

Shutesbury Conservation Commission

Minutes – 07/14/22

Approved 9/9/22

Virtual Meeting

Meeting Start: 7:00 pm

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

Commissioners Absent: None

Other Staff: Carey Marshall (Land Use Clerk)

Other present: Janice Stone, Don Wakoluk, Nancy Dill, Jesse Dill, Connie Cappelli, Rebecca Torres, Chris Volonte, Marty Wells, Steve Sullivan, Christin McDonough, Jennifer McGuinness, Paula Moore, Penny Jaques, Jake Mitchell, Mickey Marcus, Sharon Weizenbaum, Jeff Gagner, and all other unidentified individuals.

Chair's Call to Order at 7:00 pm

Meeting is being recorded

120 Cushman Road/Dill (RDA-Driveway Paving)

Dill: she has large potholes in her driveway and has been told that the patches she has been doing will no longer work – needs to be repaved as recommended by multiple contractors. There is an adjacent issue she wants to solve but it is off of the easement of the driveway (off her property) - increase in water pooling at the end of her driveway. It seems that it is in concert with when the road was being filled/resurfaced that now where the road meets her driveway it creates large pools of water. She talked to Tim Hunting, Chair of Highway Department, who visited the property and discussed cleaning out the culverts to allow the water to move from her property. Hunting suggested that when redoing the driveway to have a dip at the end to help direct the water into a natural location. Another issue is the driveway is too steep for cars to get up in the winter and currently she has spaces at the bottom for cars to park in – looking to move the parking space up. There are two large boulders in the way that may need to be removed if possible. She understands there were concerns from Don Wakoluk, Tree Warden, that the new parking space would be too close to a tree in that area – she is suggesting that instead of the parking space being parallel to the road that it would be diagonal to create 8 foot distance between the parking spot and the tree. Core issue is the driveway and they do not plan to change the direction but would like to flatten the top of the driveway a degree or two but understands if it can't be done. Hunting suggested that when the conductor does the driveway to have them remove a few inches of loam on the sides to promote better drainage – she has discussed this with the contractor and DeFant - wants to add gravel in those spaces. DeFant: for the benefit of the Commissioners who were not involved with the discussion of the tree, Wakoluk raised concern there is a tree just outside of the right-of-way and the parking space is in the right-of-way so if the parking spot is moved up it could jeopardize the tree – if it dies then it would be a hazardous tree. He recommended taking the tree down because it is out of both Buffer Zone and the right-of-way so the homeowner has the right to do so, but Dill does not want to at this point – recognize that it become an issue later if it dies. DeFant: we want to make sure everyone understands the part of what was happening on the right-of-way and want to make sure the

landowner has permission from the Town to do the grading that is needed. Rebecca Torres, Town Administrator, agrees. DeFant: what she heard from Hunting via Torres is that there is a paved storm water culvert on Weatherwood Rd that goes under Cushman Rd and empties into the pond near Atkins Reservoir. There were new telephones poles placed in that area recently and Hunting believes that the swales were filled in during construction – not a new stormwater feature but a repair of an older one. New stormwater features required an RDA but repair of one does not – SCC needs to discuss this but aware of the short time frame Dill has. Dill: construction of the driveway is currently scheduled for the second week of August after being postponed previously to allow time for this meeting – if it has to be pushed back again it would more than likely not be completed this year. DeFant shares a photo of the current parking space with indication of the proposed one and the tree in question via screenshare. DeFant: she recommended to Dill that if there was any soil disturbance in this area to place down woodchips or straw to stabilize the soil. Do any Commissioners have any questions? Torres: wants to inform the Commission that Steven Sullivan is in attendance and he went to the see the site today. Sullivan: he visited the site and believes the plan is good to go – he confirms there is a swale on either side of the driveway that has not been cleaned out in about 3 years. SCC has no further questions. **Motion: David moves to close the Public Meeting for 120 Cushman Road, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye. So moved.** DeFant shares the draft DOA for 120 Cushman Road to SCC via screenshare. SCC gives DeFant permission to sign for them electronically. **Motion: David moves to approve the DOA with a Negative Determination #3 and Special Conditions for 120 Cushman Road, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye. So moved.**

