

Shutesbury Conservation Commission

Minutes – 03/14/2024

Approved – 03/28/2024

Virtual Meeting

Meeting Start: 7:00pm

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

Other Staff: Carey Marshall (Land Use Clerk)

Other present: Mark Rivers, Jeff Pickering (Applicant), Tim Pickering, Tom Seifert, Frank McGinn, Mark Wightman, Jan Rowan and Joyce Braunhut, Mary Anne Antonellis (Library Director), Bob Jay, Marianne Mahoney, and all other unidentified individuals.

Chair’s Call to Order at 7:00pm

Meeting is being recorded

Minutes 09/28/2023, 10/8/2023

Motion: Harrington moves to approve the minutes for 09/28/2023 and 10/05/2023, David seconds. ***Vote:*** David – Aye, Harrington – Aye, Kahan – Aye, and Willson – Aye. ***The motion carries.***

Unanticipated Business

Master Fee Schedule – Willson met with the Selectboard to discuss the Master Fee Schedule for the bylaw regulations that was approved and voted in late October 2023. She presented a side-by-side comparison of their proposed fees with other town’s fees to show the similarity given to her by Miriam DeFant. The Selectboard had no issues with a majority of them but the NOI fee; proposed to decrease the fee amount in half because NOIs also requires a state fee. SCC agrees with these changes.

Bundled NOI – Willson and Kahan met with the Highway Superintendent, Steven Sullivan, and Becky Torres, Town Administrator to discuss the creation a Bundled NOI for roadway work and maintenance. Kahan shares it was a positive meeting and discussed breaking it down into three bundled NOIs; routine roadway maintenance that is exempted, roadwork that would require SCC discussion such as emergency permits, and roadway projects where conditions would be in place. They reviewed some surrounding towns’ bundled NOIs templates to start brainstorming scopes and conditions. They plan to meet again either later this month or beginning of April to discuss further details; Sullivan will bring a list of upcoming projects for the year.

Matter will be revisited in the future

Baker Field CR – Kestrel Land Trust notified SCC that the landowner’s of Baker Field CR plan to place a farm stand and a curial on. SCC has reviewed the notice and no issues with these structures.

Pine Drive Erosion Issue E-mail – Willson shares there was a resident on Pine Drive that emailed SCC with concerns about the drainage swails and settling basins on/abutting her property. Willson, DeFant, and David did a site visit around this area in the past. David shares that Pine Drive has been bad this year with pot holes, culverts overflowing, and runoff going directly into Lake Wyola. It's has been a challenge getting LWAC and/ or the Town with to assist due to different opinions. Willson suggests SCC should have another site visit and will send an email out to set up a date and time.

This matter will be revisited

74 Lake Drive NOI

Wilson opens the public hearing for 74 Lake Drive NOI. Cole Modestow introduces himself to SCC as the applicant's, Jeff Picking, consultant from R. Levesque Associates Inc. Modestow shares the 74 Lake Dr Site Plan via screen share for SCC to review. Modestow explains the proposed project is to renovate the existing structure on the property, add a garage and replace the septic system. The existing home is not proposed to be expanded upon; only remodeled. The proposed garage construction will be outside of any resource area buffer zone and a silt fence will be placed around the entirety of the limit of work. They are proposing to remove a few trees within the buffer zone because they are detrimental to the existing house structure. There will be a hardscaped walkway leading from the garage to the home which will move into the buffer zone.

He informs SCC they have filed with Natural Heritage of Endangered Species Program (NHESP) and received a response stating there was no issues with the existing dock or the project as planned. A new septic system and pump will be placed in front of the home and move forward towards the road to the leach field. The piping from the pump to the leach field will follow under a retaining wall. The reason for the retaining wall is due to a 9ft difference in elevation in this area of the property; wall will help with the flow of runoff.

Willson asks if a Chapter 91 license was applied for the dock. Modestow confirms it has been applied for. SCC did not receive a copy of the Chapter 91 license for both docks. They advise him to ensure both docks have been applied for and copies are emailed to them. Modestow understands and will follow up on that. Willson asks what the total number of trees are being removed in the buffer zone. Modestow answers about 10 trees will be removed. Willson informs Modestow that with their bylaw states when trees are removed in the buffer zone they need to be replaced with new trees/plantings. She asks that a planting plan be submitted to detail which trees are being removed, where new plants and trees will be placed, and list the species of the new plantings. Modestow understands and agrees to have a planting plan made. He adds that all disturbed areas are proposed to be loamed and seeded once construction is complete.

