

Shutesbury Conservation Commission Meeting Minutes
June 11, 2020 Virtual Meeting Platform

Conservation Commissioners present: Penny Jaques/Chair, Russ Mizula, Robin Harrington and Liam Cregan

Staff present: Linda Avis Scott/Land Use Clerk

Jaques calls the meeting to order at 7:03pm.

Statement relative to conducting virtual meetings following the Governor's restrictions on public meetings is read into the record by Scott.

Jaques moves and Mizula seconds a motion to approve the 5.28.20 meeting minutes. Roll call vote: Harrington: aye, Mizula: aye, Cregan: aye and Jaques: aye. The 5.28.20 meeting minutes are approved as amended.

South Brook Conservation Area: Jaques has emailed Kayla Speros/intern; her response is pending.

Lake Lowering Memorandum of Understanding (MOU): Harrington, referring to the 5.28.20 meeting minutes and the MOU: the October 25th alternate start date is not included in the document. Jaques supports the need for a statement about the October 25th alternate state and suggests awaiting feedback from Howard Kinder/Gate and Dam Keeper. Jaques will follow-up with Mark Rivers/Lake Wyola Advisory Committee.

Shutesbury Highway Department Annual List: Receipt of the list remains pending; Scott will follow-up with Tim Hunting/Highway Superintendent.

Status of Certificate of Vote: Per Scott, Registrar Scott Cote/Franklin County Registry of Deeds has waived the \$105 fee for recording the Certificate of Vote; instead, each Wetland Protection Act document issued by the Commission that requires recording at the Registry will have the Certificate of Vote attached so that all related documents are recorded on the property deed. Scott: the State Supreme Judicial Court has extended their State of Emergency; this is relevant for any local wetland bylaw appeals.

12 Merrill Drive/Hartwell-Goldberg: Harrington summarizes the 6.9.20 site visit: Fred Hartwell, former owner and Gillian Fahmy/new owner were present; Hartwell described in detail how the cottage was replaced using sono tubes to minimize excavation and that neither a new well or septic system were installed (1996 OOC). Harrington continues: muck removal was completed during the 2008 Lake Wyola drawdown; currently, the shoreline appears stable with some plantings along the bank's edge (2008 OOC); the new owner wishes to do more plantings. Fahmy was advised that, if so desired, the 3-4' high tree stumps could be removed to ground level. Jaques notes that per Hartwell, the silting in of the North Cove has caused the siltation/muck removed in 2008 to return. Commissioners recommend both Certificates of Compliance be issued. Jaques moves the Commission issue the Certificate of Compliance for the 1996 Order of Conditions (DEP file #286.094); Harrington seconds the motion. Roll call vote: Harrington: aye, Cregan: aye, Mizula: aye, and Jaques: aye; the motion carries. Jaques moves the

Commission issue the Certificate of Compliance for the 2008 Order of Conditions (DEP file #286.0214); Cregan seconds the motion. Roll call vote: Harrington: aye, Mizula: aye, Cregan: aye, and Jaques: aye; the motion carries. Jaques moves the Commission request Scott input their electronic signatures on both Certificates of Compliance; Harrington seconds the motion. Roll call vote: O Harrington: aye, Mizula: aye, Cregan: aye, and Jaques: aye; the motion carries.

Fire Department Site Silt Fence: Scott contacted the Highway Department to request removal of the silt fence along Leverett Road. Jaques observes that the silt fence has been removed and straw is in place over the re-seeded areas.

Open Space & Recreation Plan: Confirmation that staff from the Franklin County Regional Council of Governments will be assisting the Town in updating the Open Space and Recreation Plan remains pending

Wetland Protection Bylaw Review: Harrington, Cregan, and Scott will hold a Zoom meeting 6.16.20 to review the current bylaw and begin considering an update.

