

Shutesbury Conservation Commission  
Minutes – 04/13/2023  
(Approved 4/27/23)  
*Virtual Meeting*

**Meeting Start:** 7:00pm

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

**Commissioners Absent:** Beth Willson

**Other Staff:** Carey Marshall (Land Use Clerk)

**Other present:** Neil Jackson (70 Cooleyville Rd representative), Heather Comee (70 Cooleyville Rd consultant), Frank McGinn, Ryan Nelson (56 N Laurel Dr consultant), Mark Rivers, Joseph Salvador, Penelope Kim, Penny Jaques, Leslie Luchonok, Rita Farrell (Select Board Chair), Amanda Alix, Jim Hemingway, Mary Anne Antonellis (Library Director), Weezie Houle, and all other unidentified individuals.

Chair's Call to Order at 7:00pm

Meeting is being recorded

**Continued Public Meeting for Request for Determination of Applicability: 70 Cooleyville Road, Jackson, septic system repairs**

DeFant notes that the application was submitted in January of 2023 but because of the winter conditions and SCC's Winter policy, SCC couldn't conduct a site visit until April 10<sup>th</sup>, 2023.

Jackson introduces himself as an engineer working for J & P Engineering Services and is representing the home owner Kiely Ross. Ross is planning to do a complete renovation of the existing structure on the project; contacted Jackson to place a new septic system. Jackson explains the current system is simple just a pipe the runs towards the stream located in the back of the property and daylight; the home has not been in use for a long period of time. Marshall shares the site plan for 70 Cooleyville Rd for SCC to review via screenshare. Jackson explains that the site plan proposes the septic system (sand filter system) be placed northeast of the existing home which is about 55 feet from a BVW. This particular septic system is a smaller system which allows it to be further way from the wetlands, create a small footprint and still provide average to above average filtration.

DeFant asks who is the owner of the property; Jackson answers that Ross now owns it – the closing has been recently completed. DeFant shares that when looking at the listing of the property on the Town Assessor's map, it was still listed under the previous owners; Rehorkas. Since the closing was recent, the change has not been completed yet in the Shutesbury's assessors' system.

DeFant shares that when she and Harrington conducted the initial site visit in December, they saw hydrophilic plants close to the top right corner of the proposed leach field section of the septic system. They also took some soil cores which they concluded to be hydric soils; redoximorphic, iron staining. They questioned whether this was possibly an isolated wetland. When they did the second site visit on Monday April 10<sup>th</sup>, Willson joined them and were unable to locate the same soils; did find sensitive fern groupings and other hydrophilic plants. Comee confirms she also noticed those hydrophilic plants as well. During her delineation, she completed various soil borings around the property where she also found soils that were redoximorphic, high chroma models/masses. She was able to confirm hydric soils within the area of the wetland but not in the area DeFant is referring to. She concluded the soil to be typical upland soil because there was 4 chromas within the B-Horizon; if it were hydric soils, then there would have been a base matrix of 10YR-4/2 or 10YR-5/2. There is enough water present within this area to support hydrophilic plants but not enough to support year around or create long-term hydric soils; does not mean the criteria to be considered a wetland.

DeFant notes that the BVW Comee delineated seems to be associated to the stream on the property; asks Comee if she believes it is a perennial or intermittent stream. Comee states that on the USGS map it appears as an intermittent stream but followed up the reach using USGS Stream Stats; confirmed that it had a contributing watershed of less than half a square mile; thus it doesn't qualify as a perennial stream. In her Stream Stats report, she reviewed the Flow-Duration Statistics section which showed the 99% duration value to be 0.00134 cubic feet per second; to qualify as a perennial stream the value must be  $\geq 0.50$ . DeFant confirms with Jackson that the erosion controls will be a trenched silt fence. SCC has no further questions. There are no public comments.