29 January Hills Rd COC, DEP #286- 0090

DeFant: the homeowner of 29 January Hills Rd, Connie Cappelli, is looking to sell the home but there is an open OOC from 1995 attached to the deed – they would like to get this discharged because they are closing on the sale tomorrow, Friday July 15th, 2022. This property was visited in 2020 by DeFant and Harrington when an RDA was submitted for a septic repair. There is an intermittent stream that connects over to the neighboring property, 27 January Hills, along with a pond next to the home. Land Use Clerk, Carey Marshall, located the old files from Old Town Hall for review – original site plan and NOI were scanned and sent to Commissioners for review. DeFant: SCC must decide if they want to issue COC without site visit in the interest in expedience for the landowner. There is another OOC that might be attached to the property-concern raised by their attorney. This other OOC is from a subdivision plan that Douglas Kohl submitted for the Round Hills Rd subdivision. Stone was the Chair of SCC during this time. Stone: is the only wetland the pond and stream you said were on the property? DeFant: Yes, when Marshall and DeFant were reviewing the 1987 Subdivision Plan, there was an NOI for a road to be made and there were perpetual conditions placed by the SCC because of a large pond – the RDA mentions Lots/Parcels that have since been combined over the years (no longer accurate to today’s lots/parcels numbering). After reviewing the documents, she believes those perpetual conditions do not involve this property. Stone: suggests that on the COC to note this COC is only for this property and not any others that were involved in the subdivision. DeFant agrees. DeFant: if SCC in the future has to review any of those other parcels for a COC, this will need to be sorted out. What occurred is there was a large subdivision proposed that did not work out and they kept reorganizing the lots until they were sold. Willson: this COC is for the NOI

from building the house? DeFant: yes but to enlarge the house – there is also a pond that resides next to the home that was not shown on the site plan but Cappelli has clarified it has existed since before that NOI. Willson: what year is the NOI that we are being requested to issue and COC for? DeFant: 1995. Willson: she would like to hear from Cappelli that the construction went according to plan. Cappelli: Yes it was. The engineer was Sara Campbell, she visited the property recently to make sure everything was in compliance with what was set up in 1995. DeFant: she send us an As-Built Certification statement. Willson appreciates the As-Built Certification statement - no further questions. SCC has no further questions. SCC gives permission to DeFant to sign for them electronically. **Motion: Willson moves to issue the COC for 29 January Hills Road, David seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye. So moved.**

Approve minutes for 03/22/2022 6/16/22 and 6/23/22

DeFant: 03/22/2022 was skipped over and never approved. Has SCC reviewed the 03/22/2022 minutes? SCC confirms review. **Motion: David moves to approve the draft 03/22/2022 minutes, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye. So moved.**

Marshall has finished the draft minutes for 06/16/2022 and 06/23/2022 but DeFant has not reviewed them, will be discussed at next meeting July 28, 2022.

Top of the Lake Conservation Area signage-Penny Jaques, Open Space Committee

DeFant: she sent SCC an email of the draft language Penny Jaques has created for the signage being placed in the Top of the Lake Conservation Area to review. Jaques: she has sent the same draft to the Selectboard, Torres, and Police Chief, Kristen Burgess, to allow comments – has not heard back yet due to it being sent out today. DeFant shares the draft for the SCC to review via screenshare. Jaques: the Conservation Area is located on Merrill Drive on the north end of the lake – it is 120 feet deep and 60 feet wide (tiny). The stonework has been put in for a canoe/kayak launch and the Highway Department has created a few parking spots in the area – there is concern that people will continue to drive over the property, and after talking with the Highway Department, they plan to place large stones around the property that were previously removed due to miscommunication. There is also fencing in the area to guide cars. The area is also ready to be opened to the public but she believes signage is important to have before opening. Much of the draft language was discussed much earlier but was not urgent at the time but now it's closer to the area opening and she is hoping to get confirmation or comments from SCC so she may be closer to finishing – still awaiting comments from other departments as mentions so there may be minor adjustments. Her goal is to have a sign by mid to late August. She collected language for the sign from other conservation signage in Amherst, Wendell and Pelham – used what she believes is relevant to the activity on the site. DeFant: there were previous concerns that the location was used by private individuals that are not using the Conservation Area such as general parking – preventing people from using that parking to launch canoes/kayaks. Jaques notes that it is only two parking spots and not meant for high volume. DeFant: if the Selectboard and police support enforcement then she would like to see limitation on parking reserved for people using the Conservation Area. Harrington, who has been involved with working in this area, agrees. Willson: she is wondering if it should address fishing if they did not want anyone to fish in the area. Jaques: acknowledges that Willson has asked this

question in an earlier email and explains that she did not address this question because the shore line is completely vegetated expect for the stone steps to get to the launch and since this section of lake is only 6 inches deep is it more than likely not a place people would want to fish. DeFant: she is concerned that when there is hardscaping people tend to drag there canoes/kayaks down through the vegetation to prevent scratches – concerned about the native vegetation on the shore and suggestion adding language to address such and possible looking into canoe/kayak shoots. Jaques agrees and states there might be some buckthorn that could be removed to create a shoot. SCC has no further questions or comments. **Motion: David moves to the approve the draft language for the Top of the Lake Conservation Area sign, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye. So moved.**

