

Shutesbury Conservation Commission

Minutes – 05/26/2022

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, Fran Merrigan, Don Wakoluk, Chris Chamberland, Jesse Selman, Andrew McCallum, Jon Campbell, Dan Burberry, and all other unidentified individuals.

Chair's Call to Order at 7:00pm

Meeting is being recorded

Continued Public Hearing for 64 Cushman Road/Heard, DEP File #286-0288: DeFant: at the last meeting, Heard planned to revise the map which he has now submitted to SCC – shares revised map via screenshare. She gave Heard feedback regarding appropriate language for labels on the site plan. She suggested that Heard recreate the wetland buffer zones once the wetlands were flagged rather than estimating through GPS. Stone: in her experience with DEP, they require that all Resource Areas must be identified on the map when submitting a NOI – she suggested having the 100-ft Wetland Buffer and the 100-ft Riverfront Area. Not labeling them on the map may lead people to believe there are none in the area. Her concerns are only with the 100-ft Wetland Buffer and the 100-ft Riverfront Area – for a matter of record. Willson: agrees with Stone about the Riverfront Area and Wetlands Buffer. Heard does have the distances from boreholes to the HW-4 wetland flags which for most are over 100 ft. But for the record, it is good to have on map. Wetland marks A-1 through A-4 were done by Ward Smith and those can be used to create an estimated 100-ft Wetland Buffer using GIS. DeFant: was concerned about having two interconnecting buffer zones on original design – one buffer going through the other resource areas which could cause confusion. SCC needs to give Heard clear instructions because it is a legal document and need to use the correct language as written in the regulations. Heard screenshares previously made map via screenshare. Stone: was concerned about Wetland Buffer Zone for wetland A due to it intersecting the other Resource Area. DeFant: in newest revision, the red line marking Riverfront Area should be labeled 200ft Riverfront Area. 100-ft Bank Area should be called 100-foot Riverfront Area. Stone mentioned this because the first 100 feet of a Riverfront Area is considered the more environmental sensitive and needs more protection. The 100-foot Wetland Area should be labeled 100-ft Buffer Zone. Stone: 100-ft buffer from blue polygon labeled Adam's Brook doesn't matter – because the work is being done on the side and front of the property, the 100-ft and 200-ft Riverfront Area lines are the more important ones to have. Willson agrees and suggest removing that Buffer Zone or editing the line to not go through the Resource Area; having the 100-foot Buffer Zone line going through Adams Brook is a problem. DeFant: to summarize, using the most recent revised map, add a 100-ft Riverfront Area line and relabel the current Riverfront Area as 200-ft Riverfront Area. For the third zone for the A-Series BVW, and add the 100-ft BVW Buffer Zone, but end the line at the house.Heard:

agrees but is concerned because Smith delineated what he thought was needed; may be other wetlands on the property; wonders if he is being asked to represent the totality of the ecosystem or not for this project; should he include language to explain that only representing what was delineated? DeFant: from her understanding, whatever SCC approves is what prevails regardless of the other information previously given – the approved version is what is listed on the Order of Conditions which is most important; don't think applicant needs to do further delineation for this application. DeFant: the question for SCC is if there is enough information to close the Public Hearing and write the OOC with a condition that Heard is to come back with a revised map to submit within the next week, or should we continue to another date? Also do we want to discuss erosion controls? Willson: it looks good and located in the correct position. DeFant noted that the example of erosion controls provided by Heard included photos from Dandelion Energy that showed a silt fence in need of repairs that was improperly constructed; understand that is not what is being proposed here. DeFant asks how Heard would like to proceed. Heard would like to close the Public Hearing and be on the hook for a revised map reflecting the current feedback. DeFant: it may be problematic if Public Hearing is closed tonight since a final map is needed for the OOC. DeFant asks SCC if they want to ask the applicant to continue the Public Hearing? Willson: could go either way because it's only a week away and he could add that line. We could close tonight and one of the conditions be he provide a revised map with the 100-ft Riverfront Area line to SCC. DeFant asks how SCC would word that into the conditions. Stone: could be done by stating work cannot be done until SCC has received an acceptable revised map but leaves SCC hanging in terms of date of final map approved with the order. DeFant would prefer to continue Public Hearing if Heard is willing for a week. Heard agrees. **Motion: David moves to continue the Public Hearing for 64 Cushman Road on June 2, 2022 at 8:00 p.m. Willson seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye.** DeFant reviewed the requirements for the applicant. Land Use Clerk will send him a draft update for the site plan to use.

