

Shutesbury Conservation Commission Meeting Minutes  
September 10, 2020 Virtual Meeting Platform  
(Approved 9/24/20)

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

Conservation Commissioner absent: Russ Mizula

Staff present: Tessa Dowling/ Land Use Clerk, Linda Avis Scott/Clerk

Guests: Miriam DeFant, Mary David

Jaques calls the meeting to order at 7:00pm

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

Jaques moves and Cregan seconds a motion to approve the 9.3.20 meeting minutes as presented. Roll call vote: Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries.

Introduce new Land Use Clerk Tessa Dowling: Jaques introduced a brief employment summary of Tessa Dowling, the new Land Use Clerk and introduced her.

South Brook Conservation Area: intern & mapping: Harrington and Jaques will discuss this project in more detail. Harrington may take the lead on working with intern Kayla Speros to create trail maps for printing and posting on-line.

Lake Lowering Memorandum of Understanding (MOU): No updates at this time. Jaques will follow-up with Mark Rivers/Lake Wyola Advisory Committee and Howard Kinder/Gate & Dam Keeper regarding the final version of the Lake Lowering MOU.

Top of the Lake Conservation Area: follow-up strategies: Per Jaques, one thousand dollars of CPA funds was used to purchase fencing for this project. Jaques is still looking for help with installation and is asking for the Commission to think if they know of anyone who could do the installation work with the hope of scheduling the work soon.

9.13.20 Site visit schedule:

Site visit is scheduled for September 13, 2020. The order of properties to visit is as follows:

1. 34 Cooleyville Road/Rogers: BPA for tractor barn; sono tubes already in place
2. 80 Shore Drive/Cloutier: BPA for new garage with cement pad
3. Observe root ball on Pine Drive
4. Lot D18 Locks Pond Road/Olszewski: There are two parts to the D18 Locks Pond Rd site visit:  
A) To observe wetland crossing #1 relative to a Request for Certificate of Compliance, and B) A BPA for new shed/workshop and barn to be located within the CR building envelope.

Email regarding work done on Lake Drive: A neighbor to the property is concerned that water discharged from the culvert was closer than 100 feet to the lake. Cregan is willing to stop by and check the distance, that per the property owner is 142 feet from the bank of Lake Wyola.

ZBA Special Permit application for 32 Lake Drive/Mikolajczuk: The ZBA Special Permit application will be reviewed at the ZBA 9.30.20 meeting. The Conservation Commission has issued an Order of Conditions for the teardown and rebuild project at 32 Lake Drive. Scott will follow-up with the ZBA to request that the Special Permit Decision include a condition requiring the applicant to adhere to the Order of Conditions for DEP file #286-0278.

Article for “Our Town” newsletter: The deadline to submit an article for the next town newsletter is 9.25.20. In general the Commission writes an article in the Spring, less frequently in the Fall. A future topic could focus on the changes to the Top of the Lake Conservation Area when the project is completed.

Special Conditions List: Cregan has started a list which he can share with the Commission and is willing to keep adding the list as new projects come before the Commission. Harrington will read the current list and see if there is anything to add now.

Baker Fields CR/Kestrel monitoring visit: Cregan provided a screenshot of 8.12.20 Kestrel Land Trust monitoring visit map. The Commission would like to see a more detailed report from Kestrel in the future.

Status of ANRAD applications and Public Hearing plans:

Jaques has reached out the applicant (TRC) for an update and has learned that they are looking at two new parcels in Shutesbury (one 80 acres and one 25 acres). TRC has requested abutter lists and the Commission will have more information in one to two weeks. Emily Stockman/Stockman Associates still does not have the final wetland maps for the ANRADs.

At 7:30pm Continued Public Hearing for ANRAD at ZW-6 (Pratt Corner Road East):

A motion was made by Jaques to continue the hearing to the 11.12.20 meeting at 7:00pm and was seconded by Harrington. Roll call vote: Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries. Scott will inform Maria Firstenberg/TRC of the continuation date. Jaques will follow-up with Firstenberg regarding Commission receipt of final maps.

Draft General Wetlands Bylaw: Cregan led the Commission through the drafted changes to the Shutesbury General Wetlands Protection Bylaw. Changes in blue were ones made by Linda Scott, changes in orange were by Cregan, and changes in green were by Harrington. Changes were based on the 2011 Draft of the bylaw.

The more significant changes discussed included:

-The defined wetland jurisdictional area was reduced from 100 ft to 50 ft protection around a wetland and was defined more specifically with added restrictions in a 25ft zone around Lake Wyola. The defined size of an isolated wetland also decreased.

-A definition section was added to the bylaws

Cregan raised the concern that the current bylaw is not being implemented as intended and the thought is the changes will clarify the bylaws so they are used. Jaques suggested getting feedback from Emily Stockman as a Wetland Biologist who works with many towns’ bylaws. DeFant suggested reaching out to MACC consultant Patrick Garner.

At 8:00 Public Hearing for NOI at Sawmill River Culvert Locks Pond Road/Town: A motion was made by Jaques to continue the hearing to the 9.24.20 meeting and was seconded by Cregan. Roll call vote: Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries. A site visit with Nitsch Engineering is scheduled for 9.11.20.

Possible Issuance of Order of Conditions for DEP #286-0279/Sawmill River Culvert: This item was postponed until the next meeting.

Old Peach Orchard CR monitoring visit: The monitoring visit will take place this Fall 2020. Both Dowling and Cregan have previous experience with CR monitoring visits.

New Commission Membership: Both Miriam DeFant and Mary David attended the meeting with an interest in furthering their application to join the Commission. They heard a description of the tasks and time commitment required of the Commission members. They were asked to send an email to the Commission after the meeting confirming that they were still interested in joining the Commission. A question was asked about Conservation Commission resources and the Commission suggested visiting the MA Association of Conservation Commissions website and reaching out to Mark Stinson, the DEP Western MA Circuit Rider.

Next meeting date: 9.24.20: 26 Lake Drive NOI for demolition/rebuild set for 7:15pm

At 8:23pm, Jaques moves and Harrington seconds a motion to adjourn the meeting. Roll call vote: Harrington: aye, Cregan: aye, and Jaques: aye; the motion carries.

Respectfully submitted,  
Tessa Dowling  
Land Use Clerk