

Shutesbury Conservation Commission Meeting Minutes
August 13, 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: Dean Gendron, Mary David, Tessa Dowling, Miriam DeFant, Cheryl Hayden, and Rick Scott who joined the meeting after the RDA public meeting for 25 Lakeview Drive closed.

Jaques calls the meeting to order at 7:05pm.

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

Jaques welcomes guests interested in work of the Commission and encourages attendance at several meetings; currently there is one opening and, later in the fall, there will be one more. Jaques explains the Commission's meeting schedule and that site visits are conducted with at least two members in attendance; the Commission averages 50 site visits/year; the visits are usually relatively brief although they can involve walking in the woods and/or down to a stream. Jaques continues: it is important to have a willingness to learn; there are opportunities for training especially through MACC. Tess Dowling, applicant for Land Use Clerk position, is welcomed.

Cregan moves and Harrington seconds a motion to approve the 7.23.20 meeting minutes. Roll call vote: Mizula: abstain, Jaques: aye, Harrington: aye, and Cregan: aye; the motion carries.

Recent Town Announce & Interest in Commission membership: Per Jaques, the recent Town Announce "Shutesbury Conservation Commission needs Volunteers!" was successful; six individuals expressed interest in the work of the Commission.

South Brook Conservation Area: No action.

Lake Lowering Memorandum of Understanding: Jaques was contacted by Mark Rivers/Lake Wyola Advisory Committee via email; a meeting will be held with Rivers, Howard Kinder/Gate & Dam Keeper, and herself to come to resolution on the "Lake Lowering Memorandum of Understanding". Mizula is willing to attend the meeting.

Shutesbury Highway Department: Scott will work with Mizula on contacting Tim Hunting/Highway Superintendent to follow-up on the annual project list.

7:15pm Public Meeting for RDA at 25 Lakeview Road/Hayden: Applicant Cheryl Hayden was present. The 8.6.20 "Septic System Design at 25 Lakeview Road" plan is reviewed via screenshare. Jaques reports that during the 8.11.20 site visit, the Commission measured the distance of the new septic tank site to be 60 feet from the perennial stream; silt fence will be installed on the brook side of the work; the new leach field site will be more than 100 feet from the brook. Hayden confirms there will be a pump chamber. A review of the plan indicates that there will be a 4-foot grade for the leach field. Hayden: the field will be raised on the house side

however will not appear to be raised from the road. L. Scott reports for the record that the filing fee has been paid and abutters notified; in this case, due to the Tropical Storm Isaias power outage, an exception was made for the public legal notice requirement. Hayden to Mizula's question: based on her experience with a similar system, a power outage will not be problematic. Hayden to Jaques' question: removal of the asphalt pathways will be done by W. W. Clark Excavating; the asphalt will be removed from the site. The two erosion control locations are highlighted on the screen. At 7:28pm, Jaques moves to close the public meeting for the RDA at 25 Lakeview Road and issue a Determination; the motion is seconded by Cregan. Roll call vote: Harrington: aye, Cregan: aye, Mizula: aye, and Jaques: aye; the motion carries.

7:30pm Continue Public Hearing for ANRAD at ZD-37(Montague/Carver Roads): The 8.13.20 email from Maria Firstenberg/TRC requests this public hearing to be continued. Jaques notes that this is the site with the expanded area and an amended ANRAD remains pending therefore suggests the hearing be continued to the first SCC meeting in October. Harrington and Cregan agree with this recommendation. Jaques moves to continue the public hearing for the ANRAD at ZD-37 to 10.8.20 at 7:30pm; Harrington seconds the motion. Roll call vote: Harrington: aye; Cregan: aye; Mizula: aye, and Jaques: aye; the motion carries. Scott will report the new date to Firstenberg.

Site Visit Follow-up:

1. Lot ZG-2 Pratt Corner Road/NextEra Energy: Harrington reports on the 7.29.20 site visit for a building permit application (BPA) for two separate battery storage structures; there is no SCC no jurisdiction and because the work will be done in two days, concerns about runoff are minimized. Harrington: the solar site was reseeded in the spring; erosion control from the solar array installation will be removed. The BPA sign-off was approved with a condition that the work not be done during a rain event. The annual report, required by the Planning Board special permit, is to be submitted with a copy to the Commission. Jaques followed up with Nicole Barreto/NextEra Energy via email (see attached).
2. Pine Drive/Brooks: Mizula received a phone call on 8.7.20 from David Brooks about the need to remove a hazard tree leaning over a neighbor's home. Mizula and Harrington conducted a site visit and measured the tree to be ~ 70 feet from lake; the hazard tree was to be cut and with no debris going into the lake; the removal damaged nearby hemlocks. Harrington: the majority of the hazard tree roots are outside Brooks' property boundary and may be located on Lake Wyola Association (LWA) property. Per Mizula and Harrington, the way the tree came down resulted in a large uprooted stump which is a safety concern. Mizula will follow-up with Donna West/LWA President regarding the stump on LWA property.
3. 135 Leverett Road/Armstrong: Scott reports that per property owner Ralph Armstrong and builder John Rathbun, the new Diamond piers to be used for the wood shed rebuild do not require digging; SCC sign off on the BPA is not required.
4. 25 Leverett Road/Marden: Cregan conducted an erosion control installation inspection on 8.11.20 with new owner Lukas Winfield; the erosion sock was firmly installed around the entire yard which is more than was required. Scott informed Marden that work may proceed.

