

Shutesbury Conservation Commission

Minutes – 7/28/22

Approved – (9/22/22)

Virtual Meeting

Meeting Start: 7:00pm

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, Connie Cappelli, Jeremy Mailloux, Michael Hoostein, Chris Volonte, Christen McDonough, Mary Lou Conca, Rebecca Torres, Hannah Kowalski, Mickey Marcus, Amanda Alix, Corey Greenberg, Rita Farrell, Juliana Berube, and all other unidentified individuals.

Chair's Call to Order at 7:00pm

Meeting is being recorded

Public Meeting for 176 West Pelham Road/Mailloux RDA: addition

Mailloux: the property currently has a lean-to shed on the front of the house - he is looking to move it over to the side and build an entry room and porch in the front of the home where that lean two shed currently stands. DeFant: during SCC site visit, there were two intermittent streams found – one located roughly 84 feet from the project area and the other is located on the other side of the home which runs under a culvert in the driveway (roughly 100 feet away). Harrington and she identified sensitive fern closer than 100 feet from the house which suggested the project is within the Buffer Zone – is definitely in Buffer Zone from the other wetland. Mailloux: the proposal will have minimal soil disturbance; will be using diamond piers that have four pins that will be drilled into the ground (no excavation). The dumpster currently on site is filled with demolition materials and moved off site; will have a magnetic run over it – there will be no stockpiling of materials or soils. They are proposing to take the area that now has gardens and stone patio and building a deck above it with a partial roof on it. DeFant asks where erosion controls will be placed. Mailloux: erosion controls could be placed on either side – the site slopes down to the front intermittent stream so suggested placing a silt fence from the corner of the shed, around the house and ending on the corner of the home closest to the driveway. DeFant: SCC would recommend the use of straw waddles or straw filled erosion socks and to have extra on hand in case of emergency. Mailloux agrees to the recommendation. DeFant: For NOIs the applicant usually includes the use of erosion controls on the site plan and in this case it is not marked - in the DOA, SCC would write out the location of them (50 feet from the down slope corner of the home going up around the site). SCC has no further questions. **Motion: David moves to close the Public Meeting for 176 West Pelham Rd, Willson seconds. Vote: David- Aye, DeFant- Aye, Kahan- Aye, Harrington- Aye, and Willson- Aye. So moved.** DeFant shares the draft DoA for SCC to review via screenshare. SCC gives permission to DeFant sign for them electronically. **Motion: David moves to issues the DoA for 176 West Pelham Rd as**

Negative Determination #3 with special conditions, Willson seconds. Vote: David- Aye, DeFant- Aye, Kahan- Aye, Harrington- Aye, and Willson- Aye. So moved.

Approval of minutes 6/16/22 6/23/22 7/14/22

06/16/22 – Harrington found a typo ‘cute’ to ‘cut’; SCC agrees to fix the typo. DeFant adds into the 14 Lake Drive section that SCC determined this was a minor change and did not require an amendment. **Motion: David moves to approve the minutes for 06/16/22 meeting as corrected, Willson seconds. Vote: David- Aye, DeFant- Abstain, Kahan- Aye, Harrington- Aye, and Willson- Aye. So moved.**

06/23/22 – Harrington found a typo in the site visit scheduling section; should be June 24 and not July 24. **Motion: David moves approve the minutes for 06/23/22 meeting as corrected, Willson seconds. Vote: David- Aye, DeFant- Aye, Kahan- Aye, Harrington- Aye, and Willson- Aye. So moved.**

Land Use Clerk, Carey Marshall, is still drafting 07/14/22 minutes – SCC will review these minutes at further time.

