

Shutesbury Conservation Commission Meeting Minutes
January 9, 2020 Shutesbury Town Hall

Conservation Commissioners present: Penny Jaques, Russ Mizula, and Robin Harrington

Conservation Commissioner absent: Barry Field

Staff present: Linda Avis Scott/Land Use Clerk

Guests: Liam Cregan, Janice Stone; Maria Firstenberg and Matt Regan/TRC, Evan Turner/Aries Power Systems, Shane Bajnoci/W. D. Cows, Joyce Rudzik, Diane Gula, Mike Suter, Garrett Simonsen, Christopher Vocquiz, Dean Gendron, William Czerwonka, Robert Carey Jr., Roland Dragon, and Shutesbury Police Officer Marcus Johannsson

Jaques calls the meeting to order at 6:45pm.

Jaques moves and Mizula seconds a motion to approve the 12.12.19 meeting minutes; the minutes are unanimously approved as presented.

Mail:

1. 1.27.20 Informational Conservation Panel and Networking Event
2. 12.12.19 National Grid letter, received 12.29.19, re: "Public Utility Maintenance Exemption" work along the E5/F6 Transmission Ling Right of Way; no SCC action at this time
3. Native Plant Trust Plant Conservation Volunteer program
4. 12.23.19 DEP Snow Disposal Guidance; document has been forwarded to the Town Administrator and Highway Superintendent

Forest Cutting Plan:

Carver Lot-South/Montague Road/Cows: Extension #1

Updates:

- 15 Cove Road: 12.17.19 note from Eli Raczyński, "So glad you all enjoyed our video!"
- South Brook Conservation Area: no intern update; in the spring, Jaques and Town Administrator Becky Torres will review the current signs in the area and proposed language for the new sign.
- Lake Wyola Lowering and Raising Procedure Memorandum of Understanding: Plan to have Mark Rivers/Lake Wyola Advisory Committee obtain the necessary data from Howard Kinder/Gate and Dam Keeper.
- 61 Lakeview Drive/Stockton: response to the Commission's letter remains pending; plan to consider next steps when Field is present.

Jaques explains the procedure for the Abbreviated Notices of Resource Area Delineation (ANRAD) public hearings noting that the hearings will be audio recorded for an absent Commissioner. Each of the ANRAD applications will have a discreet public hearing and each public hearing will be opened and continued to a date certain for the following reasons: the DEP file numbers and comment letters remain pending, there needs to be adequate time for the Commission to arrange peer review services and winter conditions, i.e. snow cover, frozen soil, no herbaceous growth and the vastness of the areas to be reviewed. Chapter 44 Section 53 G provides a procedure for the Commission to arrange peer review consultant services to be paid for by the applicant. Once the public hearings are closed, the Commission will issue Orders of Resource Area Delineation (ORAD) verifying only those boundaries requested by the ANRADs.

Open the Public Hearing for Montague/Carver Road Lot ZD-37 ANRAD at 7:05pm:

Maria Firstenberg and Matt Regan/TRC, Shane Bajnoci/Cowls, and Evan Turner/Aries Solar Systems representing the applicant, W. D. Cowls, Inc., introduce themselves. Abutter notification documents are received for the record. Per Firstenberg, the Montague/Carver Road delineated site is approximately 67 acres within a 263 acre parcel and has six wetlands, four of which are isolated and one intermittent stream; all the delineations were completed in October of 2019 in accordance with the Army Corps of Engineers and the Bordering Vegetated Wetland manual (see files). Firstenberg understands that the Commission will be hiring a consultant and requests that the review be conducted when conditions permit. Jaques notes that the applicant is listed as W. D. Cowls, Inc., however, the phone number and email address are for Aries Power Systems. Turner: Aries Power Systems/Amp Power are the developers and the applicant is the property owner W.D. Cowls because the ANRADs (and ORADs) stay with the property; either he or TRC will answer any questions relative to the ANRADs. Firstenberg suggests the Commission choose more than one consultant due to the large amount of ground to cover. Diane Gula/480 Pratt Corner Road asks whether solar installations are pending. Jaques explains that the ANRAD public hearings focus only on resource area delineation; if, in the future, there is an application for a large-scale solar installation, a Planning Board special permit application with public hearings will be required. Turner states that he will be available after the ANRAD public hearings to talk about what might occur in the future; this discussion will occur outside the Commission meeting. Janice Stone/Montague Road asks when the delineations were done and whether any vernal pools were identified. Firstenberg: the delineations were done in October 2019; potential vernal pools were looked for and none were identified for this site; because October is not the ideal time to observe vernal pools, the features that would indicate the presence of a vernal pool are looked for. Jaques clarifies that if a potential vernal pool site were identified, it would be noted in the application. Firstenberg: yes, it would be marked on the map and in the legend. At 7:20pm, the applicant's representatives and the Commission agree to continue the Montague/Carver Road public hearing to Thursday, March 12, 2020 at 7:30pm. Jaques explains that the Commission will continue each public hearing to a date/time certain; two will be held on 3.12.20 and two, both Pratt Corner Road ANRADs, on 3.26.20.

Open the Public Hearing for Pratt Corner Road West Lot ZW-6 at 7:20pm:

Abutter notification documents are received for the record. Firstenberg: 40 acres of this 389 acre parcel were delineated in October 2019; the delineated area contains four wetlands and seven streams, including Nurse Brook which requires a 200 foot Riverfront Area buffer zone. At 7:24pm, the applicant's representatives and the Commission agree to continue the Pratt Corner West public hearing to Thursday, March 26, 2020 at 7:30pm.

