

Shutesbury Conservation Commission
Minutes – 05/12/2022
Approved – (6/16/2022)
Virtual Meeting

Meeting Start: 7:00pm

Commissioners Present: Miriam DeFant, Beth Willson, Mary David, Robin Harrington, Scott Kahan

Commissioners Absent: None

Other Staff: Carey Marshall (Land Use Clerk)

Other present: Anna Mancebo, Michael Stotz, Janice Stone, Joseph and Kathy Salvador, Nathan Heard, Sharon Weizenbaum, and all other unidentified individuals.

Chair's Call to Order at 7:00pm

Meeting is being recorded.

Commission decided to meet 6/16/22 instead of 6/9/22 due to Commissioner availability.

Approve minutes for 4/14/22 and 4/28/22:

SCC reviewed the 04/14/22 minutes. **Motion: David moves to approve the 04/14/22 minutes, Harrington seconds. Vote: David-Aye, DeFant-Aye, Harrington-Aye, Kahan-Aye, and Willson-Aye.**

Minutes for 4/28/22 were not ready for review.

Amended Order of Conditions Request for 26 Lake Drive/Stotz-Mancebo, DEP FILE #286-

0280 – DeFant confirmed that Commissioners have reviewed documentation regarding the Request for Amended Order of Conditions from the landowners. DeFant: this is not a Public Hearing tonight; goal of this preliminary meeting to determine whether the proposed change in OOC is minor or major. If minor then next step of process is a review with public access (Abutter Notification, Legal Notice, a Public Hearing to review request, and decision whether to approve the changes). If we find it is a major change, then SCC would deny the request and require a NOI. Question is if the proposed change is minor enough that it still meets or exceeds the same level of protection of the wetlands protection interests as in the original OOC in question. Standard is whether the change is equivalent or even better than the original OOC. DeFant reviewed the emails from the applicants and original RDA and NOI. There is no indication in the original RDA that the applicants were asking to pave their driveway. The site plan that was approved by the Determination of Applicability has notation indicating that the leach field would be mulched and seeded. A problem that needs to be discussed is that even if there was discussion in the RDA Public Meeting about paving with an impervious surface, and even if the sanitation engineer stated it wouldn't affect the leach field, that wasn't what was approved in the March 2020 DoA – it notes that leach field would remain pervious. Stotz: that is incorrect, asked if DeFant had shared email today with the SCC. DeFant indicated she had; in approved March 2020 site plan, Design Note #19 references mulching and seeding of leach field.

Stotz: mulch was used during construction but was not permanent. Stotz: at the March 12, 2020 Public Hearing, we had our engineer and other professionals present with Penny Jaques; in the minutes from that meeting, the engineer was asked if it could be pervious and he said no; we contractor, the Board of Health, and the engineer go haywire with us saying that if water gets into the leach field then it would be ruined in 3 years– septic system costs about \$30,000, that through us for a loop and we said we can't do it, we can't have it pervious, it was never supposed to be pervious. Jaques added that the condition that the leach field had to be pervious after the she had the discussion with the engineer in the Public Meeting; she told Becky Torres that she couldn't remember what she did six months ago; Becky said Penny didn't review the minutes from that meeting; asks the SCC to read the minutes. DeFant: can you show us where on the design it indicates that the leach field is designed to be paved if I pull it up, usually when the SCC approves driveway paving the site plan indicates it? Stotz: I don't have the blueprints in front of me; there were many miscommunications with the Land Use Clerk and others; we're trying to follow the rules; quotes 3/12/20 minutes regarding discussion about impervious surface for leach field. DeFant acknowledges the documentation and points out minutes reference Weiss saying impervious paving is 'allowable' – asks if the system must be paved. Stotz: yes, according to Alan Weiss, he doesn't want any infiltration there; we got a call from the Health Agent, Kaniecki, telling us that we can't infiltrate the leach field. DeFant: can we get a letter from Alan Weiss, stating such? Mancebo and Stotz agree to get a letter.

