

Shutesbury Conservation Commission Meeting Minutes  
January 14, 2021 Virtual Meeting Platform

Conservation Commissioners present: Liam Cregan/Chair, Robin Harrington, Miriam DeFant, and, Mary David

Staff present: Tessa Dowling/ Land Use Clerk

Guests: Janice Stone, Maria Firstenberg, Don Wakoluk, Barbara Bigelow, Julia Connor, Michael Shersnow, Phil Parker, Henry Geddes, Sandford Lewis, Joseph Salvador

Cregan calls the meeting to order at 7:08pm.

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

- At 7:16pm, David moves and Cregan seconds a motion to approve the 12.10.20 meeting minutes with the following edits:
  - page 2: change “that contact information” to “the contact information”
  - page 3: add comment made by Stone in reference to the Lot H-151 ANRAD that there may be a vernal pool on the property
  - page 3: add comment that DeFant is interested in seeing a map with hydrologic connections
  - page 3: correct Stockman comment to say that delineating late in the growing season and during a drought has a significant impact on how the landscape is read.Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

31 Lakeview Rd Tree Cutting

Cregan met with the landowner of 31 Lakeview Rd, Joe Salvador, to view the area where trees were cut within 200 ft of the Sawmill River. The Wetland Protection Act protects a 200ft buffer, designated as riverfront area, around rivers and streams. Work in the riverfront area requires permitting by the Conservation Commission. Salvador used erosion control measures to protect the river when the trees were cut but did not obtain a permit. The stumps were left in the ground, which the Commission recommends to prevent erosion.

Cregan screen-shares photos taken of the area where the trees were cut.

A Department of Environmental Protection Wetland Protection Act form 9 “Enforcement Order” is issued to require restoration for the trees that were cut.

Salvador requests time design the restoration plan because he is planning to install a new septic system on his property and is waiting learn from the Perc tests where the septic system will be located. It would not make sense to plant vegetation as riverfront mitigation and then have to remove it for the septic system.

Per Wakoluk, Shutesbury’s Tree Warden, two of the trees were taken down by the highway department for safety reasons. The trees were of good size.

Wakoluk asks Salvador if the disturbed area was seeded or mulched.

Per Salvador, the area was not seeded but the wood chips from the tree cutting were left in place as mulch. The bank was not disturbed.

Per Salvador, the cottage on the property may need to be taken down and be replaced with a structure on piers that minimizes the amount of ground disturbance.

DeFant asks what type of foundation the cottage has.

Per Salvador, part stone and part poured cement.

Stone suggests Salvador look into whether the property is in the 100-year floodplain by looking at FEMA maps.

Salvador agrees to close any gaps in the haybales until the disturbed area has revegetated. Per Wakoluk, grass reseeding could be done in March or April.

Dowling screen shares the Enforcement Order and the Commission reviews the information and language in the form.

- At 7:46pm, Cregan moves and David seconds a motion to issue the Enforcement Order for 31 Lakeview Rd with a restoration plan from the landowners due to the Commission by April 8, 2021 with the understanding that the plan may need to change depending on the new septic system project. Salvador can reach out the Commission before April 8<sup>th</sup> to request help or input on the restoration plan. Roll call vote: DeFant: aye, David: aye, Harrington: aye, and Cregan: aye; the motion carries.

#### Continue Public Hearing for ANRAD at ZW-6 (Pratt Corner Road West)

At 7:49pm, Cregan opens the continued hearing for ANRAD at lot ZW-6.

Per Firstenberg, TRC has updated the December 24, 2020 map with corrections to the map legend.

Cregan asks the Commission if they have had the chance to review the updated maps

Commission members agree that they have reviewed the latest map revisions.

Per Stone, the project findings should list and approve the specific flags in the delineation.

Per Firstenberg, Mark Stinson attended the last meeting and approved the findings as they were written.

Dowling screen shares the project findings and the Order of Resource Area Delineation (ORAD), the Department of Environmental Protection Wetland Protection Act form 4B, which is the permit that is issued in response to an ANRAD.

