

Minutes of Shutesbury, MA Conservation Commission Thursday September 9, 2021 7 PM

* Virtual Meeting

PRESENT:

COMMISSIONERS: Miriam DeFant, Mary David, Robin Harrington, Beth Willson, Scott Kahan

ASSOC COMMISSIONERS: Janice Stone, Don Wakoluk

PUBLIC: Maria Firstenberg, Stephen Dallmus, Ward Smith, Linda Bills, Emily Stockman

Meeting Opened at 7:02 pm

Consider meeting minutes 8.26.21

Harrington made a motion to accept the minutes with the proposed revision. David seconded. The motion passed unanimously.

New Items and updates

Discuss Revised Dewatering Plan for Locks Pond Rd. Culvert Replacement

Jaques reported that the Army Corps approval has been received. Key points were to install a minimum of 2' of natural riverbed material and terrestrial banks within the replacement culvert and to reconstruct the riverbed directly downriver. Sandbag coffer dams will be installed and pump base flow around, so that in-river construction can be conducted "in the dry".

Jaques was asked to remind Styckiewicz and MAS Bridges of site visit once erosion control is installed. At the previous site visit, the Commission agreed the lake can be lowered a maximum of 2" without further review.

While reviewing the revised Dewatering Plan, it was noted that the diagram on Page 12 still shows the discharge pipe as being perched. David moved to approve the Dewatering Plan contingent up adjusting the plan so that the bottom of outlet is flush with the polyethylene sheeting. Harrington seconded. The motion carried unanimously. Jaques will ask Styckiewicz to request that the outlet be adjusted so that the pipe is level with the streambed and notify him that the plan is otherwise approved by the Commission .

Update on Land Use Clerk hiring Lisa Stratford, who is currently the long-time Town Clerk in Leverett, was offered and has accepted the position.

Select Board Meeting on stormwater issues in town David, Kahan and DeFant will participate in the Select Board discussion on Lake Wyola stormwater issues at 5:30 p.m. on Tuesday, September 14. Since this is a quorum Jaques was asked to post the meeting.

The Commission agreed to schedule a time for Douglas to come to a future meeting to discuss the stormwater issues on his property. DeFant noted that his storm drain may not have been permitted.

Sumner Mountain CR: annual monitoring visit Charley Eiseman will conduct the monitoring visit on Friday, September 17 at 9:30am. Commissioners are invited to join him.

Wetlands Protection Bylaw Jaques urged the Commission to review and modify its abutter notification policy. Stone is worried about someone at town meeting making a motion on the floor of Annual Town Meeting to change the Bylaw in a substantive way. The Commission will continue to discuss this.

Wheelock Site Visit follow-up DeFant will attend Planning Board meeting where the site visit will be discussed. She asked if the Commission would like to recommend that an environmental monitor be hired for the site. Jaques stated that as this was not part of the Planning Board's Special Permit for the Wheelock Project, it is likely outside of the scope of what can be asked. Stone asked if a Certificate of Compliance been issued? DeFant would like documentation on how the basin functions after significant rainfalls (2" in 24 hours). Stone asked what amount of rainfall exceeds capacity of basin?

DeFant made a motion that the Commission authorize a recommendation to the Planning Board to ask the operator to provide photographic documentation of basin and access road within 24 hours of any 2" rainfall. David seconded. The motion carried unanimously.

Site Visit Follow-up

32 Leverett Road/Betten – RDA for septic and well installation. The project engineer was present. The new septic will be between 50-100' from wetland and is located upslope.

Catherine Hilton from the Board of Health was present to discuss the well and the potential for salt contamination. The proposed well location upslope approximately 20' from road, will be cased and deep.

48 Lake Drive/Dallmus. Site visit will be discussed as part of the RDA

Site visit scheduling: See Mark Rivers request under 'Items not anticipated by the Commission'

PUBLIC HEARINGS AND MEETINGS

7:30 Continued ANRAD Public Hearing: ZD-27 Carver/Montague

Continued Public Hearing opened at 7:36 p.m. Firstenberg from TRC. reported that the approved peer-review proposal from Stockman Associates has been received and that she is working on arranging for a check. As the peer-review of the expanded area has not yet been visited by Stockman, DeFant made a motion to **continue the Public Hearing to December 9 at 7:30 p.m.** Harrington seconded. The motion carried unanimously.

