

Shutesbury Conservation Commission

Minutes – 09/28/2023

Approved – 03/14/2024

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: Ward Smith, Mary Jo Maffei, Paula O'Brien, Mary Lou Conca, Joseph Salvador, Elizabeth Tonne, Rich Carsten, Heather Carsten, Rob Kibler, and all other unidentified individuals.

Chair's Call to Order at 7:00pm

Meeting is being recorded

Public Hearing for 56 Lake Drive, DEP File # 286-0302

Due to an issue with the legal ad, the Public Hearing will be opened and continued on Thursday October 12, 2023 at 7:30pm.

Motion: DeFant moves to continue the public hearing for 56 Lake Dr on Thursday October 12, 2023 at 7:30pm, David seconds. Vote: David – Aye, DeFant – Aye, Harrington – Aye, and Kahan – Aye. *The motion carriers.*

Review Draft Minutes for 7/12/23 and 7/13/23

7/12/23 – Typos were corrected and shared with SCC. SCC has reviewed this revised draft; no further comments.

Motion: David moves to approve the 7/12/23 minutes, Kahan seconds. Vote: David – Aye, DeFant – Aye, Harrington – Abstain and Kahan – Aye. *The motion carriers.*

7/13/23 – Kahan and Harrington were absent from the 7/13/23 meeting therefore quorum isn't met to approve these minutes. 7/13/23 minutes will be revisited next meeting.

Discuss proposed Town Invasive Species Management Working Group

SCC was contacted by a group of residents who are organizing an invasive species management task force. Mary Jo Maffei is here to present the proposed management on behalf of the group.

Maffei shares a slideshow presentation 'Subduing Knotweed Taskforce' for SCC to review via screenshare. After attending the invasive species seminar held at the library by the Recreation Committee, she decided to pursue creating a taskforce in town to control the spread of Knotweed and preserve the local environment for next generations to come. Knotweed can quickly dominate native species that reside alongside river/stream areas which blocks access off to the river; negatively impacts the river ecosystem. According to the Forest Department, Knotweed is

one of the top 10 worst invasive species in the world. The goals of the taskforce include education, working with aligned state and local organizations, find funding, develop efficient long-term systems, pass legislation that create funding for towns, and manage Knotweed in a sustainable way. In terms of organizing the taskforce, she plans to keep it small at first in order to create a strong base establishment. During that time, she plans to gather expert advice and decide whether to create a Shutesbury committee for this topic. Her hope is once the task force is functional to then develop, or become part of, a statewide organization as neighboring towns and cities would benefit working together to prevent the spread of these invasives.

Their first task as a taskforce would be to investigate different methods of removal. Knotweed is extremely difficult to eliminate as it grows quickly and can propagate a new stem from small pieces when cut. Finding efficient methods will require a multiple year effort. She turns over to Rich Carsten, a Leverett resident. Carsten introduces himself and his partner Heather Carsten sharing his gratitude for this discussion. He explains his experience watching and removing Knotweed on his and neighboring properties. He has seen town crews and neighbors attempt to control it by mowing but believes it may not be working; possibly causing it to spread. At the moment he doesn't have particular answers and believes it's important to look at things on a case to case basis.

DeFant thanks Maffei for her presentation and recommends that she share this with the Energy and Climate Action Committee as they advise the Selectboard about these issues; invasive species has been mentioned previously. It is her understanding that the Highway Department in the past has used glyphosate to treat invasive species but stopped due to residential concern about impacts to groundwater. Kahan thanks Maffei and Carsten for their presentation and interest in this issue; shares similar experiences to Carsten.

Rob Kibler notes the spots in which the town has sprayed previously did not control the Knotweed as it has grown back; not effective. Mary Lou Conca shares interest in joining the taskforce.

Updates from LWAC Representative

David informs SCC that LWAC has been reviewing the process of hiring a potential contractor with the Selectboard. They discussed when Lake Wyola can be lowered for the winter; SCC has asked to not lower the lake until November 1st in order to allow the completion of the culvert replacement. They have been receiving complaints about parts of the road being washed out around 66 Lake drive; will be observed and documented by George Abdow on their Roads Day on October 1st.

The Town Administrator, Becky Torres, has reached out for updates/consult with SCC regarding the new NOI for the Lake Drawdown that is progress; looking for guidance and clarity on what SCC's expectations for the NOI would be. She suggests that SCC write a letter to the Selectboard to inform them of the current permits standings; SCC agrees. There was discussion of delaying the drawdown this year because of the culvert work but the permit and DEP standards state that they drawdown needs to be completed by December 1; delay is possible depending on the rapidity/ water levels.

DeFant agrees to draft the letter for their next meeting to review

Updates on Culvert Replacement Project

David states the bypass has been placed and the sandbags/sump pump have been working well; outflow out the other end was flowing well. Their next step is to dig out the old culvert and prepare to place the new one in which they predict will be soon as they have been working steadily.