DeFant: from my understanding, the feedback you received is that the infiltration trench could not be placed along the perimeter of the road because it would load too much water into the leach field – noted by both your septic engineer, Dennis Clark, and Charlie Kaniecki, the Franklin County Health Agent. That had to do with an infiltration trench question along the road, which is different than the paving of the leach field – separate from one another. Stotz disagrees – any rainwater infiltration is not allowed; that's common sense; he designed it so that there was no outside water; asphalt takes it off and it drains down the side. DeFant: we don't have any documentation in the site design that was submitted and approved for the RDA of this requirement. Stotz: it says asphalt paving on the site plan. DeFant: I didn't see it on the site plan. Stotz: we gave you the whole house design plans. DeFant: I believe that was submitted for the Notice of Intent, but for the RDA, the design plan was from Alan Weiss, it wasn't the whole house design. DeFant offered to screenshare the site plan for the RDA. Stotz: the SCC has the full architectural plans and site plan showing the previous house. Mancebo: for when we filed for the NOI. DeFant: was referring to the site plan dated February 17th, 2020 for the March RDA that includes the design by Alan Weiss of Coldspring Environmental Consultants, I was not referring to the NOI, but was trying to recreate the timeline for the RDA discussion since you raised it tonight. Mancebo: would it help to get a letter from Weiss? DeFant: I think it would; would be helpful to hear also from other Commissioners; the question is whether the system must be paved? I understand that it can be paved but is paving required for functioning? Stotz: that is what he is saying. DeFant: would be helpful to have that opinion in writing; asks SCC if there is agreement? Harrington: yes; other Commissioners nod agreement.

DeFant: we need to determine if it is a minor change involving something that has to happen (i.e., paving) in order to function, that would probably be a minor change; then we would need to have a Public Hearing with a Legal Notice and Abutter Notifications, etc.; we can't change an OOC without public notice and opportunity for public involvement, have to do it in a formal

way; this is not a Public Hearing tonight. Mancebo: we'll work on getting the letter from Alan Weiss; should we move forward with the Hearing notices?

DeFant: SCC needs to make a determination tonight first about what is appropriate; asks SCC if other questions. David: if you put in the asphalt, how does that impact the water flow from the street onto the property? Stotz: we have submitted a site map detailing the flow of water along with two stormwater management features to accommodate for an added cost of \$7,000. Both the engineer and contractor noted that the soil is composed of sand and is the best for drainage into the lake; nothing gets into the lake from our property. Mancebo: we have submitted a site design to the SCC. Stotz: we are adding stormwater management to both sides of the house. David: that is labeled as infiltration trenches? DeFant screenshared the site visit form and photos for SCC to review via screenshare; suggested Harrington and DeFant review the site conditions observed. Stotz asked DeFant to confirm that their new design was shared with the SCC. DeFant confirmed. SCC reviewed the site visit photos. DeFant noted that in the OOC it required that the limit of work and the soil erosion controls be 15ft from the Bank; photos show that is not the case; erosion controls are very close to the Bank. Mancebo notes that the controls were placed behind the digging of the well during construction. DeFant notes slopes and disturbed sand around site; straw shows evidence of some water flow; reviewed abutting properties and slopes directing stormwater flow toward lake. Stotz: it will all be graded, loamed, and seeded with grass when done. DeFant: #24 has a slope and heat pump in front yard; Harrington and I were visiting, we wondered if there could be a better approach to treat storm water – perhaps a rain garden or something landscaped with stone instead of an infiltration feature; the water would be caught sooner and further up the hill. Mancebo: A rain garden idea has been given to our landscapers who should be implementing them into the design along with planned plants in hope to take in water as well. Harrington: loves the idea of the rain garden – during the visit, she was concerned about the water running off into the neighbor's property; due to the large footprint of the home, there is not a lot of space to handle runoff. Stotz: the house meets the zoning setbacks and is not that much bigger than the original footprint. Mancebo: we are thinking of something like a rain garden in addition to the infiltration trenches.

DeFant: have to pause discussion and return to it because it is 7:30 and we have to open the Public Hearing for the Montague/Carver Road ANRAD.

Continued Public Hearing for ZD-37/Montague-Carver ANRAD, DEP FILE # 286-0285

(To be continued to Thursday, June 23, 7:30 pm at request of applicant) - DeFant: TRC is not present at this meeting, but they have requested to continue the Public Hearing to June 23, 2022 because a site visit was just done this last week and they haven't updated the maps.