Open the Public Hearing for Pratt Corner Road East Lot ZG-2 ANRAD at 7:24pm:

Abutter notification documents are received for the record. Firstenberg: 47 acres of this 829 acre parcel were delineated in October 2019; the delineated area contains two wetlands, one of which is isolated, and one intermittent stream. Turner to Jaques question: the delineated area is west-south-west of and at the south end of the existing large-scale installation (Wheelock); the potential site will use the same access road. At 7:26pm, the applicant's representatives and the Commission agree to continue the Pratt Corner East public hearing to Thursday, March 26, 2020 at 8:00pm.

Open the Public Hearing for West Pelham/Baker Road Lot ZQ-6 ANRAD at 7:26pm:

Abutter notification documents are received for the record. Firstenberg: 47 acres of the 212.7 acre parcel were delineated in October 2019; the delineated area contains seven wetlands, three of which are isolated and four streams including one perennial stream, Baker Brook, which requires a 200 foot Riverfront Area buffer zone. Turner acknowledges that the Commission will need time to obtain a consultant and requests the Commission to empower the Land Use Clerk to move ahead with hiring the consultant. Jaques explains that the Commission will consider their consultant options within the requirements of the Open Meeting Law. Dean Gendron, 294 West Pelham Road, asks how the site is accessed. Firstenberg shows a

map of the site indicating access via Baker Road. At 7:30pm, the applicant's representatives and the Commission agree to continue the West Pelham/Baker Road public hearing to Thursday, March 12, 2020 at 8:00pm.

During the transition to the next item, abutter Joyce Rudzik shows Scott the ANRAD legal ad in the *Athol Daily News* in which the day for the public hearings is identified as Tuesday rather than Thursday; the actual date, 1.9.20, is correct.

Open Public Hearing for NOI at Lot ZB 679 Merrill Drive Conservation Land/Town at 7:37pm:

Janice Stone represents the Recreation Committee/applicant. Legal and abutter notifications are on file and the DEP file number has been received (#286-0723). Stone explains that the proposed canoe/kayak launch is a Community Preservation funded project and will be as low impact as possible; stepping stones will be placed for access to a canoe/kayak; native shrubs will be installed along the bank and north side of the property. Stone explains that a Chapter 91 license will be required and has researched various options for doing so. The Chapter 91 application process will be considered further once the Order of Conditions for this project have been issued. Roland Dragon/8 Merrill Drive, a direct abutter to the south, states that he is against the project; his concerns are the accumulation of trash and noise. Robert Carey, Jr./2 Merrill Drive, a direct abutter to the north, is concerned about parking. Jaques notes that the installation of the stepping stones will be done under low water conditions. It is noted that both Mizula and Harrington need to conduct a site visit. Dragon observes that canoe/kayak access exists at the former Town Beach (Elliott Park). Carey asks about the location of fence proposed to run along the north side of the property, whether the property width of 60', as noted on the site plan, is correct and if there is a setback for fences. Jaques: the fence will be located on the Town side of the property line; this fence will replace the one that was installed several years ago; the width of the lot is 60'. Carey states there used to be a foundation on the lot which was full of trees and that he spent \$10,000 of his own money improving the lot. Carey further states that he has no problem with the proposed project though is concerned that people will park there and walk to the State beach. Jaques: it has been suggested that "No Parking" signs be posted along Merrill Drive. Mizula: only two spaces will be allocated for parking. Carey: we are worried about people walking to the State beach. Dragon is concerned about unruly behavior and his privacy. Carey notes that his parents (owners of 2 Merrill Drive) are concerned about the fence setback. Jaques notes that there will be signage stating that the area is open dawn to dusk, no fires, and trash is to be packed out; zoning bylaws regarding fencing will be consulted. Jaques asks Dragon and Carey to end the discussion as their points have been made and, because the purpose of the Notice of Intent public hearing is to address relevant wetland issues, instructs them to address their general concerns about the project to the Select Board. Police Officer Johannsson encourages Dragon and Carey to take their concerns to the Select Board. At this time, Dragon and Carey leave the meeting. At 8:10pm, the Commission and Stone agree to continue the public hearing to 2.13.20 at 7:30pm at which time only the relevant wetland issues will be considered.

Firstenberg and Turner returned to the meeting during the prior public hearing. They are apprised of the error in the ANRADs' legal notice. Turner will review the matter with TRC's legal counsel. Jaques notes that if re-noticing abutters is necessary, it can be done by certificate of mailing. Firstenberg and Turner verify that the Commission will be requesting four individual peer reviews. Turner notes that the ANRADs are part of a Cows project to conserve 2,000 acres and that about 200 acres will be used for solar installations. Per Turner, it is viable to use forested land for solar installations; the goal is to locate them as far away from wetlands as possible. Firstenberg and Turner leave the meeting.

The Commission considers potential wetland consultants and unanimously agrees for Jaques to contact Emily Stockman/Stockman Associates to request a scope of work and estimate; Stockman will be asked to review the ANRAD applications, the delineations and whether any other resources areas exist in the defined areas.

The Commission receives proposed changes to Zoning Bylaw Article V: Open Space Design, the Planning Board will further consider these changes during their 1.13.20 meeting.

The Commission receives the 9.11.19 Kestrel Land Trust Baker Fields CR annual monitoring report; the document will be further reviewed during the 2.13.20 meeting.

The monitoring visit follow-up letter to the Old Orchard Homeowners Association is reviewed. Jaques suggests including that a copy of the complete monitoring report is available on request. Consider the need for a baseline survey during a future meeting.

The Commission unanimously agrees to request the Select Board to appoint Liam Cregan to the Conservation Commission.

Carryover the “posting minutes to the website” discussion to the 2.13.20 meeting.

There being no further business, the meeting is adjourned at 8:48pm.

Respectfully submitted,
Linda Avis Scott
Land Use Clerk