- At 7:52pm, David moves and Cregan seconds a motion to accept the updated maps and approve the ORAD and findings for ZW-6 (Pratt Corner West). Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

#### 3 Shore Drive Tree Cutting

Questions had been raised on whether the Commission had visited and approved the tree cutting at 3 Shore Dr. To clarify the situation, Dowling located the site visit form for 3 Shore Drive. The property was visited on September 24, 2020 and permission was granted for the trees to be cut as long as the roots were kept in place to prevent erosion.

#### Continue Public Hearing for ANRAD at ZD-37 (Montague/Carver)

At 8:01pm, Cregan opens the continued hearing for ANRAD at lot ZD-37.

Per Firstenberg, the hearing will need to be continued as the area under review has been expanded and TRC needs to get the updated site maps to Emily Stockman for peer-review.

- At 8:07pm, Cregan moves and Harrington seconds a motion to continue the hearing for ANRAD at ZD-37 (Montague/Carver) to the April 8, 2021 Conservation Commission meeting at 8pm. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

#### South Brook Mountain Biking Trails

Phil Parker has submitted a project to the Community Preservation Committee to create a single-track mountain biking trail at South Brook Conservation Area. The project would include signage on the purpose of the trail. The Committee asked that he receive permission from the Conservation Commission. Per Parker, a mountain biking trail at South Brook would increase safety as bikers are currently traveling at faster speeds than hikers and it would be more enjoyable for bikers as they prefer a trail that zig-zags over the terrain. The trail would be maintained with hand tools, possibly by a town mountain biking club. Parker has experience building mountain bike trails at ski areas.

Parker does not have a map of the trail he would like to build. There are no trail maps for the property, but Penny Jaques has submitted a project to the Committee that would map the trails and evaluate whether trails should be rerouted due to wetland impacts and what activities should be allowed on each trail.

The Commission recommends looking at the wetlands on the property using Mass GIS OLIVER, a state on-line map with Department of Environmental Protection wetlands. Dowling will send Parker the link to the website. Per Stone, there are wetlands on the property that are not mapped on OLIVER.

The Commission is not opposed to the project, but would like to know where it would go in relation to the other trails and the wetlands on the property. Also, work in wetlands would require a Notice of Intent or a Request for Determination of Applicability.

As next steps, the Commission recommended using a free smart phone app, such as Gaia, to map the potential mountain bike trail and flag it so the Commission can walk the trail with Parker.

#### Lot H-151 ANRAD peer-review proposal

The Commission is still pursuing peer-review options for the Lot H-151 ANRAD and will review proposals at a future meeting.

#### Leverett West and Pratt Corner South ANRAD peer-review proposals

The Commission has received peer-review proposal from Emily Stockman, Stockman Associates, LLC.

- At 8:38pm, DeFant moves and Harrington seconds a motion to accept the Leverett West ANRAD peer-review proposal for \$2250. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.
- At 8:40pm, Cregan moves and Harrington seconds a motion to accept the Pratt Corner South ANRAD for \$3500. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

The Commission, Stockman, and Firstenberg will be in touch with each other to decide when to start the peer-review site visits to the two properties, which will be based on the weather and the amount of snow on the ground.

#### Commission Vacancy

There is currently one vacancy available on the Commission as town bylaw sets the number of members at five. There are currently four applicants for the position.

DeFant recommends that the Commission asks the applicants to attend at least three meetings and expresses support for Wakoluk's application due to experience with wetland and soil science and his previous experience on the Commission.

If not appointed, Wakoluk suggests he could serve in an advisory capacity since he is also the Town's Tree Warden.

Cregan supports the idea of having applicants attend multiple meetings.

Cregan outlines what it means to be a Commission member including the importance of objectivity and upholding the Wetlands Protection Act and Town wetland bylaws. There are generally one to two meetings a month and members also gone on site visits in connection to RDA and NOI applications.

Per Dowling, generally the Commission has two meetings a month from March to October.

Per David, as a new member I have enjoyed learning about and giving back to the community.

The Commission asks potential members Bigelow and Shersnow to introduce themselves.

