

Shutesbury Conservation Commission Meeting Minutes
June 25, 2020 Virtual Meeting Platform

Conservation Commissioners present: Penny Jaques/Chair, Liam Cregan, Russ Mizula, and Robin Harrington

Staff present: Linda Avis Scott/Land Use Clerk

Guests: Katie Cerro, Meaghen and Steven Mikolajczuk, Karen Keegan, Roy Leclerc, Jeff LeBeau.

At 7:01pm, Jaques calls the meeting to order.

Statement relative to conducting virtual meetings following the Governor's restrictions on public meetings is read into the record by Scott.

Mizula moves and Harrington seconds a motion to approve the 6.11.20 meeting minutes. Roll call vote: Harrington: aye, Cregan: aye, Mizula: aye, and Jaques: aye; the 6.11.20 minutes are approved as presented.

South Brook Conservation Area Intern: Jaques has been in touch with Kayla Speros; they will be planning a date to walk the area and review the mapping Speros has accomplished thus far. Cregan and Harrington will also attend the walk.

Lake Lowering Memorandum of Understanding: Continue this topic to a future meeting.

Shutesbury Highway Department Annual Project List: Per Scott, Highway Superintendent Tim Hunting reported sending the annual project list by email however the list has yet to be received. Scott is following up with Hunting.

Open Space & Recreation Plan: Status on FRCOG's role in updating the plan remains pending; Jaques asks to be included in meetings about updating the plan

Fort River Watershed Study: Cregan was unable to attend the scheduled video call.

Wetland Protection Bylaw Update: Harrington reports that she, Cregan, and Scott have agreed to work with 2011 draft; their next meeting is scheduled for 6.30.20.

Status of ANRAD Documents: Jaques reads a portion of the 6.24.20 email from Emily Stockman/Stockman Associates into the record: "Baker- Supplemental review comments are in draft form. I anticipate having them out by email by COB (close of business) on Friday. Montague- I have received the updated plans from TRC. When Maria and I spoke last (to schedule Pratt West) she requested that we return to Montague as well. There is a question about the location of the CVP (certified vernal pool) I asked about. When TRC overlaid the NHESP data they noted that the CVP is not within any of the areas identified in the field (see revised plans). We are going to go back to the site with GPS coordinates to check it out". The Commission received the next set of peer review comments for the Baker and Pratt Corner East sites. Jaques: regarding the ANRAD page 1 discrepancies identifying W. D. Cows as the applicant with the phone and email details for Aries Power Systems, both Stockman and Mark

Stinson/DEP Circuit Rider were consulted with Stockman's guidance clearly stating that page one needs to list full information for the applicant.
Jaques will follow-up with Maria Firstenberg/TRC.

Proposed Solar Bylaw Amendment: Commissioners have had an opportunity to review Jaques' "Statement on Planning Board's Solar Bylaw". Cregan states he is in general agreement with Jaques' statement and the need for careful siting of solar installations in Shutesbury. Harrington supports limiting sites in order to avoid sensitive areas. Jaques provides a brief history of the solar bylaw noting that the amendments include a revised purpose that addresses other ecological benefits, the prohibition of commercial logging unless there is a natural event requiring logging, the installation of a wildflower meadow to favor pollinators, enhanced historical protection, requiring paved road access with the potential for a waiver, 250' frontage requirement, limiting the number of installations to one in each of nine blocks throughout town, minimizing incompatible appearance of the access, ANRAD filing prior to submission of a special permit application, and that all disturbed areas be greater than 100' from wetland and hydrologic features. Cregan: the revision has great features. Jaques: a great amount of the development in the state is for large scale solar. Harrington moves and Mizula seconds a motion acknowledging the Commission's support for Jaques' "Statement on Planning Board's Solar Bylaw" and her presentation of the statement on behalf of the Commission during the 6.27.20 annual town meeting. Roll call vote: Harrington: aye, Mizula: aye, Cregan: aye, Jaques: aye; the motion carries.

