

Shutesbury Conservation Commission Meeting Minutes
September 3, 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: Ayres Hall, Miriam DeFant, Mary David; Matthew Styckiewicz, Jenn Johnson, Lisa Brothers and Kevin Ross/Nitsch Engineering; Glenn Stockton

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.

Cregan moves and Harrington seconds a motion to approve the 8.13.20 and 8.27.20 meeting minutes as presented. Roll call vote: Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries.

Interest in Commission Membership: Jaques requests potential candidates to attend several meetings and notes that in addition to meetings, Commissions conduct site visits and usually take on a specific Commission task.

South Brook Conservation Area Intern: Per Jaques, activity on the trail mapping project remains on hold. Cregan and Harrington are asked to consider working with intern Kayla Speros to create a trail map to be printed and posted online. Harrington is willing to consider the project.

Lake Lowering Memorandum of Understanding (MOU): Jaques met with Mark Rivers/Lake Wyola Advisory Committee and Howard Kinder/Gate & Dam Keeper to review the MOU and clarify the remaining issues; Rivers is collating the changes into a revised document to be sent the Commission and Kinder for review and signing. Per Jaques, the goal is to have the MOU in place before lake lowering begins in late October. Jaques to Cregan's question: Kinder has agreed to lowering the lake at a rate of 2" per day.

Shutesbury Highway Department Annual Project List Site Visits:

Commissioners conducted site visits 9.1.20 with Highway Superintendent Tim Hunting. Per Harrington, Hunting proposes repaving the eastern end of Baker Road; the chip seal will be removed and the road regraded and repaved; whether a Request for Determination (RDA) is required needs to be discussed. Harrington continues: another layer of paving will be added to the roadbed of Pelham Hill Road from Baker Road to the Pelham town line; there will be no change to the road's footprint and no SCC jurisdiction. Jaques: on the south side of the section of Baker Road to be repaved, there is a pond and wetlands with a stream crossing and wetlands on the north side of the road where vegetation obscures the stream. Due to the amount of work to needing to be done, Jaques recommends a RDA be filed which will allow the SCC to condition erosion control and the handling of excavated material. Scott will follow-up with Hunting. Jaques: there is no SCC jurisdiction related to the proposed replacement of two driveway culverts on Montague Road.

7:15pm Continue Public Meeting for RDA at 138 Locks Pond Road Lot 1/Hall: Applicant Ayres Hall is present. Per Scott, the filing fee has been paid; legal and abutter notification documentation is on file. The revised site plan is reviewed via screenshare; the plan depicts an outline of the wetland, silt fence and driveway locations and the nearest wetland flag located 26 feet from the driveway site. Hall to Cregan's question: the wetland is 7 feet wide east to west; the silt fence will be ~30 feet in length; the driveway bends to the northwest. Jaques supports Cregan's recommendation to extend the silt fence to a length of about 50 feet. Hall agrees to extend the length of the silt fence. Jaques, noting that the silt fence provides a visual limit of work, asks Hall if placing the erosion control ~ 20 feet from the wetland will allow enough room for equipment access. Hall affirms that 20 feet will be adequate. Jaques moves to close the public meeting for the RDA at 138 Locks Pond Road/Lot 1 at 7:23pm and issue a Determination of Applicability with conditions based on the Shutesbury General Wetlands Protection Bylaw; the motion is seconded by Cregan. Roll call vote: Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries.

Top of the Lake Conservation Area: Jaques: a surveyor has reestablished the boundary line between the Area and the Carey property; two quotes for fencing have been obtained however an installer is needed; large stones have been placed along the Merrill Drive boundary to limit parking. Per Jaques, further follow-up with the Commission, the Shutesbury Police Department, Town Administrator Becky Torres and Mr. Carey is necessary before further work is undertaken.

Status of ANRAD applications and public hearing plans: Scott: recent communication with Maria Firstenberg/TRC has been limited to continuation and rescheduling of public hearing dates; no additional information has been provided. Jaques acknowledges the delay in activity towards confirming the delineations. Miriam DeFant: the delay may have to do with decisions made by the Planning Board.

7:30pm: Continue Public Hearing for ANRAD at ZW-6 (Pratt Corner Road West): Jaques: the applicant (TRC) requests that this public hearing be continued to 10.22.20 at 7:30pm; all four ANRAD public hearings are now spaced out to one per meeting; all updated information needs to be received by the SCC at least one week before the public hearing. Jaques moves to continue the public hearing for the ANRAD at ZW-6/Pratt Corner Road West to 10.22.20 at 7:30pm; Harrington seconds the motion. Roll call vote: Cregan: aye, Harrington: aye, and Jaques: aye; the motion carries.

