

Conservation Commission Meeting Minutes

Remote Zoom Meeting

November 11, 2021

Meeting called to order at 7:03 PM

Members Present: Matt Puntin, Linda Tvrdy, Reba Schecter, Josh Briggs, Mark Caldwell, Laura Lee Bertram

Others Present: Shannon Boomsma (White Engineering), Brent White (White Engineering), Diane Kasselmann, Mark Stinson (DEP), Lauria Puntin, Evan Hardcastle, Larry Menin, Lisa Raby, Mary Ellen Puntin,

1) NOI for 137 Jerusalem Rd to dredge pond and install dry hydrant.

- a) Matt mentioned that White Engineering sent a revised plan today, 11/11/21. White will be mailing hardcopies to the Town Hall for Conservation's permanent record. Matt shared his screen with Brent White. Brent then gave a detailed overview of the proposed project. The applicants have secured the services of Pristine Waters, LLC of CT (Pristinewaterfronts.com) to use suction dredging to remove sediment build-up from 2/3 of the pond without breaking through the pond bottom barrier. There is 135 cubic yards (CY) of sediment in the entire pond, so the NOI proposes removing sediment from 2/3 of the pond so it will be less than 100 CY removed. Brent explained that to insure we are compliant with the 2/3 area there will be a curtain barrier installed in the pond separating the 2/3 area to be dredged from the 1/3 area not being dredged. This curtain barrier will insure the divers operating the sucking dredging will remain in the area to be dredged. Brent explained how the suction dredging works with the dewatering area. Matt inquired what was to be done with the 100 CY of sediment removed from the pond. Brent replied that it would be dried out and used outside the buffer zone or removed offsite.
- b) No tree removal is part of the proposed plan.
- c) The plan includes adding more tree plantings and additional native species plantings. There will be plantings added to the pond to help with aeration and the overall health of the pond.
- d) The dock will be extended to get people to the deeper, safer area of the pond for diving.
- e) Linda had no questions, but commented that Brent gave a thorough presentation of the project. Reba asked what plant species would be used. Brent replied that he was not certain yet.
- f) Mark Stinson researched Pristine Water online and liked the suction dredging that they will be using and agrees that by using this system they will be able to remain under 100 CY. Mark S did not see a need for special conditions. Matt said Conservation will put the pond curtain into the OOC with the silt fence. Conservation can either do an on-site, or may be provided with photographic evidence of both the silt fence and pond curtain.
- g) The pond will be lowered to 2 feet so no solid matter will be pulled from the pond, and a dry hydrant will be installed per the Tyringham Fire Chief's specifications. This is a straight forward

system to benefit the applicant and the surrounding residents, as the Tyringham pumper truck will be able to hook up to the hydrant when needed.

- h) Matt made a motion to approve the latest plans submitted today, 11/11/2021. Mark Caldwell seconded. All were in favor, passed unanimously.

2) NOI 7 Cooper Creek Road, filed due to an Enforcement Order issued by Conservation-