**Motion: David moves to close the public meeting for 70 Cooleyville Rd RDA, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye and Kahan- Aye. *The motion carries.*** DeFant shares the drafted DOA with SCC to review via screenshare; edits are considered. DeFant shares that the MassDEP website eDEP platform now allows Conservation

Commissions to submit permits directly through this website. **Motion: David moves to approve the Negative #3 determination DOA with conditions under both the WPA and the Bylaw for 70 Cooleyville Rd, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye and Kahan- Aye. The motion carries.**

**Continued Public Meeting for Request for Determination of Applicability: 56 North Laurel Drive, Abdo, dock installation**

Nelson shares the site plan for 56 North Laurel Dr for SCC to review via screenshare. He mentions the property had a recent permit approved for a home reconstruction project but the RDA presented tonight is for a composite dock. There has been an unpermitted seasonal dock residing on the property for a long period of time; thus the purpose of the permit is to bring it into compliance and have permission to maintain. The dock is 282 square feet, made from PVC composite decking with aluminum frame with shoes that sit on grade. The entire dock sits on grade to prevent soil or plant disturbance. They have submitted a Chapter 91 license application with DEP, but DEP requires a wetland permit and thus the RDA they are presenting tonight. They have also concurrently submitted a NHESP review request which they have not yet received back yet.

DeFant reached out to NHESP for comments and got a reply today before the meeting stating that their dateline for comment based on the date of the review request submitted is May 3<sup>rd</sup>. Since this is an RDA application, SCC doesn't believe they are in the position to hold up their decision. DeFant notes that during her review of the site plan, she noticed what she believes is a typo for one of the sections listing the mean high water level. Nelson confirms that this is a typo; should say '835.5' instead of '435.5'. DeFant asks what the clearance above the surface water is for the decking; Nelson states that the landowner claims that historically it has been 8 inches. DeFant shares that the recommendation from Mass DEP Small Dock Guide is to have 12-inch clearance for efficient light penetration for aquatic organisms; wonders if this is achievable in this project. Abdo agrees that it can be raised to up to 12 inches as DeFant is suggesting; notes that the distance is dependent on the water level and that since the water level was low last year it was most likely closer to 18 inches.

DeFant shares that during their site visit they had noticed that some sections of the deck were stored on the side of the property close to a BVW; wonders if it is necessary or if it could be stored elsewhere. Abdo doesn't have preferred area for where it is stored; he never thought about it as he was intending on storing it out of sight. Once the house is complete, the decking will be stored within the home. DeFant asks if the sections that are currently outside will remain outside or will also be stored in the home. Abdo explains that due to the current erosion controls on the property from the house construction, there were limited places where these sections of the dock could be placed. Marshall shares photos attached to the site visit form via screenshare for SCC to review. DeFant asks if it is okay to write in the permit that those dock sections need to be placed at least 12 inches from the water surface and stored a few feet further away from the BVW; Abdo agrees. SCC has no further questions. There are no public comments.

DeFant asks for guidance on the dates of when the dock can be placed in and when the dock needs to be taken out; suggest April 15<sup>th</sup> to October 15<sup>th</sup>. Abdo believes October 15<sup>th</sup> is too early and asks if this kind of time restriction has been placed on other recent permits. DeFant explains that this is the first dock permit she has completed while on SCC and can't speak for any other dock permits that were completed when she wasn't on SCC. Her reasoning for this time period she suggested was to align it with the lake lowering period. SCC and Abdo agree to the timer period for when the dock can reside in the water is from April 1<sup>st</sup> to November 15<sup>th</sup>. **Motion: David moves to close the public hearing for 56 North Laurel Dr RDA, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye and Kahan- Aye. The motion carries.**

***DeFant notes she forgot to ask SCC for permission to sign for them digitally on the last permit; asks for permission to sign for them on the last permit and this current permit. SCC verbally grants DeFant permission to do so.***

DeFant shares the drafted DOA with SCC to review via screenshare; edits are considered. **Motion: David moves to approve the DOA with Negative Determination with conditions under WPA and Bylaw for 56 North Laurel Dr, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye and Kahan- Aye. The motion carries.**

**Amended Order of Conditions and Extension Requests for Locks Pond Road Culvert Replacement, DEP # 286-0279, Town of Shutesbury**

The amended OOC and extension requests for Locks Pond Road Culvert Replacement have been requested to be cancelled; the project manager, Mathew Styckiewicz, informed SCC via email they plan to proceed with the current permit and have the project completed before the permit expires. Styckiewicz provided SCC with a construction schedule and will no longer need to have Lake Wyola temporarily lowered to complete the project.

