

Egremont Conservation Commission minutes of April 27, 2017. Town Hall, 7:00 PM start time.

Commissioners present: Chairman Bill Tynan, Alina Hsu, David Seligman and Ben Barrett

Guests: Jim Palmatier (Prospect Lake Park owner), Alex Glover (counsel for Hakim), Gavin Cockfield (counsel for Catamount), Mark Stinson (DEP), Joyce Frater (Friends of Prospect Lake), Chet Delaney (Friends of Prospect Lake), Shep Evans (Conservation agent assisting ECC), Marc Levasseur (Foresight Engineering), Mike Kulig (Berkshire Engineering), Bob Algierie, Edie May, Michael Algierie (3 residents on Lakeside Drive) and Ron Love (builder looking for guidance on 54 Prospect Lake Road deck project).

Citizen's inquiries: Ron Love, builder, here to inquire about need to file RDA for a deck reconstruction at **54 Prospect Lake Road**. A site visit was scheduled for Tuesday May 2 at 4:30. Mr. Love took RDA application with him to fill out and submit for our next meeting.

Bob Algierie of 33 Lakeside Drive here to request the commission to issue an enforcement order against Richard Allen and/or Todd Tinker for the alleged wetland violation and trespass on the Algierie property. Algierie wants an engineer to design a system to mitigate the drainage issues with the WPA in mind so that neither his land nor the lake is negatively impacted. SK Design did an inspection in the fall of 2016 (his report/findings are in the file) of the site and deemed the work did alter the resource. According to Mr. Algierie, 90 lineal feet of ditch work was done in March of 2015. Foundation drainage work has been done on other upland properties that are contributing to the volume of water. New 18" culvert(s) were installed unbeknownst to the commission or the Algeries. The Property Owners Association is dissolved and the residents now operate under Section 8412 of Massachusetts General Law; 4 or more people live on a right of way, three of them can get together to call a meeting. The commission conceded that it is basically a 90% civil law issue more than a WPA issue and our budget does not allow us to step in the middle. So we declined to act on Mr. Algierie's request to issue an enforcement order, but affirmed the fact that the Algeries could hire their own engineer and wetland specialist to have their property delineated.

Updates:

Bill Tynan announced our new commissioner David Seligman. Welcome aboard David, and thank you.

Mt. Washington Bridge site visit took place 04/18/17 at 8 AM. Emily Stockman site monitor, Bill Tynan, Ben Barrett, Alina Hsu, Charlie Flynn, Mark Levasseur, and John (?) from Davenport Trucking were there. This was one of the two site visits agreed upon by the Select Board. The last visit will be a final inspection to verify that new growth has taken hold. Stockman and Foresight will orchestrate that last meeting predicated on the weather. Alina noted that some sediment had gotten through to the south, but it appeared to be minimal. Emily Stockman felt that the plants should be fine there. Army Corps will continue to monitor the site. There appears to be riprap below mean annual high water mark. An "as built" plan to be submitted by Foresight as per the OOC.

Carman 6 Main Street subsurface septic system upgrade became a larger project than we had anticipated at the initial site visit. Large volumes of materials were excavated, and piled near the resource areas to the west of the property. It became apparent that a silt fence would be needed. Wilkinson Excavating immediately installed a silt fence within hours of our request. David Seligman witnessed the fact that it had been installed correctly and beautifully.

Kirsch 5 General Knox Lane site is stable per site inspection by Bill Tynan. Fencing can be removed now that site is stable. Bill to email Kirsch.

7:15 PM **Shemshack 13 Nicholson Road** hearing continued NOI for Pond Expansion project. Letter dated April 26, 2017 received from Catamount stating that they will not approve the submission of the NOI application. Alex Glover is of the school that the two parties cannot come to an agreement. She did ask us to reconsider Jerimia Pollard's interpretation of 10.05. Cockfield suggested that we uphold Pollard's opinion and deny the project. Mark Stinson remarked that we might consider "staying the notice" until such time that the ownership and easement issues are resolved. Attorney Glover asked us to close the public hearing. A motion to close the public hearing was made, seconded and passed unanimously. The commission is to do nothing. The applicant can appeal on day 22 from today, and for 70 days.

NOI hearing opened a 7:40 PM. Mike Kulig Berkshire Engineering and **Jim Palmatier, owner of North Egremont Recreation 50 Prospect Lake Road** here. DCR has been inspecting dam over the past 7-8 years. Mr. Palmatier is under orders to correct the dam. They are proposing improvement with large rip rap in addition to dam work. Trees need to be cut out. Brush removal. There is no emergency overflow spillway so a new one to be integrated in the new design. A new liner will be inserted and a new valve installed. Mark Stinson asked about maintenance and opening valve maintenance plan part of OOC. The applicant wants to continue May 25 as there are a few details to be worked out regarding lowering the lake level. Motion made to continue to May 25, seconded and passed 4-0.

Abigail Elwood Webster here for **Cohn/Blank 8 Lakeside Drive**. Emily Stockman is to do the delineation. Top of bank has to be established. How much does the lake level change? Is land under water being affected? A portion of the land near the lake will be allowed to revert back to meadow. They may or may not have a dock permit. Mark Stinson looked up and saw nothing recorded. A dock permit has to be recorded on the deed. Permanent and temporary docks need permits. Trees to be removed are ash, cherry and maple that are dying. Trees provide habitat. Removing them can be done if replanted with new native trees and it can be "a wash". Some stone along the bank is to be removed and the grade of the bank to be made gradual. Chapter 91 permits cannot be granted until the NOI has been issued and some stones may be under high water mark, which will trigger the need for chapter 91. Abigail will be in touch to schedule a site visit when flags are on the ground.

Correspondence: Town Meeting May 2. Article 3, 1S the word (new) should be stricken in this year's warrant. It is in fact the same as last year's request.

9:45 Motion to adjourn.

Respectfully submitted,

Ben Barrett, Secretary

Egremont Conservation Commission