Stockman has not been able to give us feedback on those maps due to this. **Motion: David moves to continue the Public Hearing for the Montague/Carver ANRAD on June 23, 2022, at 7:30 p.m., Harrington seconds. Vote: David-Aye, DeFant-Aye, Harrington-Aye, Kahan-Aye, and Willson-Aye.**

Continued Discussion-26 Lake Drive Amended OOC Request: DeFant: sounds like applicants have a sense that the infiltration trenches are a better approach than a rain garden; perhaps something to discuss at a public hearing would be whether a compromise on the extent of paving that would allow some vegetation. Stotz: paving is already limited by the previous

conditions in both the NOI and RDA; we are not going all the way across the lot which is our preference; we have a large family that will be visiting all the time; paving will be 50 to 60 feet of a possible 80 feet; we'll make it very attractive with landscaping. DeFant points out parking area of a typical signal car can be 10ft by 20ft – suggested that the perhaps area could be partially paved and partially pervious. Stotz: it's no big deal; we'll put the stormwater management in place; handle the water and protect the neighbors; nothing is going into the lake because it is all sand; and we'll landscape it; we have work to do. Mancebo: this has been a very trying situation doing this through COVID.

DeFant: would like to pause the discussion now with the landowners and have discussion with the SCC. Stotz agrees. DeFant: how would SCC like to proceed? Two things we need to do – one is to consider the proposed storm water management systems as required by the OOC and the other being the proposed amendment to the condition stating that the leach field remain pervious. We can approve stormwater design under the existing OOC; impervious surface on leach field is not in the existing OOC; findings make it clear this requirement was in compensation for increased footprint of house and stormwater runoff issues. Harrington: neighbor has a gravel parking area on their leach field; is concerned that if the leach field is paved, there is not a lot of land on either side of the site to catch the stormwater – potentially running off into the neighbor's yard. It would depend on how efficient their vegetation would be and how pervious the sand is. DeFant: can be complicated when there is a paved surface against a road that isn't paved – can causing a berming effect when the road start to erode where it meets the paved surface; pavement can become a berm even when not intentional. Kahan: will the flow from the leach field be directed to the proposed infiltration trenches and do they have any features that would prevent sedimentation going into the lake? Carey Marshall, Land Use Clerk, shares current site plan with water flow notation via screenshare. DeFant: the areas in red are the proposed infiltration trenches and because of the grade of the slope, she is concerned that it will be difficult to ensure the direction of the flow into the trenches that would protect the neighbors; site would have to be graded at an angle to direct the flow; seems like the trenches protect the houses and maybe #24 Lake Drive's heat pump; wonders whether would want some terracing, hardscaping and a rain garden on both sides to break-up and slow down the flow. Kahan: our responsibility is to protect the lake; still not sure if he understands how with the increased water in the proposed infiltration trenches that would then shoot it out in the direction of the lake; how would it prevent sedimentation from entering the lake especially if the leach field needs it be impervious (creating more surface runoff); would be good to get a letter from the septic designer. DeFant: these long, linear features might not slow the water down; flow could also bypass the trenches; flow going perpendicular to the existing grade would bypass the trenches; and there are gutters with downpipes also in that area. Stotz: we spent a lot of time with engineers; we also have another 40' of sand before the lake. DeFant: we are deliberating right now so that we can decide; would like to hear from the other Commissioners; asks applicants to ask to be recognized. Willson: she is wondering about swales along sides of the paved area but unsure if that can be done if it's a leach field; don't know that could be created; would be good to have capture some of the drainage close to the pavement area; would be the best place to do it. DeFant: would help to see a landscaping plan to see what whole site would look like in relation to the proposed infiltration trenches. David: would the paving create a paving effect along the road? DeFant: we can add as a condition that no berming is allowed but unintended berming can be created by road erosion. DeFant: can we approve the infiltration trench and determine that the