Public Hearing for Amended Order of Conditions Request-26 Lake Drive/Stotz/Mancebo,

286-0280: DeFant: the process tonight, as discussed last meeting, we are now in a Public Hearing – we need to review the request; invites the applicants to summarize the request proposal and asks if they have any representatives to speak about the project. Mancebo: in our 2020 OOC, we were asked to provide an infiltration trench plan to address run-off concerns and it would be presented to SCC for approval prior to installation. We went back to the engineer who designed the septic system along with the contractor to provide a letter in writing stating that the surface of the leach field must be paved to protect it. We submitted the infiltration trench plan as seen last meeting and we met with our contractor again on site and he provided additional rationale for the way it was designed – there was questions as to why drains were facing one way and not the other. Because of the limitations of the lot and where electrical wires are placed for the well, the well line and the propane tank that is planned to be put in there isn't room to turn them around. This was stated to email he sent that was attached to the plan dated April 17th, 2022. Not only were we providing one infiltration trench but we are proposing two to catch any road runoff. We are asking for plan to approved, their conditions to be amended so they may move forward. DeFant: one question is that she noticed that the driveway extends past the property boundary into Lake Drive – asks to clarify that; when looking at the detail on the plan for the construction of the trench, it appears to be taken from an engineering plan for NOI for your neighbor (32 Lake Drive); in that it describes having compacted crushed stone and 2% grade

from the road on one side and 2% crosspitch from the property on the other; clearly these trenches are not going to be next to the road; not sure how those grades would be achieved because left side of the property has a 15% grade and the right side has 13% grade at the steepest part; curious about the purpose for the compacted crushed stone if you will not be driving vehicles over it; it would seem like an infiltration trench designed for the proposed location would not have that particular design. Mancebo: the Xs for the driveway drawing should stop at our property line – a drawing error. The driveway will not extend over Lake Drive. Stotz: we can't do that by right. DeFant: the problem is that we might want to see this site plan revised so that when we are approving something it isn't construed as approving paving onto the road. Stotz: let's just make a note – we can't pave on someone else's property; for the trenches, you understand rip rap, the crusher run is there to break up the flow in case of a flood – as it eases into the soil (all sand); we did identify that nothing from this property is running into the lake. We are very fortunate that we have a sand base so we provided these trenches; it's expensive to put this crusher run down on both sides in an attempt to get this approved and make everyone happy. DeFant: what would be the rationale for having compacted gravel in that location, understand why your neighbors needed it along the road, but why for this location? Stotz: from a conservation commission, that's just to break up the flow for it to go into the soil; that is standard. DeFant: unsure if you understand what I am asking; not all infiltration trenches are designed in this particular way; this particular design was created in order to be driven over by vehicles. Stotz: no vehicles will drive over this. DeFant: understands but you are using a design that designed to carry heavy vehicles, so I am wondering why that do because obviously there is some risk for the compaction to reduce the infiltration capacity. Mancebo: are you speaking to Weiss's statement? DeFant: no, I am speaking to in the upper left hand corner of the site plan has a cross section of an infiltration trench design, and some infiltration trenches have perforated pipes in them, some don't; in this design, indicates it will be crushed stone and it will be compacted; am asking why that design in a location without any heavy equipment. Stotz: that was designed by engineer, Alan Weiss, and Dennis Clark; he is going to flow the water from each side and then he put the two trenches with the crushed stone because he said it would satisfy any drainage needed – we preferred to not have the crushed stone because it would have cut cost. Keep in mind this site will be graded by a big machine with a lot of loam, there will be landscaping and grass in addition to this; I have surveyed up and down Lake Drive, the neighbors and we will not have any problems here. DeFant: she appreciates the assurances and understand you are taking this seriously. Part of SCC's job is to make decision they have to meet an evidentiary standard which is gathering credible evidence from competent resources meeting a preponderance of evidence – meaning more than 50%. That is why we are asking how these calculations were made because if an engineer had designed them, then usually there would be some calculations to determine the size and the depth and infiltration rate. We understand that this may not be the case here; we want to make sure we are not approving something that isn't going to work properly; I am understanding this particular snapshot was from an engineered design for 32 Lake Drive; SCC has a copy of that NOI and can see the design is exactly the same. Mancebo: you're talking about that small square in the upper corner that has nothing to do with this site plan. DeFant: if it's on the site plan, we can't approve something if it's not a part site plan; when you submitted it, we assumed this was the design of your infiltration trenches that you were recommending. Mancebo: the location of the infiltration trench is on either side of the plan, that's the way he is designing those trenches. Stotz: you are also familiar with Dennis Clark and Alan Weiss, they met with you on your property, you emailed Alan directly and asked

