

Shutesbury Conservation Commission

Minutes – 05/09/2024

Approved – 05/23/2024

Virtual Meeting

Meeting Start: 7:00pm

Commissioners Present: Beth Willson, Robert Douglas, Janice Rowan

Commissioners Absent: Scott Kahan

Other Staff: Carey Marshall (Land Use Clerk)

Other present: Liz Goodsell, Joseph Salvador, Carolyn Gorss, Frank McGinn, Tom Siefert, Andrew and Donna McCallum, Jeff Squire, and all other unidentified individuals.

Chair's Call to Order at 7:00pm

Meeting is being recorded

Minutes 04/25/2024, 03/28/2024, 02/08/2024

Marshall doesn't have 03/28/2024 and 02/08/2024 minutes ready for tonight's meeting. 04/25/2024 draft minutes have been completed and sent out earlier this afternoon but SCC needs more time to review.

Matter will be revisited next meeting.

Unanticipated Business

RDA Packets – Willson asks if Marshall heard back from the 678 Pratt Corner Rd landowner regarding submitting an RDA. Marshall asks if she could clarify further. Willson states that after SCC conducted a site visit where the landowner asked about tree removal, SCC recommended submitting an RDA application. Marshall understands what she is referring to and confirms that she reach out to 678 Pratt Corner Rd landowner and a different landowner that also considered submitting an RDA application simultaneously; did not hear back from either.

SCC Resignation – Mary David has resigned from SCC as of May 1st, 2024. Willson has discussed this with Becky Torres, Town Administrator, and confirmed that it would be best to wait on appointing a new member; best to focus on the two new members settling into their new roles. Douglas understand Willson's point but reminds SCC that vacation season is approaching and commissioners may not be as available for meetings. Willson agrees and will discuss further with Torres.

Site Visits and Scheduling

Baker Field CR Site Visit – Willson, Douglas, and Kahan did a site visit while the couple that newly owns the property located within the Baker Field CR. Willson shares it was a great site visit and the new owners are using the property to farm and have a varied of farm animals. Their main projects there looking to do was correct from drainage issued that are occurring across the property and installing new water lines. Kahan reviewed the CR restrictions and believe the projects are acceptable under the restriction. SCC needs to research further if their project(s)

were exempted under the WPA and the landowners need to finish their project(s). Douglas agrees with Willson's summary and that the CR mandates SCC to protect the existing wetlands; no loss or gain in size. He emphasizes the need to understand what WPA agricultural activities are exempt from the property as it can allow them to drain their field; decreasing the wetland.

Master Fee Schedule Public Hearing Planning – Marshall asks if SCC still plans to hold a public hearing for the Master Fee Schedule. Willson confirms. Marshall will share the draft legal ad with Willson for approval before posting in the Greenfield Recorder.

The Public Hearing for the Master fee Schedule will be held on Thursday May 23, 2024 at 7:30pm.

E5/F6 Transmission Line NOI/NEP OOC

During the last meeting, Willson, Kahan, David, and Rowan participated in the presentation for the E5/F6 Transmission Line NEP NOI project; public hearing was closed. Since then, David has resigned and Kahan is not present. Willson asks if the applicant can summarize their presentation from last meeting so that they have proper quorum to review and vote on the OOC permit. Carolyn Gorss, BSC Group Representative, understands and has no problem doing so.

Gorss shares the E5/F6 Transmission Line Site Plan(s) for SCC to review via screenshare. She explains that proposed work is part of a geotechnical boring program to examine the existing subsurface conditions for the future maintenance of future structures along the E5/F6 transmission lines. There are two structures proposed; 443 located off Pratt Corner Rd and 436 located off Sand Hill Rd. The proposed project activities, soil borings, site assessment and placement of wetland matting, will be conducted within the existing managed right-of-way (ROW).

Structure 443 has a proposed 50ft by 50ft work area to allow enough space to allow the crew works enough space to pace the tracked drill rig and equipment; matting will be used though the entire work area. The soil boring(s) is typically 2 inches in diameter that go to a sufficient depth to analyze the conditions. There is no current place or replace or work at these structures but are planned for the future. Structure 443 is within the 100ft buffer zone of a BVW (bordering vegetated wetland), 200ft Riverfront buffer zone, and the 50ft No Disturb Zone which is temporary impacts through wetland matting to the wetland themselves; also, within Natural Heritage Endangered Species Program (NHESP) Priority and Estimated Habitat.

