

Shutesbury Conservation Commission

Minutes – April 24, 2025

Approved – May 8, 2025

Virtual Meeting

Commissioners Present: Beth Willson (Chair), Scott Kahan, Janice Rowan, Bob Douglas, Mare Fox (7:12pm)

Commissioners Absent: None

Other Staff Present: Matteo Pangallo (Land Use Clerk)

Others Present: Isobel Arthen-Long, Jennifer Wallace, Henry Geddes, Mark Wightman

Call to Order: 7:05pm

This meeting is being recorded.

Comments from the Chair

The Chair has no comments.

Review and vote on minutes of April 10, 2025

Motion to approve the minutes of April 10, 2025: Douglas; second: Kahan. Vote: Kahan - Aye; Douglas - Aye; Rowan - Aye; Willson; Aye. Motion approved unanimously.

Site Visits Update

Rowan reports that on April 15 she and others went to the library construction site. The settling pond nearest the road has breached again because it was being repaired with the guts from the silt socks, which is not working. The silt socks on the west fence line by the corner near the building have been overcome by sediment which has spilled out. The contractor has dug out the depth of the silt sock away from the sock but the sock is already clearly plugged so this is not a long-term solution; the socks need to be replaced. The contractor has marked where socks should be replaced and the company that put them in was supposed to come the week of the 15th to repair them. A site visit for this past Tuesday was cancelled because the replacement silt socks were not delivered as planned so the next site visit will be this week on Friday at 3:30pm. If they are not in by Friday, Rowan will visit on Monday. Douglas asks if the site is accessible on Saturdays and Rowan answers that the fences are locked but one could probably tell from the road if one walked the fence line. Willson plans to attend the site visit with Rowan on Friday to ensure the repairs were done. She notes that an Enforcement Order might be needed if the repairs are not done as needed.

On April 18, Fox and Rowan went to 51 Shore Drive to look at a plan for a platform deck construction. All of the work is within the 50 foot buffer zone. They plan for minimal ground disturbance. There is a slight grade in the yard. The property is on the inlet right next to Pine

Drive. Willson notes that the applicant will be coming for their public hearing at the next meeting and asks Rowan to send any photographs she has of the work site.

Land Management Update

Kahan has nothing to report.

Discussion with Historical Commission Chair regarding Metal Detection Policy

The Chair recognizes Henry Geddes, Chair of the Historical Commission. Geddes reports that following an inquiry from the Chief of Police, the Historical Commission is coming up with regulations regarding metal detecting on town property. He notes that detecting often involves looting of historical artifacts and the Commission is developing its policy based on what other towns do. He wanted to address the Commission because disturbance of town property and conservation land would intersect with the Commission's authority. The plan is for the rules not to be simply punitive but to be educational and the hope is the Commission would be able to address the ecological impact of such excavation. Other towns involve their Conservation Commissions in the formulation and enforcement of these policies for these reasons.

Geddes shares a written summary of notes towards a draft policy regarding metal detecting on town property, including conservation land. He reviews the key provisions of the policy involving regulations, enforcement, authorization, and applicable laws and regulations. He notes that the Department of Conservation and Recreation absolutely prohibits metal detecting in state parks and on DCR property.

Willson asks if written permission would allow people to dig on town property. Geddes answers that presumably it would unless the relevant boards decide to fully prohibit digging in all cases.

Rowan asks about property owners looking for boundary markers. Geddes notes that this is why permission is required. Willson notes that the policy would not apply to private property and Rowan notes that some private property abuts conservation land. Rowan proposes a clarifying definition that would allow someone to identify a property pin without asking for permission. Willson notes that most regulations provide exemptions and so finding property pins could be a good exemption to include. Geddes agrees and notes that the main focus of the Historical Commission's concern is metal detecting aimed at excavating artifacts.

Fox asks if the Conservation Commission would be the only board with authority and Willson notes that the Commission does have ultimate authority for care and control of the conservation areas but the other public lands are under the care and control of the Select Board. Willson would like the Conservation Commission to be involved in formulating this policy because of their desire to restrict activities on conservation lands. There are already restrictions on removing anything from conservation areas but a section of the metal detecting policy should specify that it is not permitted on conservation land.