Bylaw Regulation consultants updates

DeFant: she had an email conversation with Garner because he and Horsley were interested in doing some site visits and possible experiments with dyes to get an idea of how to measure flow of intermittent streams. The drought conditions are affecting the usefulness of this at present. She recommends that they pass on the site visits and experiments so that they can move forward with creating draft language to get the process moving. SCC agrees. DeFant will email them reflecting their discussion and possibly plan for them to attend a meeting in August for updates.

DCR RDA: Rocky Run Bridge Repairs:

McGuinness: she is here to present the Rocky Run Bridge project and she is companied by their civil engineer, Jeff Gagner. There is currently a forest road there that is used for pedestrian traffic but DCR uses it for vehicle travel when sampling the watershed, wildlife studies and logging operations – the road is connected to a 14-foot x 12-foot bridge covered with metal plates and 8-in x 10-in stringers that have deteriorated. They are proposing to remove the existing bridge from the roadway and replace the stringers with a 12-foot x 14-foot wooden bridge that would be mainly constructed in their warehouse – brought out to the site in sections. The headwalls are in fair shape but there are few rocks that have come loose over the years – their staff is confident they can put back those stone with an excavator. The new bridge would sit in the same spot as the current one. There will not be any grading and no work within the wetland, the banks or the perennial stream – this is part of a three bridges series but if they can't get this bridge in then there is no point to put in the other two. DeFant: will there be any stockpiling of materials? McGuinness: no, the contractors will be bringing the materials to the site using a box truck – not anticipating any use of gravel or fill. They plan to use straw waddles where they believe erosion controls are necessary. McGuinness share photos of the current bridge for SCC to review via screenshare. Stone: when will the work start? Gagner: the hope is to have the work start in the summer into the fall – done before hunting season. McGuinness: they are looking to get a Negative 2 Determination for their project since they will not have any impacts. **Motion: David moves to close the Public Hearing for Rocky Run Bridge, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye.** SCC agrees to allow Chair to sign digitally. DeFant shares the DOA for Rocky Run Bridge via screenshare for SCC to review. **Motion: Willson moves to issue a Negative 3 Determination with Special Conditions DOA for Rocky Run Bridge (0 New Boston Rd), Willson seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye.**