Scott: Town Hall remains closed to the public and the State of Emergency remains in effect;

7:30pm Continue Public Hearing for ANRAD at ZD-37 (Montague/Carver): Jaques recommends moving both ANRAD public hearings scheduled for 6.11.20 to the 7.9.20 meeting though notes the 6.9.20 email from Maria Firstenberg/TRC suggesting a possible change in the order of the ANRAD public hearings; Stockman has been reminded that the Commission needs to receive the final reports one week in advance of the public hearing. Cregan: Firstenberg noted that the Baker and Pratt Corner East sites will be completed first and also suggested holding two public hearings on 6.25.20 and two on 7.9.20. Jaques: holding both Pratt Corner ANRADs on the same date may make sense as there may be abutters interested in both sites. Cregan observes that there may be general interest in both though nearby abutters will be interested in the site closest to them and recommends keeping both Pratt Corner sites on the same date. Harrington recommends continuing this public hearing to 7.9.20 when the final Stockman report may be ready. At 7:35pm, Jaques moves to continue the public hearing for the ANRAD at ZD-37 to 7.9.20 at 7:30pm; Cregan seconds the motion. Roll call vote: Harrington: aye, Mizula: aye, Cregan: aye, and Jaques: aye; the motion carries.

MACC: Attendance at webinars and MACC fundamentals courses is recommended. Each Commissioner requests an eHandbook subscription with one for the Land Use Clerk at \$15 apiece. The total cost of the subscriptions, \$60.00, will be covered by the Commission's expense line.

Fort River Watershed Study: Cregan read the study summary and plans to attend the call to discuss the study.

ANRAD Documents: Jaques notes that on page one of all four ANRAD applications, item #2 states that W.D. Cowls, Inc. is the applicant organization; Cowls address is listed, however, the phone number and email address is that of Aries Power Systems. Jaques, per Mark Stinson/DEP Circuit Rider, the Commission can ask for the page to be redone with the solar developer as the

applicant and Cows indicated as the property owner. All Commissioners agree with Jaques' recommendation that page one of each ANRAD application be corrected. Scott is asked to make this request of Firstenberg when communicating about the public hearing continuation dates.

32 Lake Drive/Mikolajczuk: Harrington summarizes the 6.9.20 site visit: owner Steve Mikolajczuk was present; the plan is to remove the current house, cut a tree, install a new well and new septic system; the rebuild and full foundation will have the same footprint as the existing structure. Harrington continues: the proposed well location is within 10' feet of lake; Mikolajczuk was requested to move the well site back from the lake edge along with silt fence; 5' will be added to the grade to accommodate the septic system and retaining wall. Because the site plan showed only final contours, the Commission requested a plan with original contours which has been received. Cregan: the plan shows two silt fences though only one is needed. Jaques asks if subsequent to the site visit, pending local abutter interest, if the NOI public hearing can be held remotely. Jaques to Cregan's question about abutter interest in similar projects: interest is not predictable and sometimes abutter interest is not within the Commission's jurisdiction. Scott explains the process for holding a virtual public hearing; the abutter notification letter and legal notice templates have been adjusted to include information on how to access the virtual meeting and relevant documents. Scott will request the applicant to provide full size plan sets for each Commissioner. It is noted that aspects of the DEP comment letter remain outstanding. All Commissioners agree to proceed with the NOI public hearing and request Scott to follow-up with the applicant to schedule the hearing for 6.25.20.

8:06pm Continue Public Hearing for ANRAD at ZQ-6 (Baker/West Pelham): At 8:07pm, Jaques moves to continue the public hearing for the ANRAD at ZQ-6 to 7.9.20 at 8:00pm; Harrington seconds the motion. Roll call vote: Mizula: aye, Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries. Commissioners request Scott to follow-up with Firstenberg.

Unanticipated Item:

Jaques: the Planning Board will hold a public hearing 6.22.20 on proposed Zoning Bylaw amendments; the changes to the Open Space Design bylaw includes the need for an ANRAD and a preamble that better reflects the environmental values of the bylaw; there will also be changes to the Ground-Mounted Solar Installation section; Commissioners are encouraged to read these proposed changes.

At 8:10pm, Harrington moves and Mizula seconds a motion to adjourn the meeting. Roll call vote: Harrington: aye, Cregan: aye, Jaques: aye, and Mizula: aye; the motion carries.

Respectfully submitted,
Linda Avis Scott
Land Use Clerk