Fox suggests adding language that clarifies a difference between conservation areas, under the authority of the Conservation Commission, and other public lands, under the authority of the

Select Board. Willson asks the Land Use Clerk to put together a map on the Conservation Commission website showing exactly where the conservation areas are in town.

Douglas expresses his support for having these regulations and that the blanket prohibition language should be modified with a permission clause because there may be situations where metal detecting is acceptable—such as a research by a legitimate researcher or archaeologist.

Fox suggests that there may be some specific locations where the Conservation Commission would not agree to excavation regardless of the situation. She proposes that the Chief of Police should be the first point of contact for someone who is trying to identify the proper authority who controls a particular parcel.

Kahan adds that having some coordination between the Commission and the Select Board would make sense so that the Conservation Commission is not developing its own regulations for its lands while the Select Board is developing separate regulations for its lands. He wants to ensure there is consistency across all town property. He recommends also incorporating the State Historic Preservation Office rules and protections into the town's local policy. He also notes that this brings up the question of whether the Commission should be working on developing its own regulations about the use of town-owned conservation lands.

Geddes will revise the policy based on this feedback and send the Commission an example of a permit that might be used. Willson notes that in Amherst there is a form that needs to be completed for a range of specific activities on conservation land, so this could be similar to that. She invites Geddes to bring this back to the Commission.

Mark Wightman for Conservation Restriction, Leverett Rd, Lot H-151

Mark Wightmon notes that the last time they talked about a \$7,500 endowment for the Conservation Restriction (CR) fund and asks the Commission for a vote on that. Willson clarifies that all of the pieces of the CR required by the state are in place. She notes that they could vote to accept the full CR, inclusive of the funds amount. She will consult with Town Counsel about the final steps involving signatures and recording.

Wightman asks whether the Commission or Town Counsel would bring this to the Select Board and Willson indicates she thinks that the Town Counsel would do that.

Kahan thanks Wightman for his support of conservation and indicates that the \$7500 amount is acceptable to him. Wightman agrees and notes that this will result in a 4-acre residential property surrounded by a perpetual conservation area that is about three or four times that size.

Motion to accept holding the Conservation Restriction on 101 Leverett Road (Lot H-151) and accepting a \$7500 endowment for the Restriction: Douglas; second: Kahan. Vote: Douglas - Aye; Kahan - Aye; Fox - Aye; Rowan - Aye; Willson - Aye. Motion approved unanimously.

Ratification of Emergency Certification for Sand Hill Road Culvert, Shutesbury Highway Department

Willson describes the degradation of the culvert that the Highway Department reported and she saw and explains that she has seen the site since the work was completed and it was well done.

Willson shares the Emergency Certification for Sand Hill Road Culvert and reviews its contents.

Rowan asks why the culvert was not increased from 12 inches to 18 inches. Willson answers that it does not carry enough water to warrant that size.

Motion to endorse the Emergency Certification for Sand Hill Road Culvert: Fox; second: Rowan. Vote: Douglas - Absent; Kahan - Aye; Fox - Aye; Rowan - Aye; Willson - Aye. Motion approved unanimously with one absence (Douglas).

Vote on Request for Determination of Applicability for Atkins Reservoir Basin Dredging Project, Town of Amherst Department of Public Works

Pangallo shares the Determination of Applicability for the Atkins Reservoir Basin Dredging Project. Willson recuses herself and Douglas assumes the Chair.

Douglas notes that there are no special conditions and only the standard conditions will be required. He asks Isobel Arthen-Long what the applicant's management practices and inspections will involve and that the Commission be copied on sedimentation controls.

Arthen-Long reports that a construction observer is typically on-site for projects like this. Willson adds that the contractor will be required to submit to the Town of Amherst and to the Conservation Commission weekly reports on inspections of their erosion control measures. Arthen-Long confirms that the Commission can be copied on all construction reports and Willson notes that can be included in a special condition.

Fox asks if the reports would only go to the Amherst Conservation Commission and Willson notes that the project is entirely within Shutesbury but on property owned by Amherst so the Shutesbury Conservation Commission has jurisdiction over it. Arthen-Long adds that Commissioners also have authority to do a site visit whenever they want to do one.

Douglas would add as special conditions the right to inspect the site and to be copied on weekly reports on sedimentation control and site conditions. He asks if there are any other special conditions from the Commissioners and none are given. Arthen-Long notes that there was a discussion last time about not replacing hemlocks and Rowan confirms. Douglas notes that as a third special condition.

