

Shutesbury Conservation Commission Meeting Minutes
September 24, 2020 Virtual Meeting Platform
(Approved 10/22/20)

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

Conservation Commissioner absent: Russ Mizula

Staff present: Tessa Dowling/ Land Use Clerk, Linda Avis Scott/Clerk

Guests: Miriam DeFant, Mary David, Kevin Ross, Jenn Johnson, Joseph S., Michael Stotz, Matthew Styckiewicz

Jaques calls the meeting to order at 6:46pm

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

Jaques moves and Harrington seconds a motion to approve the 9.10.20 meeting minutes with the correction of the word "agenda" to "minutes" at top of page and the corrected spelling of "Jaques". Roll call vote: Cregan: aye, Harrington: aye, and Jaques: aye; the motion carries.

South Brook Conservation Area: intern & mapping: Harrington and Jaques will continue to discuss this project and return to the Commission with more details at a future meeting.

Lake Lowering Memorandum of Understanding: Hard copy has been delivered to the Commission. Various parties and stakeholders can request a copy upon request.

09.13.20 Site Visit Follow-up:

1. Lot D18 Locks Pond Road/Olszewski: BPA for shed and barn- No jurisdictional areas affected by project and building permit sign off approved.
2. 34 Cooleyville Road/Rogers: BPA for tractor barn; sono tubes already in place- No jurisdictional areas affected by project and building permit sign off approved.
3. 80 Shore Drive/Cloutier: BPA for new garage with cement pad- No jurisdictional areas affected by project and building permit sign off approved.
4. Observe root ball on Pine Drive- Jaques suggests cutting the root ball closer to the ground and leaving it in place.
5. 3 Shore Dr/Eagan: proposed tree cutting- Commission approves cutting if root system left in place and requests Land Use Clerk to send permission letter to landowner.
6. 10 Wyola Dr/Pollock: propose tree cutting- Commission approves cutting if root system left in place and requests Land Use Clerk to send permission letter to landowner.

Public Meeting for RDA at Baker Rd/Town: Jaques opens public hearing at 7:05pm. Jaques made a motion for a Negative two determination with the following conditions:

- Erosion control barriers, preferably formed from staked haybales, to be installed per plan prior to the start of work, and removed when the area has revegetated and is stabilized
- Any demolish pavement and debris will be moved off-site.
- The Commission will conduct a pre-construction site visit which will be mentioned in the Determination cover letter.

The motion was seconded by Cregan. Roll call vote: Cregan: aye, Harrington: aye, and Jaques: aye; the motion carries.

Top of the Lake Conservation Area: The Commission is still looking for someone to help install the fencing and if the Commission members have any leads please notify the Chair. At 7:14pm, Jaques made a motion for the Commission to contribute up to \$500 toward the fence installation costs. The motion was seconded by Cregan. Roll call vote: Cregan: aye, Harrington: aye, and Jaques: aye; the motion carries. Scott will determine whether the WPA fee fund will be the source of that money or if it comes from the revolving fund.

Public Hearing for NOI at 26 Lake Dr/Stotz-Mancebo: Jaques opens public hearing at 7:15pm. Jaques asks whether silt fencing can be moved away from the bank and closer to the construction site. This might be possible, but there needs to be room for the excavator. Commission raises concern that project increases the amount of impervious surface on the property. Jaques recommends planting native plants within 5ft of the shoreline to control erosion. Cregan agrees to draft the Order conditions before the 10.08.20 meeting. At 7:36pm, Jaques made a motion to close the 26 Lake Dr NOI hearing. The motion was seconded by Cregan. Roll call vote: Cregan: aye, Harrington: aye, and Jaques: aye; the motion carries.

Continue Public Hearing for ANRAD at ZQ-6 (Baker/ West Pelham): Jaques opens public hearing at 7:36pm. A reminder to Dowling that TRC needs to submit peer-reviewed reports at least a week ahead of the meeting. TRC does not intent to submit the reports for ANRAD ZD-37 so that hearing will be continued. At 7:41pm, Jaques made a motion to continue the hearing to 10.08.20 at 8pm at the emailed request of TRC. The motion was seconded by Harrington. Roll call vote: Cregan: aye, Harrington: aye, and Jaques: aye; the motion carries.

Lot D18 Issue Certificate of Compliance: At 7:42pm, Jaques made a motion to issue a complete Certificate of Completion.

The motion was seconded by Cregan. Roll call vote: Cregan: aye, Harrington: aye, and Jaques: aye; the motion carries.

8:00pm Continue Public Hearing for NOI at Sawmill River Culvert Locks Pond Road/Town: Jaques opens continuation of public hearing at 8pm. Jaques asks Nitsch for hard copies of the revised plans. Commission and Nitsch review new plans and the responses to DEP's NOI comments. In connection with that review:

- Jaques asks how the plan will increase stream connectivity. J response is that the stream will be at stream grade instead of perched.

- Nitsch states that trees upstream will not need to be cut. A few small trees downstream will need to cut.

- Nitsch agrees to draft a special condition for the Order in regard to the Commission's right to review and modify the dewatering plan connected with this project. Nitsch will also provide a detailed example of what a dewatering plan looks like.

- Jaques raises the concern that since the bank full width is wider than the width of the planned culvert there might be an increase in scouring. Nitsch explains that from tests and calculations they believe the new culvert will not increase the velocity of the stream and that the rip-wrap and armoring that is part of the downstream plan will prevent scouring.

- Nitsch raises the possibility of lowering the water level in lake Wyola for the project. The Commission states that lowering the lake in the Fall is not part of the Lake Wyola Order. Amending the Order might be possible but would require the involvement of multiple stakeholders and the drawdown was not part of the culvert replacement NOI. The cost might be higher without a drawdown due to the need for a more costly dewatering plan to accommodate the higher volume of water.

-The internal contours of the culvert streambed were modified in response to DEP comments and recommendations from the Army Corps of Engineers.

- Jaques prefers using haybales as erosion control barriers over silt fencing.

At 8:55, a motion was made by Cregan to continue the hearing to the 10.08.20 meeting at 7:35pm and was seconded by Jaques. Roll call vote: Cregan: aye, Harrington: aye, and Jaques: aye; the motion carries.

Status of ANRAD applications and Public Hearing plans: ANRAD at ZD-37 (Montague/Carver) is scheduled for the 10.08.20 meeting at 7:30pm. No final maps have come to the Commission from TRC.

10.4.20 Site visits scheduling

Site visit is scheduled for October 4, 2020 at 10am.

-105 Sandhill Rd/Febonio: Certificate of Compliance

-29 January Hills Rd/Capelli: RDA for septic system

-114 Montague Rd/Pollock: BPA for new deck

- 71 Wendell Rd/Brock: BPA: carport attached to right side of existing garage

Membership: Immediate opening available for either Miriam DeFant or Mary David. A second opening would be available when Jaques steps down or if Mizula is no longer interested in being a member of the Commission. Scott and Jaques will reach out to Mizula and learn what his decision might be. DeFant requests to receive agendas and minutes. The upcoming select board meeting on 09.29.20 could be an opportunity to appointment a new Commission member.

CPC liaison: Scott has served as the liaison and is willing to continue to do so. Jaques would appreciate if Scott continued and she agrees to do so.

Expense Report Update: Scott has sent an email out containing the most recent expense report.

At 9:06pm, Jaques moves and Harrington seconds a motion to adjourn the meeting. Roll call vote: Cregan: aye, Harrington: aye, and Jaques: aye; the motion carries.

Respectfully submitted,
Tessa Dowling
Land Use Clerk