678 Pratt Corner Road Enforcement Order Update:

SCC has received and reviewed the revised delineation along with the written proposal. Marcus: SCC was correct in placing the Enforcement Order for this property – Mr. Mitchell had inadvertently filled the wetlands present on the site. Mitchell did follow SCC recommendations to place erosion controls and hired himself and a surveyor to produce a restoration plan. Wetland fill cases are complex and he did the best that he could to identify wetlands that were present prior – he overestimated the wetlands area(s). Marcus shares his restoration plan via screenshare for SCC to review. DeFant: SCC had conducted two site visits; the first was towards the end of May and the ground located behind the house in the central area which you have not delineated as a wetland was highly saturated – the second site visit was conducted in June, during a period where weather was abnormally dry conditions, there was still standing surface water in the central area that you have as seeded grass area (SCC had noted hydrologic soils and wetland plants too). Marcus: when he did the work, he did it mainly by hydrologic soils because the vegetation was cleared. What he assumes is that the back area will be completely restored. He found in the left side of the woods an area that he is calling a ‘wetland seep’- it was a discharge area that had hydric soil, wetland plants (Area A). Area A was filled and the surveyors concluded that was 641 sq. feet in size. There is a similar area on the right side of the woods, Area B, and it is discharging water from an adjacent neighboring property – this area was partially filled. It was mixed highland soils and it was complex for him to determine where the wetland was prior to the work that had been done. The surveyor concluded Area B to be 762 sq. feet in size. He had looked at older aerial photos and he is assuming when the house was originally built there was some yard in the back but could not conclude its size. He is proposing the whole back area be resorted and planted which ends up being roughly 2,000 sqft. DeFant: do you have a restoration plan at this time? Marcus: no, he had just recently received the revised delineation and square footage of both seep areas. The surveyors went out twice – the first to pick out the wetlands and the second to pick out the cleared areas. Adjacent to Pratt Corner Rd there is a well-defined Bordering Vegetated Wetlands, BVW, and a culvert under the driveway (surveyors missed culvert and some flags on the left side of driveway). There is a stream present within the BVW that flows off site to the right. The BVW was not altered and he believes the two seep areas he has identified are isolated wetlands that are regulated by SCC and Army Corps of Engineers to be restored – He doesn’t believe they are BVWs. DeFant: one of SCC concerns is that if they are BVWs, then Mass DEP also has jurisdiction in addition to SCC. SCC observations during the site visits is that the whole area had wetland characteristics – hard to imagine they are isolated (prior existing wetland plants and hydric soils). Marcus: yes there was a lot of disturbed soils – the part he had trouble determining how much land was originally cleared in the back of the house because the site had been graded and disturbed. Aerial photos didn’t provide a conclusion for him. This is a start and he is happy to work with the SCC to define what should be restored – can go out to mark them together. David: during one of the site visits, SCC had looked at the right side above the labeled seep area; she believes SCC saw an intermittent stream. DeFant: yes during the May site visit, there was visible running water in the area to the right that is being described as the larger seep. During the site visit in June, SCC looked at the down gradient area around to the right of the house, below the slope, DeFant, Mary Grover (Mass DEP agent), David and Willson observed evidence of connection between the larger seep area and the down slope area. She adds that this delineation map doesn’t have contour lines which would have been helpful in understanding the dynamics of the site. Marcus: saw those notes and did not concur with the findings of an intermittent stream and connection to BVW downgradient. In the area on

the left side there was standing water but during his work in June on the right side there was no standing water. There is no channel from the right side area to the sloping area below – there may be over flow but no direct channel. Kahan: when you were doing your delineation and you saw that there was fill did you measure the depth of the fill? Marcus: yes, it was under 12 inches. It appeared the soils were moved around but did not directly bring in fill. Kahan: in the seep areas and the area labeled pea stone, was there evidence of fill there? If so what was the depth and how many samples did you take? Marcus: yes, he did soil auger samples in that whole area and the area further back – concluded that overall, the depth of fill was between 10-12 inches. DeFant: SCC did one core sample in the center of what is labeled ‘seeded grass area’ and found bleaching and iron staining – appeared to be hydric for a long time. Kahan: it would be helpful if you marked the locations, you had taken your samples. Marcus shares his Wetland Evaluation for 678 Pratt Corner Rd 07-01-2022 via screenshare for SCC review (general location of where at least one sample were taken). DeFant: SCC needs to know the area of restoration to determine whether the restoration plan is adequate or not. You are proposing 2,000 square feet but when SCC did their site visits, we determined closer to 5,000 square feet. SCC needs to decide the medium between those two area numbers. Stone: she did not see the report but saw the letter and map – she asks Marcus to explain what he means they will restore the back including the seeded area. Marcus: the idea in the restoration is there is number of features such as the drain will be sealed and plugged, the hydrologic soils will be redistributed (stock piled currently present on site from alteration prior to Enforcement Order), revegetation planting plan, seeding plan, a time schedule plan (goal to finish the work by August 15th), and some post operations monitoring plans. The best thing to do would be to meet with SCC on site to do sampling together to satisfy what the area should look like on paper. Stone: with the reseeding does that mean some of the area will be lawn? Marcus: no, what he suggested 15 feet off the house because he could not determine the size of the pre-existing lawn prior to alternation(s). DeFant: she had discussed this matter with Mass DEP and she has drafted a letter reflecting discussion that they can review after the Public Hearing for Ames Pond NOI. She is concerned about the unnatural configuration of rocks (appears to be a wall) and the plugging of the drain, because it is still perforated and can change hydrology of the site. She is also concerned about the short monitoring time because since there are drought conditions currently and the revegetation in plants need to achieve 85% - would like a longer monitoring period and possible site visits instead or in addition to photographs. Sharon Weizenbaum (712 Pratt Corner Rd): she owns the farm across the street from this property and the water from the intermittent stream goes into their pasture – they are dependent on that water for their farm and livestock. She doesn’t know about hydrology but she is concerned and hopes it stays the same to continue the water flow to her property. There is pause in discussion to open the Ames Pond Public Hearing.

