

**Whately Conservation Commission**  
**Wednesday, December 16, 2020**  
**Via Zoom**

Commissioners present: Andrew Ostrowski, Ann Barker, Montserrat Archbald, Scott Jackson (chair), and George Owens

Others present: Tony Wonseski (SVE), Todd Cellura (Sovereign Builders), Ryan Nelson (R Levesque Associates), Mark Wamsley (Kestrel Land Trust), Charles Dauchy, Thomas Litwin, and one other not specified

Meeting convened at 7:05 p.m.

1. Public hearing to consider a Notice of Intent submitted by John Hannum for construction of a Common Drive at Masterson Road (Map 18, Lot 9) in Whately. On behalf of the applicant, Tony Wonseski provided a brief update on the status of the project design. The design is still subject to potential revision depending on negotiations with the Natural Heritage and Endangered Species Program. With the applicant's permission, the Commission voted unanimously (5-0) to continue the hearing until 7 pm on Wednesday, January 20, 2021.
2. Request for a Determination of Applicability submitted by Sovereign Builders, Inc., to determine resource area boundaries on a property at 0 State Road (Map 5, Parcel 29). The site visit for this RDA was conducted on Sunday, December 13, 2020. The Commission reviewed the revised site plan dated December 15, 2020 then voted unanimously (5-0) to issue a Positive Determination of Applicability approving the resource area boundaries as depicted on that plan.
3. Wetlands Violation on property owned by Charles Dauchy on Chestnut Plain Road. The Commission met with Mr. Tom Litwin to discuss wetlands violations on an abutting property owned by Charles Dauchy on Chestnut Plain Road. The violation was brought to the Commission's attention by a representative of Kestrel Land Trust, which will be assuming ownership of the property. (Scott Jackson recused himself because of his connection with Kestrel, so the discussion was chaired by George Owens.) With Mr. Dauchy's permission, Mr. Litwin has been mowing the edges of a woods road for years to help control invasive plants. In an email exchange in summer of 2020, Mr. Dauchy had encouraged Mr. Litwin to extend the mowing somewhat, but the activities then extended into BVW. Mr. Litwin explained that he was unaware the area was wetland and that it had been overgrown with multiflora rose, bittersweet, and non-native grapevines. The area also contained about a dozen tree stumps, but these had been cut several years ago with Mr. Dauchy's permission. The Commission, Litwin, Dauchy, and Mark Wamsley (Kestrel Land Trust) agreed on two steps: the boundary between the two properties will be clearly marked after a new survey by methods to be determined, and before the next meeting Mr. Litwin will consult with Lincoln Fish, local forester, on best methods for controlling regrowth of invasive plants in the mowed area. The discussion will be continued at the January meeting.
4. Support for the town's grant proposal to the Conservation Assistance for Small Communities Grant Program for \$10,000 to complete the Open Space Plan update. The Commission briefly reviewed, and then voted unanimously (5-0) to approve/support the application for funding to update the town's Open Space and Recreation Plan.
5. The Commission voted unanimously (5-0) to accept the minutes from the November 18<sup>th</sup> meeting.
6. Updates and Other Business
  - Violation noted: harvesting timber WITHOUT an approved Forest Cutting Plan. Chairman Jackson described a timber harvest being conducted in wetlands and within 25 feet of a regulated stream without DCR or Conservation Commission approval. The land is owned by Sam Urkiel. Jackson observed the violation on December 13. He located the logger (Bill Lamore) on the property and

issued a verbal cease and desist order. He then reported the incident to the DCR Service Forester (Sean Libby) who covers Whately. The Service Forester responded the next morning and conducted a site visit later that same day (Dec. 14). Results of the DCR site visit revealed that the timber harvest was large enough to be considered a commercial harvest and exceeded the requirement for a Forest Cutting Plan. A stop order was issued and the following violations noted: 1) harvesting timber with an approved Forest Cutting Plan, 2) harvesting timber without a current timber harvester's license, and 3) operating equipment in a filter strip adjacent to a stream. The Service Forester reported that other than that, the harvesting operation for the most part appeared to avoid wetlands. Chairman Jackson recommended that the Commission defer to DCR for enforcement and getting the harvest in compliance with the Forest Cutting Practices Act (which would make the harvest exempt under the Wetlands Protection Act). The Commission unanimously (5-0) supported this recommendation.

- Land for sale on Westbrook Road. Chairman Jackson reported that he had received a couple of inquiries about land for sale on Westbrook Road. The land provides access to a trail that is commonly used by local residents, as well as the Greater Whately Snowmobile Club. The Commission discuss the possibility of seeking CPA funds or a state Trails grant to purchase a permanent easement protecting the trail access.

Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Scott Jackson