

Shutesbury Conservation Commission Meeting Minutes
March 11, 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: Maria Firstenberg, Don Wakoluk, Joseph Salvador, Janice Stone, Ashleigh Pyecroft, Robert Seletsky, Meaghen and Steve Mikolajczuk, Alan Weiss, Mark Johnson

Cregan calls the meeting to order at 7:00pm.

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 the March 25th meeting.

Site Visit Scheduling

- Leverett West and Pratt South ANRADs: Cregan and David will visit the new ANRAD sites when Stockman starts the peer review process. Stockman and Firstenberg will be in touch with the Commission to learn when the snow has melted enough to start the review as neither of them live in Shutesbury. Firstenberg mentions that if the entire Commission wants to visit one of the sites it can be a separate visit from the peer review process. The peer review visits take most of the day and the terrain can be steep.
- The Mikolajczuks ask about the next steps for their project at 32 Lake Dr. The project has received the Order of Conditions permit. The Commission explains that two members will visit when the erosion control is in place but before any work has begun. The Mikolajczuks will be in touch to let the Commission know that the erosion control is ready.
- A site visit needs to be scheduled for the septic system RDA at 31 Lakeview Rd. Cregan is available most days after 5pm.

Continued Public Hearing for ANRAD at ZQ-6 (Baker Rd)

At 7:15pm, Cregan opened the continued Baker Rd ANRAD hearing.

Firstenberg from TRC, the environmental consultant agency representing Cows, screen shares the latest revision to the Baker Rd wetland maps. On page 6 flags were adjusted to reflect that all wetland points are within wetland boundaries. Misspellings in the map key were corrected and the correct revision date is on all the maps. New delineation data forms were included with the latest map revisions.

After reviewing the revision changes, Cregan asked for public comment.

Seletsky, an abutter, submitted a letter and report from a hydrologist expressing concern with building projects on the property due to slope and run-off issues that would affect his property. Seletsky does not support a solar array being built on the property. Amp Solar has indicated that they are not planning to build on the property due to the number of wetlands. Seletsky had wondered why the ANRAD process was continued.

Per Cregan, the ANRAD process ends in the issuance of an ORAD that delineates wetland areas. There is no project connected to the ORAD.

Per Firstenberg, the peer review process had already started when the developer indicated they would not want to use the site. It made sense to complete the process.

Pyecroft, also an abutter, raised concerns about delineation flags around the vernal pool that crossed over the property line on to her property.

Per Cregan, the topic was raised at the last meeting and the flags should have been removed. The Commission will only confirm boundaries within lot ZQ-6. The Vernal Pool would be relevant if there was a development proposal especially if the vernal pool was certified.

Pyecroft asked how to certify a vernal pool.

Per Stone, it requires mapping and recording proof of obligate species. The process goes through the state Natural Heritage Endangered Species Program.

Dowling offers to share vernal pool certification resources if Pyecroft send an email request to the Conservation Commission website.

Cregan checks but there are no further public comments.

- At 7:36pm, Cregan moves and Harrington seconds a motion to close the public hearing for ANRAD at ZQ-6. Roll call vote: David: aye DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Dowling screen shares the draft of the findings for the ORAD for ZQ-6 (Baker Rd). Dowling drafted the findings and had them edited by Stockman before sharing them with the Commission.

Per Firstenberg, it makes more sense to refresh and renumber flags when a construction application has come in.

The Commission reviews the ORAD findings and makes edits in language for clarification.

- At 7:39pm, DeFant moves and Cregan seconds a motion to issue the Baker Rd ORAD with approved findings. Roll call vote: David: aye DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Public Hearing 75 Shore Dr RDA/Beeler

At 7:40pm, Cregan opens the hearing for the septic system replacement project at 75 Shore Dr. Alan Weiss attends to represent the landowner.

Per Weiss, the project proposes the installation of a new septic tight tank. The Board of Health has approved the project. It will improve the site. Erosion control measures are included in the plan. The project would not begin at least for another month due to the snow.

Commission members agree that the project is straight forward and that an upgraded septic system would be better for Lake Wyola.

Cregan asks if there are any public comments but there are none.

- At 7:44pm, Cregan moves and Harrington seconds a motion to close the public hearing for the RDA at 75 Shore Dr. Roll call vote: David: aye DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Continued Public Hearing for ANRAD at ZU-2 (Pratt South)

At 8:03pm, Cregan opens the continued hearing for ANRAD at ZU-2. The peer review process for the ANRAD has been delayed due to snow so the hearing will be continued.

- At 8:03pm, Cregan moves and Harrington seconds a motion to continue the public hearing for the ANRAD at ZU-2 to May 13, 2021 at 7:30pm. Roll call vote: David: aye DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Harrington mentions that she will miss the April 22nd meeting. Dowling confirms that by completing a form and reviewing the meeting minutes or the recorded meeting a Commission member can make up a missed meeting and still participate in a hearing.

Retreat Center Project Conversation with Mark Johnson

Mark Johnson emailed the Conservation Commission asking about what steps need to be taken to remove some trees near a vernal pool located near the Retreat Center.

Per Johnson, in 2017 the Commission visited the property and approved the removal of nine dead trees near the vernal pool. There are now three oaks that he would like to remove. At least one of the trees is about 20ft from the vernal pool.

Per Cregan, the Commission should visit the site since no one is on the Commission who visited the property before. The Commission also requests that the stumps are kept in place to reduce erosion. Johnson is also interested in planting trees to replace the ones that were removed.