him about this. He has responded three times this week. DeFant: have not had any communication with Alan Weiss about this infiltration trench; are you saying Alan Weiss designed this cross-section of the infiltration trenches? Stotz: no. Mancebo: Dennis Clark did that. Stotz: Weiss has to come and inspect our septic system as you know because he inspected yours. Weiss and Dennis work as a team – Weiss did our septic design with the Board of Health. Weiss has to be consulted on anything we do in with the septic drainage and etc. Clark is going to grade the site and has do numerous ones up there. He [Clark] has been working really hard to get this resolved; what am referring to was Weiss called and said he received an email from you asking about the septic system; we have this covered here. It's 80ft by 100ft lot and they feel so strongly, what more could they do? DeFant: want to be clear that SCC doesn't have any communication from Weiss about regarding the infiltration trench on the sides of your property; the SCC does have an email with an opinion that infiltration trenches are not appropriate along the road side and we understand we got an opinion from Weiss that he designed the septic system with the idea that it should be paved with an impervious surface to improve performance. We understand the evidence given to us is that Weiss had weighed in on the paving of the driveway and that there shouldn't be an infiltration trench upgradient along the road and against the septic system. We don't have any evidence or information that have been shared about the side yard infiltration trench design and Weiss having an opinion about how it should be designed. If he has an opinion or information you can share with us, but again we are looking for evidence from credible sources competent sources, which is the legal standard, if you have any information, that would be helpful to the SCC; you are saying Dennis Clark designed this and we have questions why it is designed like this; this is what SCC does in Public Hearings; we ask questions and gather information to decide if we can approve it or not; the questions are not meant to be challenging, it is just a process of data gathering. David: how are these infiltration trenches designed? She is unclear as to the little diagram on here – is that how they are designed? If not, then how are they? What is the composition of the trench? Stotz: there are two trenches on either side of the property and the water is going to flow into them. This is done by a contractor who has done a 100 systems up there; believe it is gravel there; we don't need anything per the people who do this every day; we are doing this voluntarily; we asked him to draw this up and he directed the water to do to both sides; I'm not sure of the material to be used; they direct the water to go into the trench and into the ground like every other property on Lake Drive; it'll go into the ground; I've identified over 100 times that this is all sand. DeFant: the concern I think SCC has that in order to approve an infiltration trench we have to be certain that we've gathered enough information to feel confident that it will function as designed; that's why we are asking these questions. Stotz: maybe we shouldn't call it an infiltration trench, maybe we should call it runoff; how are you handling run-off on the site? And we are handling run-off on this site with these drawings. I mean really. DeFant: SCC is going off the site plan as submitted as a request and when SCC issues an Amended Order we will have to reference a last and final site plan, so it has to be correct. If there are things on the site plan that you believe should be taken off or changed in retrospect, then we will need a corrected site plan; asked SCC if any other questions. Willson: what is the vegetation along the house is going to be in the area with the blue arrows indicating water flow, before water reaches the infiltration trenches? Stotz: his guess would be grass; plants and mowed grass; it is a tiny strip. DeFant: less than 15 feet because of the infiltration trench. How was the length of the trench determined? It appears to be about 38 feet long on the site plan. Why that length? Stotz: don't know; would be a question for Clark. Mancebo: location places the leach field 6 inches from the edge of the road meaning an

