

Shutesbury Conservation Commission Meeting Minutes
February 11, 2021 Virtual Meeting Platform

Conservation Commissioners present: Liam Cregan/Chair, Robin Harrington, Miriam DeFant, and, Mary David

Staff present: Tessa Dowling/ Land Use Clerk

Guests: Janice Stone, Don Wakoluk, Ashleigh Sullivan Pyecroft, Jeff Lacy, Diane Jacoby, Henry Geddes, Emily Stockman, Mark Stinson, Matt Regan, Ellen McKay, Dan Nitzche

Cregan calls the meeting to order at 7:03pm.

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

Meeting Minutes

- At 7:03pm, Cregan moves and David seconds a motion to approve the 01.14.21 meeting minutes with grammatical error corrections and amendments to the sections concerning the All Boards' Meeting, the 31 Lakeview Rd Enforcement Order, and the South Brook Conservation Area. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.
- At 7:14pm, Cregan moves and Harrington seconds a motion to approve the 01.03.21 meeting minutes with edits to the buffer zone section on page 2. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Stinson from the Department of Environmental Protection has a power point presentation he can share regarding exempt activities in the wetland buffer zone.

Continued Public Hearing for ANRAD at Lot H-151/Wightman

At 7:15pm, Cregan opens the continued hearing for the ANRAD at Lot H-151. The hearing will be continued as Commission needs to decide on a peer reviewer for the project and then have the peer-review process completed before issuing an Order of Resource Area Delineation.

- At 7:19pm, Cregan moves and Harrington seconds a motion to continue the public hearing for ANRAD at Lot H-151 to March 25, 2021 at 7:30pm: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Cregan describes the two peer-review proposals from two wetland biologists, Emily Stockman and Matt Schweisberg. The Commission agrees that both proposals are good choices, but choose Stockman from her greater experience working in Western MA in general and Shutesbury in particular.

- At 7:23pm, Harrington moves and David seconds a motion to accept Stockman's ANRAD peer-review proposal for Lot H-151: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Stockman and Nitzsche, the representative for Wightman, will let the Commission know when dates are decided on for the peer-review site visits.

Site Visit Follow-up

-16 Wyola Drive: Per Cregan, the proposed project is a house rebuild and new septic installation. Helical piers will be used for the foundation of the house which minimizes soil disturbance. The landowner also

plans to remove eight white pine trees. In their place, maple tree saplings and blueberry bushes will be planted on the property. The vegetation along the shoreline will be left in place. The property is very flat which limits erosion issues.

David asks if the landowner plans to replace the dock on the property.

Per Cregan, initially replacing the dock was mentioned but it is not part of the current project proposal.

-58 Lake Drive: Per Harrington, the proposed project is a septic system replacement. The current septic tank is on the side of the house toward the lake but upslope. It will be crushed and kept in place. And the area will be revegetated and erosion control will prevent soil from the new septic installation from moving into the Lake Wyola.

Cregan asks what it means to crush the current septic tank.

Per Stone, the crushed tank is filled with sand and gravel.

Per Cregan, the Commission will consider precautions so that crushing the tank does not negatively impact the lake.

-48 Lake Drive: Per Harrington, the Notice of Intent project proposes to repair a retaining wall along Lake Wyola. The current wooden wall is falling down. Harrington agrees that the wall needs to be replaced soon. The proposed wall replacement would be made of local stone and work would be conducted during the lake drawdown. No trees will be removed and erosion control will be put in place to protect the lake. Per Cregan, currently the bank is being undercut. It might help to stabilize the bank by planting high bush blueberry bushes.

Continued Public Hearing for ANRAD at ZF-15 (Leverett West)

The snow on the ground has prevented peer-review site visits by Stockman so the hearing will be continued.

- At 7:33pm, Cregan moves and Harrington seconds a motion to continue the ANRAD hearing at ZF-15 to April 22, 2021 at 7:30pm: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Cregan asks for public comment.

A question is raised about whether the project is located in the Paul C. Jones working forest.

Per Cregan, the ANRAD area is adjacent to the working forest but outside the conservation area on Cows land that is not conserved. No projects are allowed in the working forest. The ANRAD can be discussed in more detail after the peer-review process.

Commission Email Addresses Update

The Town Clerk requests that Committee members create a separate email address specifically for town business instead of using a personal email account. Using a separate account protects the town and the committee member if a public records request is submitted for town emails or litigation arises where an email accounts could be frozen.

Per Dowling, DeFant was correct, the town has only 50 email accounts for the entire town and therefore cannot give all committee and board members a town email. Members would need to use a free account services like Gmail.

Commission members will consider creating separate accounts as DeFant has already done.

All Boards' Meeting

Cregan will attend and give a three minutes overview of major Commission projects including the Cows ANRADs and the culvert by the dam Notice of Intent.

DeFant suggests also mentioning the CPA projects at South Brook Conservation Area.

Cregan asks if any other members will be attending.
DeFant says yes and David says she will try.

Kestrel Land Trust Survey

The survey asks questions about the maintenance for the Robert Frost Trail within Shutesbury boundaries. The Commission discusses creating a town trail maintenance group. Some maintenance has been completed on the New England Trail by the Appalachian Mountain Club.
At the end of the discussion Cregan concluded that the Commission does not have the capacity right now to maintain trails.
Cregan will resend the survey to Commission members who can respond individually.