29 January Hills Rd COC

DeFant: Connie Cappelli is present to discuss the other OOC that is attached to her former property (now sold) 29 January Hills Rd – she made an agreement with the new homeowners that she would resolve the issue(s) concerning with the open OOC. She reached out to the Round Hills Homeowners Association, and they were curious about this OOC because it was never attached to any of the other properties on Round Hills Road - 29 January Hills Rd is not a part of Round Hills Subdivision. She invited a representative from the Round Hills Homeowners Association who will be joining tonight’s meeting later. She suggests that SCC conducts a site visit with the same representative (if possible) so Commissioners may see the road compared to the map – there is no current site plan that describes how the road is now because they kept changing the design over a 10-year period. SCC would need to decide whether this can be decided with just a site visit or SCC would like require an As-Built Certification. David: was the homeowners association concerned about this? DeFant: they were not concerned; they were surprised because many of these homes have been sold multiple times and nothing has been flagged about this because it is not listed on any deeds within Round Hills. Stone: it started out with Howard Cobin doing the subdivision but got into some wetland difficulties along with other issues and then he disappeared for a bit. Doug Kohl had then purchased it from Cobin and re-did the subdivision. DeFant: in a sense they never built the subdivision has originally planned and now it’s a scaled down subdivision with much larger parcels and the road name changed. From what she could tell, there is a small triangular piece of land that was absorbed into Cappelli’s parcel in the 90’s – she believes that’s how that deed got connected to this OOC. How does SCC want to handle this? Willson: she would like SCC to do a site visit as usually done for COCs and if SCC is okay with how the subdivision looks in terms of wetlands, then SCC would issue the COC. DeFant: the original OOC was for the construction of the road which is hard to see since the original plans don’t line up as earlier discussed. SCC would schedule a site visit and she recommends that Cappelli fill out the Form 8A (COC Application).

Cory Greenberg, a representative from the Round Hills Homeowners Association joins the meeting and DeFant summarizes what was discussed earlier with Connie Cappelli. DeFant asks permission and invites himself or another representative to join SCC in a site visit. Greenberg agrees the site visit can be done and DeFant will communicate with him and other commissioners via email to schedule the site visit.

Continued Public Hearing for Ames Pond Trail Maintenance NOI/Kestrel Land Trust, DEP File # 286-0291

McDonough: she is with SWCA representing Kestrel Land Trust and is accompanied by Chris Volonte who is representing Kestrel Land Trust. She presented a NOI last meeting, July 14, for trail maintenance and trail upgrades at the Ames Pond Conservation Area. During that Hearing, SCC members raised a few questions – SWAC had responded to those questions through a letter sent on July 21. McDonough shares the Ames Pond Response to Commission Hearing Comments for SCC to review via screenshare. McDonough: There were four main questions raised (3 raised by SCC and 1 raised by Mass DEP) in the hearing and the first being about material staging. As noted in the hearing, Kestrel Land Trust has not selected a contractor for the site work however SWAC envisions that the materials will be moved by hand and if needed a low impact, side-by-side vehicle would be used on existing compacted trails. SWAC proposes that SCC consider that no refueling within resource areas or buffer zones would be something that could be conditioned. All boardwalk and puncheon is proposed to be installed by hand with mallets and muscles. The boardwalk proposed on the carriage road would be completed first to allow access to the eastern end of the bog boardwalk. The bulk of the materials associated with new boardwalk and puncheon are anticipated to be staged in the parking area – adjacent to Wendell Rd (within 100-foot Buffer Zone of a BVW). Any additional staging of materials, consisting of one or two sections of boardwalk at a time, would be placed south of the carriage road crossing (outside of buffer zone) but only if necessary. The second question SCC had was the mowing of the wet meadow and after discussion with the applicant they were amenable to the time restriction (mowing only under frozen conditions). The third question was about the trail entrance and reduced impacts to wetlands. In the last meeting, SCC raised concerns about using crushed stone close to the bank of a wetland for a portion of the trail. After discussion with the applicant, they are amenable in using just puncheon for the trail – they asked SCC to consider this in lieu of reflagging the wetland and follow up site visit because the goal of this trail upgrade is to reduce current impacts on the wetlands. In the Mass DEP letter, they asked SCC to consider erosion controls as part of review for their NOI. They are proposing erosion controls where any ground disturbance is foreseen – the only proposed activity that would result in ground disturbance is the parking area. They are proposing using 12-inch straw wattles but they would consider any alternatives that SCC suggests. SWAC is recommending that the awarded contractor have additional erosion controls stored under a tarp to be used on an as-needed basis. Attached to the response letter from SWCA is the Natural Heritage and Endangered Species Program (NHESP) response letter to the Massachusetts Endangered Species Act (MESA) Project Review – they stated that under the Wetlands Protection Act (WPA) there will be no adverse effect to actual habitat, and, under priority habitat, they concluded there will not be any adverse impact. The applicant is also requesting a 5-year OOC to cover permission to mow the wet meadow/entrance and general maintenance. Stone: the carriage road is still flooded and wet, how will the trail be done in this area? McDonough: the carriage trail will be made of boardwalk that will be raised – it is the same boardwalk that will be used in the bog trail. It has to be boardwalk

