

Shutesbury Conservation Commission Meeting Minutes
March 12, 2020 Shutesbury Town Hall

Site Visits (Summaries attached)

March 4, 2020

Attending: Penny Jaques, Russ Mizula, Robin Harrington and Liam Cregan/Commissioners

1. 39 Schoolhouse Road/Gilmore: RDA for septic system update
2. 26 Lake Drive/Stotz: RDA for new well and new septic system
3. 375 Locks Pond Road/Bernard: BPA for addition with full basement

Commissioners present: Penny Jaques, Robin Harrington, and Liam Cregan

Commissioner absent: Russ Mizula

Staff present: Linda Avis Scott/Land Use Clerk

Guests: Alan Weiss/Cold Spring Environmental, Janice Stone, David Bernard and Terry Bernard

Jaques calls the meeting to order at 7:00pm.

Harrington moves and Cregan seconds a motion to approve the 2.13.20 meeting minutes; the minutes are unanimously approved as presented.

The site plans for 39 Schoolhouse Road and 26 Lake Drive are reviewed by the Commission.

Updates:

- Lake Lowering Memorandum of Understanding: Finalization of the document remains pending a response from Mark Rivers/Lake Wyola Advisory Committee.
- 61 Lakeview Road/Stockton: Scott reads the 2.27.20 response from Glenn Stockton into the record (see file). The Commission requires no further action and requests Scott to sign off on the “after the fact” building permit application with a condition stating “The entire property is within the buffer zone therefore any future project necessitating digging/excavation will require a wetland permit”.
- South Brook Conservation Area Intern: Scott reads the 3.11.20 email from Kayla Speros into the record (see attached). Cregan offers a means for Speros to access ArcMap. Given the current social distancing requirement, Scott will email Speros and request updates via email rather than an in-person meeting.

Continue the Public Meeting for the RDA at 39 Schoolhouse Road at 7:15pm:

Alan Weiss/Cold Spring Environmental, consultant for the applicant, explains that the upgraded system will be in the same location as the current system; the new system will be more Title V compliant; a copy of the application was sent to Amherst Department of Public Works because the stream is a tributary to a tributary within the Amherst watershed; the Board of Health has approved the project. Weiss to Jaques’ question: the grade will be taken down a little and will deflect runoff at a 2% grade. Jaques notes that the stream continues close where the property owners have done gardening work however does not affect the proposed septic work. There being no further questions, the Commission agrees to issue a Negative Determination with conditions and to close the public meeting at 7:18pm.

Open Public Meeting for the RDA at 26 Lake Drive at 7:18pm:

All pre-public meeting documents have been received and the fee paid (see file). Alan Weiss/Cold Spring Environmental, consultant for the applicant: the resource areas for this project are Lake Wyola and a small intermittent stream to the north; the new well will be located 20 feet from the mean highwater line of the lake. Weiss continues: the new septic system is designed to have a leach field and will have a protective barrier; there will be no change in elevation; the Board of Health has approved the project. Per Weiss, the plan is to install the well first then grade, seed and straw the disturbed area; after these steps, the erosion control for the septic system project will be installed. Weiss agrees with Jaques' suggestion that using an erosion control sock is more suitable for the well installation due to its proximity to the bank. To Jaques' question, Weiss explains that, because of its design, it is allowable to pave over this leach field and that there will plenty of surface area for recharge. There being no further questions, the Commission agrees to issue a Negative Determination with conditions and to close the public meeting at 7:26pm.

Continue Public Hearing for ANRAD at ZD-37 (Montague/Carver Roads) at 7:30pm:

Scott reports that the Chapter 44 Section 53G funds for Stockman Associates peer review consultant services have been received from TRC; Gail Weiss/Town Accountant established a separate fund for each ANRAD as per MGL and Emily Stockman has been informed. Jaques recommends Stockman arrange the site visit schedule and apprise the Commission and TRC; TRC staff are familiar with the sites and can discuss any discrepancies with Stockman on site. Jaques reports that Stockman has begun the document review and is developing a list of questions; site visits will begin after the document review is complete; after reviewing the site with TRC, Stockman and her staff will crisscross the area to ensure TRC's delineations are complete. Jaques: per Stockman this is a good time of the year to observe because site lines are clear and it is anticipated that vernal pools will be active. The plan is for Stockman to provide the Commission with preliminary reports allowing the SCC to address TRC with any questions; the Commission would like to receive the final reports one week before the respective public hearings to allow sufficient time for review. Once received, the SCC will send the final reports on to TRC.

