

Minutes of the Southwick Conservation Commission

November 5, 2007

7:20 PM –Chairman Chris Pratt called the meeting to order. Seated were Al DeLoreto, Mike Krawiec, Rick Solek, and Mehmet Mizanoglu. Dennis Clark was also seated.

Review of Mail

- ☞ Office of District Attorney – R Wippert continued to December 6, 2007
- ☞ From Southwick Fire Dept. RE: 107 So. Loomis large jet engine on lawn.
- ☞ MA OEEA FY'08 Commonwealth Capital score 72 points – a reduction of 17 points from the score requested.
- ☞ Press Release for Sofinowski Preserve for 11/16 Stargazing
- ☞ Invoice for legal services Annino, Draper & Moore
- ☞ Memo from Collector RE: taxes owed on Lot 2 Lexington Circle and also for Patriot Woods which has a lien.
- ☞ Memo- A resolution in support of the Mass Recycles Paper Campaign
- ☞ Planning Board decision Modification of Conditions for Lexington Circle
- ☞ Planning Board decision for 681 College Hgy Keith Corp. (Tractor Supply)
- ☞ Minutes – Water Division, EDC, Historical Commission, Park & Recreation, Planning Board, LMC, Selectmen.
- ☞ CT River Watershed News Fall 2007
- ☞ MACC Oct/Nov 2007

Requests for Reimbursement – Three requests for reimbursement were reviewed. M Mizanoglu's request for mileage reimbursement for 104 miles was accepted and signed. J Cass's requests for reimbursement for supplies and expenses was accepted and signed.

Review of Minutes – Mike Krawiec made a motion to accept the Minutes after a revision was made. 2nd= M Mizanoglu All in Favor Motion Carried. The Commissioners signed the Minutes.

7:15 PM 600 College Highway (Mobil) proposal to remove and inspect fuel storage tanks – The Chair read the Hearing Notice. Dabra Seiken of Kleinfelder, East (Wetland Representative) and Daniel Scibelli of Scibelli's Mobil appeared before the SCC to present the plan. Ms. Seiken advised the SCC that on 1000 gallon tank used to store fuel oil needs to be removed and some of the other tanks may need upgrading. The underground gasoline tanks are double-walled graded USG and will be upgraded with a monitor between the walls. Work will include trenching from the tank to the station to run the lines in. The fuel oil tank next to the car wash will be removed and replaced with an above ground storage tank. The sale of the property is to take place in December and Mobil is determined to have the property clean with everything in order. Staff from Kleinfelder's will be present during the excavation to monitor for any spots of suspicion and take samples from both the sidewalls and the bottom. Any instances of impacted soil will be segregated, stockpiled. The fuel oil tank will be removed and taken to a disposal facility by the contractor licensed for disposal. The report after the tank is removed will contain the information where the tank went. The applicant stated if they get a "Negative" determination the area will be fenced off tomorrow and the tank will be removed Wednesday. M Mizanoglu asked if the work the state is going to do to improve College Highway will have any impact on the station? The member of the SCC commended Mr. Scibelli for his "Free Air" policy. M Krawiec made a motion to find the project "Negative". 2nd A DeLoreto All in Favor / Motion Carried. The Commissioners signed the Determination.

7:30 PM 9 Robin Rd. Mr. Robert Houle – Mr. Clark stated Mr. Houle is here in response to his invitation to discuss the cutting of trees near a stream and the Enforcement Order. Mr. Clark stated the SCC might want to discuss "Restorative Justice" rather than a fine. Mr. Clark stated it appears that the property is in the NHESP protected bubble. Mr. Houle stated he was attempting to pen it up some so the brook could be seen from the house. Mr. Houle stated he does have some erosion problems but not by the brook. Mr. Pratt stated some replanting should be done.