7:40 Continued ANRAD Public Hearing: ZU-2/Pratt Corner South

Continued Public Hearing opened at 7:44 p.m. The Commission received TRC's revisions late this afternoon thus peer-reviewer Stockman has not had the opportunity to review them. Harrington made a motion to **continue the Public Hearing to September 23 at 8:00 p.m.** DeFant seconded. The motion carried unanimously.

Firstenberg provided an update on the Commission quorum issue that has resulted from the lengthy duration of many of the ANRAD Public Hearings. TRC attorneys have agreed that fees will be paid and new ANRAD filings will be submitted for the three sites that are affected: improper ORADs were issued for Pratt Corner West and Baker Rd. The Montague/Baker site which has been ongoing for 18 months is also affected.

Firstenberg stated that Pratt Corner West ANRAD will be resubmitted soon. She also reported that, at this time, TRC is not interested in resubmitting a new ANRAD for Baker Road.

For the Montague/Carver Road site, Firstenberg stated that TRC would like to wait until Stockman has completed the peer-review and all information is complete before resubmitting the ANRAD. Stone stated that she believes that the Montague/Carver ANRAD must be withdrawn without prejudice now as the hearing can't be closed since there is no quorum. Firstenberg would like "to limp along" until all information has been collected. Stockman also agreed that the current ANRAD needs to be withdrawn.

8:00 RDA Public Meeting: 48 Lake Drive/Dallmus - pave existing gravel drive

Public Meeting opened at 8:01 p.m.

Dallmus described the project: The existing 3" gravel drive will be removed and replaced with 3" coat of asphalt. There will be no changes to the existing elevations. He noted that a fair amount of currently water drains from road to planted and mulched buffer vegetated areas that they have created. The rationale for the project is for personal safety from icy conditions in winter. The current drive doesn't allow complete removal of snow/ice. The question of permeability came up at site visit. Dallmus stated that he believes the existing gravel drive is impervious. Dallmus provided an excerpt from the **Massachusetts Unpaved Road BMP** stating that existing gravel drive is meant to be impervious. Ward Smith, environmental consultant, stated that there is no expansion of impervious surface, and that all work is in the buffer zone. At the nearest point, the work is 20' from the brook.

Harrington stated that the stone lined drainage swales were impressive and will continue to handle road drainage. Wakoluk stated that it is similar to channeling runoff into rain gardens.

DeFant asked if the project included berming the road edge. Dallmus answered "no".

Willson asked if there will be erosion control? None is shown on plan. Smith replied that while the work will take place in one day, the Commission may require erosion control as part of negative determination. Wakoluk is concerned that residue from process of paving could get into stream if there is no erosion control. An erosion sock that runs along north side of drive will be required. Willson noted this would also serve as limit of work.

Stone stated that the stone lined channels are not shown on the plan.

Kahan asked about altering the grade. Dallmus: all slopes will remain the same. The work may improve pitch to the back, but not increase to side or front.

Stone stated that while the runoff is being well controlled, she does not agree that a gravel road is considered an impervious surface. Wakoluk stated that the document that Dallmus refers to is intended for gravel roads with drainage and swales, not a driveway pad.

DeFant moved to close the hearing. David seconded. The motion carried unanimously.

Willson made a motion to issue a Negative 3 Determination with the conditions agreed to during discussion. DeFant seconded. The motion carried unanimously.

Items not anticipated by the Commission

Mark Rivers at 70 Lake Drive would like to remove a dying hazardous tree located at the Lake's edge. The Commission will schedule a site visit on September 15th at 2 p.m.

Jaques noted that the asphalt at the Fire Station has been removed, but no erosion sock in place, old silt fence still present. She will notify the Town Administrator to arrange installation of erosion control ASAP.

Meeting adjourned at 9:09