SCC wants to conduct another site visit during the week but both the applicant and Marcus will be on vacation. Marcus: during the break, Mitchell and he had a chance to talk and he has additional information he would like to share. Mitchell confirmed they went 12 inches down when adding loam because they had hit ledge. In terms of concern about the rock wall, Mitchell agreed to remove the boulders from the rock wall. Additional monitoring is fine with the applicant; he confirms that a strip of 15 feet of lawn was previously cleared and maintained off the edge of the house; he proposes having the entire cleared area as restoration except that lawn area off the house (unsure what the square footage would be). DeFant: she is more comfortable with this new proposal and having a 15-foot zone around the house is reasonable. SCC would

also like to see the drain removed. Marcus: Mitchell said he would be willing to remove the drain as well but it would require a machine to remove it – he is unsure if removing the drain would make much of a difference because he believes it wouldn't change the hydrology. DeFant disagrees. DeFant: in terms of replicating wetlands SCC would like to see the wetlands restored as close as possible. The other question she had after reviewing his report is SCC needs to determine if there is future work, will it be in permittable through an RDA or NOI – based off what they know now it would be most likely to be NOI due to the proximity of the wetlands on site. Mitchell: would it be okay if I removed the drain and did 20 feet of lawn instead of 15 feet? DeFant: SCC would prefer 15 feet. For the planting plan, what do Commissioners have in mind? Mitchell: he is willing to plant anything that is recommended or required. Willson: Marcus will SCC receive a restoration plan with where the plantings will be placed? Marcus: yes he can do that. They just received the revised plan from the surveys late. Kahan: the restoration plan should detail the extent and depth of materials will be removed and what will be present by the end of the restoration. DeFant would like to see a soil profile model of what is being used for the restoration. SCC agrees that another site visit is not needed but SCC needs a through and detailed restoration plan. Mitchell: he is hoping SCC would allow him 20 feet instead of 15 feet because he owns a dog and would like to have enough room to add fence in the future. SCC is unsure if 20 feet is acceptable because of the approximate distance to the wetland and unsure if fill was placed within 15 feet from the house. SCC agrees to 15 feet limit from the house for a mowed lawn. DeFant shares the drafted letter to 678 Pratt Corner Rd Enforcement Order for SCC to review via screenshare. **Motion: David moves to approve Draft letter to 678 Pratt Corner Rd Enforcement Order Landowners as reviewed, Kahan seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye.**

Ames Pond/Kestrel Land Trust-NOI, DEP File # Pending: boardwalk and trail New Boston

McDonough: she is a professional wetland scientist and a certified wildlife biologist from SWCA Environmental Consultants, and she is here to represent Kestrel Land Trust in their NOI application – Ames Pond Area on Wendell Rd. McDonough shares the site plan map(s) with delineation for Ames Pond via screenshare for SCC to review. McDonough: the Conservation Restriction Boundary and the Property boundary do not exactly align – there is a section where the Conservation Restriction Boundary is further away from the property line (going inwards). NOI includes the upgrading of existing boardwalk that runs through a natural bog, installation of new boardwalk where portion of existing trail/carriage road has been flooded due to beaver activity, upgrading and maintaining existing puncheon over a portion of existing trail running through a forested wetland, installing of new puncheon through a portion of existing through trail traverses through a frequently flooding meadow, and installing an accessible crushed stone path along Buffer Zone to the wet meadow. McDonough: They are proposing using wood for the boardwalks and puncheon. Puncheon is two 2 X 4 runners with a cross bar (sill) with a platform on top and the idea with it is to expand over the wet portions – when you have a trail that goes through a wetland when it is seasonably wet it causes trail user to go around it which causes soil compaction that can lead to trail braiding (widening the wetland conditions, expand the wetland boundary, harm wetlands, lead to erosion, and compacts soil). If using puncheon (especially if handicap-accessible) it encourages trail users to stay on the trail and reduces the soil compaction, less trampling of wetland plants and reduces trail braiding. The blue section of trail on the map is to be decommissioned to allow the site and sensitive resources areas to naturally revegetate. They are also proposing making an official parking lot by expanding the current gravel self-made