Bigelow has volunteered with the Native Plant Trust preserving native plants, but is less familiar with wetland plants. She has started reading books about wetland protection. She is very interested but does not have a background in local or state regulations.

Per Cregan, it is not required that an applicant have a regulations background.

Shersnow is a pastry chef at the Greenfield Market who enjoys spending time outdoors and wants to give back to the community and help preserve wetlands.

Shersnow asks what the time commitment is for site visits.

Per Cregan, it depends on the number of applications. Only two members are asked to be at each site visit so not everyone has to go. Less than an hour a week of time.

Bigelow asks if this was a typical meeting.

Per Cregan, typical of recent meetings. The ANRADs have kept the Commission busy.

Per Harrington, when first joined in 2019 meetings were an hour long, with the ANRADs they are now two to three hours.

Per DeFant, the ANRADs are complex. Cowls is likely preparing for development of commercial solar projects and could be submitting NOIs after the ANRADs.

Per Dowling, there will likely be at least one NOI where the solar project would like to cross a stream.

Cregan asks for other questions from the potential members.

Shersnow asks what is the hard part of being on the Commission? What is the most satisfying part?

Per Members, the hardest part is learning the laws and regulations. The most satisfying part is meeting community members on site visits, protecting the wetlands, and educating others.

Cregan thanks the potential members and invites them to attend the next meeting.

#### All Boards Meeting

Per Dowling, an All Boards Meeting is coming up and someone from the Commission should attend to give a very short overview of current Commission business.

Wakoluk recommends that Cregan go to introduce himself as the new Chair to the other Boards.

Per Stone, the summary of Commission business is very short and what is most important are addressing ANRAD questions.

Cregan agrees to be the Commission representative at the meeting.

#### Inventory of Historic Trees in Town

DeFant introduces this agenda item as she is also a member of the Historical Commission.

The Historical Commission would like to work with the Tree Warden, Wakoluk, and the Conservation Commission to survey historic trees that should be protected. The trees could be mapped if the town was able to purchase an ESRI ArcGIS license. DeFant has researched the cost of a license and found that a non-profit license is \$500/year. The license could possibly be purchased jointly but multiple town boards. Wakoluk says the Tree Warden also has some money.

#### Kestrel Land Trust Survey

The Kestrel survey will be addressed at a future meeting.

#### Draft General Wetlands Bylaw

Stone, who was involved in writing the original town wetland bylaw reviewed the proposed changes to the bylaw. She feels there is a lot of work to do on the draft of the new bylaw and does not think it is close to being ready for town meeting. There is a concern if the Commission brings the bylaw to town meeting that areas of the bylaw that the Commission does not want changed could be challenged by residents. Stone recommends seeing if the changes that the Commission wants to see can be completed by changing town wetland regulations.

The Commission decides to hold a special bylaw discussion meeting on February 4, 2021 at 7pm.

Dowling will forward Stone's written comments concerning the wetland bylaw draft to all Commission members.

#### Commission Tree Cutting Policy

The Commission could submit an article educating the Shutesbury Community of when they need to get in touch with the Commission when cutting down trees to the Town newsletter. The deadline to submit an article is January 29, 2021.

The Commission nominated Cregan to write the article if he has time before the deadline.

Stone recommends asking Penny Jaques, the previous Commission Chair, to review the article before submitting it to the newsletter.

#### Site Visit Scheduling

The Commission schedules a site visit to 16 Wyola Drive (A house rebuild RDA project in the buffer Zone) on February 6, 2021 at 10am.

#### Commission Email addresses

Per Dowling, the Town Clerk recommends that all Commission members start using a separate email account for Commission business. Having a separate account makes it easier to locate emails if there is a public request for those emails.

Dowling will check with the Town Clerk to see if there are town emails available or if Commission members would need to use a free email account system like Gmail to create their personal Commission email address.

- At 9:42pm, Cregan moves and David seconds a motion to adjourn the meeting. Roll call vote: DeFant: aye, David: aye, Harrington: aye, and Cregan: aye; the motion carries.

Respectfully submitted,  
Tessa Dowling  
Land Use Clerk