***Matter will be further discussed at next meeting on April 27<sup>th</sup>, 2023***

### Site Visits

**380 Locks Pond Road BPA/Morse Hill Outdoor Center** – Harrington, David and DeFant were given a tour of the property where 4 shelters are proposed to be built and one current structure that will be expanded; all in different spots of the property. There were no sign of jurisdictional wetlands; SCC agrees.

**Lakeview Road Culvert** – DeFant visited the area where beaver dam material has been spotted by a neighbor; photos were shared with SCC. She has not received any updates from the Highway Department. DeFant suggest setting up a site visit with SCC, Tim Hunting, Highway Department Superintendent, Wendell Conservation Commission, and Chair of the Board of Health, Catherine Hilton. SCC agrees.

### Concern about debris within a Resource Area near 33 Town Farm Road

DeFant shares that she and David viewed a property from the road on Town Farm Rd that they had some concerns about. DeFant, Harrington and Willson viewed the property from the road again later on that week. They are concerned because there is a stream that runs through the property and it appears that the landowners are storing debris close to the stream. DeFant shares a copy for the drafted letter to the Town Farm Rd landowner regarding concerns for resource area for SCC to review via screenshare; edits are considered.

**Motion: David moves to approve and send the letter as reviewed to the Town Farm Rd landowner regarding concerns for resource area, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye and Kahan- Aye. *The motion carries.***

### Resident complaint about Highway Department beaver trapping near Dudley Pond

There was a report of concern regarding beaver activity by Dudley Rd; DeFant had follow-up emails with Highway Superintendent Hunting regarding such. Hunting stated that on Monday of last week, the Highway Department removed beaver dam debris from the culvert and beaver fence because it was starting to flood the culvert; later resulted in trapping of beaver. DeFant informed Hunting that to remove the remaining material and repair the fence will require an Emergency Certification from the SCC; suggested consultation with Mike Callahan from Beaver Solutions along with setting up a site visit that would include Board of Health and SCC.

### Unanticipated business

**Highway Department and SCC MOU** – DeFant has forwarded the 2014 signed MOU and minutes from a previous 2013 Select Board meeting and a 2014 SCC meeting where the MOU was discussed and approved by the Select Board. This is follow-up to discussion at last meeting in which there was question as to whether the Select Board ever approved it. DeFant does not know if this make the MOU legally binding.

**Highway Department List of Summer Projects/Development of NOIs** – DeFant shares she hasn't received a list of possible summer projects that the Highway Department is planning/proposing to complete this summer; will reach out to him in regards to this matter. DeFant has also heard that the Highway Department is looking to develop an NOI for routine road maintenance. SCC would like to have a preliminary meeting with the Highway Department to review what kind of activities should be included.

**Calcium Chloride Highway Department Request** – Hunting reached out to SCC asking for the opinions about using calcium chloride on Montague Road as part of dust management; the dust has increased recently and there are concerns of it causing respiratory issues. Hunting is proposing to spray the entire road up to Dudley Pond. DeFant did some research about how dust management spraying can be managed; other Conservation Commissions have required that spraying be kept from the 100-foot Buffer Zone. Kahan agrees that is a good place to start. DeFant suggests looking at what house number is the closest to the 100-foot Buffer of Roaring Brook and ask Hunting and his staff not to spray in that area. SCC agrees and plans to do a site visit with Hunting within the next few days. Jaques asks if SCC has contacted mark Stinson, MassDEP Circuit Rider, about this; is concerned about SCC making quick policies. Kahan doesn't believe this is SCC making a policy; there was a request received by SCC to apply a dust treatment during spring season and SCC is making comments to address any concerns of any wetlands impacts to safeguard the sensitive wetlands which is SCC jurisdiction. DeFant also notes that discussion is about whether SCC would want this to be an Emergency Certification application which could include conditions. David agrees with Kahan that this is SCC's response to a request that requires a timely response. SCC agrees to limit the spray to outside of the 100-foot Buffer Zone of Roaring Brook and to contact Hunting for a site visit.