Structure 436 has a proposed 50ft by 50ft work area to allow enough space to allow the crew works enough space to pace the tracked drill rig and equipment; best management practices (BMPs) including sediment and erosion controls will be implemented. Typically drilling causes very minimal soil disturbance but if they encounter or anticipate any soil disturbance then they will place erosion controls between the work area and resource areas. Douglas asks if they had to file with NHESP. Gorss informs SCC that utility companies in this area have an agreement with DEP and NHESP for best practices for avoiding and minimizing damage to endangered species. They have requested the data for the area and Nation Grid will be following the BMPs agreed upon; no new filing was needed. Willson points to the NOI where the agreement is listed as Established Operation and Maintenance Plan with NHESP, Nation Grid and DEP. Gorss thanks Willson. SCC and the public have no further questions.

Willson shared the drafted OOC for the NEP E5/F6 Transmission Line NOI for SCC to review via screenshare. Willson reads aloud the drafted permit for all those in attendance can follow along; no edits are made.

Motion: Douglas moves to approve the E5/F6 Transmission Line OOC with special conditions are reviewed, Rowan seconds. **Vote:** Douglas – Aye, Rowan – Aye, Willson – Aye. **The motion carries.**

57-59 Shore Drive AOC Request/ Donna and Gary West

During the last meeting, Doug Serrill presented the revised project plan for the 57-59 Shore Dr NOI that was originally approved on November 10, 2023. Serill was unable to make the meeting but Jeff Squire is here on with Berkshire Design Company to represent Donna and Gary West for 57-59 Shore Drive. Squire understands that at the last meeting, the public hearing was closed and tonight's meeting was to review and approve the AOC. Willson states that is correct but they don't have a proper quorum due to the commissions present at the last meeting and tonight meeting is different; Willson, David, Kahan and Rowan was present at last meeting – Douglas wasn't present for the project presentation. Willson asks if Squire can summarize the project so Douglas has an understand and chance to ask questions. Squire understands and has no problem doing so.

Squire shares the 57-59 Shore Drive Revised Site Plan for SCC to review via screenshare. He notes that the property boundary is lined in bold black and the original footprint is colored in a light orange underneath the revisited footprint indicated in light blue. The reason for the request amended is due to personal reasonings for the West family needing to downsize from the original plan. The main changes in the plan including removing the planned garage structure with shed and retaining way (leaving the paved pad for parking space), reduction in interior design and footprint, a screened in porch and deck. All other aspects such as proximity to the 100 year floodplain, edge of bank, grading, and stormwater treatment management plan will remain the same. The main different is change in footprint size and shape but the impacts to the resource areas remain the same as originally proposed and approved.

Douglas ask if the grey area where the garage structure was originally proposed will now remain just paved. Squire confirms it will remain as gravel to providing a parking space(s). SCC and the public have no further questions.

Willson shared the drafted AOC for the 57-59 Shore Drive for SCC to review via screenshare. Willson reads aloud the drafted permit for all those in attendance can follow along; no edits are made.

Motion: Douglas moves to approve the 57-59 Shore Drive AOC with special conditions are reviewed, Rowan seconds. **Vote:** Douglas – Aye, Rowan – Aye, Willson – Aye. **The motion carries.**

14 Lake Drive AOOC request/Donna and Andrew McCallum

Before the item on the agenda is opened, Douglas shares that he owns property of Lake Drive and knows of the McCallum family but due to their distance he doesn't believe there is a conflict of interest; plans on submitting the proper paperwork. Additionally, he has worked with their builder previously but again doesn't see it as a conflict of interest and will also include it then the proper paper work. Willson thanks Douglas for stating that for the record.