applicants have met that condition in the OOC or not? If we are not satisfied with it or need more information, then we would not approve it. Willson: agree that the proposed plan does not deal with the runoff from the proposed pavement; she is not confident that the trenches could handle the stormwater runoff if the current proposed areas are paved; suggests if the engineers could come up with a plan that could catch runoff closer to the leach field and have a plan that is more horizontal rather than vertical; would like to see a change in the design. Harrington: site visit photos from the site visit show the driveways across the street slope down, meaning the water from those properties would be coming onto this property, not their fault, but it is more water. DeFant: it's a situation common to that area near the lake; that would mean we have made a determination that we feel that the proposal is incomplete and be clear about what we want them to do differently. What does the SCC want to ask for, a landscape plan? Willson: additional drainage features closer to the top of the property. Stone: don't want retention basins. Willson: don't want to tell them what to propose specifically, just that we would like some additional options of drainage features. DeFant: we could review this piece outside of a Public Hearing because it is part of the existing OOC. DeFant asked Mancebo for comments. Mancebo: a landscaping plan is not part of our OOC; only required to provide photographs of native plantings; are you adding Conditions? We offered commentary about our plans; I am worried about the input of the SCC on their infiltration plan and wonders what are the credentials of the commissioners suggesting changes? She intends to do landscaping but has not had a chance to do so yet; we've given you a site design with infiltration trenches; the gentleman who is doing the work has been doing it forever and is very qualified; he's thought through all of these things; we can nitpick this all we want; haven't been able to get property graded and landscaping plan implemented; asking the SCC to consider that we have met the objectives of providing you with a design for infiltration trench and want to be able to move forward; if we have to pull back on the asphalt we will and address all of the water that comes from my neighbor behind me and from Lake Drive; I don't want to be held to a different standard than anyone else on Lake Drive; feel we are going down a rabbit hole; we will do everything we can to protect the lake; I want to do the landscaping and can't do it if you won't approve my infiltration plan. DeFant proposes that the SCC deliberate without public comment. DeFant: it would have been helpful to have the designer of the infiltration trenches present to answer questions. We could ask them to bring their designer back, don't know if it is Dennis Clark or someone else. Kahan: the SCC approved a site plan with infiltration trenches designed; issue was the impervious surface on the leach field; feel they have to be tied together; they could move forward with the existing infiltration trenches and impervious surface; that would be an option. DeFant: no, the OOC did not approve the infiltration trenches and impervious paving. Kahan: was confused about it; understands now; we care about the stormwater coming out of the trenches and going into the lake; I can't analyze that but would be asking the landowners to have their engineers to come back and incorporate features on the site as a whole to ensure the water coming out of the trenches is not carrying a sediment load. DeFant: sounds like you are proposing that the two issues be linked together, and the applicant advised to come back with a whole proposal for the site, including the driveway and stormwater management. Kahan: they are tied together; could be as simple as a letter from an engineer saying that they have looked at it all and are designing the infiltration trenches to manage sedimentation. DeFant: rather than a letter, I'd like to have their contractor at the Public Hearing to answer questions; means we determine that not approving infiltration trench at present; require whole proposal, including paving and stormwater management system, be reviewed at the Public Hearing as one

consolidated plan change. David: would like their person to be at the Public Hearing to explain design. Kahan likes that approach, have the expert there and be able to resolve issue. Harrington agrees. Willson agrees. DeFant reviews a draft letter via screenshare. DeFant: letter summarizes findings; notes that the SCC finds that the 2020 OOC did not approve an impervious surface to the leach field, perhaps that was due to a misunderstanding but it was never approved; RDA approved a site plan that SAS was to be mulched and seeded; DoA only approved the submitted site plan; the OOC disallowed an impervious surface to the SAS due to stormwater runoff concerns; determination that changes are minor and must be reviewed together in context with a overall landscaping plan and stormwater plan. Mancebo expressed an objection to any new requirement for a landscape plan. DeFant suggested altering the language to omit the requirement for a landscape plan but still requiring that both changes be reviewed together in context. Mancebo indicated this language was fine. DeFant: just want applicants to understand that when we reopen the Public Hearing and revise the OOC, we may change or add conditions; doesn't mean that the applicants' requests will be incorporated exactly as they propose; SCC wants to work with you and make you feel satisfied if we can; we want to find the happy medium that protects the interests of the wetlands and allows the landowner to use and enjoy your property; we will do our best to find the best compromise possible but doesn't necessarily mean we will approve everything. Mancebo: I asked if we needed to bring our contractor to this meeting and you said no, that's fine; happy to bring him to the next meeting. DeFant: I said no because I think it would be more appropriate for a Public Hearing. DeFant continued editing the letter to the applicants; recommending providing additional documentation and/or testimony from your consultants. DeFant asked applicants if they understand requirements for posting public notices for the Public Hearing; proposing Thursday, May 26, at 7:30. DeFant reviews the requirements and clarifies there are no Town fees associated with the Public Hearing. Notes that SCC does not charge fees for this because it is understood there are other costs that the applicants must bear. Mancebo asked about how to submit a Legal Notice. DeFant referred her to a template on the Town SCC home page. DeFant will send her a template to use. DeFant reviews rest of letter text including a finding that the proposed changes are minor and will require a Public Hearing; emphasized the recommendation that the landowners bring their design consultant to the Hearing to provide information to the SCC. Text of draft letter mentioning location of erosion socks on the site is removed. DeFant: have concerns about the condition requiring the limit of work to be 15 feet from the lake because the site visit revealed that the erosion sock was very close to the lake; Mancebo: will address it; they are done with the work now; needed space for the work on the deck and well; can I start planting now? DeFant: if you are finished with that phase of construction, you can start planting. Stotz: did anyone else on the lake have that requirement? Mancebo: will talk to landscaper about it. DeFant polls the SCC if there are any other comments or questions. No comments offered. **Motion: David moves to approve the Letter for 26 Lake Drive as amended, Willson seconds. Vote: David-Aye, DeFant-Aye, Harrington-Aye, Kahan-Aye, and Willson-Aye.** DeFant will send letter to Land Use Clerk to send out as certified letter but will also email a copy to the applicants.