Cregan believes that native plantings in the buffer zone is an exempt activity under the Wetlands Protection Act.

Per Johnson, currently the road to get the Retreat Center is closed due to snow.

Cregan asks if the site visit can be postponed until warmer weather.

Johnson would like to plant in late April.

Dowling will be in touch with a potential site visit date as the snow melts.

Kestrel Land Trust Survey

Kestrel is interested to know whether the Commission would like help managing the Robert Frost Trail.

Per Cregan, the Commission does not have the capacity at this time to manage the trail with the present focus on mapping the South Brook Conservation Area trail system. Commission members agree.

Dowling screen shares the short survey and the Commission answers the questions together and Dowling submits the survey.

Commission Vacancy

Dowling explains that until today she had forgotten to send the meeting link to the Commission applicants. The only attending applicant is Wakoluk.

Cregan asks if Wakoluk is still interested.

Wakoluk is still interested and has been following all the meetings. He knows how to recuse himself if there is a conflict of interest. For example, he has certified vernal pools on private properties in Shutesbury.

Some members raise concerns on appointing Wakoluk based on how he spoke as an abutter during part of the Baker Rd ANRAD hearing.

Wakoluk said that he knows things are different when you are a Commission member and not speaking as part of the public.

Wakoluk leaves the meeting and the Commission discusses his candidacy.

- At 8:55pm, DeFant moves and David seconds a motion to recommend Wakoluk's appoint to the Conservation Commission to the Select Board. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: abstains; the motion carries.

Commission Member Roles

Dowling screen shares the list of potential member roles created by Penny Jaques and Linda Avis Scott. David begins with the role of reviewing Forest Cutting Plans.

Per Stone, the Commission has ten days from receiving a copy of the Forest Cutting Plan to respond. She recommends looking at the Natural Heritage layers to see if there are listed species on the property.

DeFant recommends that the plans are posted on the Commission webpage. Cregan mentions that this could be a role for Wakoluk as he is also the town's tree warden.

David asks for a definition of a CR.

Cregan and Dowling explain that a CR is a conservation restriction. A conservation restriction is a legal agreement between a town or landowner and the Conservation Commission or the Commission partnering with a local land trust like Kestrel. The property owners of the CR restrict or eliminate the right to

develop the land. Sumner Mt., Baker Fields, and Old Peach Orchard are conservation restrictions that the Commission holds. Monitoring visits to the CRs ensure that the conditions of the agreement are being upheld.

Cregan does not currently have the capacity to take on the secretary role and write articles for the town newsletter but thinks that an article on the South Brook Community Preservation projects once they are started would be a good idea.

David asks about the role of the CPC.

Per DeFant, the Community Preservation Committee manages funds levied from property taxes that the state matches to pay grants for projects in town. Projects are approved at public meetings.

Per Dowling, Linda is willing to keep the Commission updated on the CPC activities.

David is interested to attend the next CPC meeting.

The role of Highway Dept liaison raises discussion of what the Highway Department Memorandum of Understanding involves. Dowling will ask for more details from Linda, the Admin Secretary.

DeFant volunteers to edit and maintain the Commission webpage. Dowling will update DeFant on what she knows and then set up a meeting between DeFant and the Web Committee.

ESRI Mapping Software

Per DeFant, the Historic Commission and the Tree Warden, Don Wakoluk, are interested in having access to the ESRI online ArcGIS mapping software.

Per Dowling, just from looking on the ESRI website it looks like each user license would cost \$500/yr., although there might be a discount for municipalities.

DeFant will find a ESRI representative and learn what the options are for town boards and employees.

Per Cregan, there is a free mapping software called QGIS that has similar functions to ArcGIS.

Annual Report

Dowling corrected the error in the report concerning the number of site visits in fiscal year 2021 after talking to Penny Jaques and Linda Avis Scott. The report has been sent to Linda.

South Brook Projects

The Community Preservation Act project proposed by Jaques to map and reroute the South Brook trail system around sensitive areas was approved. The Community Preservation Committee might approve the proposal by Phil Parker to build a mountain biking trail on the property after the mapping project is completed and approval for the mountain biking trail is approved by the Conservation Commission.

Per DeFant, the Historic Commission is interested in mapping ceremonial stone structures and other historic features on the property with help from tribal member contacts. Added protections could possibly be given to these features.

Per Cregan, trails would not dismantle historic stone structures.

The Historic Commission will keep the Conservation Commission informed as the historic features mapping project develops.

ANRAD Guidelines/Policies

DeFant drafted four guidelines for ANRADs regarding including topographical maps, wetland data forms, and flag renumbering systems.

The Commission discussed when an applicant should be required to renumber flags and the scale of the topography maps.

- At 9:52pm, Cregan moves to accept the guidelines # 1-3 drafted by DeFant pending a revision to #1 that specifies that topography contours are set at 1 meter. At 9:56pm, the motion is withdrawn by Cregan as the Commission wants more time to review the guidelines and ask Mark Stinson at DEP for input. If DeFant edits the first guideline, and sends it out the Commission, then it could be sent out to TRC in reference to the three ANRADs whose hearings are still open.

Wetland Bylaw and Regulations Discussion

This discussion is moved to a future meeting.

Items not anticipated by the Commission

- The MACC conference registration is open. Commission members can be reimbursed for the attending the conference.
- At 10:00pm, Cregan moves and Harrington seconds a motion to adjourn the meeting. Roll call vote: David: aye, DeFant: aye, Harrington: aye, and Cregan: aye; the motion carries.

Respectfully submitted,
Tessa Dowling
Land Use Clerk