

Shutesbury Conservation Commission Meeting Minutes
July 23, 2020 Virtual Meeting Platform

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

Conservation Commissioner absent: Russ Mizula

Staff present: Linda Avis Scott/Land Use Clerk

Guests: Craig Marden, Lukas Winfield, and Alan Weiss/Cold Spring Environmental

Jaques calls the meeting to order at 7:01pm.

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

Jaques moves and Cregan seconds a motion to approve the 7.9.20 meeting minutes as amended per Harrington's correction. Roll call vote: Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries.

South Brook Conservation Area: No update.

Lake Lowering Memorandum of Understanding: No update.

Shutesbury Highway Department: Annual project list follow-up remains pending; the plan is for Mizula to be the Commission's liaison with the Shutesbury Highway Department. Scott will contact Mizula.

Site visit follow-up:

- Red Moriarty (Lake Wyola) Dam/Gate & Dam Keeper Howard Kinder: Per Harrington: during the 7.13.20 visit, Kinder expressed difficulty with lowering the lake by 2" per day versus the prior 3"/day. Jaques: Walter Tibbetts/Emergency Management Director is planning for the replacement of the waterflow seepage monitor and deepening of the outflow channel to be included in the Sawmill River/Locks Pond Road culvert replacement Notice of Intent. Scott: there will be a public listening session for the culvert replacement on 8.6.20. Jaques suggests a joint meeting with Kinder and Mark Rivers/Lake Wyola Advisory Committee.

7:15pm Public Meeting for RDA at 25 Leverett Road/Marden: Alan Weiss/Cold Spring Environmental states that he is listening on behalf of the buyer of the property (Lukas Winfield). Chris Marden/applicant and current owner provides an overview of the proposed septic system replacement for a failed Title V system. The "Plan to Update Existing Septic System" dated 6.28.20 is viewed by screenshare. The filing fee has been paid and abutter notification and public legal notice documents are on file. Marden to Jaques' question: the current system is located between the house and the site for the new system. Jaques: during the 7.13.20 site visit, it was observed that the wetland extended a little closer to the proposed area of work. Marden: the existing tank will be pumped and crushed and the old leach field left in place. Jaques confirms the location for the erosion control. Marden: the work area is fairly flat. Weiss notes that Board of Health approval is pending and asks if this is the revised plan per the Board of Health. Marden confirms that this is the revised plan. Weiss restates that he wants to see plan the Board of Health will be reviewing. Marden confirms this is the revised plan. Jaques observes that the Board of Health may have other concerns. Marden understands this to be the plan the Board of Health will be reviewing. Jaques notes that the upgrade is an improvement and recommends the Commission

approve the plan with erosion control and removal of unused excavated material from the site. Cregan recommends that the erosion control curve around so as to ensure the wetland extension, observed 7.13.20, is protected. Jaques moves the public meeting for 25 Leverett Road be closed at 7:22pm and the Commission approve the plan as presented with modification to the location of erosion control. Cregan seconds the motion. Roll call vote: Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries. Marden will have Thomas Leue/engineer revise the plan (extension of erosion control) for the Board of Health and will provide the SCC with an updated copy.

Site visit follow-up (continued):

- 15 Town Farm Road/Logan: Harrington reports on the 7.22.20 site visit: the property owners want to remove weeds and replant an area of steep slope where wetland vegetation is present; there is a culvert that channelizes a stream on the west part of property; a RDA will be required if machinery will be used for vegetation removal. If the Logans file a RDA, the SCC recommends leaving some of the vegetation in place. Scott will follow-up with the Logans regarding the need for an RDA. Jaques: in lieu of using machinery, the vegetation could be cut back as far as possible and covered with cardboard; the challenge is the Virginia Creeper and grapevine however, the project is possible to do with less invasive techniques.
- 138 Locks Pond Road/Gurman-Hall: Per Harrington, the property has been divided into three lots; the house is located on Lot #2, however, the current driveway for Lot #2 will be used to access Lot #3. Harrington notes that the curb cut for Lot #2 is outside of any jurisdictional area; a RDA, under the General Wetlands Protection Bylaw will be needed for the Lot #1, the northernmost parcel, because there are wetland delineation flags 26' from the proposed curbcut. Harrington reads from the 7.22.20 site visit report: "our review of the curb cuts do not indicate that the rest of the area within the lots is exempt from jurisdiction. We only assessed the area near the road". On 7.28.20, Harrington will follow-up with Scott regarding the process for signing off on the curbcut application for Lot #2. Scott will assist Hall with the RDA application.

7:34pm Continue Public Hearing for ANRAD at ZW-6 (Pratt Corner Road West): The 7.23.20 email from Maria Firstenberg/TRC requests continuation of this public hearing as TRC is working to address Stockman's comments on the site. Jaques moves the public hearing for the ANRAD at Lot ZW-6/Pratt Corner Road West to 8.27.20 at 7:30pm; Cregan seconds the motion. Roll call vote: Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries.