### Review of Town of Shutesbury's request to do additional work on Lot O-32 under the current Determination of Applicability for environmental investigations

Matter was to be discussed at 7:45 p.m. but was not discussed until 8:38 p.m. Mary Anne Antonellis, Applicant/ Library Director, was no longer present at meeting due to time conflict.

DeFant summarizes that the Town is doing additional work on Lot O-32/ 66 Leverette Rd which she learned about at a Select Board meeting she recently attended. She reached out to Antonellis asking if SCC would receive a request to do additional work, a process that she believed was agreed upon at the December 27<sup>th</sup>, 2022 meeting. SCC had informed Antonellis that if additional work was needed, Antonellis/ Fuss & O'Neill would submit a written request with a site plan. She had an email conversation with Matt Kissane of Fuss & O'Neill regarding the matter. He did not have the same understanding, in part due to his absence at the December 27<sup>th</sup>, 2022 meeting; he believed there was no need for a request or further approval because SCC had no jurisdiction.

DeFant elaborated that Fuss & O'Neill was ready to go out last week to complete the additional testing but SCC was not meeting until this week; in an effort to be cooperative, she made the executive decision and gave administrative approval via email. She looks for support from the rest of SCC as she believed it was in the interests of ensuring the testing was done in a timely fashion; Town has deadlines for completing environmental investigations coming up. David suggests SCC take a site visit since they last visited before the original work was completed; SCC agrees.

### **Lake Wyola Lake Drawdown NOI update**

The Town of Shutesbury has to apply for permits to continue operation of the dam and the winter drawdown for Chapter 91 compliance and with SCC through NOI permitting. DeFant believes it may be easier for the Town to apply for both activities under one NOI permit from SCC because the OOC could be used for both Chapter 91 applications. David asks if she is correct in believing that Rivers plans on developing the RFP which will be used by the Town to hire a professional company/entity to complete regulatory services; Rivers confirms and agrees that completing all water management activities in regards to the dam under one NOI would be more efficient. DeFant shares River's draft of the RFP for Lake Wyola Dam Inspection for SCC to review via screenshare; suggestions are given such as:

- Frame the work as 'year-round water management'
- Ensuring NHESP has enough time to comment before permit expires
- Elaborating on what monitoring and reporting process will look like; possibly investing in electronic water gauges/ system

Rivers thanks SCC for their suggestions and plans to adjust the RFP according to the suggestions and then pass on that draft to Becky Torres, Town Administrator, for final edits. From there the finalized draft will need to be reviewed and voted on by the Select Board.

### **LWAC signage request update**

Rivers confirms he understands what was approved for the signage at the boat launch; asks SCC to review it once it is installed.

### **Chair Updates**

**FRCOG Lake Wyola Watershed Plan** – DeFant shares that FRCOG has reached out to SCC to review and comment on the final draft Lake Wyola Watershed Plan; SCC is expected to receive draft next week. There is a possible public hearing will be held next month with FRCOG regarding the draft.

