 25 at 4:00

RDA Wayne Burkhart described the project.

The commission sees no problem with it as long as the wet areas are protected by hay bales. Prevent any loose soil form entering the wetlands. Seed and mulch A lot of this is maintenance.

Motion to accept with negative determination.

Wayne questioned that since the determination was negative did he still have to pay the filing fee? Yes!!!

Gould Farm

Road Maintenance If culverts are being changed then that is beyond the scope of road maintenance. Maintenance until culverts Keep the ditch on the right side Remove leaves etc.

Culverts should be added to the sewer job.

Michael Samborski representing Jean Germaing Plans showing deadmen 5 degrees of pitch He plans to excavate behind the wall All soil on the land side. The project is on the waters edge. Water is half way up the wall. The water depth is 9" to 11" The wall is approx 25' from house. Siltation barriers digging by hand. Row of haybales removed when job is over. There will be no equipment. All disturbed areas will be seeded and mulched. The commission will write the O of C. It will be okay to remove the wall above this wall.

The commission had received verbal complaints about the work that has been done by on the property of Marjorie Miner (Glenn Heller lives on the property) The Lake Garfield Assoc should put in writing any violations they are aware of.

Meeting adjourned 10:00

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