

Conservation Commission Meeting Minutes
September 12, 2022, at 6 pm
Community Room, Newton Memorial Town Hall

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be at the meeting location listed above, and it is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of the public. The meeting may also be accessed remotely via the Zoom link included below.

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Meeting ID: 810 0340 0255

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When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by in person attendance, or by accessing the meeting remotely, as noted above.

In attendance:

Stacy Parsons, Chairing

Joe Trybus

Courtney DiCicco

Linda Belanger

J. Trybus called the meeting to order at 6 pm.

Agenda

6 pm (Continuation) Notice of Intent submitted for herbicide treatment of Pontoosuc Lake, DEP File No. 194-0209

Lee Hauge, Harbormaster

T. Chastain, abutter, 29 Sunrise Steet

- Pittsfield Conservation Commission has continued review to their meeting on October 13, 2022, at 6pm.
- Reviewed recent cyanobacteria testing and public health caution on Pontoosuc Lake. Green “scum” observed on the downwind side of the lake.
 - Reviewed protocol for sampling. Cell count is coming back about 45,000/ml. Criteria for issuing a health advisory is cell count above 70,000/ml or observable “scum”. Two samples will be taken a week apart to monitor the situation. The Boards of Health will be monitoring the cell counts and observations of lake conditions.
- Meeting continued to November 7, 2022, at 6pm. No further action at this time by the Commission.

6:15 pm Extension Permit request, Pontoosuc Lake Drawdown

Dan Nitzsche and Nathaniel Arai, GZA Environmental

Lee Hauge, Harbormaster

William Salomoa, DCR Office of Dam Safety
Susan Ruch, DCR Environmental Services
Robert Lowell, DCR
Zhann Davidowitz, DCAM
Dan Miraglia, Berkshire Sportsman's Club
Bill Gates, Greylock Bass
Tom Chastain, 29 Sunrise Street
Tom Myers, South Main Street

- Permit was extended to October 4, 2021, to allow DCR/DCAM additional time to coordinate permitting expectations with DEP under Chapter 91 Waterways.
 - Reviewed meeting with DEP regarding the type of permitting that will be required.
 - New NOI application will update the focus/intent of the drawdown work related to water storage capacity in the spring and prevention of potential adverse impacts to long term overtopping of the dam
 - Will need to address changes to local weather due to climate change
 - Proceeding forward with Chapter 91 Waterways licensing. MEPA review required. Will need to prepare an Environmental Impact Report and publish notice for public comment.
 - Chapter 91 permitting is expected to take 1 year.
 - EIR process expected to take about 1 ½ years. Will include a public outreach process.
 - DCR has put the project out to Bid and will be awarding a contract to complete the permitting requirements DCR has an established budget for the 2-year process. Notice to proceed anticipated to be awarded by the end of September.
 - Reviewed history of the dam. Repair work completed in 2005-2006. The dam is the original design with repair/facelift work to address the concerns noted at the time.
 - No repair work is anticipated with the new NOI application.
- L. Hauge, Harbormaster, provided a brief history of the drawdown. Originally done to support the downstream mills. Permitting through Conservation dates to 2000'. Traditionally a 3' drawdown with a 5' drawdown option added to the conditions in 2008. Drawdown is no longer needed as a method to address weed control.
- Discussed 3' drawdown. Less than a 3' drawdown does not create the storage capacity in the lake to address spring melt
 - W. Salomoa, Office of Dam Safety, described drainage area to the lake as wide and mountainous. Repair in 2005-2006 was to improve performance. Design of the spillway is to address storm events without over topping of the dam.
 - Reviewed spillway and emergency spillway operations. Dam is classified as a high hazard dam. Public safety taken into consideration in design and operation of the dam.
 - Discussed maintenance of downstream flow. Overtopping of the spillway could cause downstream erosion.
 - Timing of the drawdown per DEP standards in order to protect habitat.
- Reviewed existing conditions of the Order. Lake to be lowered no more that 3" per day. DEP requires downstream flow to maintain ½ cfs per square mile of watershed area at all times (10cfs at all times for outflow of Pontoosuc based on watershed size).
- Opened floor to hear from stakeholders.
 - T. Chastain spoke to the impact of the drawdown specific to weed control and the prevention of shoreline damage; believes it enhances the overall quality of the lake. Shared concern about potential ice damage to the dam.

- T. Myers asked for clarification about the role of Pittsfield/Pittsfield Conservation in reviewing this work. Two separate review processes between the communities. LCC has been in regular contact with the Pittsfield Commission.
- D. Miraglia, Berkshire Sportsman's Club, referenced letters of concern dated 5/19/22 submitted by DFW and Berkshire Sportsman's Club at the June meeting. Shared concerns about the environmental impact of drawdowns in the cove area; impact to habitat for the backwater estuaries (Bull Hill/Narragansett) as they are the last areas to refill in the spring. Submitted photos.
 - Shared concern about times where there was no downstream flow from the dam. Concerns were shared with DEP
 - Had submitted Open Record Request for the meeting minutes from the conversation between DEP, DCR and Office of Dam Safety. No action taken by the Commission. Referred to the issuing authority to resolve outstanding concerns with the response received.
- B. Gates requested clarification on the permitting process. D. Nitzche explained the upcoming work to address Ch.91, MEPA regulations, NOI process and the updating of the project goals to reflect current work.
- S. Parsons made the motion to extend 1 year to allow for a 3' drawdown per existing conditions. Seconded by J. Trybus. Commission voted 3 in favor, one abstention to approve a 1-year extension. Permit will be valid until 9/12/23. The applicant will provide a mid-year report on work completed to date at the March 2023 meeting.

