

Shutesbury Conservation Commission Meeting Minutes
April 8, 2021 Virtual Meeting Platform

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

Commissioner recommended to the Select Board for appointment: Don Wakoluk

Staff present: Tessa Dowling/ Land Use Clerk

Guests: Janice Stone, Dan Nitzsche, Maria Firstenberg

Cregan 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 Dowling.

Meeting Minutes

The Commission reviewed the 03.25.21 meeting minutes.

- At 7:02pm, Cregan moves and Harrington seconds a motion to accept the 03.25.21 meeting minutes with three grammatical corrections. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Commission Appointment Update

The Select Board has not voted on the appointment of Wakoluk to the Conservation Commission. Dowling will reach out to get an update from the Board.

Site Visit Follow-up

- 32 Lake Dr. erosion control pre-construction site visit: Cregan and Harrington visited on March 30, 2021 and gave the go ahead for the work to proceed as the erosion control was in place as it was described in the site plans. Per Harrington, it is helpful for the same Commissioners who conducted the original site visit to go on the pre-construction visit.
- 5 Cove Rd tree cutting: David visited on March 26, 2021 and signed off on the cutting down a dead tree. The debris from the cut will be cleaned up from the site and the tree stump will be left in place.
- Retreat Center tree cutting: Cregan and Harrington visited on April 7, 2021 to approve tree cutting near an isolated wetland that is less than 1000 square feet in area. Four trees were approved for removal with the request that stumps be left in place. They observed regeneration from a previous cut that was made.
- Pratt South ANRAD peer review: Cregan accompanied Stockman and Firstenberg on the April 7, 2021 peer-review visit to Pratt South. Ten flags were moved in the field. Expansions were focused around a boarding vegetated wetland. The next visit will focus on reviewing the stream delineation. Most of the study site is in riverfront area. It is possible that Nation Grid delineation permits are still active on the property and if so, they would be used instead of the current wetland maps. Wakoluk remembers delineating wetlands along the utility right of way in 2019. Stockman recommended noting in the findings for this ORAD that wood frogs, a vernal pool obligate species, were heard and eggs were found on the property.

Site Visit Scheduling

- 115 Pratt Corner Rd BPA: scheduled for April 13, 2021 with DeFant and Cregan planning to visit the property.

12 Wyola Drive Certificate of Compliance

Cregan and Harrington visited 12 Wyola Drive on April 7, 2021 to review a retaining wall project (DEP file # 268-0269). The Certificate had not been issued previously due to the Commission asking for vegetation being planted along the retaining wall. Neither the Order of Conditions, issued in 2018, nor the site plan specifically listed what vegetation was required. Commission members did not see any erosion issues and the area is currently lawn, which the landowners prefer. The bank was stabilized. Dowling screen shares the Certificate of Compliance. The Commission approves issuing a complete certificate with the on-going condition that vegetation needs to be maintained along the wall, although that vegetation can be grass.

- At 7:24pm, DeFant moves and Cregan seconds a motion to issue the Certificate of Compliance as presented on the screen. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

ANRAD Policies/Guidelines

DeFant sent out a second draft of the ANRAD policies on March 11, 2021.

The Commission discusses whether the map scale and contour distances need to be set for any incoming ANRAD applications. Per Stone, the NOI instructions (page 5) provide details on scale sizes and could be referenced in the ANRAD policies.

The Commission decides that delineation flags need to be refreshed if a Notice of Intent is filed on the property.

DeFant will update the ANRAD policies based on the above discussion. Dowling will assist by locating the NOI instructions.

Continued Public Hearing for ANRAD at ZD-37 (Montague/Carver)

At 8:00pm, Cregan opens the continued hearing for ANRAD at ZD-37. The hearing will be continued so the peer-review process can be completed.

- At 8:01pm, Cregan moves and Harrington seconds a motion to continue the ANRAD at ZD-37 (Montague/Carver) to June 10, 2021 at 8pm. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Tree Cutting Policy

Residents have raised concerns about tree cutting along Lake Wyola.

Cregan and Dowling have spoken to Mark Stinson (Department of Environmental Protection). The main exemption for cutting trees in the wetland buffer zone is if the trees will be used solely on the property, otherwise the landowner must file a Request for Determination with the Commission. The Commission reviews the other buffer zone exemptions with input from Stone, who is the Hadley Conservation Agent. Dowling will read the MACC handbook guidelines on tree cutting.

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

At 8:12pm, Cregan opens the continued hearing for ANRAD at Lot H-151.

Dowling accompanied Stockman, Nietzsche, and Wightman on the peer-review visit on March 31, 2021. Stockman and Dowling located an isolated wetland that was larger than 1000 square feet, and therefore, it is protected under the town bylaw but not the state laws. A second visit on April 7, 2021 was required because the surveyor had not completed the initial delineation by the first visit.

The hearing will be continued so the peer-review process can be completed and the maps can be revised.

- At 8:20pm, Cregan moves and Harrington seconds a motion to continue the ANRAD at Lot H-151 to April 22, 2021 at 8:30pm. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Wetlands Bylaw and Regulations Discussion

Further discussion on the town's wetland regulations will be postponed until the winter when other business might have slowed down.

ESRI Software

There is no update on this agenda item at this time.

Unanticipated Business:

-MACC Conference: Per Stone, on April 17, 2021 the MACC conference will be offering two webinars about solar arrays and municipalities. Per Dowling, Commission members can be reimbursed for the cost of attending the webinars.

- At 8:25pm, Cregan moves and Harrington 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