because it is too flooded for puncheon. Stone: how raised will the trail be? McDonough: it will be less than 2 feet. DeFant: if SCC conditions annual mowing and the condition around mowing a perpetual condition then is the 5 year permit still needed? McDonough: that would work and they would not need the 5 year permit. Willson: McDonough's answers have addressed all the concerns she had from the last meeting. SCC agrees with Willson's comment. Stone: she is still concerned about the mowing and believes a 5 year permit would be better so SCC can review the mowing and adjust if needed. SCC has no further questions and there is no public comments. DeFant shares draft OOC for Ames Pond for SCC and applicant to review via screenshare.

Motion: David moves to close the Public Hearing for Ames Pond Maintenance NOI, Willson seconds. Vote: David- Aye, DeFant- Aye, Kahan- Aye, Harrington- Aye, and Willson- Aye. So moved. SCC reviews a draft OOC. SCC approves of the 5 year permit instead of a 3 year permit. SCC grants DeFant permission to sign for them electronically. **Motion: Willson moves to issue the OOC for Ames Pond Maintenance NOI as amended, David seconds. Vote: David- Aye, DeFant- Aye, Kahan- Aye, Harrington- Aye, and Willson- Aye. So moved.**

678 Pratt Corner Road Enforcement Order

DeFant: SCC has received and reviewed the proposed restoration plan. She shares the plan to SCC and Marcus to review via screenshare. She asks what the dark grey sections of the plan indicate – are they proposed fern plantings? Marcus: at the last meeting, a Commissioner had stated the area had originally been occupied by ferns therefore he substituted the seed mix for ferns for the understory. He had a landscape architect create the restoration site plan in order to easily incorporate the planting plan as requested by SCC. DeFant: she was thinking about the removal of the trench, moving the boulders forward, and the tree/ tree roots removal (loss of volume from removed materials) and is concerned that grading the site to the original grade may be challenging if there is not enough leftover soil – may create a divot. Marcus: There is a stockpile of soil on the site - the materials that were taken from the ground have not been removed from the site. Currently he had taken the stockpile of boulders and outline where the yard and restoration work meet. He plans to respread the material that is stocked on site to achieve the original grade. DeFant: will the company that you are working for act as a project manager and oversee the project? Marcus: no because they are not retained to do so – he usually likes to conduct a site visit to confirm everything is correct after the site work has been complete (right before planting). DeFant: so, there will be no restoration specialist overseeing the site work? She is concerned about soil compaction from heavy machinery during the restoration process (excavation for removing the drain and trench). Someone who is knowledgeable about what the soil conditions need to be for a wetland restoration to make sure that the soil isn't too compact before it is sealed up by the boulder line. Marcus: he had asked Mr. Mitchell about how the work was done and he will use a mini-excavator – that would be the same machinery used to undo everything. He believes the soil won't be too compacted. Willson: she is wondering if there is anything in the site plan or drafted Enforcement Order about guaranteed plant vegetation such as 75% in 2 years. DeFant: yes, there is condition listed in the drafted letter that details guaranteed plant revegetation. Marcus: he listed guaranteed plant revegetation as one of the notes listed on the restoration plan along with monitoring and scheduling. DeFant: she is concerned once the project work is complete that there will not be a wetland specialist reporting on the remaining work. She had envisioned that in the conditions there would be reporting on the condition of the site such as to whether there is an invasive species that need to be addressed –

