

Shutesbury Conservation Commission Meeting Minutes  
July 9, 2020 Virtual Meeting Platform

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

Staff present: Linda Avis Scott/Land Use Clerk

Guests: Katie Cerro, Meaghen and Steven Mikolajczuk, Karen Keegan, Jeff LeBeau, Henry Geddes (brief), and Ashleigh Sullivan Pyecroft

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

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 6.25.20 meeting minutes as presented. Roll call vote: Cregan: aye, Harrington: aye, Jaques: aye, and Mizula: aye; the motion carries.

South Brook Conservation Area: No new information.

Lake Lowering Memorandum of Understanding: No new information.

Shutesbury Highway Department: The Commission receives and reviews the "7.1.2020 Shutesbury Highway Department Project List" submitted by Highway Superintendent Tim Hunting. To determine whether there are any jurisdictional wetlands, the SCC would like to know where the culverts on Montague Road are located, the length of the proposed paving on the Pelham Hill Road end of Baker Road and the section of Pelham Hill Road. It is noted that there are no jurisdictional concerns if the paving stays within the road footprint, however, the paving on Baker Road may be in proximity to the pond and there are swales running parallel Pelham Hill Road south from Baker Road. Mizula and Scott will follow-up with Hunting for more details.

Status of ANRAD Applications: No new documentation has been received from Emily Stockman/Stockman Associates.

174 Locks Pond Road/Olszewski: The Superseding Order of Conditions Certificate of Compliance for DEP #286-169 is still in process with DEP; in lieu of a site visit, the property owner was asked for specific photos of site.

Henry Geddes is informed the Baker Road ANRAD will be continued to the first SCC meeting in August; Geddes leaves the meeting.

Site visit follow-up:

1. 52 Shore Drive/Woods-Ewing: Harrington reports that the project, leveling a corner of the house and adding piers, was started without a building permit application; the work site is greater than 100' feet from Lake Wyola, however, the Commission requested that the silt fence on the lake side of the site be trenched and remain in place until the area is

revegetated and the homeowner was advised to be in touch with the Commission prior to future projects. The BPA sign off included the silt fence condition,

2. 24 Lake Drive/Whitney: Per Harrington, the house at 24 Lake Drive is located between the proposed site for a new 16'x16' patio on slab and Lake Wyola and the patio site is greater than 50' from the lake therefore the project is exempt. The BPA sign off was completed.
3. Lake Drive/Great Pines Drive: Scott reads the 7.7.20 email response from Mark Rivers, the owner of both 70 Lake Drive and 30 Great Pines, into the record. Per Rivers' email, the pipe under Lake Drive diverts water from the roof and underground perimeter foundation at 30 Great Pines Drive under the road into a washed stone basin and then will sheet flow onto the established lawn at 70 Lake Drive – the pipe outlet is 142' from the lake's bank; the perforated surface pipe at 30 Great Pines Drive widely distributes water onto newly planted grass – once the lawn is established, this pipe will be removed and any water flow will go into a washed stone basin then over 40' of lawn before reaching the road. Jaques asks if a site visit with Rivers is needed. Cregan notes that during 6.30.20 site visit, stones were observed up gradient where the perforated pipe starts. Harrington also observed the stones. Cregan and Harrington agree that River's description suffices so there is no need for an additional site visit. No further SCC action at this time.

7:16pm Continue Public Hearing for Notice of Intent at 32 Lake Drive/Mikolajczuk:

Jaques acknowledges that the Commission received the 6.25.20 revised site plan. Jeff LeBeau/applicant representative explains that the well site is now 15' from the water vs. the prior 8.8' and by working with applicant Steve Mikolajczuk, the plan for handling stormwater runoff is a 3' deep 2' wide infiltration trench designed so stormwater flow does not inundate the lawn. LeBeau does not feel the trench will be detrimental to the septic tank. To Jaques' question about how sedimentation build up in the trench will be handled, LeBeau explains the owners have been advised of the need for ongoing maintenance. Jaques requests a narrative explaining how the trench will be designed, how it will work and the plan for ongoing maintenance. LeBeau agrees to compile the narrative. All Commissioners agree with the plan to have an infiltration trench manage stormwater runoff. S. Mikolajczuk states he is comfortable with maintaining the trench. Katie Cerro asks if the proposal for an infiltration trench, instead of a berm, will affect the leach field. LeBeau: there is rapidly draining soil so no effect is expected and there will be less down gradient flow to abutters. LeBeau screenshares the site plan and explains to Cerro that if trench maintenance is not done, gutter flow will continue down the road and, if maintenance is done, the trench will continue to function. LeBeau to Cerro: there will be negligible impact to the leach field from the proposed stormwater management system. Karen Keegan/abutter has no questions. Jaques: once the infiltration trench narrative is received and reviewed, the public hearing can be closed therefore recommends continuing the public hearing. LeBeau requests the SCC approve the project with a condition that a short/long term plan for the infiltration trench, a minor last deliverable, will be provided. Jaques asks what will happen if the SCC is not happy with narrative. Scott: once the public hearing is closed, the SCC cannot ask for additional information. Cerro wants additional time to review the revised site plan. The applicants and LeBeau agree to continue the public hearing to later in the meeting at 8:10pm. At 7:32pm, Cregan moves and Harrington seconds a motion to continue the public hearing to 8:10pm, 7.9.20. Roll call vote: Jaques: aye, Cregan: aye, Harrington: aye, and Mizula: aye; the motion carries.

At 7:33pm, Continue Public Hearing for ANRAD at ZD-37 (Montague/Carver): Jaques informs Ashleigh Pyecroft that per the 7.6.20 email request for a continuance from TRC, there will be no discussion and, to Pyecroft's question, the SCC cannot weigh in on the Preliminary Subdivision applications submitted to the Planning Board. The 7.6.20 email from Maria Firstenberg/TRC "Continuance Request: Baker Rd and Montague (Carver Road West) ANRADs" is read into the record. Jaques moves and Cregan seconds a motion to continue the public hearing for the ANRAD at ZD-37 to 8.13.20 at 7:30pm. Roll call vote: Mizula: aye, Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries.

Site visit schedule:

1. 25 Leverett Road/Marden: a RDA for a septic system upgrade has been submitted and will be considered during the 7.23.20 meeting; the site has been staked and a large-scale plan will be available during the site visit scheduled for 7.13.20 at 10:00am.
2. Dam with Howard Kinder/Gate & Dam Keeper: Mizula will follow-up with Kinder about his availability on 7.13.20 at ~10:30am to meet with the Commission to explain how outflow via the dam is managed.

Level 2 Drought Conditions: Jaques: based on what was observed the end of June, Western MA is in Level 2 Drought Conditions. Jaques further explains that Tim McBride, the owner of 11 Pine Drive, was reminded by a 7.7.20 email of the Determination of Applicability condition restricting use of his lake sourced irrigation system during drought conditions.

Eversource Line 354: Per the 7.3.20 email from former Commissioner Barry Field, the erosion control under the power line has been removed.

8:00pm Continue Public Hearing for ANRAD at ZQ-6 (Baker/West Pelham): As previously read into the record, Maria Firstenberg/TRC has requested this public hearing be continued. Jaques moves and Harrington seconds a motion to continue the public hearing for the ANRAD at ZQ-6 to 8.13.20 at 8:00pm. Roll call vote: Harrington: aye, Mizula: aye, Cregan: aye, and Jaques: aye; the motion carries. Per Jaques, Emily Stockman/Stockman Associates and Firstenberg/TRC continue to work on the delineations; when Stockman's final reports and TRC's final plans are submitted, they will be posted on the Commission's webpage. Pyecroft asks about the reasons for the continuation. Jaques: both the State of Emergency and, regardless of that reason, the final documents have yet to be submitted.

Current Financials: Jaques moves and Cregan seconds a motion for the Commission to utilize the expense line to pay the annual MACC of \$263 (including \$60 for staff) and annual MSMCP dues of \$20. Roll call vote: Harrington: aye, Mizula: aye, Cregan: aye, and Jaques: aye; the motion carries.

The process for issuing an Order of Conditions is reviewed: must be issued within 21 days from the close of the public hearing, electronic submission via eDEP and via certified mail return receipt to the applicant.

Per Jaques, all three Planning Board Zoning Bylaw amendments were passed by annual town meeting.