parking area. The purpose of this project is to upgrade and reduce the existing trails within jurisdictional areas while improving accessibility as asked by the Town of Shutesbury. Trail maintenance may occur within BVW(s), Riverfront Area and 100-foot Buffer Zone as areas jurisdictional to the Wetlands Protection Act, WPA, and the SCC – although this project doesn't project altering any resource areas, no resource area will be lost and none of the work will go against the interests under the WPA. All trail maintenance activity proposed on this property is maintenance on existing structures/trails. In the first area is where the existing parking lot resides that expands slightly into the right-of-way. There is an existing trail that cuts through a BWV (flagged as A-series Wetland). They are estimating that under existing conditions there are 2,800 square feet of impact to the wetland associated with the existing trail entrance - they are proposing moving this trail out of the wetland and placing it on the Buffer Zone boundary (connecting it to two other trails). The new section of trail would consist two different materials – the first half would be crushed stone and then switch to puncheon for the remainder of the trail. Puncheon will also be used on the connecting trail going across the property (closest to Ames Pond) with a proposed viewing platform at the midpoint of this trail – 10 feet by 12 feet puncheon would be used to create the platform (total size of platform 10 feet wide by 24 feet length). DeFant: did you consider making the trail on the other side of the wetland – the upslope side? McDonough: yes they have considered it. There is no proposed maintenance on the remaining portion of the trail after the viewing platform. The yellow marked trail has a smaller, unofficial trail connected to it that cuts through the forest heading northwest to meet with another trail. That smaller, unofficial trail cannot meet accessibility standards due to a high pitch which led to abandoning that option. The lower connecting trail is off of Kestrel Trust's property so Kestrel Trust needs to maintain the trail connection of that trail to the trail crossing Ames Pond. They discussed abandoning the trail in question (proposed to be moved on the boundary/buffer of the wetland) but because the public already uses the existing parking lot the reality is they will continue to use the trail coming from the parking lot. To deter walking in that wetland, creating more soil compaction, or trail braiding the use of a single and marked trail would encourage the public to stay on the trail – reduce the impact of wetland from 2800 square feet to 150 square feet. Kahan: has Kestrel discussed the idea of creating a new trail that would go around flags AA-13 to AA-2 – cutting through a section of forest? The south route that is currently proposed seems to be more wet and had potentially more wetland impacts so was there another way of accomplishing the same with minimizing the impacts to the wetland there? McDonough: the short answer would be no because since it is an existing trail that people will continue to use whether or not they try to upgrade it and condense it to a single path and creating a new trail through forest is outside of the grant and not a part of this project. DeFant: what is the size of the map? McDonough: 1" = 1,000 feet. DeFant: is there any seeding or grass seeding being proposed? McDonough: there is no revegetation being proposed in terms of restoration plantings – as far as the blue marker trail is considered to intersects with sensitive resource areas that has evidence of bank mitigation/erosion so it is to be closed to allow natural revegetation. There is no invasive species associated with this trail and is vegetated with leather leaf, pitcher plants, and mulberry. The wet meadow is proposed to be mowed annually as part of a long term operation and maintenance plan for reasons such as ecological preservation; like to be kept as an early successional meadow. There are several specialized plants growing within the meadow that are adapted to boggy/ wet meadow habitat such as pitcher plants, sundews, swamp candles, snake-mouth orchid, wild cranberry, native shushes, native brushes and native ferns. Without mowing, that area will be succeeded into scrub shrub, swamp and then into forested wetland. There is a

