

Shutesbury Conservation Commission Meeting Minutes  
May 27, 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: Cetti Cherniak-Horton, Veronica Richter, Alan Weiss, Michael Nolden

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 meeting minutes from 04.22.21 and 05.13.21.

- At 7:02pm, Cregan moves and David seconds a motion to accept the 4.22.21 meeting minutes. Roll call vote: David: aye, Harrington: aye, DeFant: aye, Cregan: aye; the motion carries.
- At 7:03pm, David moves and DeFant seconds a motion to accept the 5.13.21 meeting minutes. Roll call vote: David: aye, Harrington: aye, DeFant: aye, Cregan: abstain (not present at the meeting); the motion carries.

Site Visit Follow-up

- Lot ZH-34 Montague Rd RDA: Harrington and Dowling met Alan Weiss, the Environmental Engineer for the project, at the lot and walked back into the woods to the delineated intermittent stream and bordering vegetated wetland. The outer 60ft of the buffer zone is fairly flat, which would help prevent any loose soil from the building project from entering the wetland. David met them when they returned to the road.
- 66 Shore Dr. Tree Cutting: David owns the property. Harrington visited as the Commission representative. The dead trees that David would like to cut are 149ft from the bank of Lake Wyola and therefore outside of Commission jurisdiction.
- Pratt South second peer-review site visit: Emily Stockman and Maria Firstenberg (TRC) conducted a second peer-review site visit to the Pratt South ANRAD project on May 24, 2021. The Commission has not received revised maps since the visit.

Site Visit Scheduling

- South Brook Conservation Area VP Certifying and Trail mapping: When Dowling last visited the vernal pool (VP) at South Brook the area was completely dried out. She is not sure if the six salamander eggs masses will survive even if the pool refills with water. The Commission and Dowling plan another visit to the Conservation Area on June 1, 2021 at 4:30pm, meeting at the Locks Pond Rd entrance, to finish mapping the current trail network. DeFant, speaking as a Historical Commission member, invites the Commission on a June 4, 2021 site visit to the property to begin mapping the historical features.
- Old Peach Orchard CR monitoring visit: All Commission members are interested in attending the CR monitoring visit on June 9, 2021 at 9am. Dowling will contact Penny Jaques and Clif Read, the President of the Homeowners Association, if that date and time works for them.

- 92 January Hill BPA: This is a deck building permit application on a property with no mapped wetlands. The Commission agrees to visit the property on June 1, 2021 at 10am. Dowling will reach out to the landowner to confirm the visit.
- Highway Dept. Project List site visit: Each Spring the Highway Department provides a list of projects for the Commission to visit and determine what, if any, wetland permits are needed to complete the work. The Commission suggests visiting the sites with the Highway Department either June 9, 2021 or June 10, 2021. The Commission determined that they do not need to visit the Montague Rd culvert location that was visited by the Commission the previous year and no wetlands were within the work area.

#### Public Hearing for RDA at ZH-34 Montague Rd/Nolden

Cregan opens the RDA hearing for the house, septic, and well project at ZH-34 Montague Rd. Weiss and Nolden, the landowner, attended the meeting. The project crosses up to 20 ft. into the buffer zone, but generally less than 10 ft. Erosion control is shown on the site plan. The Commission asks if Weiss anticipates water from the new impervious surfaces infiltrating into the ground before the stream. Per Weiss, the impervious surfaces are outside of the buffer zone. The project will involve regrading, but the area will be stabilized with vegetation before the erosion control is removed. There will be lawn over the septic system. The landowner will minimize the number of trees removed in the buffer zone to those required for the safety of the house.

Cregan asks if there are questions from the public but there are none.

Dowling screen shares the Determination of Applicability paperwork for review by the Commission.

- At 8:04pm, Cregan moves and DeFant seconds a motion to issue a negative Determination of Applicability for Lot ZH-34 and close the RDA hearing. Roll call vote: David: aye, Harrington: aye, DeFant: aye, Cregan: aye; the motion carries.

#### Commission vacancy

Since the Select Board did not appoint Don Wakoluk to the Commission, Dowling has sent out an email to the two other people who showed interest in joining the Commission previously. If she does not hear back by Monday May 30, 2021 she will send the vacancy announcement to the Admin Secretary for posting.

#### Lake Wyola Dock Permitting

David raises concerns about a dock that was installed at 67 Shore Dr. likely without a permit. A dock on the Lake needs a Commission WPA permit and a state Chapter 91 license because Lake Wyola is a listed Great Pond. Dowling drafted a letter to send to 67 Shore Dr. informing the landowners about the need for permitting a dock. Once Cregan approves the letter Dowling will mail it.

The Commission has invited the Lake Wyola Association and the Lake Wyola Advisory Committee to the June 10<sup>th</sup> meeting to discuss Lake permitting requirements and dissemination of Wetland Protection Act information. Dowling wrote guidelines about permit requirements that were reviewed by Cregan. Dowling then sent the document to Mark Stinson (DEP) for review and plans to bring it to the Commission for approval at the June meeting.

#### End of MA State of Emergency June 15th

The Governor says the state of emergency will end on June 15<sup>th</sup>. Active legislature is investigating whether remote or hybrid meetings will be allowed under open meeting law moving forward. The Select Board will discuss the reopening of the town hall at their June 8<sup>th</sup> meeting. Commission members are interested in a hybrid model.

#### Committee Coordination

David would like to have a closer connection with other town boards, such as the Board of Health so that Commission decisions that affect other boards' activities are passed on to those boards. Dowling, as the Conservation Agent can facilitate these connections more in the future.

#### Unanticipated Business

- DeFant provides the Commission with an update from the Planning Board regarding the Wheelock solar facility annual report. A representative from Nextera, the Wheelock operator, attended the Planning Board meeting and will work with the Board to provide a complete annual report. The Commission would like to see the report when it comes in and go on a site visit with the Planning Board to Wheelock.
- The abutter to the South Brook property is concerned about ATV use on the South Brook trails that cross into his property. The Conservation Area regulations do not prohibit motorized vehicles, but Penny Jaques' CPA project will pay an expert to evaluate what uses are appropriate for each trail. The Commission's local wetlands fund can pay for signage for the property.
- At 8:52pm, Cregan moves and DeFant seconds a motion to adjourn the meeting. Roll call vote: David: aye, Harrington: aye, DeFant: aye, Cregan: aye; the motion carries.

Respectfully submitted,  
Tessa Dowling  
Land Use Clerk