

Shutesbury Conservation Commission

Minutes – June 11, 2026

Approved – June 25, 2026

Virtual Meeting

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

Commissioners Absent: None

Other Staff Present: None

Others Present: Rob Levesque, Lynda Grybko, Frank McGinn, Thomas Siefert, Jennifer Wallace, Lauren Grybko, Chad Grybko

Call to Order: 7:02pm

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

Comments from the Chair

Willson notes that the Assessor's Office received the request for the abutters list for the National Grid transmission line project, so that application should be coming soon.

Review and vote on minutes of May 28, 2026

Motion to approve the minutes of May 28, 2026: Fox; second: Kahan. Vote: McDuffie - aye; Fox - aye; Kahan - aye; Willson - aye. *The motion is approved unanimously.*

Site Visits Update

Willson notes that the Land Use Clerk scheduled a site visit to 230 Leverett Road but the owners did not confirm the date and time and so the visit did not take place.

Land Management Update

There is no land management update beyond the other items on the agenda.

Discuss and vote on ratification of Emergency Certification for hazard tree removal at 678 Pratt Corner Road

Willson shares the Emergency Certification and explains this is a reissue of an Emergency Certification issued in November last year. The applicant was unable to have the tree company complete the work in the winter because of the volume of snow and so he has asked for a reissue

of the Certification. She notes that the Commission did a site visit in October and saw seven trees that were threatening the house. She reviews the work that was allowed and conducted, including the planting of seven native trees to replace those being removed. The applicant was told that the Commission would do a follow-up site visit to see the new trees once they are planted.

Motion to ratify the Emergency Certification for 678 Pratt Corner Road: Fox; second: Douglas. Vote: Douglas - aye; McDuffie - aye; Fox - aye; Kahan - aye; Willson - aye. *The motion is approved unanimously.*

Discuss and vote on Administrative Approval Request/Small Project Permit for deck work at 8 Lake Drive (Parcel B-107)

Willson notes that she, Douglas, and Kahan did a site visit for this application this afternoon. Willson shares the application and explains that the project is to enclose a deck and replace its legs with helical piers.

Motion to issue an Administrative Approval/Small Project Permit for 8 Lake Drive: Douglas; second: McDuffie. Vote: Douglas - aye; McDuffie - aye; Fox - abstain; Kahan - aye; Willson - aye. *The motion is approved unanimously with one abstention.*

Douglas commends the applicant and engineer for using helical piers because they minimize ground disturbance by avoiding the need to dig near the lake.

Continuance of 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)

At 7:15pm, Willson re-opens the public hearing for DEP #286-0311. Willson recognizes Rob Levesque and notes that the Commission received the revised site plan at 2:30pm this afternoon. She notes that she explained to the applicant that this was too close to tonight's meeting to allow sufficient time for the Commission and public to review the revised plan, but she is willing to go over the revisions tonight and continue the hearing to the next meeting.

Levesque shares the revised plan and explains the changes that were made in response to the public comments and questions at the first part of the public hearing. He notes that the septic system has been approved by the Board of Health and the Building Inspector/Zoning Enforcement Officer has confirmed that there is no need to go before the Zoning Board of Appeals because the project meets all of the setback requirements in the Zoning Bylaw.

He notes that bituminous pavement has been added to the driveway up to the limit of the property line for managing water on the slope. He notes that drainage has been included behind the retaining wall behind the house also to manage groundwater flow. He reviews the outlet pipes, rain gardens, and plantings to help manage water coming off the site.

He reviews the silt fence placement around the limit of work to prevent the migration of materials into resource areas or their buffer zones. He notes that during a site visit with the Commission, his team counted trees and identified their species, and then used that information to prepare a one-to-one replacement plan within the work area to revegetate trees and shrubs wherever possible and safe. He notes that the revegetation table is now included on the plan. He agrees that they would be open to a condition regarding the final placement of those plants.

Willson thanks him for adding so much to address the Commission's concerns. She reviews a written public comment the Commission received shortly before the meeting and notes the author of the comment requested moving the septic even further from the wetland area. Levesque notes that under Title V, they need to place it with maximum feasible compliance away from the drinking water well. There are limited locations on a site such as this and he repeats that the Board of Health has approved the placement.

Willson would like to give Commissioners and the public time to review the new plans but she welcomes comments now as well.

Douglas is pleased with the placement of the sedimentation controls and the choice of plant species for revegetation. He asks if the lot was once two parcels and Levesque confirms it was previously two parcels held in common ownership.

