

## **Shutesbury Conservation Commission**

**Minutes – July 24, 2025**

Approved – August 14, 2025

*Virtual Meeting*

**Commissioners Present:** Beth Willson (Chair), Bob Douglas, Mare Fox, Scott Kahan

**Commissioners Absent:** None

**Other Staff Present:** Matteo Pangallo (Land Use Clerk)

**Others Present:** Pam Ososky, Tom Siefert, Mary Anne Antonellis, Penny Jaques, Rita Farrell

**Call to Order:** 7:01pm

This meeting is being recorded and all members are participating remotely.

### **Comments from the Chair**

Willson reminds the Commissioners about the Town's new Code of Conduct and that it needs to be signed and returned to the Town Administrator.

Willson reminds the Commission to provide the Land Use Clerk with any comments on the Lake Wyola Stormwater Erosion Task Force report, which are due by tomorrow. The Task Force is also holding some events with FRCOG on August 10.

Willson reports that the Land Use Clerk has started advertising the vacancy on the Commission and Jennifer Wallace, currently on the Stormwater Task Force, is considering applying.

Willson invites Douglas to report on the recent luncheon session on updates to the Wetlands Protection Act. He shares that typographic errors are being corrected, updates are being made, and funding is being increased for programs. He notes that appeals of Orders of Conditions will no longer go to DEP but instead would go to Superior Court, which will increase costs for applicants and towns. He notes DEP will vote soon on new regulations but the new regulations have not yet been shared, which he finds concerning. MACC will submit its own comments on the updates and the Commission will receive those. Willson agrees that the regulations are being changed in a significant way and, while there have been periods of public comment, the final changes have not yet been released. Douglas adds that there will be changes related to housing and changes so that utility line projects that cross town lines would be permitted by the State.

### **Review and vote on minutes of July 10, 2025**

Motion to approve the minutes of July 10, 2025: Douglas; second: Fox. Vote: Douglas - aye; Fox - aye; Kahan - aye; Willson - aye. Motion approved unanimously.

## **Site Visits Update**

Fox went to 58 Lake Drive to evaluate the regrowth of vegetation following the deck project and everything is coming back well.

Fox went to the new library site on Leverett Road to evaluate the wetlands restoration progress and the sediment building up in the retention ponds. She noted a gravel berm to keep water from entering the southern retention pond and some gutters on the structure to control water flow around the building. The only area of concern remains the sand going over some of the barriers, though it is not going outside of the silt fence. She was told that once the siding is complete they will move on to the grass and the retention ponds.

Fox would like to coordinate the scheduling of future site visits directly with applicants.

Willson indicates that the applicants from 58 Lake Drive will now need to submit an application for the Certificate of Compliance.

## **Land Management Update**

Kahan checked on the West Quabbin Conservation Area parking lot created by the Highway Department and was very satisfied with the work they did. The next steps will be to create signage and he has been talking with Kestrel about putting in a trail. He wants to find out if the Highway Department used all the funding from that grant or whether funds remain.

Kahan has been talking with the Town Administrator about next steps in soliciting bids for the South Brook Conservation Area trails project and she will be reaching out to the Land Use Clerk for the final version of the grant contract.

Kahan expects to get a bid soon for the Top of the Lake grant project.

## **Administrative Approval Request from the Town of Shutesbury for Subduing Knotweed Coalition**

Willson recognizes Pam Ososky who explains that her group of volunteers has identified patches of knotweed on the side of roads in town and they would like to cut and dig out what they can to minimize, or even eradicate, the invasive vegetation. She cites the example of the Mad River project as their model.

Willson likes the focus on digging and cutting rather than having to worry about herbicides and she thinks it is feasible for a group of volunteers given the locations identified. Willson notes that she already did site visits to all the identified locations and has no concerns about the proposed work in those places.

Douglas thinks the strategy of starving the plant with repeated cutting is a solution. He asks if there is any reason the Town could not allow a volunteer to work on Town property. Pangallo indicates he is not aware of any reason the Town would lack the authority to allow any person to work on property the Town owns. Willson agrees and notes that the Town has to be the applicant because it owns the land, but the Town can allow any volunteer or any contractor to do work on its property. The Chair recognizes Mary Anne Antontellis who notes that in some cases the Town has asked volunteers to complete a form and advises asking the Town Administrator about this.

Kahan is glad to hear that an effort will be made to tackle knotweed and has no concerns.

