

Shutesbury Conservation Commission**Minutes – May 14, 2026**

Approved – May 28, 2026

Virtual Meeting

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

Commissioners Absent: None

Other Staff Present: Matteo Pangallo (Land Use Clerk)

Others Present: Lynda Grybko, Rebecca Li, Tom Siefert, Miller Opie, Penny Jaques, Jenn Mikaelian, Dianne Adams, Gregg Adams, Alexandria Windcaller, Mary Lou Conca, Mary Anne Antonellis

Call to Order: 7:01pm

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

Comments from the Chair

Willson reports that at Town Meeting on Saturday the Commission's Community Preservation Act grant application for purchase of the Footit property was approved. She says that the Community Preservation Committee (CPC) will be issuing the Commission a grant agreement and Kestrel is in the process of buying the property before selling the portion to the Town.

Fox asks how the affordable housing portion of the parcel will work. Willson explains that the funding is for due diligence on a 2-acre portion of the land to see if it is suitable for development as a single-family residence. She explains that CPC member Rita Farrell is taking the lead on that part of the project. Fox asks who will move that part of the project forward. Willson believes the affordable housing portion of the project would be managed by the Select Board, working in collaboration with the Conservation Commission.

Willson recognizes Penny Jaques who asks if the trail repair CPA grant from last year could include trail development on the new parcel. Willson explains that the trail repair project is in the bidding process and so it could not be included. Kahan suggests there could be room to include blazing and management in the new parcel if the timing allows. He does not think there is much to do in the way of trail improvements on the new portion, though.

Review and vote on minutes of April 23, 2026

Motion to approve the minutes of April 23, 2026: Fox; second: Douglas. Vote: McDuffie - aye; Fox - aye; Douglas - aye; Kahan - aye; Willson - aye. The motion is approved unanimously.

Site Visits Update

Fox reports that the Commission visited properties on Lake Drive and South Laurel as well as the library. She notes the property on Lake Drive has not submitted an application and so there is no report. Willson explains the Lake Drive visit was in response to an inquiry about taking down trees and repairing a retaining wall. She says the South Laurel visit will be discussed during the hearing. She notes that the Town Administrator is looking to set up a site visit soon as well.

Land Management Update

Kahan reports the South Brook trail project was put out to bid but there were problems with the lowest bidder's documents and problems with the bid materials that prompted the Attorney General to require the project be re-bid. He notes the Land Use Clerk has revised and corrected the Invitation for Bids and it should be posted on Monday. He reports that he and Willson have already done the wetland delineations for the project and he is hopeful the work can start soon.

Public hearing for Notice of Intent for reconstruction of a single-family home and septic system with associated site improvements, portions of which are located within the Buffer Zone to Bordering Vegetated Wetlands, at 36 South Laurel Drive, Parcels A-41 and A-50 (DEP #286-0311)

Willson opens the public hearing at 7:16pm. Willson recognizes Rebecca Li who shares the plan for the proposed project and explains the project, which involves demolishing the current vacant, nonconforming house, which is situated within the setback area, and replacing it with a new house. The work is within the buffer zone of a wetland and the new house will be placed to be compliant with the Zoning Bylaw's setback requirements. There will be a new paved driveway, retaining wall, well, and septic system. She reports that the Board of Health has approved the septic system. She notes that no major concerns were raised during the site visit and the Massachusetts Department of Environmental Protection had no comments or concerns.

Willson notes that during the site visit they did ask how many trees would be removed and what the replacement planting plan would be. She asks for that information to be provided. She understands that the septic needs to be kept away from the well but asks if it can be moved out of the buffer zone. She also asks whether all the slopes are required in the buffer zone. She asks if the driveway could be gravel instead of paved.

Li answers that there are new proposed plantings along the southern and northern sides of the property. The removal of trees is to make the grading work out. She notes that the number of trees being removed would not fit on the site as replantings but they have put in as many as they

could fit given the development. Willson asks the number and size of the removed and replacement trees. Kahan notes that at the site visit there was an estimate of eight trees and they were going to be flagged after the site visit. Li will follow up her colleague on that.