little highland blueberry bush island in the middle that Kestrel would be happy to leave. The second reason for the wet meadow to be mowed in November on an annual basis is continuing the experience that this conservation area has provided the trail users for many years. She has been told that the area has been mowed as early as 1930s, and continued until Julian had passed in 2019 – maintenance of the area had slipped since (legal issues were being resolved). The mowing was part of the original conservation restriction and part of the grantors' wishes. Kahan: for clarification, when SCC had met with her she had discussed a raised platform on solid tubes that would be placed in the area she had delineated it as upland. She stated here that it would be several pieces of puncheon put together. Kahan: is that in wetland and what would the construction plans be? McDonough: it is 10-foot length by 12-foot width sections so she believes the proposal is an extension of puncheon and it would be two of the preconstructed lumber sections with bumpers. The platform sits on upland cutouts that reside on the property line. Kahan: how close to the wetland bank will the platform be when finished? Is it on the bank or is it set back? McDonough: it is set back because Kestrel doesn't own the bank – that is the abutter's property. Stone: the trail that be proposed to be moved is in the Buffer Zone but is about a foot from the bank? McDonough: yes it is pretty close to the bank because we didn't want to push it too far into the forested area. Stone: in terms of the mowing, she is concerned about the mowing of the wet meadow due to its sensitive nature and soil structure. She is hoping that SCC would consider not using mowing vehicles and instead use hand tools. DeFant: is that a feasible option, McDonough? McDonough: that would be up to Kestrel because this site has been managed for decades and it has been mowed for decades – she doesn't know what the applicant would be amendable to and what has already been in their practice. Stone: you didn't know what size mower he used before, and it's been a while since it has been done – things can change and there should be consideration for how environmentally sensitive that area is. She understands it was not McDonough's fault that her flags were removed but she believes it would be a good idea to have her put back the flags and set up a time for SCC to visit with her to see those flags – it is part of the NOI process and it is hard to do without. McDonough: she understands the comment made by Stone, but she asks SCC to consider not doing that because the scope of the work is for existing trail maintenance NOI; Kestrel is a non-profit agency and SWCA is not a non-profit company; it would require them to get a change order for that which would be an expense for Kestrel. Stone: how does SCC know where the wetland edge that you said you're skirting is? Since you'll be working very close to wetlands it is important to have some sense of potential impact. McDonough: she invites SCC to the site prior to construction to review the trail and mowing areas if requested. DeFant: that is something that can be discussed. For the construction phase activities, where are you proposing stock piling materials and how will you be disposing the materials that will be removed? If dumpsters are being used where will they be placed? McDonough: she knows that for most boardwalk upgrades they will be removed and replaced piece by piece through hand work – she can't guarantee the exact construction plan methodology because Kestrel is going to put out a bid for most of the construction work (work done in sections 2, 3, and 4) at a later date. However, for the main part of the scope proposed in this NOI and the company they have agreed to work with is the Great Northern Docks Company – they do not know who the contractor will be at this time. The plan is that for most boardwalk and puncheon upgrades, existing structures will be removed and replaced piece by piece through hand work – she understands if special conditions must be made. DeFant: it is hard for SCC to place Special Conditions without more detail about the construction plan. She is concerned that now knowing this will mean we cannot know if the eventual contractor might want to haul in

materials with motorized vehicles and/or have a staging area that may be in a sensitive area. McDonough: would SCC like to require a copy of the construction sequencing detail – she isn't sure how it would work but something along those lines? DeFant: SCC could ask for it but wouldn't allow them to condition anything. Do any commissioners have any comments or questions? Willson: she agrees that it is important for SCC to know how trail upgrades will be constructed along with their method and tools/machinery they plan to use in the bog area – it is tricky not to have it now because as stated SCC would receive it after conditioning has already been done. McDonough shares photos of the installation process shown by Great Northern Docks Company website via screenshare for SCC to review. DeFant: SCC could condition saying there can be no stock piling in the Resource Areas and in the Buffer Zones – not be able to stock pile anywhere and could require them to bring it in one piece at a time. Also include no refueling in any Resources Areas. McDonough: As part of the ongoing operation, maintenance that is added into the NOI include general vegetation clearing within existing trails – chainsaws could be used during this but as stated no refueling would occur in any Resource Area(s). Kahan: will there be any use of wheeled tools to assist in any construction? McDonough: no, it will be done all by hand. The only part of the NOI that includes wheeled tools/machinery is the mowing of the wet meadow as discussed earlier. The boardwalk and puncheon should only be done by hand/ piece by piece – she is not an expert at boardwalk building but that is what she has been told. DeFant: the wet meadow is that A-series wetland? McDonough: yes. DeFant: for conditions we can state no refueling in any Resource Area(s), no wheeled tools or machinery except for the mowing method if SCC permits that, no stockpiling or staging on site would require them to carry it all in. McDonough: one aspect of this NOI we haven't discussed yet is the new parking area which is in 100-foot Buffer Zone. They would be taking this unofficial parking area that extends into the right-of-way and making it into an official gravel parking area currently all within the conservation restrictions and on Kestrel's boundaries. When they clear it, including invasive species, it would create a flat, leveled area that they could potential use as a good place staging area. DeFant: SCC could state no stockpiling within 100' Buffer Zone expect for within the new parking area. Does anyone from the public have any questions or comments? Marty Wells (12 Ames Rd): he has been an abutter to the property for about 40+ years and had worked closely with Julian Janowitz in the transfer that ended with gifting this property to Kestrel Land Trust. He had worked for him for 40 years on the trail maintenance including the boardwalk through the wetlands. He is concerned about the existing materials on the trail heading towards wetlands and is located above the trail being upgraded due to beaver activity – it should be removed as proposed. The wet meadow had not been mowed with equipment over those years – it was hand mowed with hand saws and brush cutters except for periods when it was frozen. He appreciates that Kestrel is discontinuing the blue marked trail to allow for natural revegetation. DeFant: she thanks Wells for his helpful background information. It is getting late and there are unresolved questions – SCC must come to a decision. Paula Moore (785 Wendell Rd): She is an abutter to the property and has walked the property for many years – she is excited for the next upgrades coming. She is concerned about increasing the parking space because more people would create greater traffic – she does understand that it is public access but is concerned about over-impact due to increased traffic. The current parking area is close to the beginning of a one lane bridge that heads to Wendell Rd and more traffic there could possibly cause an issue. Harrington: how many cars will the new official parking lot hold? McDonough: the parking area is proposed to fit up to 8 cars. She believes that the current unofficial parking lot could potentially squeeze 8 cars currently but the new proposed parking lot would manage the space