### **Consider draft minutes for 3/9/23**

**03/09/2023 – Motion: David moves to approved the 03/09/2023 minutes, Harrington seconds. Vote: David- Aye, DeFant- Aye, Harrington- Aye and Kahan- Aye. The motion carries.**

### **Conservation Restriction (CR) for West Quabbin Woodlands Conservation Area Update**

*No updates*

### **Bylaw Regulations revision update and discussion of recent communication from the Select Board regarding a legal opinion about the local wetland Bylaw**

DeFant: there has been some discussion and confusion about topic; SCC received guidance from Elisabeth Goodman, Special Counsel hired by SCC, that Bylaw is still valid. SCC has also received guidance from Town Counsel, Donna MacNicol, and the Town's independent counsel, Greg McGregor, that the Regulations should be updated; she suggests that SCC move forward as planned because it is valid and SCC is charged with enforcing it; updating Regulations will provide clarity, consistency, and standards for how SCC uses the Bylaw. Select Board has communicated that SCC should also work on overhauling a new Bylaw. DeFant believes that is a bigger discussion that SCC and Select Board will need to meet to discuss as to what that would look like and what the time frame would be. She has spoken with other who have drafted Bylaws for other communities; understands that it takes a few months to draft Bylaws along with enough time to receive all public comments and comments from town boards so that there is community support in enacting a new Bylaw. She is currently

working on the draft Regulations with Janice Stone and once the draft is completed it will be sent out to SCC for review. Once reviewed, then the draft will be posted on SCC homepage and a Public Hearing will be held.

SCC has received approval from Select Board for 5 hours with Town Counsel but has not spoken with MacNicol yet. Kahan: asks if DeFant suggesting SCC continue completing the Regulations under the current Bylaw with recognition that SCC might want to work on a new Bylaw down the road with MacNicol. DeFant suggests tabling discussion until full SCC is present. The process that SCC has agreed on for the Regulations is that SCC would get them reviewed by MacNicol or Goodman. Kahan asks if Regulation update would be separate from drafting a new Bylaw? DeFant confirms and suggests tabling discussion for a later date. The approved 5 hours is for MacNicol to review the Regulation revision before posting for public comment.

DeFant: looking for acknowledgement from SCC that we are moving forward with completing the Regulation update. Before a new Bylaw can be passed, SCC still needs to issue permits and it may be months or a year until a new Bylaw is passed; in the meantime SCC needs these Regulations; if a new Bylaw were to be passed quickly after the Regulations were updated, then SCC could adjust them to match the new Bylaw. David agrees that SCC should continue with updating the Regulations while recognizing that the Bylaw will need to be updated but will require due diligence because it will be brought to Annual Town Meeting; not enough time this year to review the Bylaw update efficiently. Harrington and Kahan agree with David's comment.

DeFant: drafted a FAQ handout for SCC to review in hopes for approval (with revisions where needed); would be shared with the public by posting it on the SCC website along with a time frame of where they are in the process.

Farrell: she asks if all members of SCC have read the letter written by Greg McGregor in regards to the Bylaw. DeFant answers that all members were forwarded the letter to review. Farrell asks if the letter has been discussed with SCC. DeFant explains that this is the first meeting they have had since they received the letter. Farrell: it appears it is not being discussed at tonight's meeting as part of this discussion about whether or not SCC does Regulations before completing an update of the very outdated Bylaw. DeFant: SCC has two letters; letter from Elisabeth Goodman as a response and the McGregor's opinion letter. Kahan: he has reviewed both letters and it appears that Greg McGregor was recommending that SCC update the Regulations (which is being discussed right now) and recognizing, possibly as a separate issue, that SCC is tabling the need to update the current Bylaw; requires a lot of time to draft that is not available before Annual Town Meeting this year. David: she agrees with Kahan's interpretation and believes McGregor was pointing out the areas that need to be addressed; some of which can be addressed through the Regulations. A Bylaw requires more time to update than updating the Regulations which can provide more clarity as he recommended; after the Regulation update, the SCC could work on the Bylaw. Harrington agrees with David and Kahan's comments.