Li answers that the location of the septic system is constrained by the setbacks and the as-built conditions. She notes that they are already seeking a variance for the distance between the septic and the well because they are quite close already. It might be able to shift a foot or two, but a portion of the septic will still end up within the buffer zone.

Li answers that paving the driveway is because of the steep slope and because gravel would become displaced or rutted given the gradation. She notes also that the septic system needs to go under the driveway, so paving would help protect its integrity.

Li answers that some level of regrading is needed on the site, though the retaining wall is intended to help hold back some of the sloped land. She says that during the construction they can add additional erosion control measures in addition to the silt fence. Willson notes that with exposed sediment in the work area and given the slope, a lot of soil could erode down to South Laurel Drive in the event of a rain storm. Li agrees and suggests they could create a wrapped 15-foot wide construction entrance at the bottom of the hill to catch sediment. Willson also recommends a trench as another temporary measure. Li also proposes adding a berm whenever the site is not being worked on.

Willson suggests two locations where smaller trees could be added to the plan. Li asks for species suggestions and Willson advises tree types that are already on the site, which is why she would like to see a list of the trees being removed.

Fox asks if the road condition can be noted before the project begins and that there be assurances the road will be restored to those conditions after the work is done. She points out that heavy equipment and erosion can damage the road and that, in turn, can lead to sediment flowing into the Lake. Willson agrees and thinks that should be included in the Order of Conditions.

Fox asks if the retaining wall will result in funneling additional water into the wetland area to the south of the property. Li notes that she believes that was considered in the design phase and she will check to make sure it has been taken into account.

Douglas asks Li to demonstrate on the plan where runoff water would leave the property. She shows where it would flow. He asks if it would flow onto the road. She answers that, except for water on the driveway, it would go over grass before reaching the road. Grybko notes they live on the road and share their neighbors interest in making sure the road is kept in good condition.

Douglas asks if the septic system is less than 35 feet from the wetland. Li answers it is 33.7 feet from the wetland.

Douglas asks if the lot is compliant with the Zoning Bylaw. Li answers it was previously nonconforming due to setback encroachments but the new house will be conforming. Douglas asks if the applicant has applied to the Zoning Board of Appeals and Li answers that because the project is making a nonconforming house into a conforming one, no variance or permit is required from the Zoning Board of Appeals. She indicates that they did confirm this with Paul Payer, the zoning enforcement coordinator, who noted they did not require a permit from the Zoning Board of Appeals. Douglas indicates that he is concerned about the likelihood of runoff to the road given the more than doubling of the impervious surfaces on the lot.

Willson notes that the western portion of the driveway is on Town property in the right-of-way and asks if the applicant needs permission from the Town to put a paved surface on that land. Li believes the paved driveway is permissible. She raises the possibility of narrowing the end of the driveway, but notes it needs to be kept at a certain width to be safely usable. Willson notes how the end of the driveway could be adjusted to minimize infiltration by using gravel instead of pavement where it meets the road and she points out the possibility of adding vegetation and trees on the sides of that driveway to slow runoff.

Fox notes that South Laurel Drive is privately owned and so the road and its rights-of-way are not owned by the Town or the Lake Wyola Association. She adds that it is important to maintain the width of the road and adding or removing trees could impact that. She asks if the applicant has consulted the Lake Wyola Stormwater Erosion Task Force report. Li says that she will reach out to the Town about that report.

Willson recognizes Grybko who answers that they want to maintain the forest feel of the lot and make sure the road is maintained as requested. He notes that their family is involved with maintaining the road already and adding gravel to it. He asks if pitching the driveway to the south might help reduce erosion. Willson notes that doing that would send the erosion into the adjacent wetland. Li states that having a gravel transition between the paved driveway and South Laurel Drive would probably be the most effective solution and would function like a level-spreader. She can add that to the plan for the site.

Lynda Grybko points out that there are lots of remaining trees that will be kept on the property so it will not be clear-cut. She notes the vegetation conditions and the retaining wall will help reduce runoff. She agrees that adding the gravel to the bottom of the driveway would also help.

Li notes that eight trees are being removed and there are five planned to be added back to the site. She notes that in addition to adding the small ones already discussed, more could be added to the family's adjacent property.

