

Shutesbury Conservation Commission

Minutes – 12/27/22

Approved – (2/9/23)

Virtual Meeting

Meeting Start: 7:00 p.m.

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

Commissioners Absent: Robin Harrington

Other Staff: Carey Marshall (Land Use Clerk)

Other present: Amanda Alix, MaryAnne Antonellis, Joyce Braunhut, Rita Farrell, Michele Regan-Ladd, April Stein, Don Wakoluk, Joan Hanson, Jon Lawless, Elaine Puleo, John Buonaccorsi, Leslie Luchonok, Jim Hemingway, Kate Cell, Mary Lou Conca, Meryl Mandell, Penelope Kim, Penny Jaques, Stephen Dallmus, Steven Bressler, Kat Cell, Ziporah Hildebrandt, Michael Vinsky, Katie Eagan, Matteo Pangallo, Arleen Read and all other unidentified individuals.

Chair's Call to Order at 7:00pm

Meeting is being recorded

Review request from Town of Shutesbury for additional work under existing

Determination of Applicability for Lot O-32

DeFant: there has been a request made by the Town to complete additional work/testing to be done on Lot O-32 under the current Determination of Applicability- Negative Determination #3- issued in October. Antonellis: on 2/11/22, Fuss & O'Neill did a limited subsurface investigation in the vicinity of the abandoned Air Force tower. Two years ago in the summer, reports levels of gasoline were found and reported to MassDEP. This past summer the Town hired Fuss & O'Neill to review the release and make recommendations; recommended subsurface investigation. They did 7 soil borings and placed a test well; the soil borings did not show reportable levels or gasoline, but the water in the test well did. In response, Fuss & O'Neill recommended placing additional wells to determine the extent and perimeter of the release; results will be reported to MassDEP and Army Corps of Engineers. They'll be using the same geoprobe they used in October which is track mounted. If conditions are warranted, then mats will be used like last time when traveling through the areas of wetland. There is some gasoline or chemicals commonly found in gasoline in the groundwater in one location which warrants further investigation on the Town's part. DeFant: this is in the area where Borehole 9 is? Antonellis confirms that is correct. DeFant ask how far out will this be from Borehole 9? Antonellis: the monitoring well is about 20' from Borehole 9, and then the additional wells will be 20'-25' in the perimeter around monitoring well. They tested the water in the well installed by the Town in 2014 and the water didn't have reportable levels; want to place an additional one along the road. DeFant shares the site plan for SCC to review via screenshare. David asks when Fuss & O'Neill wants to do this proposed work. Antonellis: currently scheduled for next week. The reporting for MassDEP is due 1/28/23; if the work is complete next week then the results from this investigation will be included in that report. DeFant: was the detectable level a reportable level? Antonellis: yes, the testing in the groundwater; none of the soil borings had any

reportable levels. The soil boring from last summer had a reportable level but it was just at the reportable level. The Town has not received the final report yet due to the holidays.

DeFant: the scope of work Fuss & O'Neill is proposing to the Town is helpful in understanding what this investigation involves. It sounds like they are planning to do the same methodology and approach as used in November; it states that if they find any reportable conditions in the soil testing they would containerize it – how is that determined? Antonellis: they bring a meter, PID, which detects levels; they don't have a lab onsite so they utilize the meter to determine. They use this meter to determine where the test wells will be placed. DeFant asks if the work will be completed in a day. Antonellis: the plan is to have the drilling will be completed in one day and the prepping of the wells will be another day but that only involves one person walking on site; water samples would be collected on a different day. If the drilling could not be completed in one day they would bring the drill back out to the front of the lot and then go back out the next day. David asks what testing Fuss & O'Neill will be doing during this investigation. Antonellis: they will be doing the same testing as they did previously in November. She isn't sure if they are doing the exact same testing or if doing a targeted list based on what they found last time; she will look at the previous report. David asks if anyone from Fuss & O'Neill is here tonight to answer. Antonellis: no, because it is expensive to have Fuss & O'Neill present at meetings; concerned about much it is costing the Town. Since this is doing more of the same thing at the same location and the testing being done isn't under the jurisdiction of SCC because it's not in a wetland. David: isn't it in the 100-foot Buffer Zone agreed upon during the last meeting? DeFant: from her understanding from the ANRAD discussion, a 100-foot Buffer Zone (No Contest Zone) was to be on both the east and west sides of the property boundary and the access roads are within 100' of the eastern side.