Amended Order of Conditions Request for 31 Lakeview Road/Salvador, DEP FILE #286-0286 - DeFant: this is not a Public Hearing; this is a discussion to determine whether the proposed change in OOC is minor or major. If minor then public participation in a Public Hearing is needed (Abutter Notification, Legal Notice), but if major then a new NOI is needed. She believes the requested change, using boulders instead of iron pins, is a minor change but a

suggests a Public Hearing should be required if SCC agrees. Something to discuss at the Public Hearing is ensuring that the resource area would not be affected during the placement and removal of these boulders – concerned by the close proximity of some of the proposed boulder placements to the bank of Sawhill River because it will require heavy machinery. Salvador: in his site plan, the boulders would be on the edge of where the current silt fence is so the machines wouldn't be in the No Touch Zone. DeFant: The pins are being placed along boundary of the A-series Bordering Vegetated Wetlands around the septic system and then up into the woods near the dry well – that would require machinery to move and place the boulders. Salvador: he is currently using two heavy machine vehicles for the construction; one being a crane and a high lift with a 45-ft extension. With these two machines he believes that should be able to move and place the boulders without getting close to the bank. DeFant is concerned that due to the slope of the property that the machinery would need to at least travel close to the septic tank and leach field. Salvador: he will place mat down over the leach field to prevent the possibility of damage and the crane has the ability to move up and down. DeFant: if you can't put that crane on the leach field, how are you getting them to the bottom of the hill? Salvador: brother owns a construction company and he can borrow any machines necessary. Kathy Salvador: are there any other alternatives to the iron pins that the SCC has discussed? They believe the iron pins can be a safety hazard. DeFant: in the Public Hearing there wasn't discussion of having machinery moving boulders – SCC isn't saying we wouldn't approve it but moving those heavy machines into or close to sensitive areas that SCC protects raises a lot of questions and we need information to understand what the disturbance could look like. DeFant: possible solution with a compromise could involve boulders near the house and pins used in sensitive areas – possibly use fewer pins. Another solution is looking into other kinds of pins, ideally they should be tall enough and paint with high visibility paint in order to be visible. SCC has had issues with pins before and not being able to find them which led to having to place more pins. There are survey pins that are iron rods with PVC coverings that are bright in color and have smooth edges. Salvador expresses interest in the compromise, and he believes it could work. DeFant shares the pins she suggested via screenshare; called Off Limit Area Seibert Stakes. Stone: suggests using concrete posts that stand 18 inches high and can be painted for higher visibility – aren't trip proof but are highly visible. DeFant: concerned that any approved barrier used shouldn't be able to be moved and should be fixed so if the property is sold, the SCC can locate the line if needed. Kathy Salvador asks if there are pins that look slightly natural the area. DeFant agrees that some of the examples aren't aesthetically pleasing but they painted to be stand out and be visible. DeFant: this is a minor amendment to your OOC but a Public Hearing is still needed. Based on our discussion, it sounds like you need to revise your plan which I suggest you do for the Public Hearing – SCC schedules 31 Lakeview Road Public Hearing for 8:15pm on May 26th, 2022. DeFant asks SCC if it agrees. All nod agreement. DeFant reminds Salvador that a legal notice and abutter notification are required for the Public Hearing. SCC is conducting a site visit on Sunday May 15th where they will go over where SCC would like to see the pins placed. DeFant asks SCC if it agrees this Amended Request is a minor change? All say yes. DeFant reviews the condition stating Salvador must acknowledge he has read the conditions which Salvador has done through email but SCC would prefer a letter with a wet signature signed by Salvador – Salvador agree. SCC approves the revised site plan with erosion controls needed for Special Conditions #12. DeFant asks SCC if they wish to approve what has been submitted? All say yes. For Special Condition #21 SCC asks Salvador to provide more documentation about the seed mix that will be applied after construction is complete – Salvador agrees and will give