Willson recognizes Alexandria Windcaller, who identifies herself as the abutter to the south of the property. She describes her property and the project property as a transitional parcel between Ames Pond and the lake. She expresses concern about development uphill that will encourage increased drainage off the site. She notes that there are mitigations in place for runoff during construction but is concerned the new development will result in increased runoff into the Ames Brook wetland area and onto the road. She thinks the Commission should have better information about what drainage will look like when the work is completed.

Li responds that the retaining wall will have an outlet drain that would permit water to escape without being redirected. She agrees there will be some increased runoff due to the paving but they have discussed measures to minimize that. She notes again that the applicants live across the street from the parcel and have a personal interest themselves in making sure the runoff does not reach a level that would damage the road. She points out again that a gravel driveway could not be placed on top of the septic system as that would damage and undermine the system.

Windcaller asks if the size of the septic is based on the size of the new house. Li answers that it is based on Massachusetts regulations for the number of bedrooms. Lynda Grybko notes that they were required to build a three-bedroom-minimum septic system to comply with state law.

Willson recognizes Norene Pease who identifies herself as a South Laurel Drive resident. She is concerned about large equipment traveling on the small road, which has three berms on it, and about the resulting potential run-off from that travel wear. She asks about methods for preventing run-off as a result of large equipment damage to the road. Li notes the condition of documenting the as-is condition of South Laurel Drive and restoring the road after the work is done.

Willson recognizes Jenn Mikaelian who identifies herself as an abutter on South Laurel Drive. She expresses that she is happy a rehabilitated home will be on the parcel. She adds that she is also concerned, however, about the possibility of runoff and the integrity of the road. She hopes the Grybkos will work with their neighbors to make sure the road is maintained. Grybko notes that other than an excavator for the septic work, he expects most of the traffic will be contractors' pick-up trucks. He will be keeping an eye on the road, though, to ensure it is maintained during the work and after.

Willson recognizes Tom Siefert. He asks if the house will be a rental or short-term rental or how many vehicles or people will be associated with it. He asks if there will be a garage. He asks what the square footage of the house and driveway will be. He expresses concern about the

retaining wall causing some channeling of water into the wetlands and onto his property. He asks if the paved driveway could be lined with depressions or water gardens to capture water runoff. He expresses his concern about the road condition and thinks it should be a condition in the Order of Conditions. He asks if it was a reasonable option to keep the house as it was and if the driveway and tree removal was necessary. He asks for the list of trees being removed. He expresses surprise that there is a deck on the project. He asks what the variance for the well is and if it has been resolved. He asks for a copy of the email from Paul Payer indicating that the work can proceed in compliance with the Zoning Bylaw. He notes that GZA is doing a hydrology study of the Lake Wyola watershed and suggests communication with that study. He asks that neighbors be notified when people will be going on their land during the process.

Li answers that it will be a single-family home of 1,064 square feet. She notes the previous discussions during the hearing regarding water channeling mitigation and tree replacement. She answers that there will be a garage and it is within the footprint of the house on the plan. Li defers to the owners about sharing Payer's email because it is private correspondence.

Siefert asks the Commission to continue the hearing because he may have more questions.

Willson notes that the hearing will be continued to give the applicant time to respond to the Commission's requested revisions to the driveway, the tree removal list, the location and direction of drainage discharge, and the placement of swales. Li will have that information before the May 28 meeting and will arrange for another site visit before then.

Douglas asks if the Commission wants an engineering peer review of the runoff from the site. Willson indicates that she would rather see the revised plan before calling for that. Fox agrees that she would like to see the revised plans. She would like to see some plan for caring for the road. Willson adds that having a dry well might help.

Li will prepare all of that for the next meeting and accepts the continuance.

Motion to continue the public hearing to May 28, 2026: Fox; second: Douglas. Vote: Kahan - aye; Douglas - aye; Fox - aye; McDuffie - aye; Willson - aye. *The motion is approved unanimously.*

Report from Penny Jaques regarding status of revegetation at 66 Leverett Road (Parcel O-32)

Willson recognizes Penny Jaques who reports on a visit Fox and Willson did to the site a few weeks ago. Vegetation is starting to grow back but there is still work to be done. Jaques reports that construction was completed in December and much landscaping was done in October and

November. Half of the trees were planted at that time, on the west side of the site. Additional trees and shrubs have gone in at the front of the building, along the road and drive, and on the east side, but there is still much planting to be done in the spring. The Order of Conditions was issued in February 2024 so everything must be in the ground by the end of this growing season.