infiltration trench, 2 feet wide as requested, would be maximum of 4 feet from the leach field so it is in relationship to the leach field and that where he plotted the infiltration trenches. Stotz: DeFant has all these emails; the Commission doesn't have these emails based on their questions. Mancebo: I understand that Michael; it is in the detailed email from March 13th, 2022 so hopefully the Commission has all these emails because Clark could not make it on the phone tonight. He felt that his emails and letter would provide information for why they were placed where they are placed in order they wouldn't interrupt the leach field flow and he has itemized it. DeFant: everything you have submitted has been shared with the whole Commission. Mancebo: Clark noted that if they were any closer they would not be in code with MA Title 5 Regulations stating minimum setback distance from a Soil Absorption System and open surface or subface drain to be 10 feet minimum. DeFant: When site visit was conducted, she noticed that there were a couple of trees and shrubs in the area on the north side of the property; it seems that 38 feet would impact some of those trees; what are you thinking about for that? Mancebo: Those are going to stay; those are arborvitaes and some trees there that we don't not have plans for besides adding to that planted area. DeFant: concerned about how close the proposed trench would be to the trees. Stotz: no, that's not a concern, plus arborvitaes can take all the water in the world. Mancebo: they are good for water absorption, and they grow like weeds. DeFant screenshares the photos from the site visit form with photos via screenshare. DeFant: noted that Condition of having the erosion controls to be 15 feet from the bank was not being followed; that line was supposed to be the limit of work; south side of home has about a 13% grade and on the north side there about a 15% grade at steepest part and then flattens out; notes that site is sandy; pathways where runoff has moved straw on the slopes. Stotz: that is not a 15% grade there; am very familiar with grades as well; who is your engineer? who told that to you? DeFant: calculated it herself using the topography from the original engineered NOI site plan. Stotz: not a 15% grade; it's closer to 9% and again its not graded yet and we don't have a loam. DeFant explains she is attempting to review the site visit findings with the SCC; asks Stotz to wait to be recognized by the Chair before making comments to ensure an orderly meeting; SCC will certainly give the applicants opportunity to comment; question was here is the two trees and shrubs and you are saying the infiltration trenches will be next to the shrubs; can't be uphill because of the septic system? Stotz: there is room to come up to the septic and roughly against the trees. DeFant asks how close would the excavation be to the trees? Stotz: do not know, pretty close; neighbors would like us to remove the trees; if we do, we'll plant new ones. DeFant: tree removal within the 100-foot Buffer Zone has to be approved by the Commission. Stotz and Mancebo understand. Mancebo: interesting to me that this started as a comment to us that we could hand-draw our design for these trenches and this has now escalated; the work of Alan Weiss and Dennis Clark is not being considered and is actually being challenged by the Commission whom I'm not sure has any engineering or contracting background - but I find this to be questionable and the line of questioning and level and I understand you are put in place to protect the lake and resource which we want to do as well. And I feel the line of this questioning and this conversation has really deteriorated. I simply stated when we opened the meeting we were presenting a plan and you're able to ask us questions - we're doing our best, we are lay people, and we rely on these professionals and these experts. We have documentation and if there is something that we need to adjust on the map for that to be final than I will. DeFant apologizes for cutting Mancebo off but needs to inform everyone there is another Public Hearing soon at 8:15 p.m.; a decision needs to be made soon. DeFant: want to point out that the SCC has the authority if SCC needs or wants engineering guidance or any professional expertise in guiding them through the application, it