6:30 pm Notice of Intent submitted by K. Fox for construction of a single-family home, Murray Street
Kirk Fox, applicant

Fred Sears, Hill Engineering (via Zoom)

- Proposal to construct a single-family home (32'x 44'). On public water and able to tie into sewer line. Pump chamber is needed to connect with the sewer line. All work will be in the buffer zone.
- Reviewed site plan. E. Stockman completed the resource area delineation. Described process used in taking drought conditions into consideration in determining the wetland line.
 - "Dots" represent the piers to support a deck off the second story.
 - Proposing stacked concrete block wall along edge of wetland to support graded area. Will be adding fill to create a flat area for the lawn and construction of the home.
 - Approximately 10' area around the home to be maintained as lawn.
 - Concrete wall will be 5' in height with a 1' capstone. The wall will be toed into the slope about 6" to secure it to the slope.
- Discussed sequence of work. Erosion controls to be installed prior to the start of work. Will be using straw wattles. Lot will be cleared and then graded.
 - Vegetation includes Japanese knotweed and some small shrubs/trees.
 - Discussed native, local plantings to be added to the slope to create vegetated buffer to the BVW.
- Unanimous approval of plan as presented with condition that native, local plantings are added between contour lines 96'-92 in the steepest area and between 94'-93' on the eastern side where the slope is gentle.

7 pm Request for Certificate of Compliance submitted by BSC Group on behalf of NSTAR Electric/Eversource for DEP File Number 194-0184 for work associated with the 2017 393 Transmission Line activities for the construction of a gravel access road with the 100-foot buffer zone to Bordering Vegetated Wetlands and replacement of a structure within the 200-foot riverfront area of Secum Brook.
Simon Hildt, Eversource (on Zoom)

- Notice of Intent was submitted on 7/24/17. Order of Conditions was issued on 8/15/17. All work has been completed. Disturbed areas have permanently stabilized.
 - S. Hildt explained the work completed. Reviewed site photos.
- Unanimous approval to issued Complete Certificate of Compliance.

7:15 pm Request for Certificate of Compliance submitted by BSC Group on behalf of NSTAR Electric/Eversource for DEP File Number 194-0188 for work associated with the 2018 393 Transmission Line activities within Bordering Vegetated Wetlands and its associated buffer zone including tree clearing and new gravel work pad in the buffer zone of one structure, construction of a new access road and temporary grading to placement of swamp mats for equipment access
Simon Hildt, Eversource (on Zoom)

- Notice of Intent was submitted on 2/18/18. Order of Conditions was issued on 3/26/18 with clerical amendments issued on 4/15/18. All work has been completed and disturbed areas have been permanently stabilized.
 - S. Hildt explained the work completed. Reviewed site photos.
- Unanimous approval to issued Complete Certificate of Compliance.

7:30 pm Request for Extension of Eversource 393 Mitigation Plan, Culvert Replacement, Old Ore Bed Road
Simon Hildt, Eversource

- Reviewed history of the work done in 2020 to maintain the 393 Transmission Line that included (3) stream crossings. Mitigation work includes the installation of a single clear span arch culvert to replace two failing culverts on Ore Bed Road. New arch culvert will address habitat and stream connectivity and bring the crossing into compliance with stream crossing standards.
 - Eversource has received final comments from Mass DOT two weeks ago and the project has been put out to bid. Extension is requested as work will not be completed by 9/30/22.
 - Contractor looked at the site. Work will take 3-4 weeks to be completed.
 - Manufacturing of the crossing will take approximately 8 weeks.
- J. Trybus made motion to extend the Order to June 2023 with the work to be completed over the summer months, starting in May, to avoid any issues with snow removal or winter weather. Order may be extended depending on weather or other conditions.
 - Unanimous approval as presented. Extending conditions for mitigation work on Ore Bed Road to June 2023 with the potential to extend work again depending on weather or other unexpected issues

7:45 pm Request for Extension, 9 Putnam Road Restoration Plan
John Goerlach, property owner
Mike Kulig, Berkshire Engineering
Tom Myers, 124 South Main Street
David and Rene Burke, 114 South Main Street

- Request submitted to extend the deadline for completing work to end of October. Reviewed the updated plan and video of the site submitted 9/12/22 documenting work completed to date.
 - Removed Japanese knotweed. Discovered bricks that had been buried in the area. Stopped at the edge of the wetland. Discussed removal of the last section of knotweed and disposal at the gravel pit off site.
 - Established solid limit of work line with jersey barriers, berms.
 - Disturbed areas to be seeded and stabilized. Returning area to pre-existing grade.
 - Reviewed areas where work is underway to continue to remove debris and other construction materials.