DeFant: to review SCC's jurisdiction, are concerned about work being done in wetlands, a Resource Area that are either defined by the WPA or Shutesbury local Bylaw and the 100-foot Buffer Zone around those areas and we haven't finished the ANRAD process; haven't made a final determination about where the wetland boundaries are. At our last, ANRAD hearing SCC had agreed to a no contest line that would include the 100-foot Buffer Zone on both the eastern and the western sides of the property, because there were undelineated wetlands to the east and the west of the property. Moving heavy equipment through a Buffer Zone would fall within the jurisdiction of SCC, but in this case, what's being proposed is similar to what we already determined was not going to have an adverse effect on wetlands back in October; believes SCC could approve this administratively in this meeting if we all are in agreement that there isn't going to be an adverse effect on wetlands with this work. If there's additional testing or additional work that needs to be done in the future beyond what you're planning next week, SCC would want you to come back to us to review it; if it's something that is similar in scope and nature to what SCC approved under the determination then we would perhaps approve it administratively; if it was substantially different then SCC might require a new permit. Antonellis agrees. DeFant: SCC would want to have a confirmation from the contractor agreeing to avoid any work within wetland Resource Areas when they're doing this particular work; not to stray into a Resource Area. SCC would want an email confirmation from Fuss & O'Neill saying that they're understand this and take responsibility. Antonellis agrees and confirms she will be present all day on site during the drilling. Don Wakoluk: hoping that at some point during this RDA hearing that he could see the results of what the first borings were. What he hears is

Antonellis talking about the kinds of tests that might be done and not really knowing exactly for sure how those tests would be done, but she is the observer on site; how can she be familiar with the testing procedure to see that the results weren't messed up? Maybe they weren't messed up the first time. To him it seems like a question of where you do your boring holes; he is sure that if far enough away from the contamination, then clean samples will be found. He wants to know what's being tested for and if it's possible for the library to share the results with the public. Making RDA decisions is easy in an upland area - there shouldn't be any issue about redoing the RDA. DeFant: as part of our original permit, there was understanding that they would provide those test results when they come available

DeFant: our jurisdiction here is narrowly focused on the work being proposed, and it is SCC's job decide whether this work is not going to have an adverse effect on the wetlands and if so to give the town permission to go forward with that work; not here to have input into what kind of testing is done. Antonellis: what is being tested is "a compendium of analytical methods, 14 metals by US EPA methods, extractable petroleum hydrocarbons, target compounds by Mass DEP methodology, volatile petroleum hydrocarbons and target compounds by Mass DEP methodology." What Fuss & O'Neill and the Department of Defense thinks happened is that an underground fuel storage tank in that location leaked; looking for the extent of that release is for the conversations that the Town will be having with the Army Corps of Engineers. Kahan: he doesn't have any concerns with the testing as proposed; wonders what the timing of the testing would be – going to have warmer weather coming and chance of rain over the weekend. He is comfortable with the testing proceeding as is with frozen ground conditions without matting but if the temperature were going to be above freezing then SCC would require the matting to be placed to protect the resource areas.

SCC agrees the proposed work can be approved under the current RDA Negative Determination #3 and that matting to be used if temperatures are above freezing; providing documentation and photographs. DeFant asks that SCC be notified if there is detectable contaminants in sediments that requires containerization; applicant to provide documentation and photographs.

Motion: Willson moves to approve the request for additional work proposed by the Town under the current Determination of Applicability-Negative #3, with Special Conditions, David seconds. Vote: David- Aye, DeFant- Aye, Kahan- Aye, and Willson- Aye. So moved.

Unanticipated Business

Goodman Invoice – DeFant sent Commissioners the invoice received for Beth Goodman; initial invoice from Beth. Invoice was just for the work she did in November. **Motion: David moves to approve the payment for the invoice for Beth Goodman, seconds. Vote: David- Aye, DeFant- Aye, Kahan- Aye, and Willson- Aye. So moved.**

South Brook Conservation Area Footbridge Emergency Certification – **Motion: David moves to ratify the Emergency Certifications with the Special Conditions for the South Brook Conservation Area Footbridge, Willson seconds. Vote: David- Aye, DeFant- Aye, Kahan- Aye, and Willson- Aye. So moved.**

CPC Representative – DeFant: SCC has lost their representative for CPC; Linda Avis Scott filled in the role. No one on the SCC is available. DeFant is willing to step in at least on a temporary basis to fill that role. *SCC supports DeFant in taking this role as CPC Representative.*

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

Meeting Close: 8:32 p.m.

Next Meeting: Thursday, January 12, 2023, at 7 p.m.

Documents Used:

- Agenda
- Fuss & O'Neill Scope of Work for Additional Testing on Lot O-32
- Emergency Certification for South Brook Conservation Area Footbridge
- Invoice-Attorney Elizabeth Goodman, Esq.

Respectfully submitted by Carey Marshall, Land Use Clerk, 1/6/23