Willson reports that they saw where some of the hydroseeding is coming in but some of it needs to be reseeded. They saw the outfall for one of the basins needed to be vacuumed of sediment. The tree plantings looked good and the matting is stabilizing soil as intended.

Jaques noted some concerns about the stormwater basin along Leverett Road and Willson explains that it appears to have lost some size and the berm at the end of it appears to have been damaged. Willson suggests that the basin be evaluated by the Commission to determine if the landscaper needs to come back to repair and restore it to its original size.

Jaques explains that the landscaper will be coming to the site to assess the viability of the woody vegetation from the fall. Jaques notes that some of the smaller shrubs were damaged by rodents and may need to be replaced. She adds that the hydroseeded areas are planted with nursery grass and now need to be seeded with low-grow meadow mix for the permanent vegetation.

Mary Anne Antonellis suggests a meeting before the landscapers come out to make sure they have a clear plan for what needs to be done.

Jaques reports on the meadow restoration included in the Notice of Intent and notes the report she sent the Commission earlier in the week. She met with a meadow consultant who recommended an annual mowing which she thinks should be in the fall. Willson agrees that the mowing should be in the fall, as does Kahan. Kahan asks for more detail about what a successful meadow would look like, including mitigating invasive species and an annual mowing plan. Jaques notes that the meadow specialists were especially concerned about maintaining a diverse mix of species in the field. She is not entirely sure about the best method for suppressing invasive species growth. Kahan suggests allowing for some adaptive management practices at this stage instead of fixing a prescribed mowing schedule. He suggests developing reasonable percentage goals for vegetation survival from year to year and notes that mowing is a disturbance that can benefit many meadow species. He thinks the plan is good but should state a goal to indicate what success will look like and that the idea of mowing in the fall should be advised but not required. Jaques will send Kahan the draft meadow plan for his feedback.

Jaques asks if the Commission is okay with the plan to mow in the spring this first year and start the seedlings free of competition with planting and cardboarding. Willson asks if this would just be in the buffer zone and Jaques answers it would also be in the wetland, particularly BVW-1.

Willson confirms that this restoration would be all wetland plants. Jaques answers that wetland plants will be put in the wetlands and transitional plants will be in the upland zones.

Jaques reviews the plan to mow as soon as the Highway Department can do it, to seed and cardboard, and to plant plugs in the fall. As many invasives will be removed by hand before fruits can form.

Willson recognizes Mary Lou Conca who asks about whether there will be privacy hedges for the abutter. Jaques answers that they are sourcing 41 trees and 71 shrubs to plant this year, including screening plants in the gap on the eastern property line, which is a priority location that she expects will be planted by late spring or early summer.

Motion to approve a one-time spring mowing of the library meadow and cardboarding this spring to prepare the soils for fall plantings: Kahan; second: Douglas. Vote: Fox - aye; McDuffie - aye; Kahan - aye; Douglas - aye; Willson - aye. *The motion is approved unanimously.*

Discussion of draft regulations for Shutesbury Conservation Areas

The discussion is tabled to the May 28, 2026 meeting. In anticipation of the discussion, Fox asks for a map of the Conservation Areas around Town. Pangallo will send the Commissioners the list and location of the Town's Conservation Areas.

Unanticipated Business

Fox asks for a site visit to review the sedimentation basin at the library. She also asks what trees were removed on the Eddy property and Willson answers that the work was done outside of the buffer zone and so not in the Commission's jurisdiction.

Adjournment

Motion to adjourn: Fox; second: McDuffie. Vote: McDuffie - aye; Douglas - aye; Kahan - aye; Fox - aye; Willson - aye. *The motion is approved unanimously.*

Adjourned: 9:00pm

List of Documents Used:

- Invitation for Bids for South Brook/Lake Wyola Conservation Area Trail Repair Project
- Notice of Intent for 36 South Laurel Drive, Parcels A-41 and A-50 (DEP #286-0311)
- Report on the condition of the meadow restoration at 66 Leverett Road
- Draft of Conservation Area regulations