- D. Burke shared concern about fill being brought to the site. Commission did not see evidence of new fill. Conditions of the Enforcement Order require an accounting of the debris removed and any material brought in to monitor any changes to flood plain storage.
 - Berkshire Engineering shot elevations at the start of work and will be providing the Commission with a final report once work is completed.
 - With the work completed to date, approximately 60 yards of additional material has been brought in. Monitoring is ongoing to address need for flood capacity that will be achieved by the end of the project.
- Discussed stormwater concerns. M. Kulig offered the grade is very flat. Proposed additional material/debris removal at the back of the property to address the restoration work on the wetland line and create additional flood storage capacity. Discussed change in rear of the property to follow contour line 1106 and put the excavated material on the existing berm to create 2' cap reseeded with grass/conservation mix (brining new elevation of the berm to 1120).
- Unanimous approval to continue restoration work to end of November with site visit at the end of October. Approved activities include additional work at the edge of wetland to remove the last of the Japanese knotweed and removal of additional debris/material from the rear of the property to improve habitat area/increase flood storage capacity.
 - M. Kulig will include description of stormwater management in final report to the Commission, including any regrading done to break up drainage patterns on site.
 - Re-seeding and plantings to continue using native species. Discussed addition of trees/shrubs along property line to improve habitat and provide screening.

8 pm Continued Discussion: Farmland Soils Project

Lisa Dachinger, Chair, Agriculture Commission

- Reviewed previous conversations regarding the Farmland Soils Project. No new information received since last meeting. Matter was reviewed by Town Counsel with no concerns.
- L. Dachinger reviewed the conversations at the Agriculture Commission meetings. L. Dachinger and M. Michalak had provided information about local farms for the project and have the current maps. No material issues with the project. The Agriculture Commission was in strong support of signing.
- Discussed the potential benefit for local farmers seeking financial assistance or grant funding.
- Unanimous approval to sign the letter as presented. S. Parsons will share the executed document out with town boards, committees, Selectboard and Town Manager.

Other Business:

- Approved August 1, 2022, meeting minutes. Minutes are sent to the Town Assistant to be posted to the website. Hard copies are available in the Commission Office.
- No budget statements available for review at this meeting.
 - Received email from Town Accountant updating the current mileage rate for personal use of vehicles for town purposes is at 62.5 cents per mile effective July 1, 2022.
 - Commissioners attending workshops or conferences can register and submit for reimbursement or submit their registration to the Finance Office to be submitted. Funding for training is covered under the Wetland Fee Account.
- Received updated Eversource Notice of Exempt Activities specific to the replacement of one pole and installation of 3 new poles to support upgrades to the transmission line along Williamstown Road. Work will occur in the western roadway shoulder near Donnybrook Country Club. No action by the Commission.

- Received Notice of Non-Compliance issued by DEP Waterways Department for three unpermitted docks located at 750 South Main Street. Compliance activities are to be completed by 9/2/22. No action by the Commission at this time.
- Received copy of Forest Cutting Plan for 975 Williamstown Road. No work is proposed in or near jurisdictional areas. No action by the Commission.
- Reviewed discussion with Board members of 580 South Main Street regarding management of invasive species in and near wetland areas. Will be removing invasive plants, including but not limited to purple loosestrife, honeysuckle and bamboo within the wetland area by hand and moving a 10'-12' wide area of phragmites. The areas will be re-assessed, and invasive plant management goals integrated into the ongoing building maintenance plans. No further action by the Commission at this time.
- Received email from J. Collingwood on 9/8/22 regarding start of work on the Summer Street Culvert project (DEP File 194-0207). The project will begin on October 12th and is scheduled to be completed by October 31st.

Information for the Good of the Commission~

- *Shared information regarding current drought status with town boards and community members*
- *Provided information to owner of 825 Summer Street regarding assessing health of existing pond on the property.*
- *Provided information to owner of 920 North Main Street regarding concerns specific to runoff specific from the shared driveway.*
- *Provided technical assistance to the owner of 8 Squanto Road regarding construction of a patio*
- *Received request for clarification from Guntlow & Associates regrading Waterways application for 10B Street. Clerical amendment to site plan showing canopy over the boat launch was submitted and will be shown in the final As Built plans submitted with the Certificate of Compliance request.*
- *MACC Annual Conference will be held on October 15th The topic is Climate Challenges and Opportunities for Conservation.*
- *Received and distributed Committee Policy and Open Meeting Law Guidance approved by the Selectboard.*
- *Received Notice of ZBA Hearing on 9/22/22 at 6pm to review request for variance to allow 0 Narragansett Avenue to be considered a building lot.*

Next meeting: October 3, 2022, starting at 6pm

Lanesborough Conservation Commission
 83 North Main Street
 PO Box 1492
 Lanesborough, MA 01237
 Email: lanesboroughconservation@gmail.com