Site Visit Schedule: Commissioners agree to conduct the following site visits on 6.30.20:

- 24 Lake Drive/Whitney: BPA for a 16'x16' patio on concrete slab; may be exempt as the site is located on the road side of the house and may be greater than 50' from the bank of Lake Wyola.
- 52 Shore Drive/Woods-Ewing: BPA for leveling and pier replacement on a corner of the house.
- Lake Drive near Great Pines Drive: a nearby abutter reported the installation of a culvert under Lake Drive and questions the need for ConCom approval of the project.

Continue Public Hearing for ANRAD at ZW-6 (Pratt Corner West) at 7:31pm: Cregan moves and Harrington seconds a motion to continue the public hearing for ANRAD at ZW-6 to 7.23.20 at 7:30pm. Roll call vote: Harrington: aye, Cregan: aye, Mizula: aye, Jaques: aye; the motion carries.

Open Public Hearing for NOI at 32 Lake Drive/Mikolajczuk at 7:32pm: Public legal notice and abutter notification evidence have been received for the record; the filing fee has been paid. Owners Meaghen and Steven Mikolajczuk and representative Jeff LeBeau, P.E. are present. LeBeau reviews the 6.15.20 "Subsurface Disposal System Site Plan" (1"-10") via screenshare: this is a small 100'x40' lake front lot; the plan is to raze the existing house and rebuild a 23'x31' home in the middle of lot on the same footprint with a new foundation; the new home will have two stories and be deeded for two bedrooms; Board of Health approval is contingent on the Commission's review; work will take place within the 100' buffer zone and there will be 3,800 sq. ft of disturbance; to manage any runoff, a double layer of silt sock will be installed around the

perimeter. LeBeau continues: a Chapter 91 license application has been filed with DEP for a seasonal dock and is part of the overall application; for septic compliance, the well needed to be relocated; on the right side, a timber or concrete retaining wall will be constructed; fill will be added to assist with runoff and create a higher entrance to the house with steps on the left; the site will be gently graded down. Jaques notes the proximity of the proposed well location to the lake bank and asks if it can be moved further from the bank. LeBeau: the goal is to maximize the distance of the well to the leach field; there is some flexibility, however, the well can be no more than 10' closer to the leach field; currently, the well site looks to be 8.8' from the bank, 69' to the septic tank and 78' to the leach field. LeBeau confirms for Jaques that the well site can be moved. Jaques notes that the location of the silt fence will need be adjusted to reflect the new well location and asks if the silt sock will be adequate for the amount of excavation. LeBeau: it depends on the size of the silt sock; the SCC could condition a large size staked silt sock or haybales. Jaques: a frequent concern around the lake is the management of stormwater runoff, what is the plan for this site? Steven Mikolajczuk: the proposed grading plan will minimize runoff; the Board of Health is concerned about Stebbins Road runoff onto Lake Drive; our site will have a more level surface to spread water out; there will be splash pads for roof runoff and a new lawn. S. Mikolajczuk continues: the soil is sandy so a dry well was not planned; runoff is being addressed on the street level by installing a berm that will keep street flow moving; any runoff onsite will be dispersed. S. Mikolajczuk confirms that the 4" berm was requested by the Board of Health to prevent washouts onto the property. Jaques: those without berms receive all of the stormwater runoff. LeBeau: the berm was included to comply with the Board of Health. LeBeau explains that he designed the septic system for 28 Lake Drive and, for that site, the Board of Health suggested an infiltration trench to slow runoff down and prevent surcharging onto the property; 28 Lake's system is different and the location of driveway is not direct as it is for 32 Lake where the trench may not be appropriate. Jaques: each homeowner needs to handle some of the runoff. Mizula agrees with Jaques' observation. Jaques recommends revising the plan to handle some runoff without damage to the septic system. S. Mikolajczuk to Jaques' question: the final surface over the septic system will be lawn with parallel parking on a pervious surface in front. S. Mikolajczuk to Mizula: the depth of the new well is not known. At this time, the SCC has no further questions. S. Mikolajczuk confirms for Katie Cerro that this is the most recent site plan and that the proposed porch will extend the new structure's footprint. LeBeau to Cerro's question: the well is kept as far as possible from the septic system; in this situation, the well location is immediately down gradient from the septic system; owners are responsible for their wells. Meaghen Mikolajczuk: the location of the well is in keeping with the practice of other wells being located near the water. Cerro asks what gets contaminated and why there is separation. LeBeau identifies as a civil engineer and notes he is not a biologist: if a septic fails, there is a risk of fecal contamination, however, there is little likelihood given how street the has been developed; the design of the system is per the Board of Health. Jaques: for these small lots, there are tradeoffs with what the Board of Health and SCC require, i.e. how road runoff is managed; the Board of Health wants the well as far from the septic as possible and the SCC wanting to avoid major excavation close to lake. Jaques refers Cerro to the Board of Health as types of wells are not the purview of the Commission. Cerro observes that we get all the water from up the hill and the berm would push more water onto 28 – 30 Lake Drive. LeBeau: although the plan shows the berm, a mound along the edge of the property, it sounds like we are not going in that direction because we heard the Commission's concern; a stone area for infiltration could be installed. Cerro states she is responding to concerns about 34 Lake Drive. At