documentation when re-seeding step is ready. Salvador: when do I provide it, before or when I do it? DeFant: I don't think it matters; when ready to do it. Special Condition #30 will be the condition of discussion at the Public Hearing.

Public Hearing for NOI for 64 Cushman Road/Heard, geothermal energy system; DEP FILE 286-0288

- Heard: moved to 64 Cushman in August 2021 and the property came with two large oil containers for heating the home. He hopes to replace them with a non-fossil fuel based option. Ground source heat pump is the term to use because it is not using true volcanic activity as a source - series of pipes connected to furnace like structure that is connect to the bore holes where the fluid carries the heat in either in or out. There is a decent upfront cost but there are state incentives to encourage ground source heat pumps – cost efficient to maintain and has higher efficiency in converting electricity into heat even in longer use. In the site plan he submitted, it includes the elevation grades, Adams Brook and nearby wetlands that are near the site. There would be disturbance on the site for the drilling of the ground bore holes which would take two days by the company installing it, Dandelion Energy. DeFant: How deep and wide will the trench be? Heard: I am unsure of the width and depth of the trench. DeFant: Due to you doing this site plan by yourself, I believe you have gotten confused with the word “area”; instead of area of soil disturbance, I believe you calculated the area of the Riverfront Area. The area that is being changed/alterd is how many square feet of soil disturbance; that's where the width, length and depth of the trenching is needed. Her concern is SCC cannot draft and approve an OOC without those numbers – need to continue the Public Hearing. Stone: the wetlands in the back are not accurate but the pins placed by Ward Smith were helpful. The size and shape of Adams Brook is not correct; in the NOI form, Heard stated that since it was open water and under 10,000 square ft therefore it didn't qualify as a pond and would combine it with Adams Brook – this did not make sense to her. Also, on the map where it indicates Riverfront, it should be labeled Stream Bank and the Riverfront Area Buffer should be labeled the Riverfront Area. Adams Brook is a pond with Bordering Vegetated Wetlands, BVW, that is connected to a larger BVW complex that is located to the left of the map and into the Atkins Reservoir. DeFant: a Bank is resource term that is defined under the State Regulations so when SCC is approving work in a particular resource area it must be properly defined. The 200ft Wetland Buffer is not something in Wetland Regulations; – only the 100ft Wetland Buffer is needed. In the Supplementary Measurements legend, the wording Riverfront also needs to be changed to Bank. Willson adds that it would be helpful for Heard to add the flags and their numbers onto the map and identified to measurements using those flags. These can be marked as Annual High Water Line. Heard understands and agrees – these terms were mentioned by Ward Smith. Stone: There should also be a 100 ft Wetland Buffer for the BVW. How will you add the flag markers to the map? Do you have a GPS? Heard: Yes I have a recreation grade GPS but the accuracy of it could be questionable. Is there a tolerable error in feet when using GPS? DeFant: Heard had submitted a request to waive the requirement for engineered site plan which is what we are getting at. If we are not requiring an engineer stamped plan, the SCC must accept some slight inaccuracy which may be accepted because it is a simple project. SCC will give you a list of things that must be corrected in order to be approved. SCC reviews that list of comments made by Stone. DeFant: One concern is that he refers to a straw dike which she believes is actually a line of straw bales but she is concerns how far down it is from the trench – should be moved higher. Heard agrees it should be moved up. DeFant asks if the silt fence will be trenched – Heard will provide a photo given to him by Dandelion Energy as a reference photo from previous projects. DeFant: With

