

Shutesbury Conservation Commission

Minutes – 02/15/2024

Approved – 03/28/2024

*Virtual Meeting*

**Meeting Start:** 6:00pm

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

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

**Other present:** Becky Torres (Town Administrator), Mary Anne Antonellis (Library Director), Catherin Hilton, Penny Jaques, Dave Mosher, Brad Foster, Rita Farrell (Selectboard Co-Chair), Gail Fleishhacker, Tom Seifert, Elaine Puleo, Penelope Kim, Craig Martin, Arleen Read, Stephen Dallmus, Clif Read, Deboraha O'Brien, Mike Stotz, Matteo Pangallo, Dominik Wit, Becca Wheeler, Steve Bressler, Joan Hanson, Susan Rice, Roger Hoyt, April Stein, Michele Sedor, Jan Rowan, and all other unidentified individuals.

Chair's Call to Order at 7:00pm

Meeting is being recorded

**Review, deliberate and vote on OOC permit for 66 Lev Rd/ Lot O-32 Library NOI**

The Public Hearing for 66 Lev Rd/ Lot O-32 was closed at the last meeting on February 8, 2024. Willson shares the draft OOC for 66 Lev Rd/ Lot O-32 NOI via screenshare for SCC to review. She reviews the OOC aloud for SCC and attendees to following along. Kahan proposes a edit for special condition #40 regarding the use of pesticides, herbicides and fungicides. The original condition does not allow the applicant to use pesticides, herbicides and fungicides within the 100ft buffer zone of a wetland resource. The proposed edit would to allow for the use of pesticides, herbicides and fungicides in the 100ft buffer zone only after given permission with SCC. Willson states the original condition is commonly used and believes that pesticides, herbicides and fungicides shouldn't be used with in the 100ft buffer one. Kahan explains his intention with editing the condition was to not constrict the applicant when they are creating their invasive special management plan. David agrees with Willson's comment adding that when pesticides, herbicides and fungicides are used it causes SCC to 'police' the use of pesticides, herbicides and fungicides; what was used, how much was used, and where was it placed. Willson understands Kahan's intent and suggests editing the condition to state, 'Pesticides, herbicides and fungicides shall not be used within 100ft of the wetlands. Organic pesticides, herbicides and fungicides may be used subject to the review of the Conservation Commission, unless approved by the Conservation Commission in an Invasive Species Management Plan. This condition shall survive the expiration of this Order of Conditions and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.' SCC agrees. Brad Foster and Penny Jaques provided small typo corrections.

Mary Lou Conca asks if any tribes have been consulted before SCC grants the permit. Willson informs Conca that that is not under SCC's preview.

***Motion: David moves to approve the OOC for 66 Lev Rd/ Lot O-32 NOI, Harrington seconds. Vote: David – Aye, Harrington – Aye, Kahan – Aye, and Willson – Aye. The motion carriers.***

SCC grants Willson permission to sign for them. Willson informs the applicant that SCC has up to three weeks to hand deliver the permit after closing the public hearing. Since the public hearing was closed last Thursday February 8<sup>th</sup>, SCC has until February 29. She will clean up the OOC document and submit it. She is on vacation next week and will plan to hand deliver the permit on Monday Feb 26.

Antonellis asks if there is an appeal period. Willson says that there is a 10 day appeal period from starting the day it is issued.

### **Unanticipated business**

**New SCC member** – Marshall asks if there has been updates in the New SCC member process. Willson states the questionnaire has been drafted and edited. SCC will meet with the Selectboard to review the questionnaire and then the questionnaire will be voted on next meeting.

**DCR Dam Letters** – SCC received informing of the Phase I inspection of the Lake Wyola Dam; received a Fair grade. DCR also send some information documents regarding safety precautions. David forwarded these letters to LWAC for their meeting on Saturday.

**Site Visit** – Kahan did a site visit at the Camel Brooke Bridge project and took pictures. He saw no issues; erosions controls were in place, overlapped and staked.

**Motion to Adjourn: David moves to adjourn, Harrington seconds. Vote: David – Aye, Harrington – Aye, Kahan – Aye, and Willson – Aye. The motion carriers.**

**Meeting Close: 7:30pm**

**Next Meeting: March 14, 2024**

### **Documents Used**

- 66 Leverett Rd/ Lot O-32 OOC