West Quabbin Woodlands Conservation Area Updates; site development planning, review of Baseline Survey, update on CR approval

DeFant, Harrington, Willson, Stuart Watson (Kestrel Land Trust), Penny Jaques, and Janice Stone attended a site visit to the West Quabbin Woodlands Conservation Area a few weeks ago to review location for a potential parking area development; was shown three different locations on west side of Pelham Hill Rd by Watson with the idea of a gravel spot large enough for two cars. He proposed a looping trail that stay within the property and allows for viewing across the stream. The proposed loop trail would cross over a small intermittent stream which would require a bog bridge or small foot bridge. SCC agrees to reach out and confirm the location SCC picked was the one closest to the Pelham line; details about further steps such as contractor and maintenance plan.

SCC received a baseline survey for property that was completed by Kestrel Land Trust; needs to be submitted before the CR can be signed. SCC confirms they have reviewed it and have no questions or comments; DeFant will inform Kestrel of their review/agreement.

The CR is close to being released by the state which will then be signed and recorded at the local level; Bridget from Kestrel Land Trust has volunteered to register the CR once it is finalized for SCC. Once the CR is signed and filed then SCC will have met the requirements of the CPA grant.

Sumner Mountain Conservation Restriction Updates

SCC has voted to have Charlie Eismen conduct the CR monitoring report as he has done in previous years. Funds for these reports are placed in an escrow account when the associate property is sold. It has been owned by Chuck DiMare but SCC has been informed he has sold two of the adjacent properties thus should be expending new funds to be added. DeFant shares that SCC has the opportunity to reevaluate these fees every four years; new opportunity for this discuss could occur next year.

Old Peach Orchard Conservation Restriction

Old Peach Orchard CR Monitoring report site visit needs to be scheduled this year; last year's report was conducted in October. DeFant will send out a doodle poll via email to all potential participants in order to coordinate an optimal date for all interested individuals.

Site visit date TBA

Site Visits Review

Locks Pond Culvert Replacement Project – Erosion controls were fixed

West Quabbin Woodlands Conservation Area – Observed potential parking lot options and locations

56 Lake Drive NOI – extending the timber seats alongside the home

41 Lake Drive BPA – concrete patio within 100 buffer zone from an adjacent intermittent stream; RDA is recommended. Agreed to allow the stumping of a dead tree on the property as well. A material pile was located near a resource area, SCC will schedule a site visit to discuss more about the use and storage of the material.

Building Lot on West Pelham Road – reviewed wetland delineation and proposed new building location; outside of jurisdiction and BPA will be signed once applied for.

Site Visit Scheduling

Old Peach Orchard CR Monitoring – TBA

South Brook Conservation Area – TBA

62 Lake Drive – Monday, October 2; time TBA

57-59 Shore Drive – Monday, October 2; time TBA

Follow-up regarding requests to Select Board regarding Special Counsel and gift donation

SCC has not heard from the Selectboard regarding the creation of gift fund account related to the resident request. The resident has clarified the terms of their gift to be used by SCC for any legal or technical consultation that SCC needed. SCC will request that Selectboard add this to their next meeting agenda.

Draft Bylaw Regulations Public Hearing

David believes the meeting went well and suggestion asking the Selectboard for more time with Goodman so that she may attend the next public hearing; as previously brought up at the last public hearing. Kahan agrees the meeting went well and is glad the comment period was extended; doesn't feel the need for Goodman to be present at the next meeting. DeFant agrees with David that SCC should ask for Goodman to be present at the next hearing. Kahan agrees it wouldn't be harmful to have Goodman present but believes that over the past public hearings Goodman has presented good legal advice by answering questions and comments; doesn't see any further legal advice would be needed – David agrees. DeFant shares that her concerns is that there the regulations have been read over by 4 attorneys; 3 of which provided substantive changes – McGregor, Goodman, and Brewer. She thanks the Selectboard for providing review from McGregor but notes she was not comfortable about the way it came out; overall his feedback made the regulations better. Goodman reviewed the feedback from Brewer and agree with her suggested edits. She would prefer to have Goodman present in preparation for any legal questions that may arise.

David asks DeFant how she envisions the next public hearing occurring. DeFant believes it should start with a recap summary of professional/expert testimony and review any additional public comments before deliberation. SCC agrees they will not ask the Selectboard for further time with Goodman as they are not expecting any complex legal question to arise that would result in any major edits to the draft bylaw regulations. SCC will update this bylaw regulations

subpage on their website to include new public comments, education documents, and public hearing minutes.

New Wetlands Protection Bylaw Planning

SCC will reach out to the Selectboard regarding next steps for a new wetlands protection bylaw; need funding for a legal review under the assumption that Town Counsel, Donna MacNicol, would have to recuse herself similarly to the bylaw regulations review. SCC would be open to any attorney Selectboard would find acceptable.

Chair Updates

None

Unanticipated business

None

Motion to Adjourn: DeFant moves to adjourn, Harrington seconds. Vote: Davis – Aye, DeFant – Aye, Harrington – Aye, and Kahan – Aye. The motion carries.

Meeting Close: 8:22pm

Next Meeting: October 5, 2023 at 7:00pm

Documents Used

- None