these deep wells there is a lot of stone dust that gets kicked up which can spread over the lawn – can be runoff into the wetland with rain. Willson asks how deep will the bores be – Heard states they will be several hundred feet down. DeFant suggests expanding and making the erosion control more parallel with the trench and Heard agrees. Willson: how big the pool will be to contain the tailings? Heard: Dandelion provided estimated measurements but not exact. They sent him a photo reference of that as well which he will send to SCC. DeFant shares the letter sent by Dandelion Energy that list several types of containers including heavy-duty woven polypropylene sacks, impermeable 3-ply plastic pools, geotextile filter bags or lined roll-off containers. **Motion: DeFant moves to waive the require for an engineer be needed for this NOI project, David seconds. Vote: David-Aye, DeFant-Aye, Harrington-Aye, Kahan-Aye, and Willson-Aye.** SCC continues to review Stones and points out that the Registry of Deeds information on Form 3 is incorrect and the fee calculation is incorrect because the property is in Riverfront Area. Heard: Ward Smith guided him through the NOI and Smith’s feedback was BVW should not be checked because he is not working in those areas. Stone notes that a 5 foot error for GPS is okay. SCC reviews that estimated size and shape of Adams Brook drawn by Stone. DeFant: is Adams Brook a Coldwater Fishery? Stone answers yes. Heard will revise the NOI and resubmit it to SCC and Mass DEP. SCC expresses appreciation for Heard’s effort in his project and attentiveness to SCC’s recommendations/corrections. **Motion: DeFant moves to continue the Public Hearing for 64 Cushman Rd on May 26, 2022 at 7:05pm, David seconds. Vote: David-Aye, DeFant-Aye, Harrington-Aye, Kahan-Aye, and Willson-Aye.**

Site visits scheduling:

SCC agrees to conduct 6 different site visits between the times 11am-1pm on Sunday May 15, 2022.

- 120 Cushman Rd (RDA)
- 263-265 West Pelham Rd
- 391 West Pelham Rd
- 421 West Pelham Rd
- 31 Lakeview Rd
- 14 Lake Dr

Site visit follow-up:

66 Lake Drive and other Lake Drive areas site visit with LWA, LWAC, and Robert Douglas: DeFant did not complete site visit form – will be revisited next meeting May 26, 2022.

Highway Department sites for summer road repairs: Harrington: on the first site, library site, she didn’t fill out a site visit form because site was leveled from the demolition of the former structure on site – loam and seed will cover the site. DeFant: if no permit is needed - suggests recommending conservation seed mix. Harrington: the other site was the Baker Road culvert in front of Town Secretary Linda Scott’s house. Scott gave us information and we saw the pipe was rusted and partially exposed further down the road from erosion that occurred where the soil met the road. Willson: That area was worked on multiple times – this location of the pipe is high enough where it keeps eroding away. She recommends putting the pipe lower in the ground to stop the pipe from being consistently exposed. DeFant asks what the resource area is on this site. Willson: There isn’t one, if you allow the swale up the road to a different culvert, some natural drainage was occurring there. We walked through where it was draining naturally and found a

wetland that was roughly 750 ft from the culvert. DeFant: Since it is outside our jurisdiction we can't require a permit for this site. There was a mix-up about meeting with Tim Hunting at the Sand Hill Road site because Hunting thought it was on Wednesday but it was set for Monday so that Willson could attend. Tim is away next week so we are looking at the following week to reschedule. SCC agrees to schedule the site visit at Sandhill Road on June 1st, 2022 at 3:30pm – DeFant will email Hunting.

Updates:

National Grid Right-of-Way treatment letter: SCC received a letter from National Grid about the herbicide they will be applying on Right-of-Way for power lines. DeFant believes SCC may not have any jurisdiction in this matter. Willson: did they send any maps where the wetlands are? DeFant: asked for a map from National Grid and received one – shares it via screenshare. The map indicates the line in which National Grid plans to spray which includes on small wetlands and crosses several streams (one being Nurse Brook). DeFant: Willson, SCC doesn't have any jurisdiction about this correct? Willson: no, but SCC is allowed to review to ensure they aren't spraying within the wetlands – SCC allowed to comment. Willson agrees to review and comment on behalf of SCC; probably don't want them spraying near Nurse Brook.