has the legal authority to hire/require a Third Party Review which would be an expert hired to review the project at the applicants' expense. SCC is not requiring this at this time. We are doing our due diligence. SCC has experienced people on the Commission including people with graduate degrees in wetland science and biology; we have a good understanding about what our legal authority is and responsibilities for protecting the wetlands; asks to keep tone respectful so that we can be productive and come to a resolution that will satisfy your needs. SCC needs to make a decision about the parking area and a decision about what changes or approvals SCC wants to make about the infiltration trenches. DeFant: does SCC have enough information to make a decision about the driveway paving with an impervious surface request? Kahan: I feel I have enough information about the paving. David: I have enough information for the driveway. Harrington and Willson agree. DeFant expresses concern about not having enough information about the infiltration trench design to approve the plan tonight; worried about approving an infiltration trench when we don't have a good sense about how it was designed; what capacity it has for capturing water to ensure it doesn't fail. Does SCC even want an infiltration trench there at all; maybe consider a different storm water management method; wonders about a larger vegetated buffer strip along the lake as a perpetual condition because vegetated buffer strips are great at filtering sedimentation, taking in water and supporting the integrity of the bank. She asks the Commissioners if they have enough information for the proposed infiltration trench design to make a decision. If we don't feel we have enough information, we can request a continuation or deny the request. Willson: agrees with the concerns raised by DeFant, including the slopes and whether the trenches were designed correctly; would feel more comfortable with Weiss and Clark were present to hear from them why they designed it the way they did – and so they may ask questions. Harrington: agrees with Willson; had concerns from the site visit; would like a better understanding of how they designed the trenches. David: I understand the rationale for the location of the trenches but that doesn't explain the design of the trenches and the grading; we don't have enough information. Kahan: would be helpful to have an assurance that it can handle a storm event and not overflow, allowing sediment to get into the lake; these kinds of trenches require maintenance as well; agree with the other Commissioners that we need to know why the trenches were designed as they were; and also need to know how ongoing maintenance will happen. DeFant: the SCC originally had concerns about stormwater runoff in the original OOC which included a 5-foot vegetated buffer strip and some kind of infiltration trench; as a rule I don't like OOCs with Conditions that have to be approved later as it creates uncertainty; I'm comfortable with approving paving for the driveway; concerned about approving excavation on the slopes to install the trenches without it having been well-thought-out, near trees and the Bank; wonder if there is a simpler; lower tech approach for stormwater management on this site; excavating a 2' x 3' trench will affect tree roots and those trees will become stressed and will reduce the stabilization of the slopes; we don't have good engineering calculations before us to assess these trenches; inclined to not approve it or come to some agreement with the landowners about a different solution; strong scientific evidence that buffer strips do an excellent job of filtering sediments and stabilizing Bank. Willson: is concerned about the SCC advising the Applicants about the design of the buffer strip; we know that in storm events a lot of water may come onto this site; these trenches would take a lot of water; if we relied on only a 5 foot buffer at the lake, we might end up with the kinds of problems seen elsewhere at the lake where Bank is eroding; not sure the trenches are designed accurately. DeFant: concerned about the trench design; the notation about compaction and the diagram on the site plan were apparently lifted from another site plan for a different property; could pull up that site plan for comparison;

language in the design notes is not appropriate for this property and location; could ask Applicants to revise the plan; asks Mancebo and Stotz if they would be willing to continue their Hearing and to come back with a revised plan. Mancebo: Yes, she was making notes of what they were discussing. She doesn't know if Dennis Clark would ever be able to join a zoom call but she asked if she could get a letter from Clark addressing how it was designed, the path of water, how much water, why he placed where it did, and what the ongoing maintenance would be, why were these specified. It could be like a checklist of thing for Clark to answer. DeFant: appreciate Dennis Clark's expertise as an excavator but he is not a civil engineer; civil engineers design infiltration trenches using specialized computer programs to look at perc rate, volume of runoff molded after average storms, ten year storms, the area of the impervious surface, the slopes to determine rate of flow, and then they come up with a calculation; understand that this isn't how this plan was designed, but the SCC is missing information. Stone: wondering whether Alan Weiss had the appropriate-enough background perhaps he could give an opinion on if the infiltration trench design was sufficient. DeFant: don't know if Weiss designs infiltration trenches; he is registered sanitarian who also designs septic systems. Mancebo: He is a hydrogeologist. Stotz: Weiss doesn't do civil but it does overlap and relate to the septic system, the water flow, and etc. Are now saying to hire a civil engineer? DeFant: SCC would have to make such a decision; reminds the SCC that it is 8:15 p.m. and another Public Hearing needs to be opened. Stotz: but you want us to hire a civil engineer now? Mancebo: to present a revised plan and explain the things we discussed tonight. DeFant: SCC has specific questions about the design of the particular infiltration trench design and why these choices were used versus others ways. Stotz: but you did make it clear that you are saying hire a civil engineer? DeFant: did not say that, said that when civil engineers do these kinds of projects, they rely on specific calculations; understand the Applicants didn't use a civil engineer for this design. Stotz: but you said Clark is not a civil engineer. DeFant: SCC is trying to work with you and find a good solution and are not trying cause unnecessary expenses if we can resolve this, we would like to do so. Mancebo: if we provide you with these calculations would SCC feel better about it? David: SCC is looking for the answers to our questions we've asked during his meeting. Mancebo: okay and from what I am hearing you would feel better if they were coming from a civil engineer? DeFant: SCC would like to hear from a competent source; SCC understands that you are operating, translating, and passing down information from people who have expertise, but SCC is not being given a chance to interact with those experts; we can't have a good back and forth and get information. Stotz: can you recommend a civil engineer because want someone who works with SCC; can't bring anyone from outside. DeFant: SCC doesn't have a civil engineer who works for us; there are civil engineers in the area. DeFant: does the SCC want this? Willson: if Clark can provide the information/answers to the questions and show to SCC how he designed it, why it was designed the way it is, and what volumes it can take, then that would satisfy me; it would be great if he could come to the meeting and we could talk to him and hear his answers; if he is not able to do that or what he gives back to you for information isn't enough, you may have to go to a civil engineer; we need a good design with what treatment and what volumes will be treated. Mancebo: has made notes of the questions but doesn't know if she got them all. She wonders if they will be in the minutes and if she would get an email from SCC of a list of questions that need to be answered. DeFant: we will try to make sure this is all in the minutes; can have the Land Use Clerk go over the recording and send a list to you. SCC discussed scheduling for continued Public Hearing. Applicants agree to June 2 at 8:30 p.m.