Willson asks if there will only be one hardscaped walkway. Modestow confirms only one walkway is proposed. Willson adds that during their site visit they discussed the driveway is not marked as being paved. Modestow states that the applicant would like to have the driveway paved and agrees to have that corrected on the plan. Willson understands that there will be a swail along the side of the property but there isn't a lot of information regarding it; doesn't state if it will be vegetated or not. The narrative didn't describe how drainage will be handled on the

property especially since the area itself gets large volumes of water; increased due to the new paved driveway. Modestow states they compared the amount of impervious to previous area on the site for the project. They concluded that with the addition of the garage and driveway, the increase of impervious surface will be minimal. They are confident that that a loamed and seeded swail will be enough for runoff to infiltrate. Willson recalls Picking stating at the site visit that a majority of the property's soil is composed of sand which allows for quick infiltration. David asks that there be a drainage and maintenance plan for the swail. Modestow agrees. Willson asks if the applicant is okay with continuing the public hearing on March 28, 2024 at 7:15pm. Modestow agrees.

Motion: David moves to continue the public hearing for 74 Lake Drive NOI on March 28, 2024 at 7:15pm, Harrington seconds. **Vote:** David – Aye, Harrington – Aye, Kahan – Aye, and Willson – Aye. **The motion carriers.**

Lot ZW-16/18 January Hills Rd CH61B Removal

Willson shares that SCC received a letter from a landowner attorney informing them that they intend to take a portion of their property out of Chapter 61 to then sell; Town has the Right of First Refusal. The property is one of 5 lots that are looking to be sold but this larger one is in Ch 61. Willson inquired to the attorney for more maps to gain a better understanding of the property and what is being sold. The Town has also asked the attorney for more information. When she hears or receives more information she will share it with SCC.

Lot H - 151 ORAD Extension Request

Wightman shares he received an ORAD back in April of 2021 for his property H-151 on Leverett Rd. During the process he had a wetland specialist delineate the lot and SCC had their own professional review the findings; they agreed and the ORAD was issued. He has not completed the work on the property and is looking to have an extension for the ORAD so that he may continue. Willson asks if Wightman or the wetland specialist has walked the property to confirm that there isn't any significant changes to the area/ORAD map. Wightman states he or the specialist haven't but can have that arranged if that is what SCC is asking. SCC agrees that a review/walk through of the area from his wetland specialist is necessary before SCC votes to approve or deny the extension. Wightman understands and will reach out to his specialist.

Matter will continue at the next meeting on March 28, 2024

66 Lev Rd/ Lot O-32 OOC Amendment Request

Antonellis shares that their amendment request is to reduce the parking lot area but one parking space which will bring the turnaround driveway section closer to the structure. The cut in parking space was a cost savings measure and to simplify the site plan. The turnaround driveway as originally proposed was 4 ½ feet from the property boundary and didn't have enough space for proper grading; required a retaining wall. The amended site plan would place the turnaround 15ft away from the property line and would not require the retaining wall. There would be a reduction in paving as it was originally 23,447ft and the amended version decreases to 22,923ft; no change in drainage patterns. She provided a site plan with hand drawings to describe the changes they are requesting; can provide an official once her consultants have finished drafting it.

Willson states the hand drawing is okay for now since SCC is only determining whether an amendment is sufficient or if a new NOI needs to be submitted. SCC agrees the amendment is minimal and only requires an amendment; no new NOI is needed. David asks that once the finalized site plan of the changes has been finished that Antonellis send it to SCC for their records. Antonellis agrees and asks if there is anything else she needs for the hearing. Willson recommends that any new figures related to the changes should be listed so that they will be recorded properly in the AOOC.

The public hearing for the amendment request for 66 Lev Rd/Lot O-32 will take place on March 28, 2024 at 7:45pm.

Motion: David moves to determine the requested amendment is minimal and does not require a new NOI, Harrington seconds. **Vote:** David – Aye, Harrington – Aye, Kahan – Aye, and Willson – Aye. **The motion carriers.**

Willson informs SCC that the original OOC has been recorded as they needed to move forward with the well drilling. She conducted a site visit to inspect the erosions controls which she informed them they were in good shape. The drilling should begin within the next week or so.

New Commission search update

Willson attended the Selectboard meeting this week to review the New SCC Commissioner Questionnaire. The Selectboard had some minor edits and suggested removing two questions which she agreed with; shared the new versions with SCC. SCC has no issues with the new draft and will move forwarding by sending them out to the applicants; deadline for returning the questionnaire will be on March 22, 2024. Marshall will draft an email to the interested individuals with the approved questionnaire attached; will send out once Willson approves.

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

Meeting Close: 7:56pm

Next Meeting: March 28, 2024 at 7:00pm

Documents Used

- 74 Lake Dr Site Plan