5. Top of the Lake Conservation Area: Jaques: on 8.7.20, Mizula drove by the site and observed Robert Carey, the east side abutter, to be selling parking spaces for \$10/apiece on both sides of the Conservation Area; when Mizula questioned Carey, he said he owned the area at which point Mizula identified himself as a Conservation Commissioner. Mizula contacted the Shutesbury Police Department and Officer Marcus Johansson spoke with Carey. Per Jaques, Police Chief Dan Fernandes, Town Administrator Becky Torres and Town Counsel Donna MacNicol are working on the situation; because one of the survey pins may have been removed, Torres is arranging to have the area resurveyed; a fence will be installed. Jaques continues: Fernandes suggested the installation of large rocks instead of a fence, however, the plan approved by the Community Preservation Committee (CPC) and annual town meeting (2015) included the installation of a fence with native plantings which would be non-obtrusive and not block Carey's line of site. Harrington supports installing something that cannot be removed. Cregan suggests bringing the conversation to a broader group given the prior approval process. Scott, as the Commission representative to the CPC, recommends bringing an update and the question about a fence versus rocks to the CPC. Jaques will contact Allen Hanson/CPC Co-chair to inquire if the project needs to be discussed during the next CPC meeting; in the interim, "no parking signs" will be installed and a survey conducted. Mizula recommends extending the rocks along Merrill Drive. Jaques notes that Mr. Carey moved rocks that were previously in place.

8.27.20 Meeting Schedule: Commissioners note that the second set of comments on the Pratt Corner West ANRAD have yet to be submitted to the SCC therefore anticipate that this ANRAD, scheduled for 8.27.20, to be continued. The plan is to hold the RDA public meeting for 138 Locks Pond Road/Hall at 7:15pm and to open the Sawmill River/Locks Pond Road culvert replacement NOI public hearing at 8:00pm; during the 8.27.20 hearing, a site visit will be scheduled with Nitsch representatives; due to the complexity of the proposed project, the public hearing will be continued.

8:00pm Continue Public Hearing for ANRAD at ZQ-6 (Baker/West Pelham Roads): The 8.13.20 email from Maria Firstenberg/TRC requests this public hearing to be continued. Jaques moves to continue to the public hearing for the ANRAD at ZQ-6 to 9.24.20 at 7:30pm; Cregan seconds the motion. Roll call vote: Harrington: aye, Mizula: aye, Cregan: aye, and Jaques: aye; the motion carries.

15 Town Farm Road/Logan: Scott followed up with Tim Logan, by email, to explain that a RDA will be required if machinery is to be used for the proposed vegetation removal; a response from Logan remains pending.

Website Editor: Jaques will continue to maintain the Commission's webpage in the short term.

Status of ANRAD Applications and Public Hearing Plans:

Jaques: because the final reports for any of the ANRADs have yet to be submitted; the Commission has yet to deal with how to hold these public hearings; when the SCC voted in April to not hold the ANRAD public hearings until they could be held in person, it was not anticipated

that the Town Hall would remain closed with no current plans to reopen; the question is how to proceed. Cregan: the Sawmill River culvert NOI will give the Commission a sense of how a public hearing with broad interest proceeds. Jaques has explored various options with Town Administrator Torres; the Town will be using Zoom for the foreseeable future. Jaques: Commissioners have visited the sites; in the end, Emily Stockman/Stockman Associates will ensure there is an accurate depiction of the wetlands and will assist the Commission with the issuance of the ORADs. Jaques and Harrington appreciate Cregan's suggestion. It may be helpful to have additional assistance to manage guests' questions/comments.

Current Financial: Prior to the meeting, Commissioners received a report on the current balances in their accounts.

Determination of Applicability for 25 Lakeview Road: The Commission reviews the Determination via screenshare and specifies conditions. Scott will create an attachment for the conditions and Commission signatures, per the Certificate of Vote, are submitted electronically (see file). Hayden will contact the Commission prior to the removal of additional trees on her property. As per the Determination cover letter, a pre-construction site visit will be required.

Item not anticipated by the Commission:

8.13 .20 email Mark Stinson/DEP Circuit Rider: "For Immediate Release: Significant Drought Conditions Declared Across Massachusetts".

Guest Comments: Dean Gendron appreciates the opportunity to attend the meeting and expects he will come again. Jaques to Miriam DeFant's question: interested parties are encouraged to attend at least one more meeting then the Commission will ask for more information about their interest. Mary David appreciates attending and plans to come to the next meeting. Tessa Dowling appreciates the opportunity to attend the meeting.

At 8:42pm, Jaques moves and Cregan seconds a motion to adjourn the meeting. Roll call vote: Harrington: aye, Cregan: aye, Jaques: aye, Mizula: aye; the motion carries.

Respectfully submitted,
Linda Avis Scott
Land Use Clerk