Jaques to DeFant's question: the original ANRAD applications are posted on the Commission's webpage; Stockman and TRC have submitted some interim work; when the final reports and maps are available, they will be posted to the webpage. Jaques notes that the delineated wetlands for three of the four ANRAD sites have been expanded.

25 Lakeview Road/Hayden: Via screenshare, Commissioners review Hayden's sketch of proposed trees to be cut on the river side of house. Commissioners conducted a recent site visit relative to a septic system RDA. Jaques recommends the trees be cut leaving the stumps in place; debris will be moved at least 100 feet from the river. Cregan and Harrington agree with Jaques' recommendation. Scott will follow-up with Hayden.

Bylaw Revision Update: Cregan reports meeting with Harrington and Scott every two weeks for about two months to update the General Wetlands Protection Bylaw; the group has a revision of the 2011 draft ready for Commission review and discussion during the 9.10.20 meeting.

Baker Fields Conservation Restriction (CR): Scott: Paul Gagnon, who is no longer with Kestrel Trust, provided a brief email summary of his 8.12.20 monitoring visit to the Baker Fields CR; a formal report and map of the area walked were not included; the summary does not meet the criteria of prior reports and those for other CRs. Cregan notes that Kestrel Trust is working to re-activate their volunteer monitoring program. Per Jaques' request, Cregan will see if a more detailed monitoring report is available.

Pine Drive/Lake Wyola Association: Per Scott, Mizula informed Lake Wyola Association (LWA) President Donna West, via phone message, about the root ball located on LWA's Pine Drive.

Pending Site Visits: The following visits are planned to begin 9.13.20 at 11:00am.

1. Lot D18 Locks Pond Road/Olszewski: Building permit application (BPA) for a new shed and barn located in the building envelope of a CR parcel held by Franklin Land Trust; the Certificate of Compliance is for wetland crossing work on the long woods road to the interior site.
2. 34 Cooleyville Road/Rogers: BPA for tractor shed; the sono piers have already been installed.
3. 80 Shore Drive/Cloutier: BPA for new garage with a cement pad.
4. 70 Shore Drive/Turati: BPA to replace and add to an existing deck; hammer piers to be used therefore no site visit is required. Jaques recommends Scott sign off on this BPA.

Tentative planning for a visit to the Sawmill River Culvert site; Matt Styckiewicz will attend the visit on behalf of Nitsch Engineering; date/time pending Commission availability.

8:00pm Open Public Hearing for NOI at Sawmill River Culvert – Locks Pond Road/Town: Per Scott, legal and abutter notification documents are on file. Nitsch Engineering staff are introduced by Matthew Styckiewicz/structural engineer and designer: Jenn Johnson conducted the hydraulic analysis, Kevin Ross, wetland scientist, completed most of the NOI and Lisa Brothers/CEO. Styckiewicz explains that this a public safety project critical for the Town and that MassDOT granted \$500,000 under the Small Bridge Program towards the cost; input on the project has been a collaborative effort with Town Administrator Becky Torres, Emergency Management Director Walter Tibbetts, and Highway Superintendent Tim Hunting; a public information forum, specifically for lake homeowners, was held 8.6.20 and feedback received was considered. Styckiewicz: the project comprises a 10,000 square foot area adjacent to the dam; the culvert is the only outlet from the dam therefore it needs to operate as fully as possible; Locks Pond Road, per MassDOT, is classified as a rural major collector road.

Plans and images are viewed via screenshare. Styckiewicz: the existing corrugated steel culvert has severe corrosion and voids with loss of steel and there is significant bank scour; the goal is to prevent scour with a replacement 9 foot x10 foot concrete box culvert whose bottom will be embedded in the stream leaving a total opening of 10 feet x7 feet; the embedded bottom reduces

velocity and new concrete wing walls will stabilize the bank and reduce erosion; the roadway will be reconstructed to the same footprint and there will be no change to size of the impervious culvert. Styckiewicz to Jaques' question: there are cost benefits to a box versus bottomless culvert; the full box is quicker to construct because it is one single precast unit and there is less disturbance; it provides better structure and is the most practical option for the Town; the bottom will be embedded 2 feet to create a natural streambed. Jenn Johnson: alternatives were evaluated, i.e. the three-sided versus four-sided embedded culvert; construction costs and impacts will be kept down with the embedded culvert.