better by extending it further onto the property. On her visits to the site, she noticed many “no parking” signs on abutting properties. DeFant: the size of the parking area is mostly likely not in the jurisdiction of the SCC. Wells: he created the current parking area while Julian and Kestrel were negotiating – Kestrel had people visiting the site and Janowitz wanted to discourage the use of the private driveway. He created the area using his truck and a snow plow to clear the section. Wells believes the new proposed parking lot will help reduce the interference on the road. There was intention to build a second driveway off of the private driveway (681 Wendell Rd). Kahan: a main area of concern is the proposed crushed stone and puncheon trail that goes along to the side of the wetland meadow, starting from the parking lot and going down to the two connecting trails – without seeing the delineation and seeing where the crushed stone will be placed, it is hard to understand why half of it will be puncheon to avoid the wetland impact and part of it would be crushed stone when both of them are right along the wetland. He would like to get that section resolved before conditioning. Stone: based on Wells’ comments, she strongly disagrees with the idea of using mowing machines on the wet meadow. She also recommends SCC visit the site again to review that trail section in question even though it is not delineated. SCC agrees that they would like to applicant to come back with wetland flagging replaced, the construction plan of bridging through the bog, and if stockpiling occurs in the parking lot (staging area), that erosion controls be placed. McDonough: will see if there is anything that needs to be within SCC jurisdiction identified as a staging area. In terms of reflagging, it would be a financial burden on the applicant as they are a non-profit organization and it would require her company to make a change order – not a question for her to answer. Kahan notes that SCC doesn’t need the whole area to be reflagged but just the trail section in question. McDonough: to clarify, is SCC not in agreement with the crushed stone or the puncheon portion? She is unsure what the applicant is amenable too but wants to make note. David: the issue with this trail section in question is the location and not the material from her understanding. Kahan: he agrees but believes that puncheon is less impactful than crushed stone. SCC agrees they would prefer to see all puncheon on that trail and no crushed stone. Applicant agrees to continue Public Hearing. **David moves to continue the Public Hearing for Ames Pond/Kestrel Land Trust on July 28th, 2022 at 7:00 pm, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye, Kahan- Aye, and Willson- Aye.**

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

Meeting Close: 10:07 pm

Next Meeting: Thursday, July 28 @ 7 pm

Documents Used:

- 120 Cushman Rd RDA
- Chair emails to Dill regarding concern over tree and loam removal
- Draft 120 Cushman Rd DOA and Special Conditions
- 29 January Hills Rd NOI
- 29 January Hills Rd Site Plan
- 29 January Hills Rd 1995 OOC
- 29 January Hills Rd 1987 OOC (Round Hills Rd Subdivision)
- Draft 29 January Hills Rd COC

- 03/22/22 minutes
- Draft Language for signage on Top of the Lake Conservation Area
- Chair emails to Garner in regards to site visits/ experiences
- Rocky Run Bridge RDA
- Draft Rocky Run Bridge DOA with Special Conditions
- 678 Pratt Corner Rd Delineation Maps
- 678 Pratt Corner Rd Restoration Plan Narrative
- Draft 678 Pratt Corner Road Enforcement Order Letter to Landowners
- Ames Pond Trail Maintenance NOI Site Plan
- Ames Pond Train Maintenance NOI