Squire is to represent Donna and Andrew McCallum for their 14 Lake Dr AOOC request; Chris Chamberlain was managing the project from the office but is unable to be here tonight. They are seeking an AOOC due to the discovery of a drainage pipe that wasn't in the location anticipated in the existing conditions plan. Squire shares the revised 14 Lake Dr Site Plan. Currently there is an existing culvert pipe that runs from Lake Dr through the property and clearly outlets from a plastic pipe into Lake Wyola; the full location of the pipe was presumed to be a direct path from the street to the end at Lake Wyola. Unfortunately, that was not the case and, unknown to them, the pipe diverted towards the previously existing home. The pipe was discovered when removing the foundation where it was accidentally severed which halted the construction. The proposed activity is to reconnect the culvert pipe from the beginning part on Lake Drive and connecting close to the outlet; willing to discuss the specifics of how the reconnection should look and function. He understands that there was previous concerns of daylighting to the adjacent property's septic system and Title 5 requirements. In recent research, they discovered the septic system a tight tank and not a leech field; open surface water is now less of a concern.

Andrew McCallum thanks Squire for his presentation. He shares that amendment request had two candidate opinions as Squire described; direct outlet or daylighting the stormwater outflow from the culvert pipe. Due the recent discovered of the neighboring septic leech field they are propose the proceed with the daylighting approach as shown on page 3 of the site plan documents. Willson asks if Squire can zoom in on the proposed daylighting outlet and describe their approach. Squire confirms and does so. Squire explains that during the property survey they also discovered the property line on the bank of Lake Wyola extends out, over the concrete retaining wall, and onto the dry stacked stone wall. The concrete wall was originally seen as the property boundary which limited their options of work and the integrity of the concrete wall was questioned. Now was more room to work with, the ability to regard and work near the bank is possible. They would remove some portions of stone from the dry stone stack wall for the outlet site. There is a large black birch that lends with the current grade of the area from it to the outlet site so they are proposing regarding the area to be level. In order to protect and preserve the tree, they would come determine where the pipe and the tree are parallel and create a swale get as close to that determine spot as possible (without jeopardizing the tree). The swale would lead to the lake in a naturalized way to daylight. The location of the current outlet has invasive species that would be removed but once the swale and regrading are complete a restorative planning arrangement would be executed.

Willson asks if the swale will be longer then seen in this current revised site plan. Squire confirms and states they intend to have the swale start as close to the tree as possible without jeopardizing the tree's health. Willson believes that proposal is good but emphasizes the need for methods on how to reduce the speed of the stormwater as the overall area is known for very stormwater volume and flow. Douglas asks how different of a change is this revised plan from

their original plan. Andrew McCallum answers that proposed change is only for the culvert pipe as discussed and it is better outlined in the narrative letter sent. Rowan asks if a sediment trapped has been considered to maintain the swale in the future. Squire answers that part of the idea with a stone filled swale with daylighting as it would serve as a sediment trap; fall out and dissipate within the stone. Rowan states that the area is anticipated to have heavy sediment and in time it will access for cleaning it out will be needed. Squire states that could create a depression right before the outlet hits the bank as better intended sediment trap in addition to the stone filled in the swale. Willson agrees with Rowan's comment and Squires answer.

Willson explains that the purpose of the discussion is for SCC to determine whether or not the change is minor or major; minor would mean an AOOC with a public hearing or major requiring a new NOI. Douglas believes that the proposed changes doesn't require a new NOI and an AOOC would be sufficient; complains the McCullum's and their consultants efforts in navigating a difficult situation. Willson agrees. Squire asks if SCC would permit the continuation of the construction knowing that an AOOC is moving forward and the changes are only in regards to the culvert and not the structure itself; construction is currently halted and is affecting their schedule. Willson agrees that the construction of the home can resume as it is already approved in the current OOC. Douglas agrees and wants to confirm that they have been handling the stormwater currently and can continue to do so while continuing construction. Squire confirms so.

Motion: Douglas moves to approve the 57-59 Shore Drive AOOC with special conditions are reviewed, Rowan seconds. **Vote:** Douglas – Aye, Rowan – Aye, Willson – Aye. **The motion carries**

The Public Hearing for 14 Lake Drive AOOC will be held on May 23, 2024 at 7:15pm

Motion to Adjourn: Douglas moves to adjourn, Rowan seconds. **Vote:** Douglas – Aye, Rowan – Aye, Willson – Aye. **The motion carries**

Meeting Close: 8:05pm

Next Meeting: May 23, 2024 at 7:00pm

Documents Used

- E5/F6 Transmission Line NEP NOI Site Plan(s)
- 57-59 Shore Drive Revised Site Plan
- 14 Lake Dr Revised Site Plan(s)