DeFant: she has spoken with multiple consultants, conservation agents and environmental attorneys including one that is chair of a conservation commission elsewhere and once was on the board of MACC (Massachusetts Association of Conservation Commissions); she learned that many towns have outdated Bylaws. The language has evolved over the years as MACC has changed its evolving model Bylaw, due to case law and changing state laws. One of the aspects of their Bylaws is that there is a severability clause that states that if any one clause of the Bylaw becomes invalidated by court decisions or law, then the rest still stands; until the court determines the Bylaw is invalid, then it is still on the books as a Bylaw voted by the Town of Shutesbury and approved by the A.G (Attorney General). She personally feels that as a Commissioner, she doesn't have the authority to put that aside and not use the Bylaw in making permit decisions; would do so at great peril because there might potentially be applicants that might like to see us put aside the Bylaw but there might be abutters that would be aggrieved that SCC was ignoring a statute that SCC is tasked with enforcing. She believes SCC needs to do the best it can with the Bylaw as written, and if possible, to educate the Town to raise awareness about the importance of wetlands; the role of wetlands in protecting water resources with climate change – then she believes that SCC would have a good chance at strengthen the Bylaw and getting a new one passed. In the meantime, SCC cannot pass a Bylaw quickly and we still are in the position where there is the existing Bylaw on the books; updating the Regulations is important thing to do with the understanding that there are some provisions in the Bylaw SCC may need to be careful about because they have been invalidated by court decisions; legal counsel is needed. She has not heard that the entire Bylaw is invalid.

Farrell: she doesn't believe that anyone is asking SCC to ignore the Bylaw and the current Bylaw would stay in place until such time where a new amended Bylaw is approved. She doesn't understand what the rush is to complete the Regulations when SCC has received an opinion from one of most renowned environmental attorneys from the state. She reads a response from McGregor to a question regarding this matter, 'in any Regulations of any city or town, and your town, are vulnerable to attack AKA the town could lose a lawsuit if they are not in accord and authorized by the plain wording of by reasonable interpretation of the Bylaw in which they must be consistent and implement. This is a truism; it is black letter law and can't be gainsaid'. She doesn't understand what the rush is about completing the Regulations when they have an outdated Bylaw;

without taking the foundation which is the Bylaw and correcting that first. DeFant: all Bylaws by their nature are very limited and fairly terse, thus requiring definitions, performance standards and procedures to flesh them out. Gregor McGregor has said in many trainings that this an essential task for Conservation Commissions; to develop Bylaw Regulations in order to use the Bylaw or they will not stand up in court. She has attended multiple trainings of his and read several articles/blogs for MACC; he stated the same thing that Regulations have to flesh out definitions, performance standards and application procedures in order to make the Bylaw applicable, fair, and consistent. SCC has not been rushing into updating the Regulations as we have been working on this for at least the past two years; the process had begun before she joined the Commission. During a solar ANRAD Public Hearing in the spring of 2022, there was a lot of concern that SCC's Regulations were inadequate. SCC was advised by Town Counsel to work on it as quickly as possible and promised the public that it would do so; public has been relying on that. SCC hired consultants to ensure that it would have the best expertise and scientific bases for any performance standards. SCC has developed a process for these Regulations and spent a long year drafting them; doesn't believe that is rushing. They are very close to stage of releasing these draft Regulations for public comment and to be reviewed by consultants; want to finish the process they began that involved committed town funds to – SCC was granted \$5,000 in funds for consultants which have been contracted with. She doesn't see any reason to stop the drafting new Regulations when the current Bylaw is still valid and SCC still needs to make decisions based on it.