need someone of Marcus's expertise. Stone: is she curious about the proposed timeframe of when the work will start and finish - will it start in the fall? Marcus: he has listed all the scheduled dates of when work will be done and when the monitoring/reposting will be conducted within the notes included on the restoration plan. DeFant shares the Drafted Enforcement Order Letter for SCC and invites Marcus to review via screenshare. For condition #12 in the Pre-Construction Phase section, SCC agrees that qualified specialist is needed for the project to conduct site visit during each phase of work and providing reporting throughout construction. The specialist does not need to attend each day of conduction but to ensure the project work is completed correctly and on time. Reporting will be done weekly. SCC adds a condition to the general conditions section stating that work shall start as soon as possible except for the planting which can be installed on September 1st. Marcus: for the condition regarding fueling, the while property is within 100' Buffer Zone including the street because of a wetland present across the street – questions how they will refuel. SCC agrees to amend the condition to now state refueling is only allowed on the paved driveway in the front yard. **David moves to issues the Enforcement Order Letter as amended, Harrington seconds. Vote: David- Aye, DeFant- Aye, Kahan- Aye, Harrington- Aye, and Willson- Aye. So moved.**

Review of Lot O-32 violation complaint (Michael Hootstein)

DeFant: a complaint was sent to the SCC in June about a possible wetland violation on Lot 0-32, which is owned by the Town by Michael Hootstein, a resident. SCC has received and reviewed the complaint - they conducted a site visit in June of 2022 and earlier in June 2021 as part of an RDA application. Hootstein: he has attended some of the Montague/Carver ANRAD Hearings and tonight's meeting and shares his gratitude for SCC's work. He filed the complaint stating the town does not follow its own Bylaws. As in the Montague/Carver ANRAD Hearings, SCC is committed to enforcing local wetlands Bylaw and protecting subsurface streams – it is essential in protecting drinking water in Shutesbury. He hopes SCC will be as diligent in the restoration project for Lot O-32. He drove by the site earlier in the day and noticed that wetlands SCC delineated about 12 years ago have been mowed. He states that Lot O-32 is a hazardous waste site and believes that the land will end up being shown as very contaminated – could be affecting up to 14 private drinking wells. DeFant: she wants to share information with other members of the Commission to establish the timeline of the complaint. Hootstein sent his complaint in June during a busy time for SCC and unfortunately had wait to engage. She wants to clarify where the nexus is between the SCC's wetlands regulation/ jurisdiction and how Mass DEP approaches waste cleanups on sites. She spoke to Mary Grover, Mass DEP Wetland Circuit Rider, and Grover stated she would speak to others at Mass DEP and get back to her. The question she asked was can SCC issues permit(s) when the site has been designated 21E and there has not been a resolution of the 21E process? If there is a project coming to SCC on this site soon, then how does the 21E process factor into SCC's permit role? She received a phone call back from Saadhi Motamedi (MassDEP Bureau of Waste Site Clean Up), and he stated there could be a nexus between wetland permitting and 21E – the 21 E pertains to the whole site and not just location on the site where there was detection of contamination. There were some tests done by the town in 2021 that found petroleum products below surface in the back of the lot. If anyone applied for permitted work on Lot O-32 then SCC would have to decide whether the 21E process was relevant to the project. For example, if SCC felt like it needed more data to determine that the work permitted might hurt the wetland because it might disrupt the contaminates that could get into the wetlands then SCC could look to see if the town had the correct assessments