When you talk to your contactor, it would be helpful if he could explain what the grading changes are going to be; any information about landscaping besides grass would be helpful; how will water flow be directed; also notice that current topography shows your neighbor's property at #24 slopes down into your property so she is wondering how they will be dealing with the runoff from that parking area. Mancebo: have written down a list of all of the comments and questions. **Motion: David moves to continue the Public Hearing for 26 Lake Drive to the June 2, 2022 meeting at 8:30 p.m., DeFant seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye.**

Public Hearing for Amended OOC-31 Lakeview Road/Salvador, #286-0286: DeFant asks Kathy and Joe Salvador if they had reached a decision on the kind of marker they want to use. Kathy Salvador: they chose the extruded aluminum coatings filled with concrete. DeFant: is there way to have permanent numbers? Joe Salvador: Permanent numbers are hard on extruded aluminum. Kathy Salvador: if we had done iron pins, would there have been numbers on those? DeFant: no, but they would have been covered in high visibility paint. Joe Salvador: with the actual numbers, they will correspond to pin numbers on the site plan. The labels are the same that are used for boats because they last a long time and are reflective. DeFant: originally SCC was not requiring numbers – a question here is whether it is possible. How tall above grade are they? Joe Salvador: The pins will be 36 inches tall above grade rather than 2 feet if SCC agrees on this decision. **Motion: Willson moves to close the Public Hearing for 31 Lakeview Drive, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye.** SCC reviews and approves the amended OOC and the revised site plan with the proposed aluminum markers. **Motion: David moves to approve the Amended OOC for 31 Lakeview Rd as amended, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye.**

Public Hearing for 14 Lake Drive/McCallum NOI, DEP File #286-0289 (demolition and new home construction): DeFant: who is here with you tonight? Donna McCallum: we have Chris Chamberland, our civil engineer, Jon Campbell is one of our builders, Dan Bradberry is another builder, and Jesse Selman is the architect. DeFant: thank you for bringing everyone. DeFant shares the site plan via screenshare and asks Chamberland to summarize the major points of the property. Chamberland: this is the existing site plan that includes a single family home that is center and closer to Lake Drive on the narrow property strip that runs to the lake. The current existing condition on this property is the existing storm drain that runs on the south side of Lake Drive and along the left line of the property and drains into the lake. Even though it is not draining anything from the property, it is considered an intermittent stream which includes a Buffer Zone along with it as well as the Buffer Zone for the lake itself. DeFant: not storm drain, it is a wetland uphill that crosses over two roads from uphill that drains into the lake through an intermittent stream. Chamberland: he understands. As a result of this and the Buffer Zone associated with the edge of the lake, it turns this entire property into Buffer Zone. The original plan showed a limit of Buffer Zone running through the middle of the house and excluding the south side, but when you layer on the Buffer Zone from the intermittent stream, then the whole property and the work is in the Buffer Zone. Another resource area that they identified was Bordering Land Subject to Flooding because there is a flood plain associated with Lake Wyola – the lake flood elevation is 836. Chamberland screenshares the site plan and points out the 100-foot Buffer Zone line through the property, the intermittent stream pipe and its inlet; entire site

