



MIDDLEFIELD TOWN HALL
CONSERVATION COMMISSION
MEETING MINUTES
2022/03/17

Members present: Chair Carol Waag, Kim Baker, Mitch Feldmesser, David Fuller and (Wayne Main recluses from voting) Present: Barry & Meghan Bernard (Chipman Rd property owners)
Meeting began at 6:01

Timeline: On Friday, March 4th, the Conservation Commission received an email from Mary Grover, Department of Environmental Protection, stating that there was a complaint of activity near a stream at two properties located across from 86 Chipman Rd. The ConCom responded to DEP that day, and notified the Bernards about the complaint on March 6th. On the 11th the DEP called the ConCom with actual details about the complaint. The ConCom then contacted the former DEP Circuit Rider Mark Stinson for advice regarding the jurisdictional status of that stream. Three members of the Commission made a site visit on March 16th and took measurements.

Site Visit: The site visit map submitted showed the measurements from the northernmost point from the driveway to the southernmost point of the wetland to be over 100 ft., from stream west to clearing, just 100 ft, and paced from clearing to the wetlands was over 275 ft. At stream crossing, the drive passes over two 18 inch culverts that are 18 to 24 inches below the road bed with 4 inches of fairly rapid flow from a 4 to 8 ft channel. Crushed stone driveway material in the out wash and evidence of channelization about 50 ft down stream.

Property Owners: Barry and Meghan Bernard stated that on October 17th 2020, they asked their soil scientist to write up a letter declaring that the stream was a non jurisdictional intermittent stream . This letter was given to Chair Kim Baker for review at the next ConCom meeting and then to Board Member Wayne Main to be brought to the attention of Con Com as well. The Chair and the other board members do not recall this being brought to their attention. Wayne Main does recall receiving the letter. There was no mention of it appearing in the Nov. 4th remote meeting minutes.

The Bernard's proceeded to put in their driveway in June of 2021 after not hearing any response from ConCom . They submitted a copy of the complaint to the DEP from Mary Grover, stating that the stream was called an annual stream . Discussion proceeded as to whether or not it was an intermittent stream.

Con Com discussion: Mark Stinson assessment showed that the USGS does show the stream as intermittent, which is under the jurisdictions of the wetlands protection act and is regulated, because it flows from upstream wetlands The stream is also considered an Outstanding Resource Waters . Stinson's two suggestions for resolving the complaint were 1) removing the existing culverts, stabilizing the banks, hiring a wetland consultant who delineates the wetlands, recommends an appropriate stream crossing, writes the NOI and submits it to ConCom or 2) to leave everything in place and hire a wetland consultant to delineate the wetlands and submit an NOI to DEP. Both options were discussed. The Bernard's prefers to leave everything as is. Mitch motioned to meet Friday, the 25th at 6:00, David 2nd, Vote 4-0 Kim motioned to adjourn at 7:05, Mitch 2nd, vote 4-0.

Respectfully submitted by Suzanne C. Lemieux