South Brook CPA Proposals

Penny Jaques submitted a CPA proposal to map the South Brook trails and reroute them around any sensitive areas, such as wetlands. This proposal has been approved by the Community Preservation Committee. Phil Parker submitted a CPA proposal to create a mountain biking trail on South Brook Conservation Area. The Community Preservation Committee did not fund this project as they want the Conservation Commission to approve the mountain biking trail project first. The Commission would like to have all the current trails mapped before deciding on the mountain biking trail project. Parker has flagged a potential mountain biking trail route that can be visited by the Commission when the snow has melted.
Per Stone, visiting during the winter would prevent the Commission from seeing where all the wetlands on the property are located.
Per Cregan, the visit can occur in March or April.
Cregan and Dowling plan to do a preliminary mapping of the trails in the spring.

Commission Vacancy Update

Dowling sent out meeting link to Commission applications. Barbara Bigelow withdrew her application. None of the applicants besides Don Wakoluk came to the meeting.
The Commission discusses Wakoluk's qualifications.
The Commission decides to move the final decision on the vacancy to March.

Commission Member Roles

Dowling screen shares the document created by Penny Jaques and Linda Avis Scott that describes the different possible roles for Commission members.
Per Dowling, the Commission webpage will be an agenda item for the next meeting.
Cregan asks that the Commission review the different roles and consider what they would to take on.

Annual Report

Dowling emailed the draft of the Annual Report created by Penny Jaques to the Commission. Harrington reviewed the report and found that the number of site visits was listed as 35 in one place and as 45 in another.
Dowling will reach out to Jaques and learn the correct number and correct the error in the report.

Continue Public Hearing for ANRAD at ZQ-6 (Baker/West Pelham)

At 8:00pm, Cregan opened the continued hearing and explained that the Abbreviated Notice of Resource Area of Delineation (ANRAD) is a legal agreement between the applicant and the Conservation Commission on the wetland boundaries on a property and does not connect to any project. The agreement lasts for three years.
Stockman, the ANRAD peer reviewer, states that first public hearing for the ANRAD at ZQ-6 started last year but the peer review process was delayed and did not start until spring of 2020. Harrington attended the first site visit. The site has historically been logged and human disturbances made it hard to delineated

the wetlands. Two site visits were required. The Commission received peer review comments in June 2020.

Firstenberg, who works for TRC (the environmental consulting agency hired by Cows), screen shares the peer review comments and the revisions to the Baker wetland maps.

The Commission reviews each peer review comment from Stockman.

Comment #1 and Comment #2: Wetland systems were joined into one larger wetland and not all of the flagging has been updated in the field. Flagging is not numbered consecutively and would be difficult to follow in the field without holding the wetland map.

Per Firstenberg, new wetland lines are shown on map in Attachment B. Flag numbers and wetland labels have been changed. The Commission could write a condition in the Order of Resource Area Delineation that the flagging needs to be refreshed before a construction project begins.

The Commission, Firstenberg, and Stockman discuss whether the Commission should create an ANRAD policy to require flagging to be refreshed when wetlands are combined.

Comment #s 3-5: There are errors in the key labels and some of the flag numbers are duplicated. Dowling found two flags numbered 12 and two flags numbered 13 on map page 6 of 13. Stone found that the key says Baker Street not Baker Rd.

Stockman explains that the Commission should not approve flags that are outside of lot ZQ-6 and on property not owned by Cows.

Comments #6-11: Comments have been addressed by TRC.

A concern is raised that a point on the map is labeled as upland but placed within a wetland.

Per Firstenberg, the label is only changed if the form is changed. It does not affect the wetland boundary.

Firstenberg will double check that all wetland points are included in a wetland boundary.

Per Cregan, the Commission needs to see corrections before approving the ANRADs.

Comment #12: the revision date needs to be corrected and match on all map pages.

Comments #13-16: Comments have been addressed by TRC.

Stockman and Commission agree that it is helpful to have wetlands that are protected only under town bylaw mapped with a different color than wetlands protected under state law and town bylaw.

Per Firstenberg, the isolated wetland does not have the flooding or depth to fall under state protection.

Comment #17: The ORAD findings should be clear what wetlands are protected by the town bylaw and what by the state Wetlands Protection Act.

Comment #18: The vernal pool that is off-set is nested in a protected wetland which is good information to have if a Notice of Intent project comes.

Per Firstenberg, TRC treats vernal pools that are off property as certified they cannot verify conditions.

Comment #19: The property is within the Atkins Reservoir watershed.

Comment #20: Potential issues with GPS accuracy was discussed with a previous ANRAD.

Comment #21: Stockman asks whether the culvert for stream 1 was a recently permitted project.

Stinson, the DEP Western MA circuit rider, does not recall a culvert on the property and recommends the Commission check the Forest Cutting permits for the property.

Comment #22: The Commission, Stockman, and Firstenberg discuss creating an ANRAD policy to request the delineation forms when a new wetland complex is created during the peer-review process.

The Commission will discuss ANRAD policies as a future agenda item.

- At 9:08pm, Cregan moves and Harrington seconds a motion to continue the ANRAD hearing at ZQ-6 to March 11, 2021 at 7:15pm: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Stockman will share a draft of the ORAD findings to Dowling that the Commission can use as a template. Sullivan, as a member of the public, has some questions that can be emailed to the Commission.

Per Cregan, public comments can be addressed at the next hearing.

Firstenberg asks that Dowling share any public questions with TRC and Dowling agrees to forward any emails that come in.

DeFant comments that she cannot go in the field currently and therefore could help with administrative tasks.

- At 9:18pm, Harrington moves and David seconds a motion to adjourn the meeting. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Respectfully submitted,
Tessa Dowling
Land Use Clerk