conducted – could condition the permit based on the whether those assessments had been done. He also stated the process with the town is ongoing because the town has not yet responded and determined who is doing the clean-up if the clean-up is needed. Motamedi said that the town had a one year to Tier classify the site– the existing study that had been done in 2021 was not a Phase 1 study and couldn't act as one because it was not submitted as an LSP submittal. After two years, assuming a clean-up was needed, they would have to do a more comprehensive assessment and an immediate action plan. It is a lengthy process, and she understands that the town is looking into options – Selectboard approved funds to do additional environmental assessments. She reached out to Mary Anne Antonellis, Library Director, and encouraged her to talk to Selectboard about getting funding for a professional wetlands delineation so SCC could have better understand of where their jurisdiction is. On the site visit in June of this year, DeFant could not locate the vernal pool as claimed by Hootstein – the area he claimed to have seen it did have evidence of human activity such as track marks and depressions of removed debris. SCC noticed that where the garage once stood had been gravel fill added and the concern was raised that fill was not permitted in the issued DoA in 2021. The area of suspected fill was once a foundation (garage) with a drain – DeFant concerned drain could contain contaminates and now filled with gravel. Becky Torres (Town Administrator): she discussed the gravel fill with Tim Hunting (Head of the Highway Department) and he stated gravel fill was not used but there was loose soil leftover from the removal of the garage. Loam fill was used later to stabilize the area after the removal of the slab. DeFant: bringing in the loam to stabilize the area meets the definition of fill which was not included in the permit. Because it is not within the scope of the original permit and was work done in the Buffer Zone, SCC would have preferred the town ask permission first or to have submitted a new application. Torres: the purpose of this additional step was to stabilize it and kept it from eroding. DeFant: The concern raised by Mass DEP is SCC might want to be careful in conditioning any further work on the site until it is fully evaluated; for example, permitting construction on top of location where additional soils testing is needed; the addition of loam may complicate soils testing. Torres: all the soil testing that was done previously on the site went down 20 feet. David: can you update SCC about the wetland delineation, the assessments, and any clean-up work? Torres: it has not yet been determined that a clean-up will be necessary. The wetlands delineation is hoped to be completed by the end of this week or the following week – not starting anything else until the delineation is complete. The consultants hope to move quickly after the delineation is completed. David: what is the next step in determining if a clean-up is necessary? Torres: there have been 4 or 5 LSPs submittals; Fuss & O'Neill has been selected to identify if any remediation is needed. The work will be done once the delineation is completed so they know how to approach the area. DeFant: her understanding is that if any remediation needs to be done within the 100-foot Buffer or in a Resource Area, then the town would need to come back to SCC for a permit, as well as any building for the library that would be in the 100-foot Buffer Zone. Torres agrees and understands. DeFant: she had spoken with Antonellis who indicated she doesn't know yet where all of the library components would be situated; if they are outside of the 100-foot Buffer Zone, then the SCC would not have jurisdiction; thought most of the project was going to be in Buffer Zone. Torres: given the originally wetlands delineation, Torres believes the library project would be outside of SCC jurisdiction, so they will see what is found with the new delineation. DeFant: when SCC did the site visit in June of 2021 for the garage removal, SCC concluded that garage project was in Buffer Zone. If the Town concludes that that area is not in the 100-foot Buffer Zone, the SCC might wish to do a site visit to verify the delineation. Torres: was the SCC site