8:07pm, the public hearing is paused briefly and then resumed. LeBeau to Cerro's question: a vent is not needed due to the dimensional requirements of the septic system. Karen Keegan/34 Lake Drive appreciates the session; she was concerned about the berm and is glad it was brought up by the Commission and will be addressed. Jaques notes that everyone on Lake Drive needs to be involved in the management of stormwater runoff and refers Keegan to the Lake Wyola Association (LWA) because the Town does not maintain the roads around the lake; the Commission has worked with the LWA Roads Committee on a project located on the other side of lake. S. Mikolajczuk to Keegan: the porch location's setback from the lake will need to be taken up by ZBA special permit application. Jaques recommends the public hearing be continued in order for a revised site plan to demonstrate a methodology for accommodating some portion of stormwater runoff and a slightly different well location. S. Mikolajczuk agrees with the need to continue the hearing. Jaques moves and Cregan seconds a motion to continue the public hearing to 7.9.20 at 7:15pm in order for the applicant and LeBeau to relocate the well further from the lake and address runoff from the road. Roll call vote: Cregan: aye, Jaques: aye, Harrington: aye, Mizula: aye; the motion carries. LeBeau agrees to provide the revised plans one week prior to 7.9.20. Scott to S. Mikolajczuk: relative to the DEP Chapter 91 application, the Commission will consider whether any conditions for the seasonal will be required.

Continue Public Hearing for ANRAD at ZG-2 (Pratt Corner East) at 8:07pm: Jaques moves and Mizula seconds a motion to continue the public hearing for ANRAD at ZG-2 to 7.23.20 at 8:00pm. Roll call vote: Harrington: aye, Mizula: aye, Cregan: aye, and Jaques: aye; the motion carries. Scott will advise Maria Firstenberg/TRC regarding both public hearing continuation dates.

Unanticipated Topic:

Mizula reports receiving a phone call from someone concerned about the low amount of water coming out of the dam into the Sawmill River. Mizula contacted Gate and Dam Keeper Howard Kinder who suggested the Commission conduct a site visit to see how he manages the outflow. Jaques and Mizula are concerned about impending drought conditions.

Scott: it is likely that Town Hall will not be open to the public by 7.9.20; there may not be a way, in the near future, to manage a public meeting indoors.

At 8:24pm, Jaques moves and Mizula seconds a motion to adjourn the meeting. Roll call vote: Harrington: aye, Cregan: aye, Mizula: aye and Jaques: aye; the motion carries.

Respectfully submitted,
Linda Avis Scott
Land Use Clerk