becomes Buffer Zone. DeFant: understanding is that the pipe comes with its own Bank- the Buffer runs with the conduit. Willson agrees; Buffer Zone disappears in Riverfront Area if it piped over 200 feet; no regulation for intermittent streams. DeFant: Shutesbury has a local Bylaw that protects the 100-ft Buffer Zone as a Resource Area. Chamberland: when we look through the proposed plan we can layer in that additional protected zone so that we can discuss the implications that would need to be accounted for. The 100-year flood elevation is 836, anything north of this contour is considered Bordering Land Subject to Flooding. DeFant: is it labeled Bordering Land Subject to Flooding? Chamberland: it was not on the original submission, on the revised plans that I sent earlier today addressing the DEP comments, we have added it. DeFant: what are the dimensions of the current home? Andrew McCallum: the width is currently 24 feet, and it will remain unchanged. The length of the home would increase by 3 feet making it 35.5 feet. Chamberland: the current length is 32.5 and the proposed is 35.5 feet which is slightly more than 3 feet. DeFant: are you proposing removing trees in the area where the pipe is? Andrew McCallum: we would like to cut some trees to stumps along the left border. They are growing into the house and neighbors have requested as well to increase their view. DeFant: are you leaving them as stumps and cutting them to the ground? Andrew McCallum: we would like to do what SCC recommends. They would prefer not having them as stumps but he recalls that during the site visit there was a preference to leaving the stumps above ground. DeFant: the concern is that pulling those stumps out could disturb or rupture the pipe. What they could do is cut down and grind the stumps so they are flush with the ground and they could degrade on their own. Andrew and Donna McCallum and Chamberland agree. Chamberland: the existing site has a tight tank for septic, that is to remain unchanged. They explored the options to try and do a traditional septic but the site does not allow for that based on dimensions. They have erosion controls (silt fence with straw waddles staked in front of it) proposed in place to stop any sediment from migrating to the lake. A note is included on the plan that states all areas disturbed during construction would be loamed and seeded afterwards to reestablish grass cover. Questions during site visit about foundation and surface drainage – for the surface drainage the house is going to be peaked such that roof sheds to the east and west toward the side property lines (no gutters or piped connections proposed). The water will go off the roof through drip strips which will run over land through the stone, grass, and ending in the lake. There is a proposed basement with a walkout on the lake side and the question about foundation drainage did trigger the architect and him to have a conversation about that. The elevation at the bottom of the basement where they would like to collect a perimeter drain is such that in order to daylight that foundation drain, they would have to be beyond the limit of work that was indicated originally on the plans. What they have shown is, strictly for ground water (no piped drainage for surface water), a daylight for surface drainage which they have proposed on the right side of the structure and ending towards the lake. There would be erosion controls placed around it during construction and proposed a clean crushed stone pad to allow the water to trickle out without the effects of erosion. Willson: how far is the drainage outfall from the Bank of the lake? Chamberland: about 20 feet. DeFant: would it make sense to have vegetation around it? Chamberland: they could use deeply rooted stabilization plants to hide outlet. We could recommend some native shrubs in that area. Andrew McCallum: asks if they can move it to the other side of the property. Chamberland: if it were to be moved on the other side it would be a challenge due to the large deciduous tree that is staying in that same area. Andrew McCallum is concerned of that placement because of the volume of traffic there will be in that area. Chamberland: they an outlet anywhere outside of tree dripline; could bend it in a way to not affect the tree at all. Andrew and Donna McCallum

agree that could be an acceptable change. Chamberland: in order to have the basement be dry, they need to drain the perimeter to prevent water intrusion, and unless they use a sump pump, which they don't want to rely on (energy use), has to have an outlet in an area close to the Bank of the lake but it would be clean water – no issue with sediment or pollution and temperature because it is coming from the ground. In terms of the NOI, is this placement this close to the lake acceptable? If not they could come back with a revised plan with a better placement. Would there be a condition not to place shrubs around this as well? Landowners would prefer no plants. DeFant: it's a tight lot so it would be difficult to do different things. She agrees with him about the clean water; a gravel pad is acceptable. Willson: a gravel pad is standard which is great. Only concern is if there is a lot of water then some shrubs would absorb some of the water – wouldn't want to see the water slip out over the yard and into the lake creating erosion; 20' is an acceptable distance. Andrew McCallum asks if it would be easier to have the drainage go further to the right of the property closer to the line – understands it would be close to the neighbor. Chamberland suggests asking the neighbor to ensure it would not be an issue – area could get soggy. DeFant: not a regulatory issue but a design issue that SCC would not comment on; question is whether to continue the Public Hearing or to close it. Willson: wants to add that SCC would like it to be as far away from the lake as it can be; as Chamberland has indicated that outfall distance is where it would need to be to get the correct slope but SCC would not want it to be any closer to the lake. Chamberland clarifies to Andrew and Donna McCallum that the issue it can be moved any way left or right but could not be moved further up or towards the lake; not anticipating a major flow of water from this drain. DeFant opened a discussion with SCC whether they would like to close the Public Hearing and require them to come back with the revised plan reflecting tonight's discussion or continue it. David is OK with closing. Willson: can we SCC close the Public Hearing tonight and then do the OOC at the next meeting which by then the SCC would have the revised plan that could be referred to in the OOC with the correct dates? SCC agrees to Willson's proposal. Donna McCallum asks if it would interfere with their ZBA Hearing for their Special Permit. DeFant states that their OOC would be permitted the day after the next meeting. DeFant: in terms of patios and walkways what is being proposed? Chamberland: on the plan, coming from the road is a walkway turning into a raised deck to arrive at the front door. There is a balcony that hangs off the front of the house and it is elevated. Off the back of the house on the walkout side there are retaining walls on either side and then an elevated deck with descending stairs. DeFant asks if any of the walkways would be impervious and Chamberland says only the first part coming from the road would be paved but all other pathways could remain pervious. DeFant notes the parking area is across the street. Andrew McCallum asks if they would need to be at the next meeting if the Public Hearing is closed tonight. DeFant: no because once it is closed SCC may not take any further comments or questions. There is no public comment. SCC lists some standard conditions that will be applied such as Conservation seed mix to be used during any seeding, and the restriction of not using any fertilizers, pesticides or herbicides in the Buffer Zone. **Motion: David moves to close the Public Hearing for 14 Lake Drive, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye.**