visit with a wetlands specialist or just SCC? DeFant: If SCC determines that an area is a wetland, it's not just SCC. (Explanatory Note: The Chair was observing that an SCC Determination of Applicability that establishes the presence of a Resource Area, unless appealed, has force of law for regulatory purposes). DeFant doesn't recall who was on that site visit. Torres: she was curious because there are two different delineations that were dramatically different. DeFant: Which two are those? We only have the one from 2009. Torres: one done in 2017 possibly. DeFant: Could you send a copy to SCC? Torres agrees. DeFant: It would be helpful for SCC to get the new delineation of the site when it comes out; want to emphasize that SCC is a voluntary board and not required to have wetland graduate degrees or certification in order to make these determinations but many of us have training – SCC has several Commissioners who are scientists with graduate degrees, not referring to myself as I have a science degree but not biology degree. SCC also has outside consultants with expertise to help us; hope you can appreciate that SCC has a very deep bench. Torres: she appreciates that; the diagram that is in Hootstein's report, the building in that report is sited outside the jurisdiction of the SCC, so she was wondering. DeFant: are you referring to the original house? Torres: no, the original brick/cinderblock building in Hootstein's report is, Torres believes, outside the SCC jurisdiction; it will be helpful to have SCC review the new delineation; she understands that wetlands change. DeFant: In a situation where any applicant proposes a wetland delineation that SCC doesn't agree with, the SCC has the right to hire a third party reviewer; we don't have to rely on SCC expertise alone. Torres: that's why she was surprised when DeFant had said the garage was inside [100-foot Buffer Zone]. DeFant: Harrington and DeFant were at the (June 2021) site visit that found hydrophytic vegetation and hydric soils. Torres: SCC does have a deeper bench than the town has had in the past and she appreciates it. David: it is good that we are doing the wetland delineation because it will answer a lot of SCC's questions – when Torres gets it, will she send SCC a copy of it? Torres agrees. David: assuming they'll flag everything so SCC will be able to go out and see all of the flags in case there are any questions. Torres and DeFant agrees. DeFant: Since this is a process that is going on where Torres is also engaging with the Select Board and MassDEP around the 21E issue, and SCC is also looking at wetlands and other environmental issues, serves the Town well if we are sharing information and keeping each other in the loop, so we are not caught off guard or asking for information after the fact. Can SCC be copied on emails between Town and MassDEP and to forward copies of anything received? Torres: I would like to be updated by SCC as well, would have been nice to know you were doing a site visit in June a month before I heard about it (Note: Chair confirmed after this meeting that Chair had informed Torres of the 6/12/22 site visit at a 6/16/22 meeting at the Highway Department). Torres: we can both definitely work on our communication. DeFant: As mentioned previously, the 6/12/22 site visit was impromptu; the SCC plan was to talk about the Michael Hootstein complaint tonight and then to decide how SCC wants to move forward; ne outcome from tonight could be that, in response to these concerns, SCC could do another site visit or wait until it's been flagged by the delineator so SCC could see the delineation. DeFant: would you be willing to cc SCC on communication with Mass DEP regarding the 21E issues? Torres: Not at this time. Kahan asks if there is any reason why not. Torres: the question feels "out of the blue" and she believes that she would like to have better communication with SCC before committing to doing something she doesn't understand the intent of. She is willing to share information as she receives it – she has not been the point person on this issue and is not in the best position to make any commitment. DeFant: to clarify the reasoning for the request, for SCC to understand the interface between the 21E reporting and wetlands permitting, if a project

were to come forward, SCC would want to be as informed as possible; SCC wouldn't want to have to put in a records request to the Town to find documentation; easier for us to be proactively copied in on communications with DEP; we are not going to be posting it up on social media; we would use the information judiciously; we communicate with DEP on a regular basis; it's problematic to have two parts of Town government talking to different offices at MassDEP but not sharing information across departments; more cross-communication would be more productive.

Torres: we can share communication very effectively without the commitment of copying on emails; earlier in the year when Torres was cced by the SCC on emails, she was drowning in emails; there are better ways to communicate rather than to cc every email and have everyone drowning in emails; all the significant pieces of information have been and will continue to be shared. She will not commit to do anything more than that at this point in time. Kahan: he hears what she is saying but he is wondering if they could commit to following up to how they communicate between SCC and the Town, to find the best way to ensure what DeFant and Torres have laid out regarding working together for good government, to make sure we are sharing all of the proper information the right way; can't resolve this tonight but would be good to commit to following up on this.

Torres: she agrees, but she has heard the Chair say several times at different meetings that information was coming to the Commission for the first time at that meeting, yet the Chair had received the information in advance; I would like to work on a communication flow that is good for the whole Commission so that we can be transparent about what we are working on. DeFant: to clarify our process, when email information comes in for SCC, it is always forwarded to the entire Commission. This isn't the first time the Commission has been informed about this agenda item, but it's the first time SCC has talked about this issue because we didn't have room in our agenda sooner; the Commission received the complaint when it had arrived. Torres: that's good to know. David: the only commitment that she would like to see is that when Torres receives information, that she then come to the Commission so they may talk about it. Torres: she agrees but if it more appropriate for the SCC to come to a Selectboard meeting, Torres will recommend that. David agrees. Further discussion of the matter will be discussed once the wetland delineation has been received by Torres and forwarded to SCC.

Updates:

Round Hills Subdivision OOC from 1987 – SCC will conduct a site visit to determine whether as-built as certification for COC would be appropriate.

