

Shutesbury Conservation Commission Meeting Agenda
Thursday, August 26, 2021
Meeting starts at 7:00pm
Approved 9/9/21

Present:

Commissioners:, Mary David, Miriam DeFant, Robin Harrington, Scott Kahan, Beth Wilson

Associate Commissioners: Don Wakoluk

Guests: Lynda, Mike and Chad Grybko, Michael DeChiara, Mark Rivers, Bob Douglas, Tom Siefert, Maria Firstenberg (TRC).

Consider Minutes for 7.22.21, 8.12.21 and 8.19.21 meetings

7.22.21 Minutes – Approved as amended.

8.12.21 Minutes – Approved as amended

8.19.21 Minutes – Approved as amended

Site Visit Follow-up

640 Wendell Road, Wheelock Tract Solar Project - While there are no jurisdictional wetlands within the Wheelock Tract, DeFant submitted site visit report (attached) to the Planning Board, expressing concern about the rusty staining in some rows of the solar array and erosion issues along the access road. Kahan asked if this is iron oxide leaching from the ground? Willson explained that in areas of soil with high iron content, when water comes to the surface the newly aerated water allows iron to drop out. Wakoluk suggested asking the Planning Board to test run-off. Kahan asked for specifics on what Wakoluk was suggesting. Jaques noted that the vegetation under the panels is much more established and that a small number of native plants were observed.

Willson observed that the detention basin is currently functioning as a pond, complete with cattails, frogs and aquatic insects. DeFant noted that this stormwater feature was designed to be an infiltration basin, but the perennial water in it is now limiting its storage capacity.

David made a motion to ask PB to ask the owner to investigate the run-off. Harrington seconded. Approved 5/0. Kahan asked why are we asking this? DeFant answered that the rusty-colored water getting into detention basin.

Locks Pond Culvert Replacement – Harrington reported that the engineer and construction company reps provided good information. A small number of trees will need to be removed prior to ^{the} beginning of construction. The lake will be lowered a maximum of 2 inches for the project. Anything further lowering would need to be done under an Emergency Order. Dam Keeper Howard Kinder noted that lake residents would not be affected until greater than the lake was lowered one foot. The start of the project is delayed as fabrication of the large culvert is behind scheduled and the utility company has not yet relocated a pole. Another site visit will be scheduled once erosion control is in place.

Site Visit Scheduling

48 Lake Drive/Dallmus - RDA to pave a gravel drive

32 Leverett Rd (Parsonage)/Betten – RDA to install septic and well

71 Leonard Rd/Peterson – BPA new single family home (not ready for site visit)
Site visits will be arranged to start at 5:15 on Thursday, September 2

New Items & Updates:

Update on discussion regarding resubmission of ANRAD applications due to quorum issue

DeFant reported that she had communicated with Town Counsel Donna MacNicol who then spoke with AMP's counsel. Both parties agreed that Baker Rd and Pratt Corner West ANRADs (Public Hearings have been closed) and Montague/Carver Rd. ANRAD (Public Hearing still open) will be resubmitted with full fees paid.

Review updated Dewatering Plan for Locks Pond culvert replacement and request to lower lake level for stormwater storage – no discussion

LWAC update David reported that a meeting of the Select Board, Conservation Commission and Lake Association will be planned.

Lake Drive Runoff - Bob Douglas has long expressed concerns about runoff on Lake Drive. His home is located in a low point on the road and during storms chocolate milk-colored runoff enters his property. He is concerned that the runoff will overwhelm his high tech septic system and has observed sediment-filled water entering the lake along the south side of his property. DeFant suggested that the commission set an agenda item at a future meeting to discuss this.

7:30 Public Meeting for RDA at 35 South Laurel Rd (Grybko) for irrigation system drawing water from Lake Wyola. The system was previously installed and the RDA has been filed to bring the system into compliance. Mike, Lynda and Chad Grybko were present. Chad described the project as a small sprinkler system drawing water from the lake. It is a manual system, used no more than twice/week for no more than 30 minutes at a time. He stated that a well-watered lawn is healthy lawn and is better for environment. A 1-½" pipe extends into the lake with the pump on land. The system has 5 watering heads with the sprinkler heads directed so the water flows low to minimize evaporation. The property is 1/3 acres with a portion covered by the house and shed. Watering takes place in the early morning or late afternoon. He noted that a good lawn keeps run off out of lake. DeFant: Calculated that ¼ to ½ inch of water is dispersed in ½ hour period thus it would take 2 hours to disperse 1" water.

Kahan: Do you fertilize? Is anything added to the water? Chad: Once a year a seaweed-based fertilizer is used and the lawn is cut high to 3".

David: The lake should be a lake, not a reservoir. Why not use well? Lynda: We don't want to risk overuse of well. Gardens are watered with the well.

Chad: Calculated that if over 100 camps did this, it would have minimal impact on the lake level over time.

David stated that the lake is a lake, not reservoir. Water should not be withdrawn for irrigating. Wakoluk: Suggested adding rain barrels to system. Lawns are 'filter strips' protecting lake from runoff from road.

DeFant asked for public comments: Tom Siefert who lives at 27 S Laurel previously submitted documents (attached) to the Commission. He stated that while lawn is important, natural vegetation is better next to lake. Further, there is a misperception about how much water is used during lawn, it is normal for grass to go dormant mid-summer, and recommended that no

watering be done in drought conditions. He noted that the irrigation system contributes to noise pollution and that the irrigation system has been used without a permit for 3 years. DeFant asked Grybkos to respond. Lynda asked about precedent. Jaques noted that a previous installation of a system that draws water from the lake was permitted with conditions. DeFant observed that there is lots of noise on lake, noting that the Commission does not regulate noise levels.

Willson asked whether with a pipe in the lake triggers this project to be submitted as a Notice of intent. Jaques reported that Mark Stinson (DEP Circuit Rider) stated that this can be done under an RDA.

Kahan: Can pipe be removed? Chad: Pipe pulled out in September, reinstalled in spring.

Willson: Recommended that the system should include installing 4 water barrels.

Siefert: No watering is best. Wilson: The water within the lake is not regulated by the WPA.

Kahan: Moved that sufficient information has been gathered to close the public hearing.

Harrington: Seconded. All voted aye.

Conditions for the Determination of Applicability were discussed

DeFant: Moved to issue a negative determination with the conditions agreed to tonight.

Harrington: Seconded. Kahan, Wilson, Harrington and DeFant voted Aye; David voted no.

8:00pm Continue Public Hearing for ANRAD ZU-2 Pratt Corner South

Continued hearing opened at 8:16 pm (Firstenberg has earlier agreed to delay the opening of the hearing).

Maria emailed the outstanding map for Pratt Corner South today. She asked that the Commission confirm that the large file was received. DeFant moved to continue the public hearing to **September 9 at 7:40pm**. Harrington seconded. All members voted Aye.

Items not anticipated by the Commission

Reimbursement for DeFant's appraisal fee - DeFant's request to have the cost of the Real Estate Appraisal for recusal rebuttal covered by the town. Funds will be transferred from the Select Board to ConCom to cover \$500 appraisal expense. Harrington moved to use SB money thru ConCom to reimburse DeFant. David: seconded. All voted aye except (DeFant recused).

Update on LUC search – two candidates interviewed today.

Meeting adjourned at 9:30

Next Meeting: 9/9/21

Respectfully Submitted by Miriam DeFant, Chair (on behalf of P. Jaques)