

Shutesbury Conservation Commission Meeting Minutes
April 22, 2021 Virtual Meeting Platform

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

Conservation Commissioners absent: Robin Harrington

Commissioner recommended to the Select Board for appointment: Don Wakoluk

Staff present: Tessa Dowling/ Land Use Clerk

Guests: Emily Stockman, Maria Firstenberg, Tracy McNaughton, Leslie Cerier, Penelope Kim, Dan Nitzsche

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 04.08.21 meeting minutes.

- At 7:01pm, DeFant moves and David seconds a motion to accept the 04.08.21 meeting minutes. Roll call vote: David: aye, DeFant: aye, and Cregan: aye; the motion carries.

Site Visit Follow-up

-115 Pratt Corner Rd: DeFant visited the property on April 13, 2021. The landowner has submitted a building permit application to the town for a carport. The project was outside of all jurisdictional wetland areas. DeFant recommends that the Commission signs off on the building permit.

-74 Pratt Corner Rd: David visited DeFant's property on April 22, 2021 for a building permit application. Wakoluk also attended the visit. The project was not near the vernal pool or intermittent stream. David recommends that the Commission signs off on the permit.

Site Visit Scheduling

- South Brook Projects Site Visit: The Commission agrees to visit South Brook Conservation Area on May 2, 2021 at 1pm at the Randall Rd boat ramp to walk the proposed mountain biking trail with Community Preservation Act project applicant Phil Parker and then map the existing trail network on the property.

Tree Cutting Policy

Previously, the Commission had allowed hazard trees to be cut within the wetland buffer zone as long as stumps were kept in place, debris was moved, and erosion control measures protected the nearby wetlands. Recent concerns from the community about tree cuttings and conversations with Mark Stinson from the Department of Environmental Protect have changed that policy. Determination of Applicability permits will now need to be issued by the Commission to approve tree cutting in the wetland buffer zone. Community members provide the Commission with some background about Lake Wyola and the origin of the Lake Wyola Association. Public concerns are raised about tree cutting around the Lake, the increase in impervious surfaces, and erosion and drainage issues.

Per Stockman, a 2019 wildlife habitat assessment of Lake Wyola indicates the number of Lake drainage pipes. Dowling will try to locate this file.

The Commission agrees to invite the Lake Wyola Association and the Lake Wyola Advisory Committee to an upcoming meeting.

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

Cregan opened the continued public hearing for ANRAD at ZF-15 at 7:31pm.

Firstenberg screen shares the latest wetland map revisions.

Stockman, the wetland biologist peer reviewer, reviews her comments in relation to the revision. Most of the previous issues regarding resource area labels and identifying whether wetlands are protected under state laws and town bylaw or just under town bylaw have been addressed. Delineation flags that are off property have been physically removed, although flags that are off the study area but still on Cows property remain. The Commission will approve flags only in the study area.

The Commission did not have further questions.

A public comment was raised that the access road to the study area was not marked on the maps and, therefore, any wetlands around that access are not mapped.

Per Cregan, if a project is proposed on the property that requires an access road through wetland areas, such as a stream crossing, then Cows would need to submit a Notice of Intent application to the Commission.

A public comment was raised about a solar project on the property.

Per Cregan, the ANRAD is only about mapping the wetlands on the study area and is not connected to any project proposal. If a project proposal in the study area will impact wetland resource areas, then Cows will submit the Notice of Intent application, otherwise the project will just go before the Planning Board.

Dowling screen shares the drafted Order of Resource Area Delineation and findings for review by the Commission.

The Commission checks that all listed flag numbers relating to a specific wetland are correctly described. Wakoluk asks that the Commission add a finding to the Order of Resource Area Delineation indicating that the stream in the study area, Roaring Brook, is a state listed cold water fisheries stream.

