

Shutesbury Conservation Commission Meeting Minutes
February 15, 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: Don Wakoluk, Jamie and Karen Burns, Mike Petrin, Matt Borowiec, Maria Firstenberg, Alan Weiss, Stephen Dallmus

Cregan calls the meeting to order at 7:02pm.

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

Meeting Minutes

Review of meeting minutes is moved to next month.

Site Visit Follow-up and Scheduling

There were no site visits since the last meeting and no new projects have come in.

All Boards' Meeting

The All Boards' Meeting will be on February 16, 2021. Cregan will send the meeting link to the other Commission members.

Kestrel Land Trust Survey

The Commission has not answered the survey yet.

Cregan asks the Commission to read questions and he will gather everyone's opinions.

Commission Vacancy

Per Cregan, a decision on who the Commission will recommend to the Select Board to fill the vacancy will be made in March.

DeFant supports Wakoluk's appointment.

Per Cregan, Wakoluk has attended more meetings.

Per Wakoluk, I could serve as an associate member to give an opportunity for other people to serve on the Commission.

Public Hearing 58 Lake Dr/Burns RDA

At 7:16pm, Cregan opens the hearing for the septic system replacement RDA at 58 Lake Dr. The landowners and Alan Weiss are here to discuss the project.

Per Weiss, the project tried to keep as far out of resource areas as possible and erosion control measures will be put in place to protect Lake Wyola.

David asks what happens the current septic tank is crushed.

Per Weiss, the tank is first pumped, then crushed, and filled with inert title 5 sand so there is no sink hole. There is minimal soil disturbance. The project will likely not start until summer.

Cregan asks about the new septic system.

Per Weiss, the new system is further from the lake and the well.

DeFant asks what happens during a power outage.

Per Weiss, the well goes out with the septic system so the water flow would also likely go down.

Furthermore, the new tank holds 2 days-worth of flow.

- At 7:23pm, Cregan moves and Harrington seconds a motion to close the public hearing for the RDA at 58 Lake Dr. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Dowling will mail out the Determination within the next couple of days.

The Commission reviews general RDA special conditions screen shared by Cregan, which discuss construct debris, erosion control, and revegetation requirements.

Wakoluk recommends asking that the area is covered with blown straw until the grass regrows due to the steep slope towards the lake.

Public Hearing 16 Wyola Dr/ Borowiec RDA

At 7:30pm, Cregan opens the hearing for the house rebuild and septic system replacement RDA at 16 Wyola Dr.

Petrin screen shares the site plan.

Per Petrin, the project design engineer and representative, the project proposes to rebuild a single-family home. The house will be built on helical piers which will not require heavy excavation. The largest excavation will be part of the new septic system tight tank. The temporary erosion control is 15 feet from the bank of the lake. There will be a two-car parking area made of permeable crushed stone. The trees that will be cut down will be replaced with maple trees and blueberry bushes. Disturbed areas will be reseeded with grass.

DeFant asks about whether the dock will be replaced.

Per Petrin, the dock was there when the property was purchased. Replacing the dock is not part of the current project. It would require applying to the state for a Chapter 91 permit.

Cregan asks whether the pine tree stumps will be left in place to minimize erosion.

Per Petrin and Borowiec, the stumps will be ground down to compost in the earth and the area will be seeded with grass. The vegetation along the bank may be trimmed but will be maintained to prevent bank erosion.

Dowling asks what the fill will be used.

Per Petrin and Borowiec, the helical piers create a space between the ground and the house. Fabric matting will go down and crushed stone on top on that.

Cregan and Harrington visited the site and saw little concern of run off or erosion because the site is flat.

Petrin asks about what type of erosion control the Commission prefers.

Per Cregan, the Commission generally prefers silt socks. The clean-up is easier.

- At 7:42pm, DeFant moves and David seconds a motion to close the public hearing for the RDA at 16 Wyola Dr. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Public Hearing 48 Lake Dr/Dallmus NOI

At 8:01pm, Cregan opens the public hearing for the retaining wall repair and replacement at 48 Lake Dr.