Douglas asks who owns the land between the frontage side of the property and the road. Levesque explains that it is the privately-held South Laurel Drive Right-of-Way. Douglas points out that work done outside of the property owned by the applicant cannot be part of the application and he does not think the Commission could issue an Order of Conditions for such work without a signature from the owner or an appropriate easement to allow this type of construction. Willson notes that the applicants did look into this and recognizes Lynda Grybko, who states that there is an approximately eight-foot zone where their property ends and the travelled right-of-way begins. Grybko has reached out to the drive's owner, Priscilla Hagerty, and she shares the statement of permission Hagerty granted for work in the eight-foot zone. She notes also that they have a deeded right-of-way to cross the eight-foot zone.

Fox asks if Hagerty was informed about the work as an abutter and Grybko confirms that she did receive the notice as part of the abutters list.

Kahan asks where drainage is directed after it leaves the rain gardens. Levesque explains that there is permeable soil in the area so they expect that most flow will infiltrate into the ground. In larger rain events, it would likely continue to sheet flow as it did before the planned development, towards South Laurel Drive and the lake to the west and the wetlands to the west-southwest.

Kahan notes that half of the leach field is within the fifty-foot buffer zone to a resource area and asks if the applicant anticipates nitrogen and phosphorus from the field might enter the buffer zone and resource area. Levesque explains that the leach field is designed according to Title V's requirements for permeability and that the Board of Health did not signal concerns about nitrogen percolation from this design. Kahan points out that the Board of Health would be looking at it from the perspective of drinking water supply and human health but his concerns are with the health of the wetland and its buffer zone. Levesque notes that there is an impervious barrier in the septic design that would prevent horizontal migration of effluent from the system. He shares the septic plan for the project. He suggests that the barrier could be extended to the south further to protect more of the resource area. Kahan asks why the barrier was included in the plan and Levesque explains it was to comply with Title V's requirements for controls of breakout distances and that his company typically includes such protections as a precaution in all septic projects.

Willson recognizes Grybko who explains that when water comes down South Laurel Drive, it flows down the road, so it would flow away from the septic system and it turns before it reaches the wetland to the south of the property.

Levesque notes that curves and grass swales in the landscape profile are designed to direct water to the rain garden to absorb as much water as possible before directing excess to the road and thus away from the wetland to the south.

McDuffie asks if the driveway will be partially paved. Levesque answers that the lower part of the driveway would be gravel to the property line and then asphalt for the portion of the driveway over the septic system. He adds that the septic system will use H-20 loading pipes so they will not be crushed by vehicular traffic.

Willson recognizes Alexandria Windcaller who asks if this is being proposed to the Zoning Board of Appeals as a rebuild, reconstruction, or a new house. Levesque responds that the applicant is currently directing a request to the Conservation Commission regarding the conservation impact of the project but he is willing to respond about the Zoning Board of Appeals portion of the project if the Chair allows. He explains that the property is a pre-existing nonconforming lot and there are provisions in the Zoning Bylaw that allow for redevelopment of such a lot. He notes that the applicant has consulted with the Zoning Enforcement Officer who

makes determinations about what permit applications if any need to be filed. Windcaller asks if the Commission is aware whether this is a rebuild, reconstruction, or a new house. Levesque explains that this is considered a new house under the allowances for pre-existing nonconforming lots and that the question of zoning is not under the jurisdiction of the Conservation Commission. Willson agrees that the Commission is not concerned with whether the project is a new house or a rebuild, except for the issue of storm water management with new non-single family houses. Because this is a single-family house, it does not need to meet the Massachusetts Storm Water Standards.

Windcaller asks about the ownership of the adjacent parcel and whether, because it is owned by a trust rather than an individual, the person who gave permission for the work to be done on that property is authorized to do so. Grybko explains that Priscilla Hagerty receives the tax bill for the road and so is considered the spokesperson for the trust.

Willson suggests the applicants look into who the signatory for the trust is so that person can sign the appropriate page on the application and the Commission can issue the permit correctly.

Levesque agrees and wants to make sure that the application is procedurally correct. He notes that it might be necessary to re-notify abutters if there is a new parcel as a party to the application. Willson agrees and points out that because work is happening on part of the road, the road would be a parcel in the application and so its abutters would need to be notified.

The Chair recognizes Jennifer Wallace who asks about the rain gardens and notes that retention pools often regularly fill up and fail to function properly. Levesque notes that the gardens would function more as plunge pools than retention pools. He explains that they can develop a best practices operation and maintenance plan for the pools so the owners of the property would know how to care for them. He adds also that the applicant could sign an affidavit acknowledging that the maintenance would have to be done and that the operation and maintenance plan could be assigned to the property to carry on in perpetuity should the property change hands. Willson adds that the Commission could include such maintenance in its Order of Conditions.