Status of ANRAD applications: Referring to her 7.23.20 email "Conversation with our peer-review consultant on ANRADs", SCC and TRC have received two sets of comments from Emily Stockman/Stockman Associates for three sites; a second set of comments for the Pratt Corner West site remains pending. Jaques notes that TRC's final plans will be based on Stockman's comments and recommends that each Commissioner review the comments and updated plans for the sites they visited. It is noted that due to the number of changes, the Baker/West Pelham and Carver/Montague Road sites are essentially new. Jaques: per Stockman, the Commission will need to issue two ORADs for each site; one under the Wetland Protection Act (WPA) and the other under the Shutesbury General Wetlands Protection Bylaw; the Commission can anticipate assistance from Stockman. Jaques reviews the recommended requirements for the final

submissions: depict the WPA and town bylaws using different color codes, provide overlays showing the original & expanded areas for each site to illustrate the differences, a full size set of plans for each Commissioner and the revision of page 1 of all four ANRADs so the applicant information is consistent. Jaques: Stockman suggests the Baker/Pelham Hill and Montague/Carver ANRAD public hearings be separated into two nights because they are now so different. Scott suggests the Commission consider how much can be managed during a virtual meeting. Jaques: per Stockman, Commissions are managing their meetings in different formats. Cregan is in favor of an outdoor meeting though notes the need to also have a virtual option. Jaques: during each of their meetings, the Select Board is considering whether to reopen Town Hall. Scott notes the constraints on indoor meetings, i.e. 8 persons/1,000 sq. ft. and the significant amount of staffing and logistics required for an outdoor meeting.

Consideration of TRC's Request to Amend the ANRAD for ZD-37 (Carver/Montague Roads) to Include an Enlarged Area: Per Firstenberg's 7.23.20 email "Montague ANRAD Extension/Amendment", there are two new discreet patches on the south side of Carver Road that TRC has asked to include in the current ANRAD; the current site is on the north side of Carver Road; per Stockman and Mark Stinson/DEP Circuit Rider, there is no regulatory guidance for this request; it is up to the SCC to decide whether to allow the amendment or ask for a new ANRAD. Scott notes that with one ANRAD, there will be one DEP file number associated with the lot. It is noted that TRC will re-notice abutters and that the public legal notice will be redone due to an error in the original notice for the 1.9.20 public hearing. It is also noted that ANRAD fees are deposited to the Commission's Wetland Protection Fund. Cregan supports one ANRAD resulting in one DEP file number for the parcel. It is noted that Carver Road is a discontinued town road; the center of the road is owned by Cowls; residents own Carver Road West and Carver Road East. Scott: per Chapter 44 Section 53G, additional fees will be needed in order for Stockman to peer review the expansion. Harrington agrees with Cregan's recommendation there be one ANRAD for the parcel. Jaques: the expansion is equivalent to a whole new and larger project area. The map of the proposed new area is reviewed via screenshare. Cregan would have liked to see how the areas connect before deciding on a new or amended ANRAD; Jaques agrees and suggests waiting to decide until the 8.13.20 meeting. Harrington agrees with Jaques' suggestion. Cregan recognizes the peer review consultant's experience and detailed reports. Cregan moves that the SCC accept an amended ANRAD for Lot ZD-37 (Montague/Carver Roads) from TRC; Harrington seconds the motion. Roll call vote: Cregan: aye, Harrington: aye, and Jaques: aye; the motion carries. Cregan and Harrington support a plan for Jaques to call Firstenberg 7.24.20 regarding public hearing continuation dates, the items required for final submission and the SCC's decision to accept TRC's proposal for an amended ANRAD for Lot ZD-37 (Montague/Carver Roads).

8:01pm Continue Public Hearing for ANRAD at ZG-2 (Pratt Corner Road East): The 7.23.20 email from Maria Firstenberg/TRC requests continuation of this public hearing as TRC is working to address Stockman's comments on the site. Commissioners consider continuing this public hearing to their first meeting in September. Cregan: the Commission needs to operate as if the meeting will be virtual therefore supports holding one ANRAD public hearing per meeting. Jaques moves the public hearing for Lot ZG-2/Pratt Corner Road East be continued to 9.10.20 at 7:30pm; Cregan seconds the motion. Roll call vote: Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries.

Planning Board Preliminary Subdivision Applications: Scott reports per a phone conversation with Deacon Bonnar/Planning Board Chair that there is no need for the Commission to review the four Preliminary Subdivision applications at this time; all four applications have been rejected (per Statute) and disapproved (per Shutesbury Subdivision Regulations) by the Planning Board.

Site visit schedule:

- Lot ZG-2 Pratt Corner Road (Wheelock site)/NextEra Energy: BPA for energy storage facility; the site is staked and representatives from NextEra Energy will meet the Commission at the entrance gate. Jaques notes that the Planning Board requested the Wheelock solar site be reseeded; during the visit, the Commission will observe the revegetation of the site. The site visit is scheduled for either 7.29.20 or 8.3.20 at 10am.
- 25 Lakeview Road/Hayden: RDA for new septic system in Riverfront Area; scheduling is pending confirmation that the site has been staked.

Issue Determination of Applicability for 25 Leverett Road: The Determination is completed and will be issued once Attachment A, showing the erosion control extension, has been prepared by Cregan (see file).

Timing for Land Use Clerk Replacement: Per Jaques, there have some inquiries.

At 8:58pm, Jaques moves and Cregan seconds a motion to adjourn the meeting. Roll call vote: Harrington: aye, Jaques: aye, and Cregan: aye; the motion carries.

Respectfully submitted,
Linda Avis Scott
Land Use Clerk