David: what she also heard McGregor say is that not only did the Bylaw need work but also Regulations need to be fleshed out for appropriate interpretation, which SCC has been working on. That piece is needed in the short term so in the longer term they can work on appropriately revising the Bylaw. DeFant: recommends any members of the public present tonight might want to read a blog by McGregor, entitled something like "Home Rule: Use it or Lose it." The article describes how if a Town's Bylaws don't have supporting Regulations, then they could be thrown out in court. His guidance was that Regulations have to define and support the application of the more stringent Regulations within the Bylaw. Farrell: she just wants to make it clear that she agrees that SCC needs good Regulations, but it was her understanding that the SCC just recently started working on the new Regulations; first time she saw it discussed was during a recent meeting. She does not quarrel that new Regulations are needed. What she is saying is that they have an opinion from a preeminent attorney; SCC can work on the Regulations and get them all in place, but she believes that a Bylaw could have been done for this Annual Town Meeting if it was worked on when originally discussed back in early March. DeFant: this is the first time SCC has met since the SB's discussion at a recent March meeting; two months is not enough time for a Bylaw drafting. DeFant would support drafting a new Bylaw and welcomes support from Farrell and Select Board. She appreciates Farrell saying she understands SCC needs new Regulations; would like to see the Select Board to embrace the model Bylaw that is advocated by MACC with the additional guidance that MACC has endorsed since that model Bylaw was created; model Bylaw was created in 2016; in the last year, MACC has come out with more recommended language on how to build in climate change resilience and protection of resources to mitigate climate change effects. She would like to see Shutesbury be a leader in the state with a more progressive, modern Wetlands Protection Bylaw and to have Select Board support in that would be great. One thing she has discussed that she would like to see Bylaw adapted so that the 100-foot Buffer Zone, also known as AURA (Adjacent Upland Resource Area), be seen has a living, dynamic Resource Area which is central to what Bylaws often regulat, as well as smaller critical areas such as Vernal Pools; SCC has also discussed putting in place a process for small projects that would streamline permitting and make it easier for landowners to get small projects permitted without great expense. Part of what SCC is trying to accomplish with their Regulations is to create as much as they can within the current process; need counsel review to ensure SCC is staying within the letter of the plain language of the Bylaw.

DeFant shares the drafted FAQ with SCC to review via screenshare; edits are considered. David has not reviewed the drafted FAQ and asks to hold off until she has had a chance to review it and give an opportunity for others to comment if needed. SCC agrees.

DeFant: SCC has allotted \$5,000 for the Regulations Peer Review from Patrick Garner; the consultant has completed a bit of work for which he has not invoiced yet. She has had a conversation with Garner that the Regulatory language he was drafting needs to fit with the Regulations as a whole; thus makes sense to have him review the whole Regulation draft once completed; he could then provide testimony at the Public Hearing as well to benefit public knowledge, and support. To do that Regulations review, Garner stated it would require \$2,500 dollars. It would still be within the scope of the original proposal; SCC supports having Garner review the Regulation draft and provide edits/comments. Garner stated to her that in order for him to draft the performance standards and procedures he would need to review the entire draft for further context and to ensure it fits well within.

*SCC verbally agrees to have Garner review the Regulation drafted once completed.*

#### **Site Visit Scheduling**

**66 Leverett Rd/Lot O-32 – TBD**

Montague Rd Calcium Chlorite Spray – TBD

Lot O-32 project permitting update. Discussion is tabled

Highway Department request to breach a beaver dam under Lakeview Road Culvert for Fiske Brook and Lake Wyola Discussion is tabled

Review of recent correspondence from NHESP regarding review requirements for projects in Lake Wyola Discussion is tabled

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

**Meeting Close:** 9:41 p.m.

**Next Meeting:** Thursday, April 27th, at 7 p.m.

**Documents Used:**

- 70 Cooleyville Rd RDA Application
- 70 Cooleyville Rd Site Visit Form
- Draft 70 Cooleyville Rd DOA with Special Conditions
- 56 North Laurel Dr RDA Application
- 56 North Laurel Dr Site Visit Form
- Draft 56 North Laurel Dr DOA with Special Conditions
- Email(s) regarding request to discontinue the request for Amened OOC and extension for Locks Pond Road Culvert Replacement
- 33 Town Farm Rd Site Visit Form(s)
- Draft 33 Town Farm Rd Letter from SCC regarding resource area concerns
- Dudley Pond Beaver activity complaint email
- Chair email with Matt Kissane of Fuss and O’Neil regarding additional work in Lot O-32 under the current RDA permit
- RFP Draft for Lake Wyola Drawdown NOI
- FAQ Draft regarding updating Bylaw Regulations

Respectfully submitted by Carey Marshall, Land Use Clerk, 4/25/23