

Shutesbury Conservation Commission

Minutes – June 25, 2026

Approved – July 9, 2026

Virtual Meeting

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

Commissioners Absent: None

Other Staff Present: Matteo Pangallo (Land Use Clerk)

Others Present: Ria Windcaller, Frank McGinn, Diane Adams, Gregg Adams, Lynda Grybko, Rob Levesque, Lauren Grybko, Chad Grybko

Call to Order: 7:02pm

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

Comments from the Chair

There are no comments from the Chair.

Review and vote on minutes of June 11, 2026

Motion to approve: Douglas; second: McDuffie. Douglas - aye; McDuffie - aye; Kahan - aye; Willson - aye. The motion is approved unanimously.

Site Visits Update

There were no site visits since the previous meeting. The Land Use Clerk will follow-up again with the owner of the property on Leverett Road who has been seeking a site visit.

Land Management Update

Kahan reports that the winning bidder of the South Brook project has been notified and Pangallo notes the signed contract is on its way back to the Commission. Kahan will connect with Terramor once the contract is returned and signed by the Town Administrator.

Pangallo reports that the draft of the Conservation Area regulations has been sent to the Chief of Police and Town Counsel for review and he expects their response in early July.

Willson reports that there is a question about the well at the Footit property and she expects that to be resolved by the fall for purchase with the CPA funding.

Douglas reports that he is still in the process of getting sworn in as the Commission's representative to the Lake Wyola Advisory Committee and he will be getting an update from the stormwater erosion group soon.

Willson will be renewing her appointment to the Conservation Commission and Kahan will be the new Commission member on the Community Preservation Committee.

Willson provides an update on the work being done under culvert assessment grant. Shutesbury will be evaluated after Pelham and Hadley are completed. Willson will be looking to promote public awareness of the culvert assessment. McDuffie recommends using the community room at the new library. Willson agrees and suggests doing a public talk about culverts. Pangallo notes that the Special Town Meeting in September might be a good opportunity to share information.

Continuance of public hearing for Notice of Intent (NOI) 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 the Commission has received an updated plan for the NOI.

Levesque shares the plan and describes the changes made in response to comments, questions, and concerns from members of the public and members of the Commission at the previous hearing. He notes that the proposed plan now should fall under the exemptions for abutter notifications issues allowed under law. All work is now within the limit of work for the subject property. He also reviews the long-term operations and maintenance agreement for the property.

Willson asks how deep the rain gardens are. Levesque answers that they are between 1.5 to 2 feet deep depending on their location. Willson notes that there needs to be a base of rock to keep the soil from flowing away. Levesque agrees and explains that the stone used is chosen to prevent the migration of material on the slope.

Kahan asks if there has been any change made to further protect the wetland to the south from the septic system. Levesque explains that the impervious barrier is not shown on the plan because it would work best as a condition of the Commission's permit so it could then be presented as such to the Board of Health. He fully expects such a change to be part of the work.

Douglas asks to confirm if any other permits have been applied for, including the curb cut. Levesque indicates that he has not looked into the curb cut but he points out that the driveway plan uses an existing cut. He notes there are no concerns regarding zoning and Board of Health.

Douglas asks to confirm that the end of the driveway is on the South Laurel Drive right-of-way. Levesque confirms that. Douglas asks if the rain garden, the pervious surfaces, and the slopes are sufficient to keep material from being moved downhill and down the road in a storm event. Levesque confirms that and he notes that their primary concern is during construction so that silt fences provide good protection against soil migration while the soil is exposed. He notes that once everything is seeded, turfed, and established, with the new trees and shrubs and rain gardens, providing a sufficient protection against sheet flow.

Willson welcomes comments from the public and recognizes Tom Siefert. Siefert asks if there was sufficient time for the public to review the revised plan since it was posted the day before. Willson notes that the 48 hour notice requirement is for agendas, not for applications, and the changes in the plan do not constitute a new plan, merely a revision to an existing plan.

Siefert asks whether the exemption mentioned is for roads, ways, or some other category. Willson shares the text of the relevant section of the Wetlands Protection Act and reviews the exemption categories, including for existing driveways.

Siefert suggests there is not an existing driveway at that location and so the exemption would not apply. Levesque shares the plan of the property and explains that the single family home on the site currently does have legal access and that the driveway is on the same location across the right-of-way as the one in the proposed plan. Siefert thinks the existing driveway is further to the south of the one shown on the plan. Levesque maintains that the access shown on the plan is the existing access and it is up to the Commission to make that determination. Siefert claims that driveways fall within the Planning Board's purview under zoning law but Levesque notes that under the Notice of Intent process only the Conservation Commission has authority.