The Chair recognizes Frank McGinn who notes that one of the French drains directs water onto his property to the north of the site and asks the reason and that it be directed south instead.. Levesque observes that the flow from that drain is designed to be low but that it can also be extended south instead.

Fox asks if the contour of the road will be changed by the project and if a condition can be included in the Order of Conditions that the road not be changed. Levesque answers that the project does not include plans to change South Laurel Drive's grade. Fox reminds Levesque that

the previous meeting they had discussed including a condition that the state of the road be documented before work begins and that the applicant be responsible for returning it to that condition following the construction. Levesque agrees it would be good practice to do that, though he notes that it might not be possible to include a condition that applies to an area falling outside the site of the Notice of Intent. Grybko notes that South Laurel Drive has existing grade issues affecting water flow and is able to accommodate trash trucks without being damaged, but she agrees that if the construction resulted in damage to the road they would repair it as well, noting that they need to use the road too. She points out the many times their family has helped the neighborhood by bringing in gravel to repair the road already.

Seeing no other public comments, Willson asks the applicant if they agree to continue the hearing until June 25 at 7:15pm and the Grybkos agree.

Motion to continue the 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), to June 25, 2026, at 7:15pm: McDuffie; second: Douglas. Vote: Vote: Douglas - aye; McDuffie - aye; Fox - aye; Kahan - aye; Willson - aye. *The motion is approved unanimously.*

Willson reviews what the Commission and the applicants agreed to during today's discussion and notes that the revised plan will be available on the Commission website for public review prior to the return to public hearing. Grybko notes that on the Town's GIS map, Priscilla Hagerty is listed as the owner of the parcel along the road, as the attorneys who did the title search found, and she will send that information to Levesque. She points out that Hagerty was on the abutter's list.

Douglas notes that state law requires that work done on someone else's property under a Notice of Intent requires a signature from that property owner indicating their permission. Levesque agrees.

Opening of bids for South Brook/Lake Wyola Conservation Area Trail Repair Project

Kahan reviews the history of the first round of bidding and reports that the Commission received two bids in the second round. Upon opening the bids, one was from Saldino Property for \$66,356 and one was from Terramor for \$62,330. Both are under the project budget provided by the Community Preservation Act grant. His next step will be to contact the winning bidder's references and review their documents to ensure they fully comply with the requirements of the Invitation for Bids. They can then issue the contract and conduct an initial site visit with the winning bidder.

Willson asks about the timing of the project now. Kahan explains that the Commission can complete doing the wetland delineations now so the design phase can begin as soon as possible, and he expects the full project to be done within the year.

Discussion of draft regulations for Conservation Commission administered lands

Kahan reviews the draft regulations and explains the sections where he made revisions reflecting the questions and suggestions that Commissioners raised at the previous meeting regarding permitted uses and types of recreations, including snowmobiles, prohibited uses, such as camping except as authorized by Conservation Commission permit, protection of resources, including historical, archaeological, and cultural resources, broadening the prohibition on leaving items without permission to cover all Conservation Commission administered lands, and including provisions limiting access only from dawn to dusk and requiring dogs to be under control of their owners and that owners clean up after them.

Kahan notes that his next step will be to share the draft regulations with Town Counsel and the Chief of Police to get their comments on them before holding a public hearing.

Unanticipated Business

Willson shares that the Town's Administrative Assistant emailed about a new iteration of the Lake Wyola Advisory Committee which will include a representative from the Commission. She asks if there is anyone who would be interested in serving in that role.

Douglas notes that he served as the Commission's representative on the previous version of that Committee and would be willing to continue in that role. He notes that in addition to some changes to the membership composition, the Select Board's decision is to make the Committee a permanent body rather than ad-hoc, as the previous one was.

Willson agrees that Douglas should simply continue in his role as the Commission's representative to the Committee and she will forward him the information from the Administrative Assistant. Douglas asks if anyone else would be interested in the role and nobody volunteers.

Motion to name Bob Douglas as the Conservation Commission's liaison to the newly formed Lake Wyola Advisory Committee: Fox; second: McDuffie. Vote: Kahan - aye; Fox - aye; McDuffie - aye; Douglas - aye; Willson - aye. The motion is approved unanimously.

Adjournment

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

Adjourned: 8:31pm

List of Documents Used:

- Bid submissions for the South Brook/Lake Wyola Conservation Area Trail Repair Project
- Emergency Certification for hazard tree removal at 678 Pratt Corner Road
- Administrative Approval Request/Small Project Permit application for deck work at 8 Lake Drive (Parcel B-107)
- Revised plan 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)
- Written public comment in regard to 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)
- Email regarding right-of-way at South Laurel Drive relative to DEP #286-0311
- Draft of Conservation Area regulations