

Conservation Commission Minutes
Tuesday February 14, 2023
Held remotely according to the Governor's Covid Order

Members Present: Ernie Smith-Chair, Tom Potter-Vice Chair, Karen O'Donnell, Rebecca Lord, Pat Seckler, Shep Evans-Agent

Members Absent: Adam Weinberg, Ron Veillette, John Scorpa (associate member)

Other Participants: Robert Lowell (DCR), Nancy Putnam (DCR), Jacelyn Stevenson & Phyllis Ragusa abutters to Alex Haidar.

Mr. Smith opened the meeting at 6:30 PM. He announced that he asked Tom Potter to be Vice Chair of the Commission and Mr. Potter agreed to be Vice Chair.

Ms. Lord made a motion to approve the January 10th, 2023, minutes. The motion was seconded by Ms. O'Donnell and passed unanimously by roll call vote.

1. Special Conditions for DCR's Lenox Mountain Pole Line Easement Restoration Plan.

Mr. Smith stated that all members and DCR were sent the final listing for the Special Conditions for the restoration project. Mr. Smith asked Mr. Lowell and Ms. Putnam if they had any issues or questions concerning the Special Conditions. They responded that they did not. Mr. Smith then asked the Commission members if anyone had any questions or issues with the Special Conditions. The members responded they did not have any. Mr. Potter made a motion to approve the Special Conditions, the motion was seconded by Ms. Lord and passed unanimously by roll call vote. Mr. Evans explained to the members that what he will be doing is creating an approval of the restoration plan and conditions as presented. Ms. Putnam stated that DCR will notify the abutting neighbors and the Commission when they are starting the work and they will be keeping all parties informed on the progress of the ongoing work.

2. Enforcement Order on the Bohlman property at 159 Willow Road, Map 101 Lot 190.

Mr. Evans explained to the Commission that Mr. Bohlman has hired Emily Stockman (an environmental expert) to create a restoration plan for him. Mr. Evans stated that he has sent all pertinent information (the Conservation Commission Orders and the design plans from SK Design that they did in 2000) concerning the property to Ms. Stockman. Mr. Evans stated he had a conversation with Ms. Stockman and that she is beginning the work on Mr. Bohlman's property and that the Commission will have a plan to the Commission no later than March 31, 2023. The Commission will wait until March 31, before taking any other action.

3. Enforcement Order on the Abbott property at 706 Dublin Road, Map 405 Lot 55

No one was present to respond to the Order. Mr. Evans stated that he sent out The Enforcement Orders by certified return receipt to both the owners of the property and the contractor (Van Zandt Contracting) but as of the meeting has not received back the green postcard confirming that the parties received the letter. He is not totally confident that he had the correct addresses. Mr. Evans stated prior to issuing citations he will attempt to contact Van Zandt Contracting, they are in Lenox. A couple of the Commission members asked about the damage that had been done. Mr. Evans stated he had several photos that he could show the members of the work that was done without a permit.

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4. Restoration plan overdue for Alex Haidar property at 5 Walnut Road, Map 191 Lot5.

Mr. Haidar was not present at the meeting. Ms. Stevenson asked the Commission if there is anything they can do about the fact that Mr. Haidar has created an ugly view from her back yard by having cut down trees and now having markers and roping where he is eventually going to put up a split rail fence. Mr. Evans stated that there isn't anything that they can do since it is on his property. Ms. Stevenson said she will probably plant trees and shrubs to create a barrier between their properties. Mr. Evans stated that if they are native species that would be a good plan to bring before the Commission.

Mr. Evans asked the members what they would like him to do in order to get Mr. Haidar to submit a new restoration plan for them to review. His previous plan was not acceptable to the Commission. It lacked several important features. It did not show the BVW boundaries, and they were not marked over with monuments as was required by the Commission, his previous plan was missing a more precise planting plan for replacing the trees that he took down without permission. A short discussion took place to fill in the new members about the many issues that the Commission has had with Mr. Haidar.

Mr. Potter made a motion for Mr. Evans to send a letter to Mr. Haidar (5 Walnut Road) and Mr. Haidar's lawyers. The letter will state that a planting restoration plan which includes BVW boundaries and a way of permanently delineating them and the replanting of trees needs to be presented to the Commission no later than the last business day of March 2023. If the Commission does not receive the plan by that date, then the Agent is authorized to begin issuing citations daily until a plan is delivered to the Commission. The motion was seconded by Ms. O'Donnell and passed unanimously by roll call vote.

Mr. Smith adjourned the meeting at 7:20PM

Mr. Ernie Smith -Chair

Date

Mr. Tom Potter-Vice Chair

Date