

Shutesbury Conservation Commission  
Minutes – July 25, 2024  
Approved – November 14, 2024  
*Virtual Meeting*

**Meeting Start:** 7:00pm

**Commissioners Present:** Beth Willson, Scott Kahan, Robert Douglas, Janice Rowan

**Commissioners Absent:** None

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

**Others Present:** Mark Stinson, Tom Siefert, Todd Tietchen

**Chair's Call to Order:** 7:00pm

The meeting is being recorded.

**Chair's Comments**

Carey Marshall outgoing as Land Use Clerk. New Land Use Clerk will introduce himself later.

Mark Stinson from DEP introduces himself, explains his role and how he supports the Town and the Conservation Commission through technical expertise, workshops, and more, and answers questions from the Commissioners.

**Approval of Past Minutes**

June 26, 2024. Minutes not prepared yet.

July 11, 2024. No changes. Motion to approve: Douglas; second: Kahan. Approved unanimously.

July 18, 2024. No changes. Motion to approve: Douglas; second: Kahan. Approved unanimously.

**678 Pratt Corner Rd RDA Hearing for Tree Removal**

Hearing cancelled because applicant not yet prepared and needs to send abutter notifications and schedule site visit. Moving the hearing to August 15. Applicant has been supplied with the list of abutters and the notice but he has been away.

**Commissioner Applicants**

Applicants to fill open seat on the Commission invited to introduce themselves.

*Todd Tietchen:* Introduces himself and his background as an educator and explains his interest in serving the Town and commitment to wetlands conservation.

*Tom Siefert:* Introduces himself and his background as an educator and explains his interest in protecting Shutesbury's natural environment and wetlands and roles on other town committees.

**Site Visits and Scheduling**

30 Sumner Mountain Road on August 1 at 4:30pm.

Kestrel Land Trust wants to schedule site visit for Ames Pond project to remove erosion controls.

678 Pratt Corner Road visit needs to be rescheduled, ideally for August 15.

Still working to set up date for Top-of-the-Lake site visit, possibly during week of August 19.

### **Shutesbury Wetlands Protection Bylaw Regulations Revisions**

Reviewing Article Three, General Provisions, of the new regulations.

Revisions to Section 2, on hardship waivers, discussed and are largely acceptable as presented. Unclear about what “self-imposed hardship” would be in the context of conservation projects. Willson will research whether it is a common waiver reason. Willson suggests clarifying section 2.3.2 by removing unnecessary language and Commission agrees.

Revisions to section on Consideration of Reasonable Options reviewed and found acceptable.

Willson notes that section on cumulative effects has either been removed or moved.

Regarding section 4, Presumption Concerning the Application of Herbicides, Kahan notes that this is simply saying our regulations will abide by State regulations, but no other parts of the regulations indicate that. Willson agrees that Town’s regulations should only include content that would differ from State regulations since State regulations are implicitly included in all regulations. Kahan notes this might be misleading because it states a presumption rather than a regulation. Douglas and Rowan agree.

Section 5, Presumption of Significance, Kahan unclear on meaning and purpose of section.

Willson agrees and notes that it is redundant to Article One and could be removed.

Commissioners agree that it should be removed.

Section 6, Stormwater Management, Willson and Kahan note that it does not need the preamble because it is not a resource area requiring explanation why it is important. Willson suggests starting at 6.2.1 with explanation of what applicants must do regarding stormwater. Douglas wonders if there is a disadvantage to keeping the preamble, particularly if there is a legal case where it might be cited as explaining the Town’s values. Rowan notes that the performance standards section of the regulations already explains why stormwater management is important. Rowan also notes difficulty of requiring hydrologic budget balancing in time of climate change.

Revisions proposed to section 6 subsections on performance standards considered largely acceptable. Kahan notes that in 6.2.2.6 there is a waiver provision articulated in the final sentence of the revision that is unclear. Discussion about what the design of the indicated retention of stormwater system would involve. Kahan suggests rewording the waiver sentence and some language before the sentence to reverse the current language. Also questions whether Commission has authority to regulate stormwater storage in general like this, unless it pertains to wetlands specifically. Willson suggests it is allowed because it appears in the State regulations

and in the Town's bylaw. Notes stormwater management relevant to Commission's jurisdiction even if not located within an AURA but agrees this section is unclear as written. Willson notes that 6.2.2.1 provision is new and makes all AURAs critical areas. Kahan concerned this stormwater provision in the regulations may result in people turning to the Commission for stormwater questions and projects even though it is not part of our bylaw. Willson notes that under state law, most projects in Shutesbury would not be bound by state's stormwater management regulations because single-family homes are exempt from them. Will review this section and see if there is content that might be misinterpreted or go too far.

START AT:

<https://youtu.be/834HTFHTgy0?list=PLUyASF8dRTxv62i6mEEji7PvUCoigpsmb&t=5184>

### **New Land Use Clerk Introduction**

### **Unanticipated Business**

### **Public Comment**

### **Adjournment**

Motion to adjourn:

**Adjourned:**

### **List of Documents Used:**

- Proposed revisions to Shutesbury Wetland Bylaw Regulations