Ososky asks about being allowed to put up a sign identifying her group at the work sites and she wants to better publicize their efforts.

Willson reminds Ososky to be safe on the roadside and use cones and other visibility measures.

The Chair recognizes Tom Siefert who indicates he does not know who the Subduing Knotweed Coalition members are. Willson explains that the applicant is the Town and the Town is allowing a group of volunteers to do this work. Siefert thinks the application should include the names of the people who will be doing the work and that it could be a liability issue if their names are not indicated. Willson notes that Conservation Commissions approve applications without knowing who a contractor is to do the work because it is the identity of the applicant that matters in the application. Siefert thinks that not including the names of the volunteers in the application is a violation of Open Meeting Law. Willson asks Ososky who will be doing the work and Ososky answers that it varies depending on who can make the different work dates but that all would be willing to sign liability waivers if required. She notes that anyone can volunteer to help.

Fox notes that because this is Town property the Town is the applicant, and volunteers can step forward to help the Town as they see fit. Because volunteer service is fluid and changes, identifying those individuals is not necessary or even possible in the application. Siefert thinks that as the agenda item was posted it is not possible to identify who the people are in the group. Willson clarifies that what Siefert is asking for is an agenda item that identifies only the Town. Siefert answers that he does not think agenda items should include the names of groups that do not exist legally. Kahan notes that the application is being reviewed in an open meeting and he does not share his concern about the wording of the agenda item.

Willson recognizes Penny Jaques who feels the matter is not being resolved through this discussion and asks the Commission to move forward on the agenda.

Willson responds that the Commission understands that the Town is the applicant and that the Town is asking volunteers to do the work at the locations proposed. She thinks that this was clear in the application, in the agenda, and in the discussion today.

Motion to issue Administrative Approval to the Town of Shutesbury for addressing knotweed issues at multiple locations indicated in the application: Kahan; second: Fox. Vote: Kahan - aye; Douglas - aye; Fox - aye; Willson - aye. *Motion approved unanimously.*

### **Certificate of Compliance for Lot O-32 Wetlands Restoration**

Willson recognizes Mary Anne Antonellis who praises the work Penny Jaques did on the wetlands restoration work. She notes that the Commission has done its site visits and confirmed that the wetlands have been restored and so the Town has submitted this Certificate of Compliance request. Willson notes that the Commission has also received Ward Smith's report confirming that the wetland restoration was successful.

Willson shares the draft of the Certificate of Compliance for the Lot O-32 wetlands restoration work and reviews its contents. She asks if the Commission has any ongoing conditions to include in the Certificate and none are given.

Motion to issue the Certificate of Compliance for the wetlands restoration project at Lot O-32: Fox; second: Douglas. Vote: Fox - aye; Douglas - aye; Kahan - aye; Willson - aye. *Motion approved unanimously.*

### **Unanticipated Business**

Willson notes the Commission needs to ratify the Emergency Certification to lower the 12-inch stormwater pipe on Leonard Road.

Motion to ratify the Emergency Certification to lower the 12-inch stormwater pipe on Leonard Road: Fox; second: Douglas. Vote: Douglas - aye; Kahan - aye; Fox - aye; Willson - aye. *Motion approved unanimously.*

### **Bylaw Regulations Revisions**

Willson notes that the Commission had not yet gone over the definitions section, Article 2. She shares the draft regulations and the Commission reviews its contents.

Willson proposes changing “Discharge” to allow the word to apply to any kind of liquid and not just wastewater, sewage, or stormwater. The other Commissioners agree with the change.

The Commission will resume discussion of the definitions section starting with “Heavy Equipment” and will revisit the section on buoys and floats and one other section that needs to be revisited. Willson also wants to set the date for the public hearing at the next meeting. She will send the relevant sections to the other Commissioners.

### **Adjournment**

Motion to adjourn: Fox; second: Douglas. Vote: Kahan - aye; Fox - aye; Douglas - aye; Willson - aye. Motion approved unanimously.

**Adjourned:** 8:27pm

### **List of Documents Used:**

- Draft minutes of July 10, 2025
- 58 Lake Drive site visit report and photos
- 66 Leverett Road site visit report and photos
- Administrative Approval Request from the Town of Shutesbury for Subduing Knotweed Coalition
- Certificate of Compliance application for Lot O-32 wetlands restoration and Ward Smith’s report on the restoration
- Draft Certificate of Compliance for Lot O-32 wetlands restoration
- Draft Wetlands Protection Bylaw regulations