- At 7:51pm, Cregan moves and DeFant seconds a motion to close the hearing for ANRAD at ZF-15. Roll call vote: David: aye, DeFant: aye, and Cregan: aye; the motion carries.
- At 8:11pm, Cregan moves and DeFant seconds a motion to issue the Order of Resource Area Delineation as reviewed for the Lot ZF-15. Roll call vote: David: aye, DeFant: aye, and Cregan: aye; the motion carries.

ANRAD policies

DeFant screen shares the latest draft of the ANRAD policies.

The Commission discusses the fourth policy concerning when the Commission can require an applicant to refresh delineation flag numbers. From Stockman's comments on the Cows' ANRADs the Commission can only require flags to be refreshed if an applicant submits a Notice of Intent application. DeFant corrects the wording of policy #4 to reflect this.

Since a project might still go before the planning board even if a Notice of Intent is not submitted to the Conservation Commission, the Commission requests that Dowling recommend to the Planning Board that they ask for flags to be refreshed if a project does not come back in front of the Commission. Dowling will bring this issue up as unanticipated business at the next Planning Board meeting.

- At 8:19pm, DeFant moves and Cregan seconds a motion to accept the ANRAD policies as revised on April 22, 2021. Roll call vote: David: aye, DeFant: aye, and Cregan: aye; the motion carries.

Open Space Survey

The Committee working to update the Open Space and Recreation Plan requested input on the questions on an Open Space survey. Cregan has already offered a suggestion that was incorporated. David and DeFant do not feel they need to review the survey.

Commission Appointment update

The Select Board has put the discussion of appointing Wakoluk to the Conservation Commission vacant seat on the April 27, 2021 meeting agenda. E-mails have been sent to the Select Board in support of Wakoluk's appointment.

Follow-up with PB regarding Wheelock Tract Solar Project Annual Reports

DeFant proposes that the Commission sends a formal letter to the Planning Board in support of the Planning Board obtaining an Annual Report for the Wheelock Solar project as was a condition for the special permit. Per Cregan, if DeFant drafts a letter then it can be reviewed at the next meeting.

Continued Hearing for ANRAD at Lot H-151/Wightman

Cregan opened the continued public hearing for ANRAD at Lot H-151 at 8:35pm.

Nitzsche attends the meeting to represent the landowner.

He screen shares the revision of the wetland maps.

Stockman, the wetland biologist peer reviewer visited the site on March 31 and April 7, 2021. An isolated wetland that is protected under town bylaws only was found during the first site visit appears on the revised maps. Stockman's comments on the first version of the wetland maps, including issues around delineation flags off property and resource area labeling, were addressed in the revision.

There are no further questions from the Commission or the public.

- At 8:46pm, Cregan moves and David seconds a motion to close the hearing for ANRAD at Lot H-151. Roll call vote: David: aye, DeFant: aye, and Cregan: aye; the motion carries.

Dowling screen shares the drafted Order of Resource Area Delineation permit and the accompanying findings. The Commission reviews these documents.

- At 8:56pm, Cregan moves and DeFant seconds a motion to issue the Order of Resource Area Delineation as reviewed for the Lot H-151 parcel. Roll call vote: David: aye, DeFant: aye, and Cregan: aye; the motion carries.

Unanticipated Business:

As unanticipated business, David offers to act as the liaison with and member of the Lake Wyola Advisory Committee as she is both a member of the Commission and a member of the Lake Community. Per DeFant, the Commission could take a walk with the Advisory Committee to see wetland issues.

- At 9:11pm, Cregan moves and DeFant seconds a motion to nominate Mary David as the Conservation Commission liaison with the Lake Wyola Advisory Committee. Roll call vote: David: aye, DeFant: aye, and Cregan: aye; the motion carries.
- At 9:14pm, Cregan moves and DeFant seconds a motion to adjourn the meeting. Roll call vote: David: aye, DeFant: aye, and Cregan: aye; the motion carries.

Respectfully submitted,
Tessa Dowling
Land Use Clerk