- a) Matt reviewed the Enforcement Order (EO) issued by Conservation on July 15, 2021, and then recused himself due to being an abutter. Matt turned the meeting over to Joshua to chair. Reba also recused herself due to being a direct abutter to 7 Cooper Creek Road.
- b) Shannon Boomsma from White Engineering gave an overview of the 7/15/21 EO and the NOI application. Shannon stated that the NOI application is asking for Conservation to retroactively allow the work of adding 217 square feet of stone patio to the pre-existing stone patio and adding 104 square feet of stone retaining wall to the pre-existing stone retaining wall. Adding 154 square feet of pea stone and adding 115 square feet of sand within the buffer zone to an existing beach area. The NOI also proposes removing invasive plant species and replacing them with native plant species. Shannon also stated that there is an unlicensed dock on the property that is included in this NOI. Shannon feels that the work has already been done and feels it should be allowed as a retroactive NOI.
- c) Shannon also said that she has been unable to locate the Order of Conditions (OOC) issued by Conservation in 2004 for a prior NOI filed by the Kasselmann's for 3B & 7 Cooper Creek Road when they constructed the house. She asked the Kasselmann's and looked at the Registry of Deeds. Laura Lee said she will see what she can located at the Town Hall Monday.
- d) Linda asked if this was a description of the work already done. Shannon said yes.
- e) Mark Stinson asked how the invasive plants would be removed. Shannon responded that they would be removed by hand and described the natives that would be replacing them.
- f) Reba commended as an abutter that she was unclear on what was there before and what was being added. When was the original items that are being "added to" installed? Have there been changes made to the beach area? Shannon replied that sand has been added to the beach area. Shannon added that over time the sand has migrated to the water's edge.
- g) Lauria Puntin asked if there were any restriction on how far away the retaining wall has to be from the lake? Shannon replied the wall can go to the lake's edge.
- h) Linda commented that there is a lot of stuff going on with this property. One concern she has is that the OOC from 2004 is not yet satisfied by the Kasselmann's. Linda specifically asked about the work completed at this address prior to July's EO from after the house was constructed in 2006 and asked why we were not talking about that? When was the original stone patio, pea stone, beach area, dock addition installed that are being "added to" now? Shannon replied that the Kasselmann's constructed the patio in 2010. Linda voiced concerns with the patio being this close to the water's edge and was not comfortable with the run-off this creates. And we have the OOC from 2004 that Conservation needs to review. Shannon said she felt the Kasselmen's were misled by contractors telling them they could do this work without permits.
- i) Lisa Raby questioned this because both Kasselmann' are attorneys and have been through the NOI process before, and contractors know permits are required
- j) Mark Stinson recommended Conservation use the timeline on Google Earth to view 7 Cooper Creek from 2004 to current to assist in seeing what was installed when.

- k) Larry Menin who is an abutter said he was at a loss for words as to why the Kasselman's are asking for a permit for work already completed. Everyone knows waterfront construction is a major NO NO. Is this a joke? There was an excavator sitting 15 feet from the lake's edge for over a month at 7 Cooper Creek with no silt fence installed. We received a tremendous amount of rain this Summer, and it all ran down their property, through large piles of excavated material, washing it into Goose Pond. They never stopped working for over a month and now I find out all this work was done without a permit. Larry questioned the location of the dock and Shannon replied that the dock will remain where it is. It was pointed out that there is no waterway license for the existing dock.
- l) Lisa Raby said that this Summer this property was a mess. They had an excavator there, people working, noise, materials, etc... and now I find out proper channels were not taking. There are rules for a reason. What is going to be done? Otherwise everyone can just do whatever they want. Mark Stinson replied that Tyringham is a small town with a volunteer conservation commission that enforces the laws. As soon as the Commission was notified of this unpermitted work, they investigated and put an Enforcement Order in place.
- m) Josh said Conservation must determine what was permissible on the 2004 OOC. Conservation needs to ask if the work done would be permissible under the current laws. It is up to the Conservation Commission to decide. Josh agrees with Linda that this builds on the prior OOC. Josh said we need to locate the 2004 OOC and determine if the work they are "adding on to" was permissible with the OOC issued in 2004.
- n) Linda expressed concern that the work completed in 2010 was done without any NOI. She feels all this work was done without an NOI; the patio, beach, dock addition and everything else.
- o) Josh proposed that we continue to January 13, 2022 meeting so we can review the 2004 OOC and house plans. Linda seconded. All in favor, passed unanimously

3) Matt closed the meeting at 8:04pm, Josh seconded. All in favor, passed unanimously

APPROVED




Website
11/23/21
LLPB

11/18/2021

Laura Lee Bertram on behalf of the Conservation Commission

Date

Approved by:

Date:

Via:

Matt Puntin

11/17/21

Email @ 1:04pm

Joshua Briggs

11/18/21

Email @ 7:50pm

Linda Tvrdy

11/18/21

Email @ 11:03AM

Reba Schecter

11/18/21

Email @ 12:31AM

Mark Caldwell

11/18/21

Email @ 4:16pm