Siefert asks if there will be tree-cutting in the road and Levesque says there will be pruning and there will be one tree of approximately 12-inch caliper in the driveway path. He notes the driveway could be adjusted around the tree if the Commission required.

Siefert asks why the owner of South Laurel Drive and the Highway Department are not being required to approve of this plan. Levesque notes this permit is legally only within the Conservation Commission's purview.

Siefert asks how the work in the 8-foot strip not owned by the applicant is being addressed and Levesque notes that the owner of that strip had provided permission for the work. Willson

recognizes Lynda Grybko who notes that written permission from that owner was obtained and the Grybkos own a deeded right-of-way over that 8-foot strip. They do not need permission to access a deeded right-of-way.

Siefert asks if the zoning enforcement officer has approved the work and Levesque indicates that they have obtained permission from the officer. Siefert states that he received communication from the zoning enforcement officer to the contrary and he filed a records request for the relevant information. Siefert suggests the applicants need permission from the Zoning Board of Appeals. Lauren Grybko notes that the Notice of Intent is a question for the Conservation Commission, not the Zoning Board of Appeals and Levesque adds that if the applicant required a permit from the Zoning Board of Appeals that would be a separate process. Willson states that the Commission would include a condition requiring all necessary permission for zoning purposes.

Siefert asks who would be liable if there were damage to abutting property from the septic system. Levesque reviews the system and notes that in the event of a system failure the owner would be liable, unless it were a design or construction flaw in which case it would be the contractor's responsibility.

Siefert asks about moving the well and septic system placement. Levesque reviews the groundwater separate requirements imposed by the Board of Health and explains that this plan has already obtained maximum feasible compliance for a septic system. Siefert asks if the Commission might retain a third party review of the placement. Willson notes that under the statute, the Commission does not have much authority to overrule the Board of Health. She notes that even though it appears there is a lot of space to the north of the property, under Title V there is not really another place for the system.

Siefert asks under what conditions the Commission can require a third party review of a septic design. Willson shares the Shutesbury General Wetland Bylaw Regulations and reviews section 9.3.2. She points out the addition of the permeable wall to protect the wetland. She notes that if the Commission questions the Board of Health's decision regarding the placement of the septic, they can require the applicant to retain a third party to review the decision. She adds that the Commission's concern is with the wetland and not with the abutting property. Fox asks if the Order of Conditions could include a pump-out every two years. Levesque points out that the system being used should be pumped every two years but the concern seems to be about effluent present at all times. Grybko notes that they have the tank pumped every other year.

McDuffie asks if there has been a precedent for testing of nitrogen in years down the line. Willson does not recall the Commission ever requiring testing downstream of septic systems.

Willson recognizes Ria Windcaller and she notes that at one point in the past the whole front of the property was used as a driveway at one point.

Douglas responds to McDuffie and notes that at times septic systems fail but it is usually the Board of Health that responds and handles remediation requirements.

Willson recognizes Frank McGinn who explains that his concern is with the environment but that he appreciates that the Grybkos' project is going to increase the property value of their property.

Fox reiterates that the Order of Conditions include a requirement that the road be restored to its existing state after the construction is complete. Lynda Grybko responds that their family has paid to repair the grade of the road and fill in ditches, and they too want to maintain the road in a usable condition.

At 7:10pm, seeing no other public or Commissioner comments or questions, Wilson proposes closing the public hearing.

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

Discussion of draft regulations for Conservation Commission administered lands

Willson notes that until the Chief of Police and Town Counsel provide feedback, there is nothing further to do on the draft regulations.

Unanticipated Business

Douglas commends Kahan and everyone involved with the South Brook/Lake Wyola trail improvement project. Willson expresses that she is looking forward to Terramor's work and that they were the company that did the trail and boardwalk repairs at Bright Water Bog. Kahan notes that he and Willson have done some of the wetland delineation and the Commission will have more work to do with blazing and structure painting. He adds that the Commission also has to work with the Highway Department on signage. Pangallo notes that some existing blazes will have to be removed or obscured since a few of the trails will be rerouted.

Adjournment

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

Adjourned: 8:18pm

List of Documents Used:

- 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)
- Letter to Conservation Commission of June 22, 2026, from R. Levesque, regarding exemptions to MGL c. 131, s. 40.