Review minutes for 4/28/22 and 5/12/22 -

Land Use Clerk, Carey Marshall, was out sick last week and finished the minutes for 05/12/2022 tonight but still needs to edit. Minutes for 04/28/2022 are ready but was not shared with SCC until tonight – need more time to review. Minutes will be voted on next meeting on June 2, 2022.

Site Visit Reviews:

120 Cushman Road/Dill, RDA, driveway paving: DeFant: she and Wakoluk went to see the top of the driveway. Wakoluk: looking at the driveway and pitch of the driveway – agreed that there was enough water shedding off the hillside to have infiltration strips along the sides of driveway. Driveway would be removed to subgrade, can have the strips done by hand or cut through the grass to allow water to infiltrate. DeFant: large slope behind property and paved driveway causes a lot of water coming down it. No swale connecting to storm drain located close to the property- Highway Department has jurisdiction over the right-of-way. Emailed Tim Hunting but have not received a response – need to follow up. SCC will have Don Wakoluk reach out to Hunting regarding this matter.

391 West Pelham Road/Vinskey (ground-mounted solar installation): DeFant: During site visit there were no jurisdictional wetlands.

421 West Pelham Road/Visniewiski (new construction home and driveway): DeFant: Driveway is in Buffer Zone. Homeowner will submit RDA.

263-265 West Pelham Road/Pegoraro/Levine: DeFant: swimming pool installation 65 ft from a BVW. Homeowner will submit RDA.

Updates:

National Grid Right-of-Way Treatment Letter – Carey Marshall, Land Use Clerk, will reach out to National Grid to ask if Don Wakoluk could attend when they apply herbicide spray.

Article 97 conversion of the Randall Road Boat Launch – DeFant: Select Board had Executive Session about Randall Road Boat Launch with Town Counsel Donna MacNicol. DeFant asked if SCC may be part of discussion but SB preferred to discuss among themselves first.

Bylaw Regulation Revision: discuss timeframes and scheduling: No correspondence since last meeting, DeFant will reach out later to Garner and Horsley later this week.

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

Meeting Close: 9:44 p.m.

Next Meeting: Thursday, June 2 @ 7 p.m.

Documents Used:

- Agenda
- Draft minutes for 4/14/22
- Notice of Intent and site plan for 64 Cushman Road/Heard
- 14 Lake Drive Notice of Intent
- 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, emails between Chair and Applicants, various dates
- 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, emails between Chair and Applicants, various dates
- 31 Lakeview Road, Order of Conditions, 4/15/2022
- 31 Lakeview Road Amended Order of Conditions Request
- 31 Lakeview Road Draft and Final Amended Order of Conditions
- 31 Lakeview Road, Revised Site Plan, 5/25/2022
- 31 Lakeview Road, Revised Attachment A, 5/15/2022
- 31 Lakeview Road, Draft Cover Letter for Amended Order of Conditions
- Site visit forms for above-referenced site visits

Respectfully submitted by Miriam DeFant, Chair, 6/16/22