Kevin Ross: four resource areas will need mitigation – bordering vegetated wetland (BVW), bank, land under waterbodies and waterways and riverfront area; due to proximity, some work will take place in a resource area. Ross: there will be minor work in the BVW; the plan is to remove the existing wingwall by hand and it is expected to be easy to restore the conservative 25 sq. foot loss. Johnson: there may be some temporary impact when the wingwall is removed; we will get a better sense in the field. Ross: 109 linear feet of bank will be impacted during the installation of riprap scour protection; the 24 inches of new streambed material will improve water quality; 1,032 square feet of land under waterbodies/waterways will be impacted; the new streambed and new riprap should result in an improved connection. Ross continues: the project cannot be sited outside of Riverfront Area; the project will reduce scour downstream and renovation of the cross section is the best alternative; riprap blanket to protect against scour will provide mitigation. Ross: the existing culvert is undermining soil; the new culvert will prevent flooding, erosion and sedimentation will be stabilized and the area protected; temporary sedimentation basins will be installed; the new culvert will improve on the Stream Crossing Standards; the embedding meets the standard and even though the opening is less than recommended, there is still a net gain.

Jaques notes that due to the amount of documentation included in the NOI, it is difficult to find necessary information and requests consolidation of pertinent information relative to DEPs comments into one succinct document. Ross: the openness ratio of 1.8 to 1.95 is close to optimum standard; the embedded stream substrate will be more similar to natural conditions than the existing culvert. Johnson to Cregan's question: Nitsch will be working with the contractor to determine the source for the stream substrate; this detail will be covered more clearly in project specifications. Johnson to Cregan's question: the scour blanket will be placed on the scour hole; it will preserve the root masses that are holding the bank. Jaques asks for information about the scour blanket and contours of outflow. Johnson: the hydraulic report looks at scour from a large storm event; due to the location of the existing scour hole, it was decided to work with the existing conditions and use riprap.

Jaques, referring to Mark Stinson's DEP comment letter, asks if there is information on a dewatering plan in the NOI. Styckiewicz: a dewatering plan was not included however will be provided. Johnson: Nitsch staff will be meeting with the contractors on means and dewatering. Jaques: dewatering needs to be addressed. Johnson: because the location is so close to the dam and there are low flow periods, work will be done as close to dry conditions as possible. Styckiewicz: scheduling will be coordinated with Kinder in order to limit the need to dewater as much as possible; the work will be done during the August/September low flow timeframe.

Cregan: a basic timeline of events will be helpful. Styckiewicz: the timeframe is determined by the contractors. Jaques: SCC cannot condition the project without a timeframe. Styckiewicz: the roadway will be closed for for 3-4 weeks; Kinder will lower the lake level as much as possible in order to minimize the amount of water in the stream; what is left will be dewatered up and over the roadway; in the BVW, the wingwalls will be demolished with hand tools; an excavator will be used to remove the culvert and walls; there will be subgrade excavation to place the new culvert, the wing walls will be placed and the site regraded per the plans; riprap will be laid, the road repaved and guard rails installed. Jaques: all these details need to be put in writing. Styckiewicz: there will be a limited net loss of excavated material because it will be used to grade and reduce the steep banks; any excess will be trucked off site.

Jaques: plans for the site visit will be confirmed; additional information, as requested, is needed to assist the Commission in protecting the resource areas and to address DEP comments. At 8:34pm, Jaques moves and Cregan seconds a motion to continue the public hearing for DEP #286-0279 to 9.10.20 at 8:00pm. Roll call vote: Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries.

Determination/Curb Cut Application/138 Locks Pond Road: Commissioner prepare the Determination of Applicability under the General Wetlands Protection Bylaw and include conditions; a pre-construction erosion control inspection will be required. Scott will formally issue the Determination on 9.8.20 for “by hand” pickup by Hall. On behalf of the Commission, Harrington signs off on the Curb Cut Application with the requirement to adhere to the Determination’s conditions and will place it in the Town Hall drop box for Hunting/Highway Superintendent.

Glenn Stockton, an abutter to the Sawmill River culvert site, joins the meeting. Jaques explains that the public hearing was opened earlier in the meeting and has been continued to 9.10.20. Stockton is informed that he may contact the Town Clerk’s office for a link to a recording of the 9.3.20 hearing.

Membership: Miriam DeFant states her wish to become a member of the Commission. To David’s question about attending site visits, Jaques explains the need to limit the number of people in attendance. Jaques: there is currently one opening on the Commission with a second seat to open subsequently; new members need to commit time to learn the Wetland Protection Act Regulations; the next step is for those interested to submit a statement regarding their willingness to commit enough time to become an asset to Commission. David and DeFant are appreciated for their attendance. Both DeFant and David state their willingness to commit to the Commission long term and note that there is a lot to learn.

Next meeting dates: 9.10.20 and 9.24.20: 26 Lake Drive NOI for demolition/rebuild
At 9:07pm, Jaques moves and Cregan seconds a motion to adjourn the meeting. Roll call vote: Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries.

Respectfully submitted,
Linda Avis Scott
Land Use Clerk

