

Shutesbury Conservation Commission Meeting Minutes  
June 10, 2021 Virtual Meeting Platform  
(Approved 6/24/21)

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

Staff present: Tessa Dowling/ Land Use Clerk

Guests: Jo Kalucki, Meaghen and Steve Mikolajczuk, Henry Geddes, Tracy McNaughton, Donna West, Maria Firstenberg, Melissa Hudasko, Penny Jaques

Cregan calls the meeting to order at 7:01pm.

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 5.27.21.

- At 7:02pm, Cregan moves and David seconds a motion to accept the 5.27.21 meeting minutes with one grammatical correction. Roll call vote: David: aye, Harrington: aye, DeFant: aye, Cregan: aye; the motion carries.

End of MA State of Emergency June 15th and Select Board update

The Governor lifts the State of Emergency on June 15, 2021 and that will end the Order that allowed boards to meet remotely. Legislature is in place to extend the ability for town boards to meet remotely. If the legislature passes the Select Board plans to keep the town hall closed and continue remote meetings.

511 Pratt Corner Emergency Certification

David and Dowling visited 511 Pratt Corner Rd with Alan Weiss, the environmental consultant on the project. The 50-year-old septic system has failed and the Board of Health recommends that it is replaced immediately. Dowling filled out the Emergency Certification permit, which was signed by David on behalf of the Commission as allowed under DEP regulations. The applicant has thirty days to complete the project. Septic plans submitted by Weiss show that erosion control barriers are placed between the work site and the wetlands on the property.

- At 7:10pm, David moves and Cregan seconds a motion to approve the Emergency Certification to replace the septic system at 511 Pratt Corner Rd. Roll call vote: David: aye, Harrington: aye, DeFant: aye, Cregan: aye; the motion carries.

Commission Annual Report

Harrington agrees to draft the Fiscal Year 21 Annual Report for the Commission as the fiscal year ends on June 30, 2021. Dowling will provide materials to help, including copies of the yearly activity log and a template for the report.

Lake Wyola Permitting Issues

Public concerns have been brought to the attention of the Commission regarding tree cutting, stormwater and erosion issues, and unpermitted dock installations around Lake Wyola. The Lake Wyola Association and the Lake Wyola Advisory Committee were invited to the meeting. Members of the Lake Wyola community and the Lake Wyola Association president, Donna West attended the meeting. West, on behalf of the Lake Wyola Association, agreed to share resource materials related to Wetland Protection

Act permit requirements to their email list. The list does not cover all landowners on the lake so a mass mailing to all residents with resources might be helpful in the future.

The Department of Environmental Protection has told the Commission that they should require a Request for Determination of Applicability permit for tree cutting within the 100ft buffer zone of the lake.

Docks require permitting with the Commission and with the State under Chapter 91 because Lake Wyola is listed as a Great Pond.

After public questions, Cregan clarifies that a seasonal dock would only have to be permitted the first time it was installed. Per West, it would be helpful to see examples of dock structures that the Commission considered good in regards to protecting wetland resource areas.

Per public comment, the Chapter 91 permitting process is expensive and complicated. The Commission does not oversee the Chapter 91 process, but can assist applicants by inviting DEP representatives to a meeting to answer questions.

Dowling screen shares the document she created to outline when a permit with the Commission would be required given different project types.

West is willing to share the document and so Dowling will send it to her.

### Top of the Lake

Penny Jaques attends the meeting to given an update on the Top of the Lake conservation area where there have been issues between the town and the abutting landowner. The town, funded by a Community Preservation Act grant, had the boundary line surveyed and have installed a fence along the border.

Native shrubs will be planted along the fence. The grant also funded a two car parking area, and boat launch stone steps. The steps are recently installed. Jaques asks if the Commission will sign a letter from the town to the abutter. Harrington will coordinate with the Town Administrator, who needs to sign off on the language of the letter, and Jaques to get the letter signed.

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

Maria Firstenberg attends the meeting as the representative from TRC, the environmental consulting agencies hired by Cows.

Per Firstenberg, the TRC GIS server went down so she only just received the updated maps for Montague/Carver ANRAD.

Firstenberg screen shares the updated maps. The new maps include an expanded study area.

Firstenberg will be mailing the updated maps to the Commission by July 8<sup>th</sup>. TRC will also be sending a check the week of June 28<sup>th</sup> to pay for Stockman's peer review of the expanded study area. And the ANRAD will be renoticed to reach the new abutters.

- At 8:13pm, Cregan moves and Harrington seconds a motion to continue to July 22, 2021 at 7:30pm. Roll call vote: David: aye, Harrington: aye, DeFant: aye, Cregan: aye; the motion carries.

Per Firstenberg, the Pratt South study area has also expanded and new notices will be sent out to abutters.

### Personnel Announcements

Dowling gave her two weeks notice and is resigning from the position as Land Use Clerk after accepting a full time position with Mount Grace Land Trust. Her last day is June 18, 2021.

Cregan will be stepping down as Commission Chair and will leave the Commission at the end of June.

### Site Visit Follow-up

- South Brook VP Certifying and Trail mapping: Harrington, Cregan, and Dowling believe all of the existing trails at South Brook Conservation Area are mapped at this point. They visited the site for the second mapping trip on June 3, 2021. The vernal pool on the property had dried completely on a previous visit and it was not clear whether the salamander eggs survived. Cregan

recommends that the vernal pool be certified next spring with Natural Heritage. The Historical Commission will share a map of historic features on the property once a survey is completed. Trails might be rerouted to avoid wetland impacts and preserve important historical features. The Historical Commission visited the property on June 4<sup>th</sup> but not all members could attend the visit and more visits will be planned in the future.

- 92 January Hill BPA: DeFant, Cregan, and Harrington visited 92 January Hills to see the deck building permit site. There are no wetlands near where the new deck will go. Dowling will sign off on the permit on behalf of the Commission.
- Old Peach Orchard CR monitoring visit: Cregan and Harrington visited the Old Peach Orchard Conservation Restriction with Jaques and the Old Peach Orchard Homeowner Association president, Clif Read on June 9, 2021. The garden was no longer in use to the fence was removed. Birdhouses were attached to the old garden fence posts. The trails on the property look fine. The 2022 monitoring visit should take place in the fall around late October/early November.

#### Site Visit Scheduling

- 10 Leverett Rd deck BPA/ Tobin & Castellanos: The Commission schedules a visit to the deck site at 10 Leverett Rd for June 14, 2021 at 4:30pm. Dowling will check that this date works for the landowner and report back to the Commission.
- Highway Dept Project List site visit: The Commission schedules a site visit to the project sites on the Highway Department's spring list for June 15, 2021 starting between 8 or 9am depending on the Highway Department's schedule. Dowling will coordinate with the Highway Department and report back to the Commission.

#### Unanticipated Business

Since Cregan will leave the Commission as the end of June, the Commission discusses who would serve as the next Chair.

- At 8:51pm, Cregan moves and Harrington seconds a motion to appoint Miriam DeFant as the Chair of the Conservation Commission. Roll call vote: David: aye, DeFant: aye, Harrington: aye, Cregan: aye; the motion carries.
- At 8:53pm, Cregan moves and Harrington seconds a motion to adjourn the meeting. Roll call vote: David: aye, DeFant: aye, Harrington: aye, Cregan: aye; the motion carries.

Respectfully submitted,

Miriam DeFant, Commission Chair on behalf of Tesssa Dowling, Land Use Clerk, 6/25/21