At 8:12pm, Continue Public Hearing for NOI at 32 Lake Drive/Mikolajczuk: Via screenshare, Commissioners review and request revisions to LeBeau's "Operation & Maintenance for Infiltration Trench at 32 Lake Drive" including an additional description of what the trench actually is and construction details. Meaghan Mikolajczuk asks the SCC to come to terms on document. LeBeau adds requested details and the revisions are screenshared. To S. Mikolajczuk's question regarding the Chapter 91 license application for a seasonal dock, Jaques explains that SCC has been notified of the application and can weigh in with any questions however the license is handled by DEP. Per Scott, Donna West/Lake Wyola Association (LWA) inquired about the runoff management plan and advised that the LWA is working to educate members on the best practices for managing runoff; a second abutter who asked about runoff management was advised the plan was being revised. Mizula and Harrington agree that the infiltration trench will be a plus for managing runoff. Cregan: it will be a positive example for managing runoff. LeBeau: in addition to the narrative document, "Operation & Maintenance for Infiltration Trench at 32 Lake Drive", the details for the infiltration trench will add to site plan for the owners and their contractors. Karen Keegan asks how the ditch will affect abutters on either side. LeBeau: this is a proactive practical measure; the infiltration trench's coarse aggregate will capture and infiltrate runoff; it is a swale and is trapezoidal; water will be captured and will not run off onto the lawn. Jaques: the trench will convert runoff to groundwater. At 8:29pm, Mizula moves and Harrington seconds a motion to close the public hearing for DEP file # 286-0278. Roll call vote: Cregan: aye, Harrington: aye, Mizula: aye, and Jaques: aye; the motion carries. The Commission will confer on the conditions and process for issuing the Order of Conditions.

Personnel: Scott notifies the Commission that she submitted her resignation from the Land Use Clerk position, effective 8.4.20, to the Select Board 7.7.20. Jaques suggests and Cregan agrees that Scott's resignation may present an opportunity for the Commission to consider the role of an agent. Jaques and Scott note the differences between the role of a clerk and an agent. Jaques appreciates the value in how SCC does its work, however, struggles to be a full commission. Jaques, whose term ended 6.30.20, agrees to remain on the Commission until the ANRAD public hearings are finalized.

Future Meetings: Per Scott, there are no specific plans for reopening Town Hall; Town Administrator Becky Torres has been conferring with the Board of Health; current State Phase 3 limits are 8 persons per 1,000 sq. ft. for enclosed indoor spaces; the Select Board will be reviewing the status of reopening each time they meet. Nietzsche Engineering is preparing to submit the NOI for the Locks Pond Road/Sawmill River culvert replacement.

Via screenshare, Commissioners prepare the eDEP Order of Conditions for 32 Lake Drive. Commissioners consider whether a condition is needed relative to tree removal and decide that due to the disturbance for the new foundation, it is not necessary. Cregan notes that LeBeau's revised plan includes one line of erosion control to be installed for the well installation and to remain in place throughout the project. Conditions will include the installation of a heavy weight erosion sock, well staked, until the site is revegetated and then the sock is to be removed.

Excavated material needs to be removed from the site. Cregan notes that this material may be reused for grading. Condition: excavated material is to be removed or stockpiled covered by a tarp with an erosion sock along the down slope edge. Lose construction materials with the possibility of erosion will need to be managed in the same way. A note about revision of the plan will be included and the "Operation & Maintenance for Infiltration Trench at 32 Lake Drive" document will be attached as a condition. The erosion control establishes the limit of work. Mizula notes the need to manage construction related trash. It will be noted that the Chapter 91 license permit application for a seasonal dock was received by Commission. Liam moves and Harrington seconds a motion for Jaques and Scott to complete the Order of Conditions, including special conditions, as agreed upon. Liam revises the motion to include giving Scott permission to add the Commissioners electronic signatures to the Order of Conditions (as per the 5.14.20 Certificate of Vote); Harrington seconds the revision. Roll call vote: Harrington: aye, Mizula: aye, Jaques: aye, and Cregan: aye; the motion carries.

At 9:11 pm, Jaques moves and Cregan seconds a motion to adjourn. Roll call vote: Harrington: aye, Cregan: aye, Jaques: aye, and Mizula: aye; the motion carries.

Respectfully submitted,  
Linda Avis Scott  
Land Use Clerk