

Shutesbury Conservation Commission  
Minutes – 8/22/2024  
Approved – 9/12/2024  
*Virtual Meeting*

**Meeting Start:** 7:00pm

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

**Other Staff:** Becky Torres (Town Administrator)

**Others present:** Miriam DeFant, Rob Kibler, Kathy Salvador, Jim Martin, Mike Stotz, Pam Ososky, Tom Siefert, Mary Jo Johnson, Stevie Dunn, Jake Mitchell, Mary Jo Maffei, Amanda Alix, Frank McGinn, Rita Farrell

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

The vacant Land Use Clerk position has been advertised.

Todd Tietchen was appointed to this Commission by the Select Board earlier this evening.

Scott Kahan provided a briefing on town conservation lands:

- Monitoring at Sumner Mountain is contracted and conducted annually in October by Charlie Eisman.
- Kestrel Land Trust monitors Bakersfield, a report has been requested.
- A site visit to the Old Peach Orchard off of Locks Pond Road will be scheduled shortly.
- The West Quabbin Woods project was reviewed earlier this summer to consider the location for parking (in the southeast part of the property). The project has \$5000 in CPA funding for the work which can include signs. Adding trail work would likely require approval through a Town vote.

The Fort River Watershed Association received a \$5000 planning grant and requested representation from the Commission. Beth Willson will attend if the meeting times allow.

Janice Rowan conducted the Dudleyville Dam erosion control inspection on 8/19 prior to demolition. Half the dam structure was removed on 8/20 allowing the pond to drain and the stream to flow freely. Additional removal on the opposite side of the river occurred on 8/21. The project is scheduled for full completion before the end of the month.

**Minutes:**

None to review. Janice Rowan will be taking Minutes until the new Land Use Clerk is hired.

**7:15 pm – 678 Pratt Corner Road (Jake Mitchell) RDA for tree removal and perimeter drain:**

The applicant did not provide enough information on the tree removal plan for the Commission to make any recommendations. Instead, it was requested that he return with a list including the number and location of each tree, the type of tree, and the tree diameter at breast height. Additionally, better information on tree distance from wetlands was needed. The potential for emergency removal of a limited number of trees was left open for further discussion. The applicant agreed that this segment of the current RDA should be removed from consideration and resubmitted in a new RDA.

Motion to consider an RDA only for the perimeter drain and close public hearing: Jan Rowan;  
Seconded: Bob Douglas; Voted Approval: Jan Rowan, Bob Douglas, Scott Kahan, Beth Willson

Applicant provided a sketch of the house and the perimeter drain on the rear and both sides of the house, daylighting at the lower side of the garage. Excavation for the drain will extend about 4 feet out from the foundation. The drain will consist of wrapped, perforated pipe backfilled with gravel and topped with loam. Trenching and backfilling should be done in a day. Erosion controls and preconstruction inspection will be required. Seeding will follow completion of project. Additionally, hardening should be installed at the drain outflow to prevent erosion.

**Motion to approve the perimeter RDA:** Jan Rowan; Seconded: Bob Douglas; Voted approval: Beth Willson, Scott Kahan, Bob Douglas, Jan Rowan

**7:50 pm – 74 Pratt Corner Road (Miriam DeFant) for deck removal:**

The applicant indicated that there are two parts to this project. The first involves demolition of an existing deck at the front of the house with debris trucked offsite. It includes installation of 2 post holes, and construction of a new, larger deck to replace the old one. Erosion socks will be placed around the work zone. The job is 75 feet from the BVW. Before construction begins, the applicant will send photos of the erosion controls in lieu of an in-person inspection.

The second part of the project involves removing a deck at the rear of the house. Three existing support piers will remain undisturbed. The area will be landscaped. This part of the project is 97 feet from the wetland and the house is physically between the project and the wetland further reducing any potential impact.

Beth Willson noted that this is the Commission's first Small Permit Project. Consequently, there is no form for this. A modified RDA will be used.

**Motion to issue Administrative Approval:** Bob Douglas; Seconded: Scott Kahan; Voted approval: Bob Douglas, Beth Willson, Scott Kahan, Janice Rowan

**7:57 pm – 31 Lakeview Road (Kathy and Joe Salvador) Request to amend OOC (MADEP File #286-0386)**

Beth Willson and Jan Rowan conducted a site visit on 8/21 with Kathy and Joe Salvador. There is every evidence that the project is in full compliance with the Order of Conditions and that the applicants understand the wetland values. The No Disturb Zone was clearly marked, as required, and clearly undisturbed both along the river and the wetland. Plantings were in place. Dry wells were present and functioning.

Beth Willson reported that she had spoken with Town Counsel Donna MacNicol who was unavailable for this meeting. They agree that perpetual conditions are not legal but that the conditions were otherwise reasonable and concluded that the OOC should be so amended such that the perpetuity language is removed. This conclusion, however, is not unique to this project.

Amending the OOC requires a public hearing with a butter notifications and legal ad.

Tom Siefert felt that there is a conflict of interest in having the Town Counsel weigh in on the matter since she had purchased property from the applicant in the past. Jim Martin, attorney for the Salvadors, suggested that recusal is up to Donna MacNicol. He proposed that the hearing be scheduled once that conversation happens (post-9/9). He requested scheduling the hearing with enough lead time for his clients to prepare.

**Motion to amend the OOC:** Bob Douglas; Seconded: Janice Rowan; Voted approval: Scott Kahan, Beth Willson, Janice Rowan, Bob Douglas

**8:36 pm – Subduing Knotweed Coalition Presentation**

Pam Ososky noted that she made a presentation to the Selectboard previously and briefly summarized the threat that knotweed poses. It is very invasive, very difficult to eradicate, and, absent intervention, it outcompetes and eliminates native plants. The group has identified 7 sites for foliar spraying by the highway department. They are requesting the Conservation Commission review the proposed locations to ensure wetland protection and permitting if required. She notes that there is concern in town about spraying herbicide though this is the most effective and manageable control option. Even this method is likely to require annual treatments for a number of years to control but not necessarily eliminate the knotweed.

Miriam DeFant expressed concern about spraying and suggested that the Commission develop a town-wide process for managing knotweed.

Mary Jo Johnson also expressed concern and noted that she is circulating a petition opposing chemical control because of environmental and human health risks.

Rob Kibler suggested digging out the small patches instead of spraying, using volunteers. At a minimum, sprayed areas should be signed since people forage and eat knotweed.

Mary Jo Maffei suggested use of volunteers for mapping knotweed locations as an early detection effort.

Pam Ososky noted that very few volunteers have come forward in an effort that would have to be sustained by many volunteers for many years.

**Beth Willson offered that a site visit tour by the Commission was in order and suggested one be scheduled as a first step in evaluating the options.**

**Site Visits:**

September 8 – 10 am – Lot 151 Leverett Road (Mark Wightman conservation easement request)

September 12 – 3:45 pm – Kestrel Land Trust – Brightwater Bog Nature Retreat

TBT – Pam Ososky – 7 Knotweed Sites

TBT – Old Orchard Conservation land

**Motion to Adjourn:** made by Janice Rowan; Second: Scott Kahan; Voting Aye: Beth Willson, Scott Kahan, Janice Rowan

**Meeting Close:** 9:17 pm

**Next Meeting:** September 12, 2024 at 7:00 pm

**Documents Used:**

678 Pratt Corner Road RDA Trenching Site Plan