The stumps will be shortened but not removed. Mr. Clark stated that the Enforcement Order could contain the permit to perform the work out there. The cherry trees back there are making the Apple trees around the house sick. A neighbor, Mr. Croteau, is upset as a tree on the cul-de-sac was being cut. Mr. Houle stated that the tree was a junk tree like Poplar. Mr. Solek stated that the way to go here is that all species be native and that he feels Mr. Houle did not intend to break the law and that restorative justice here is better than the fine fee going into a "black hole". The work needs to be done by hand – no equipment involved! If he wishes to bring a dump truck to the area to haul stuff away that is fine but under no circumstances is a bull-dozer to enter the area. The invasives need to be removed, multi-flora, bittersweet and barberry. The SCC stated they would provide Mr. Houle with planting guides. The Enforcement Order was hand delivered. Mr. Houle is to return on November 19 and provide the replanting plan. R Solek made a motion that all work is to be performed according to the Enforcement Order. No fine but restorative justice to return the site back to its original condition. 2nd= M Mizanoglu All in Favor, Motion Carried The Enforcement Order was hand delivered to Mr. Houle. His signature was affixed to the document.

Review Lake Management Committee proposed "No Fishing" areas. – Photographs of the area by the boat ramp on Point Grove Rd. and the area along Congamond Rd. (where the new culverts are located) were reviewed. The areas that the LMC proposed to turn into "No fishing Areas" were indicated on the pictures. The SCC discussion concluded that public access to the Lake is extremely desirable and extremely limited. The SCC wishes to take no action on this matter at this time.

Review of LMC proposed update to 2008 Dock Permit – Copies of the proposed dock permit were distributed to the Commission. Mr. Clark stated that eventually this proposal will go to Public Meeting. The proceeds from this proposed Permit will go towards the management of the Lakes. Lakeshore residents feel that as they live on the Lake they all ready pay more than homeowners that do not have shorefront. They do not understand that none of the money they pay goes towards Lake maintenance or improvements. The state will be involved with the process. In Massachusetts only one town has their own process and this will make Southwick the second one. Mr. Clark and Mr. Solek expressed their experiences in reviewing applications for dock permits this year and last and the problems they encountered especially with lake association lands. Mr. Clark stated it is dangerous on the Lakes in peak season without enough Patrols.

Congamond Road culvert – Mr. Clark advised the project has had the rip rap installed along the bank of the shore. The NOI and Order of Conditions stipulates "Sumac" to be planted between the rocks. The people that will be maintaining the shore line do not feel sumac is appropriate. The contractor is requesting low-ground cover. The commissioners expressed concerns about heat and cold extremes and hardiness. R Solek made a motion that LMC use low-growing juniper. 2nd= M Mizanoglu All in Favor Motion Carried.

Letter to Mr. MacNaughton – Chairman Pratt stated the SCC sent him a letter last year that expressed the view of the Commission. There is no other way to express the situation.

Enforcement 192 Berkshire Ave. – Mr. Clark advised the Commission that Mr. Shields has retained the services of William Murray III to represent him and he has requested copies of all papers pertaining to this matter. Our attorney has stated that any personal correspondence between the SCC and the attorney is privileged under Attorney/Client format. Apparently Mr. Shields has no intent of honoring the SCC request. This will be costly and hopefully not a waste of taxpayers dollars.

Sunnyside Storm Water - Mr. Clark advised the SCC that members had met at the site. Jeff Neece has been contacted and responded he would go clean that up if the Selectmen gave him permission. The residents @ 114 Sunnyside Rd. who were at our last meeting also appeared before the Planning Board and the Selectmen resulting in the matter being taken out of our hands. This is a jurisdictional question. The Selectmen would like to see something in writing. Mr. Clark exhibited areas the SCC has jurisdiction over. Members agreed that the work could be done under the DPW Generic Order of Conditions.

R. Solek Report – It was reported that about 500 plants have been set into the ground at the Preserve. The area is vastly improved. The invasives are under control in this area now.

The Stargazing proposed for the 16th – Plans are underway for the parking lots. Trees have been limbed, lighting. Handicapped will be allowed to drive their cars to the top of the hill and park there. R Solek III will be assisting. Boy Scouts have been invited to assist in the parking. There is a very large telescope scheduled to be there. LED lights and Tiki torches will be provided by the Stargazers. Yellow blinking lights will be provided by the DPW at the Entrance and Exit.

M Mizanoglu reported that at MACC the comments were basically that the Planning Boards throughout the state are approving plans without first consulting Conservation Commissions. The Commission has concerns that stormwater from here will add to the problems at the Golf Course.

8:15 Michael Krawiec made a motion to adjourn until the next regularly scheduled meeting.
2nd= M Mizanoglu All in Favor Motion Carried.

Christopher Pratt Chairman

Albert DeLoretto

Michael Krawiec

Mehmet Mizanoglu

Richard Solek