

**Minutes of Conservation Commission Meeting,**  
**December 8, 2021, via Zoom**

Jeremy Rawitz, Chair, opened the meeting at 6:10 PM.

- Announced that we are recording the meeting.
- Did introductions of the Commissioners: Michael Zisser, Nancy Tomasovich, Leslie Lichter, and himself, Margo Drohan was not in attendance.

Michael mentioned that re: items not on the agenda, he would introduce 4 different motions under item 12 of the agenda and he'd provide them.

Agenda #3. A WPA Notice of Intent submitted for 26 Bidwell Road

- Chris Tryon provided the update, representing the Aronsons
  - o Addition on existing house
  - o 5 trees that would come out, Proposing a 2:1 replication in buffer zone of stream with no impact on vegetative area
  - o 2 shed like garages will be removed, Foundations taken out, Top soil that area
- Jeremy opened the hearing:
  - o Drawings had been distributed before and reviewed
  - o Michael did a site visit.
  - o Since this was a NOI and neighbors sent out information, Jeremy asked if there was anyone who had comments or thought?
    - No comments
  - o Agreed to Order of Conditions
- Jeremy closed the hearing
- Michael made a motion to approve the NOI submitted for 26 Bidwell Road (Map 109, Lot 26P, DEP File # 230-0327 for building addition, re-grading existing driveway and removal of 5 trees with the standard order of conditions applying to the project.
- Leslie seconded it.
- Approved unanimously.
- Michael will do the follow up.

#4. Chapter 91 Dock License for 153 Hupi Road for Ira Brind and Stacey Spector

- Cara – request that the commission hears and makes a decision on #4, i.e., a negative 3 determination. An RDA was sent around.
- Cara provided revised plan which addresses the centering of the dock
  - o Submitted first in August
  - o Was not posted/advertised correctly at first meeting
- Michael has made a site visit and acknowledged the tight site
- Susan Smith, representing the Jaffe's, spoke to address this application
  - o An NOI is required given the length of the dock (65') in a great pond

This will go to the state DEP and will need to get a variance, but per Cara – the state requires a negative determination to review the dock license.

- Discussion of the centering and set back brought up question of property lines extending into the lake

- Chris spoke to RDA or NOI required: Most of these are done under a RDA, as they have feet on them and are sitting on the bottom of the lake, and so considered a non-alteration to the lake bottom. If it was drilled into the ground, would require an NOI.

ConCom purview: look at the plans submitted. If no impact on the Wetlands Act, then file an RDA and send it to the state.

Mike Parsons – spoke on behalf of the Jaffe’s, with several questions and concerns:

- Whether or not this was properly advertised for this hearing tonight: Argued that it wasn’t, and even though it was on the agenda, that doesn’t appease legal requirements of Wetlands Act and would result in an appeal of any action taken.
- Re: property lines. Neither Chris nor Cara are licensed as land surveyors or engineers – how accurate does this plan represent what’s on the ground? Was this plan legally prepared, without a surveyor’s stamp?
- While you could handle less with an RDA, given the length of the deck and the amount of lake this will cover, this will affect the resource area and this should be handled with a letter property advertised with neighbors properly notified.
- Cara – a simple license application does not require a stamp. This is re: applicability of the Wetlands Protection Act, not a Chapter 91
- Jeremy asked Chris and Cara to check state limit for square footage for a dock

Nancy make the motion to grant a continuance to the next meeting. Michael seconded. Unanimously agreed to.

In the meantime, it will be properly advertised, not as a Chapter 91 application.

- Time will allow parties to do additional research

#5. 66 Elephant Rock Road:

- Have no plan. Should be removed from our next agenda.
- Nancy made the motion to remove. Michael seconded it. Unanimously approved.

#6. Monterey Land Preservation Trust Presentation – Proposal for trail improvement and new trails

- ConCom collected \$40K and can those funds for building trails
  - Had met at the Bidwell house and walked property
  - - Elia and Jon Sylbert invited to present to provide some ideas
  - Attached documents detail the plan for the trails on the Mt. Hunger property.
  - MZ made a motion to distribute to the Monterey Preservation Land Trust from the Conservation Commissions Penalty fund the amount needed to complete the repair of existing trails and to create new trails in the amount of \$38,262.69.
  - NT second the motion.
  - MZ, JR & NT all voted yes to approve, Leslie had to step out of the meeting.
  - A letter will be sent to the BOS to release these funds to the Monterey Preservation Land Trust.
- MZ, JR and NT voted yes all was approved, Leslie was not present.

#7 Minutes for 10/19/2021 MZ made a motion to approved JR second the motion

MZ, JR & NT all voted yes to approve, Leslie was not present.

#8 MZ had 3 motions he wanted to read all are below.

Motion #1

The Conservation Commission is requesting advice from Town Counsel as to the following questions: (1) whether or not the disciplinary letter written for Kim Wetherell, previously serving as the Con Com Agent, may be attached to the minutes of the Con Com meeting held in September as voted upon at that meeting by the Commissioners, irrespective of her resigning from that position prior to the BOS considering the inclusion of the letter in the Agent's personnel file, and (2) if included in the minutes, is the letter subject to any confidentiality provisions?

NT second the motion

MZ, JR and NT vote yes for the motion, Leslie was not present.

Motion #2

The Conservation Commission is requesting a meeting with the BOS, to be held in Executive Session, and no later than the end of February 2022, to consider the role that the Town Administrator has played in negatively affecting the work of the Con Com for calendar year 2021.

The Conservation Commission will cancel future Con Com public meetings scheduled for December 2021 and January 2022. The February meeting will be announced and posted appropriately. Holding the February meeting may be dependent on holding an executive committee session between the Con Com and the BOS.

NT second the motion.

MZ, JR & NT vote yes for the motion, Leslie was not present.

Motion #3

The Conservation Commission will place an ad in the appropriate local periodicals and social media sites to search for and hire an Agent as soon as possible.

NT second the motion

MZ, JR & NT vote yes for the Motion.

MZ made a motion to close the meeting

JR second the motion.

MZ, JR & NT voted yes to close the meeting.

Meeting was closed at 8 pm.