Top of the Lake Conservation Area signage – Selectboard has approved language for the signage; similar to what was shared by Penny Jaques but with some small corrections.

66 Lake Drive – DeFant has reached out and is waiting for an update from Bob Douglas.

27 January Hills Road Enforcement Order – DeFant is waiting to hear back from homeowners; was supposed to receive update this week. DeFant will reach out for an update.

Bylaw Regulation Revisions Consultation – DeFant plans to reach out to Garner for an update.

Tree Removal on Pine Drive – David asks if there is any updates on the tree removal happening on Pine Drive. DeFant has not written a letter to the landowner for the tree removal work without a permit but plans to have it ready for next meeting. Stone recommends adding the Conservation Commission Brochure that includes information what to do with certain activities on/around Lake Wyola – SCC agrees.

132 Leverett Rd – DeFant: a well and septic tank was permitted through a DoA last year. There were a few issues that occurred after the permit was issued such as the developer had to be reminded about the erosion controls and had a spoils pile from digging the well (recently removed in June 2022). He had requested to remove the erosion controls and submitted a photo that shown no revegetation had occurred on site after completing the work – request was denied. He recently submitted a building permit for a garage and the building inspector had signed off on the permit without SCC sign off (landowner ended up withdrawing the application).

Lake Wyola Drawdown – DeFant: there is an open OOC that allows the town to lower the lake and it will be up for renewal in 2023 – suggests contacting LWAC to get ahead on the renewal. There was a requirement for a Wildlife Habitat Evaluation during the permitting and it was done by Emily Stockman – she made recommendations for conditions that never made it into the current OOC. After the permit was issued, there was a Memorandum of Understanding between LWAC and SCC, but SCC has not been getting notified as required in the Memorandum of Understanding. After reviewing she believes the Memorandum of Understanding may have not been signed.

Site Visit Schedule

SCC agrees to do site visits on Sunday 31, 2022 at 10 am

Wildlife Research Permit Inquiry (Trail Cameras)

DeFant: Juliana Berube is a graduate student who is looking to get permission from SCC to place trail camera on some trails within Shutesbury’s Conservation areas. Berube: she is a masters student and she is doing research across all of New England but for right now she is focusing on placing trail cameras throughout Massachusetts – two of them being in Shutesbury Conservation land (Locks Pond Rd and Montague Rd). The goal of the cameras is to find out if there is or is not any moose in the area. The research is on the conservation issue of moose and winter tick outbreaks. The cameras are low impact and will not be placed on any human trails. Both cameras will have an identification tag with contact information for herself and supervisor. SCC is supportive of her research and grants Berube permission to place her trail cameras in the locations as requested – asks Berube to report her findings back to SCC.

Unanticipated Business

Sawmill River Culvert Replacement – DeFant asked Torres for an update on the timeline for the Sawmill River culvert replacement. Torres: it is ‘up in the air’, there is a small possibility for it still happening in the beginning of November which would require them coming back to SCC if it becomes a serious possibility; otherwise, they have to wait another year. Spring has a lot of obstacles mostly environmental because the water must fill up at the Lake and they are

attempting to do the project when its low. Town is hoping to get the project started in November if that is acceptable by everyone; otherwise it will wait till next year.

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

Meeting Close: 9:41 pm

Next Meeting: Thursday, August 11 @ 7 pm

Documents Used:

- Agenda
- 176 West Pelham Rd RDA
- 176 West Pelham Rd DoA
- 06/16/22 Minutes
- 06/23/22 Minutes
- 29 January Hills OOC 1987
- Ames Pond NOI
- Draft OOC for Ames Pond NOI
- SWCA Response Letter to SCC regarding Ames Pond NOI Questions
- Hootstein Lot O-32 Wetlands Violation Complaints, 6/7/22 and 6/23/22
- Lot O-32 Wetland Delineation 2009
- July 2021 RDA and DOA for Lot O-32 Project
- Berube email to SCC regarding Trail Cameras

Respectfully submitted by Miriam DeFant, Chair, 9/22/22