The landowner, Stephen Dallmus and the wetland biologist Ward Smith are here to discuss the project.

Per Smith, the project proposes to replace 25 linear feet of wall along the bank of Lake Wyola. The current wall which is falling apart is made of pressure treated wood. The wall would be replaced with stone no closer to the lake than present conditions. Silt socks will be used for erosion control. And the project will occur during the lake drawdown.

DeFant asks about the height of the stone wall.

Per Dallmus, 2 – 2.5 ft. approximately. The slope comes down to meet the wall.

Per Cregan, the current bank is being undercut. Was the area replanted with blueberry bushes?

Per Dallmus, the blueberry bushes are naturally occurring.

Cregan asks about the dock on the property.

Per Ward, the dock is not part of the current project. DEP would need to reach out if the Chapter 91 license has expired. The purpose of this project is to stabilize the bank that has already been modified. The project meets performance standards.

Cregan raises as concern that if the water level rose quickly the erosion control could be moved.

Per Dallmus, the lake gate keeper keeps a close eye on the water level. It generally does not go up and down much.

Cregan asks how long the project would take.

Per Dallmus, the project could proceed in stages. In a long weekend the base layer could go down so the bank is protected. The silt socks could be removed if there were high water levels and then put back when work commenced. The worst case scenario would be to wait until the autumn lake drawdown.

Per Harrington, the current wall is collapsing so it is good to address the issue.

Per Dallmus, the of the wood has arsenic content so I get rid of it.

Cregan asks for public comments and there are none.

- At 8:14pm, Cregan moves and Harrington seconds a motion to close the hearing for the NOI at 48 Lake Dr. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Permits with Special Conditions

Dowling screen shares drafted RDA form for 58 Lake Dr. and special conditions.

The Commission decides a site visit to view erosion control is not needed.

- At 7:54pm, Cregan moves and Harrington seconds a motion to issue the RDA at 58 Lake Dr. with the approved special conditions. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Dowling screen shares drafted RDA form for 16 Wyola Dr. and special conditions.

The Commission decides to have one site visit post-construction.

- At 8:23pm, Cregan moves and Harrington seconds a motion to issue the RDA at 16 Wyola Dr. with the approved special conditions. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Dowling screen shares drafted Order of Conditions (OOC) form for 48 Lake Dr. and special conditions.

The Commission discusses what to require in terms of the project timeline and the lake drawdown.

They decide to require that if the project is started during the winter drawdown that the base layer of stones is put in place before the lake refills.

Per Dowling, the lake memorandum of understanding places the start of the lake refill around April 1st.

- At 8:57pm, Cregan moves and Harrington seconds a motion to accept the OOC with the approved special conditions. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Commission member roles and Annual Report

These items are moved to a future meeting.

Items not anticipated by the Commission

- Per DeFant, the Planning Board and the Select Board are meeting with Amp Solar representatives on February 25, 2021 at 5:30pm. The Planning Board will see the solar projects even if the

project does not require a Notice of Intent. The Commission can give the Planning Board guidance or recommended conditions if there is no NOI.

DeFant will be attending to represent the Historic Commission and could also represent the Conservation Commission.

- DeFant raises the idea of creating ANRAD policies based on recommendations from Stockman concerning refreshing flags and submitting updated forms/data sheets that was mentioned at the last meeting. The Commission discusses how these policies would fit into the ANRAD review process. Depending on the peer-review visits the changes to the numbered flags could be minor or complex. If the changes are complex, such as when wetlands are combined into one larger wetland system, the ORAD could include a finding that requires flags to be refreshed before a construction project. Having clear policies would allow applicants to know what was required at the beginning of a project. DeFant will draft language for the ANRAD policies that the Commission can review at a future meeting.
- At 9:19pm, Cregan moves and Harrington seconds a motion to adjourn the meeting. Roll call vote: DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries. David had to leave early.

Respectfully submitted,
Tessa Dowling
Land Use Clerk