Scott contacted Mark Stinson/DEP Circuit Rider for guidance on the status of Cregan and Mizula relative to the ANRAD public hearings: because Cregan was present for the 1.9.20 meeting when the ANRAD public hearings were opened and read the 1.9.20 minutes, if the Commission determines he is sufficiently prepared, Cregan may participate in the adjudicatory process; another piece, is that due to TRC's public legal notice error, the public hearings will be re-noticed. The Commission agrees that Cregan is sufficiently prepared. Per Scott, Stinson also provided guidance on the rules for abutter notification: on lots greater than 50 acres, notification is required for only those abutters whose lots are within 100 feet from the "project site"; Mizula's lot is well over 100 feet from the project site located within the 829-acre ZG-2 lot, therefore, Mizula is not considered an abutter for this ANRAD public hearing. Janice Stone reports that she has documentation of vernal pool activity, observed from the road, located within ZD-37. Stone is concerned there may be more wetlands within the project area than TRC has identified and will send her observations to Stockman. At 7:45pm, the public hearing is continued to 4.23.20 at 7:30pm.

375 Locks Pond Road: David and Terry Bernard join the meeting and explain their plan for a 16'x20' addition with a full basement to the existing cottage which requires significant excavation; there will be no change to the current footprint because the addition will replace a porch that will be torn down. During their 3.4.20 site visit, the Commission observed an intermittent stream located 92 feet from the proposed project site. Jaques explains that the Request for Determination of Applicability (RDA) allows the Commission to set conditions for projects that are within the buffer zone of a resource area, i.e. the stream. Jaques further explains that if the addition were to be on piers, the project would be exempt and not require a RDA. David Bernard notes that the stream dries up. Jaques reaffirms that the area is jurisdictional. Scott will email Terry Bernard on 3.17.20 regarding the RDA process. D. Bernard notes that they are also required to submit a Zoning Board of Appeals special permit.

Continue the ANRAD Public Hearing for Lot ZQ-6 (Baker/West Pelham Roads) at 8:00pm:
At 8:00pm, the public hearing is continued to 4.23.20 at 8:00pm.

Mail:

- “Losing Ground” booklet
- The 2.19.20 email from Barry Field is read into the record (see attached). Commissioners note the need to follow-up on the erosion control located on Eversource Line 354 (RDA 12/18) and arrangements for annual mowing of the Rostas and Gang Conservation Area.
- 2.14.20 email from Tim Hunting/Highway Superintendent in response to the 2.13.20 email from Susan Reyes regarding “High piles of salty slush/snow”; no SCC action.

Harrington and Cregan provide brief updates on the 2.29.20 MACC Annual Conference.

Jaques reviews the suggestions she made to the proposed Planning Board revisions of the Open Space Design Bylaw: expanding the purpose to be reflective of the Master Plan values for preserving large contiguous, unfragmented blocks of forested back-land and requiring an ANRAD to confirm the required wetland delineation; suggestions to the Ground-Mount Solar Installations Bylaw revision included the addition of similar language to the purpose, the requirement for an ANRAD to verify wetland delineations and assurance that there is an enforcement component. In Jaques’ absence, Cregan will represent the SCC during the 4.13.20 Planning Board public hearing on the proposed amendments.

Cregan volunteers to compose the SCC article for the upcoming issue of “Our Town” newsletter.

Commissioners review the final FY19 Activity/Highlights Log; the FY19 Annual Report is nearing completion.

Pending Site Visits:

1. 60 Lake Drive/Evan Jones: Scott reports Jones submitted a BPA to pour a concrete slab for a shed; per Jones, all work will be contained within the existing concrete footprint, from the 2019 teardown, and that the concrete truck will work from Lake Drive. Jones’ site photo is reviewed. All Commissioners agree that a site visit is not necessary and request Scott to sign off on the BPA with a condition that all work must be contained

within the existing footprint and that no excavation occur without further permission from the Commission.

2. 36 Sojourner Way/Glen Armitage: BPA for master bedroom addition to existing home.
3. 137 West Pelham Road/Richard Pace: BPA for garage/workshop
4. 104 Lake Drive/Bob Thompson: improve area where trees were cut down in 2019 and possible slab for a shed.

These three site visits will be conducted 3.18.20.

Commissioners prepare the Determinations of Applicability for 39 Schoolhouse Road and 26 Lake Drive (see files). A statement will be added to the cover letter to Herb Gilmore/39 Schoolhouse Road recommending the owners pay careful attention when working on the slope toward the stream and avoid dumping debris in the area.

Scott will follow-up with Maria Firstenberg/TRC regarding the ANRADs' continuation date.

Scott reports on updates to the RDA applicant letter and related forms to improve readability and clarity of instructions for applicants.

There being no further business, the Commissioners unanimously agree to adjourn the meeting at 8:56pm.

Respectfully submitted,
Linda Avis Scott
Land Use Clerk