Motion to approve the Determination of Applicability as amended with the three special conditions discussed: Fox; second: Kahan. Vote: Rowan - Aye; Fox - Aye; Scott - Aye; Douglas - Aye; Willson - Abstain. Motion approved unanimously with one abstention (Willson).

Willson resumes the Chair.

Jennifer Wallace, update from Lake Wyola Stormwater Erosion Task Force

The Chair recognizes Jennifer Wallace from the Lake Wyola Stormwater Erosion Task Force. She provides an overview of the Task Force's objectives to implement best management practices of maintenance and education regarding sedimentation issues around the lake. Previously, she reported to the Commission about some problem drainage systems identified by the Task Force. Since then, the Task Force has endorsed FRCOG's recommendation to obtain two engineering studies of the Fiske Brook area and to develop management and maintenance practices. The study concept has been endorsed by the Select Board and gone out to bid; they have since received bids and chosen one. They are also looking into a Rural Development Fund Grant because this project fits well within the infrastructure and climate resiliency category. She asks the Commission for a letter of support for these engineering studies, which would be due by June 4. She notes that Shutesbury has also been awarded with FRCOG funding for technical assistance and training for the Task Force's work. The Task Force has also been working with the Lake Wyola Association on this and the Association is a partner on the grant application.

Willson indicates she is glad to hear that the Lake Wyola Association is involved and asks for a copy of the grant application to help with the drafting of the letter. Wallace is still developing it but she has some preliminary material she can provide that should help. Willson asks if Douglas would be willing to write the letter and Douglas asks if it would be a conflict since he chairs the Task Force. Willson notes that the letter would be coming from the whole Conservation Commission so it would be fine if he wrote it. Douglas agrees to write it. He also commends Wallace and the members of the Task Force, as well as other people from town, who have worked towards the Task Force's goals.

Motion to submit a letter of support for the Lake Wyola Stormwater Erosion Task Force's grant application: Fox; second: Kahan. Vote: Rowan - Aye; Fox - Aye; Scott - Aye; Douglas - Aye; Willson - Aye. Motion approved unanimously.

Review and Vote on Order of Conditions for BNOI, Shutesbury Highway Department

Willson shares the draft Comprehensive Order of Conditions for the BNOI for Road Maintenance, on which FRCOG has commented already. Willson reviews the conditions and notes particular places where those conditions are different from what is normally required in a typical order of conditions and where FRCOG has provided suggestions and questions. The Commission makes some additional clarifications and adjustments to some of the conditions.

Fox asks when the work under this Order would start. Willson notes that it is not for a specific project. Instead, every spring the Highway Department would submit a list of routine projects that would be covered under this permit and not require a separate Notice of Intent. Fox asks about FRCOG's role and Willson answers that they have additional grant funding the Highway Department can use.

Rowan thinks it would be useful for the Highway Department to have examples of projects in the Orders of Conditions and examples of what should be included in the work descriptions. She

suggests using the example of the Sand Hill Culvert situation as a model for a project and its accompanying work description.

Willson asks the Commission if they want more time to review the revised draft before voting on it. Commissioners indicate they are comfortable voting on it now.

Motion to issue the Comprehensive Order of Conditions as amended in discussion this evening: Douglas; second: Rowan. Vote: Douglas - Aye; Rowan - Aye; Kahan - Aye; Fox - Aye; Willson - Aye. Motion approved unanimously.

Bylaw Regulations

Willson suggests that given the time the Commission hold a special meeting to catch up on the regulation revisions. The other Commissioners agree with the suggestion.

Fox proposes meeting at 6pm on May 8 and spending an hour working on the regulations. The other Commissioners agree.

Unanticipated Business

There is no unanticipated business.

Adjournment

Motion to adjourn: Douglas; second: Fox. Vote: Douglas - Aye; Rowan - Aye; Kahan - Aye; Fox - Aye, Willson - Aye. Motion approved unanimously.

Adjourned: 8:53pm

List of Documents Used:

- Historical Commission's notes towards a policy regarding metal detecting on town property
- Emergency Certification for Sand Hill Road Culvert
- Determination of Applicability for Atkins Reservoir Basin Dredging Project
- Draft Comprehensive Order of Conditions for BNOI for Road Maintenance, Town of Shutesbury Highway Department