Chair report on discussions regarding Article 97 conversion of the Randall Road Boat

Launch: DeFant sent an email to both the Select Board and the Town Administrator about the Randall Road Boat Launch. She had a conversation with Melissa Cryan, Division of Wildlife Conservation Services, and she reconfirmed that the boat launch is problematic – is not keeping with the terms of the Self-Help Grant. David asks if there are any suggestions on resolving it. DeFant: it is complicated to take land out of Article 97 because it is a multiple step process where the SCC would have to agree and approve it along with the Select Board and Division of Conservation Services, (DCS), which then it would have to be voted on at Town Meeting and lastly be approved by the state legislature as a bill. In addition to that there must be a kind for kind swap, meaning the land we want to switch out must be replaced with land that is equal of value and environmental value. DCS does its own appraisal of the property. In this case, it could mean if you are taking 2 acres of lakefront out, it must be switched with 2 acres of lakefront somewhere else. Willson agrees. Stone: agrees; thinks there might be an area that could potentially help that town property off Watson Street towards the east; small parcel; has a rough trail. DeFant wonders if DCS would consider a larger ratio switch if the land isn't lakefront (ex: an acre of lakefront for multiple acres of forested land). There isn't another area on Lake Wyola that could develop a different boat launch which makes it more complicated. DeFant suggested to Rita Farrell and Town Administer, Becky Torres, that the three have a meeting with DCS to further discuss a plan to amend this. Stone: that's a good idea; asks if property that Penny Jaques was involved in if it was placed in Article 97 – Shutesbury has purchased it but without the deed stating its Article 97 status it can be iffy and the area isn't big; another piece on the northeast side; There is another piece that is north of the lake, the Garbiel Conservation Area which is also small but is lakefront. DeFant: she isn't sure if DWS would accept this but there are several small parcels that Shutesbury owns that aren't in permanent conservation status – not sure if they would accept that as a switch for the boat launch. Stone: must prove you've made your best effort to find land along the lake. David: how big an area would it involve? DeFant: probably would want to include the parking lot as well. David: wouldn't want to give the parking lot

away. DeFant: worth working on; not advocating for discontinuing the boat launch; it's too important to the community.

Vernal Pool Certification for South Brook Conservation Area: DeFant: it may be too late but has anyone had a chance to visit the vernal pool site we've discussed trying to certify? Stone is it too late? Stone: if there isn't a deep pool and the egg masses didn't survive then there wouldn't be a population to document. SCC will revisit this matter next meeting.

Bylaw Regulation: DeFant: Garner signed the contract, sent over documents including his liability insurance. Garner and Scott Horsley will start their research next week and will be in touch with SCC.

Forest Cutting Plans: Willson wondered if any follow-up about a second FCP on Schoolhouse Road, Phil Weilerstein is the owner. Marshall: these are one of the ones that were received late and were sent by DCR. Willson is resending it to everyone for review.

Motion to Adjourn: David moves to adjourn, DeFant seconds. **Vote: David-Aye, DeFant-Aye, Harrington-Aye, Kahan-Aye, and Willson-Aye.**

Meeting Close: 9:45pm

Next Meeting: Thursday, May 26, 2022 @ 7 pm

Documents Used:

- Agenda
- Draft minutes for 4/14/22
- Schoolhouse Road-Weilerstein Forest Cutting Plan
- National Grid Right-of-Way Treatment Letter and Plan
- Chair email to Select Board Chair, Town Administrator, and Town Counsel, 5/02/22 regarding Randall Boat Launch
- Notice of Intent and site plan for 64 Cushman Road/Heard
- 26 Lake Drive Amended Order of Conditions Request, 5/12/2022
- 26 Lake Drive NOI, 9/09/2022
- 26 Lake Drive Order of Conditions, 10/16/2020
- 26 Lake Drive Determination of Applicability, 3/13/2020
- 26 Lake Drive RDA, 2/17/2020
- 26 Lake Drive, letter from Clark Excavating, 3/13/2022
- 26 Lake Drive, email from Anna Mancebo, 5/3/2022
- 26 Lake Drive, various emails between Chair and Applicants, 2/25/2022 to 3/03/2022, 3/14/2022, 3/15/2022
- 26 Lake Drive Site Visit Form with photos, 5/07/2022
- 32 Lake Drive Notice of Intent Site Plan, 6/25/2020
- 26 Lake Drive, email from Alan Weiss, 5/23/2022
- 26 Lake Drive, email from Charlie Kaniecki, Health Agent, 3/14/2022

- 26 Lake Drive, email from Dennis Clark, 4/17/2022
- 26 Lake Drive, letter from Dennis Clark, 3/13/2022
- 31 Lakeview Road Amended Order of Conditions Request
- 31 Lakeview Road, NOI
- 31 Lakeview Road Order of Conditions, 4/15/2022

Respectfully submitted by Miriam DeFant, Chair, 6/16/2022