

## **Shutesbury Conservation Commission**

Minutes – March 27, 2025

Approved – April 10, 2025

*Virtual Meeting*

**Commissioners Present:** Bob Douglas, Janice Rowan, Beth Willson (Chair), Mare Fox

**Commissioners Absent:** Scott Kahan

**Other Staff Present:** Matteo Pangallo (Land Use Clerk)

**Others Present:** Isobel Arthen-Long, Carlene Eaton, David Grenier

**Call to Order:** 7:00pm

This meeting is being recorded.

### **Comments from the Chair**

The hearing for the Highway Department's BNOI will be continued to the Commission's April 10th meeting to allow for additional site visits.

### **Review and vote on minutes of March 14, 2025**

Motion to approve the minutes of March 14, 2025: Douglas; second: Rowan. Douglas - Aye; Rowan - Aye; Fox - Aye; Willson - Aye. Approved unanimously.

### **Site Visits Update**

Rowan reports about a road drainage report on Wendell Road. Rowan and Fox confirmed the problem exists in three locations around 539 Wendell Road as a result of rain and snow melt. There was considerable runoff and the road cut-offs for drainage were blocked by snow causing sediment to build up in front of the house, erode part of the driveway, and flow into the perennial stream in the woods. The Highway Department needs to remediate this so future storms do not result in the same problem. The homeowner is speaking with the Highway Department and the Commission's concern is whether the sediment is reaching the stream, which they should advise the Highway Department about. Willson notes that the Commission will be doing a site visit to Wendell Road for the BNOI already and would like to arrange an additional visit to see the problem. Fox added that the run-off went very far around the house and into the woods. The sediment seemed to taper some towards the stream but it was at least several inches deep. Rowan added that it was two or three steps deep at the house as well. Willson agrees that the Highway Department needs to ensure that drainage is working properly on the road and that there is regular winter maintenance and clearing of the cut-offs on the road. She suggests this is the kind of project that could be addressed under the BNOI.

March 20 visit to the new library site by Rowan and Willson. Rowan reported that hydroseed on the flat areas was fine and most silt curtains were holding and doing well, but in the last couple of months the settling ponds have become compromised by additional sediment. The silk socks

on the west site have been breached in places by sediment, though nothing has left the enclosure. Several feet of silk socks need to be replaced before the growing season arrives. She suggests that the breach of the settling pond closest to the road had been fixed but it was near to being breached again so it needs to be maintained as well. Willson adds that the contractor indicated that they would ensure the ponds would be functional before the workers leave the site. She notes that there are also some wattles that need to be replaced. Douglas asks if the basins will eventually be infiltration basins for the project and Willson confirms. Douglas agrees that they should therefore be cleared of the fine sediment in order for them to function as intended. This should be included in the requirements to obtain the Certificate of Compliance.

The Commission agrees to a site visit to Wendell Road for the BNOI at 4:00pm on Monday, March 31. Willson will confirm with FRCOG and DPW. Rowan asks Douglas to ask the Storm Water Erosion Task Force about anything that the Task Force thinks the Commission should look at on Wendell Road.

### **Land Management Update/CPA Applications Update**

Willson reports that the CPC recommended both of the Conservation Commission's grant applications to Town Meeting: the Top of the Lake invasive removal project and the one-year trail improvement project at South Brook Conservation Area. Rowan recommends getting a quote for South Brook from the contractor who worked on the Kestrel project at Ames Pond. Willson encourages the Commissioners to attend Town Meeting to support the articles.

### **Ratifying Emergency Certification for 74 Pratt Corner Road**

Willson reports that there was flooding that contaminated the drinking water well and required redoing the trenching at 74 Pratt Corner Road. She notes that there is a curtain drain going in within the buffer zone. Douglas reports that he did a site visit and that the project is just at the very edge of the 100-foot buffer zone and that the work of the Emergency Certification could be undertaken without damage to the resource area.

Motion to ratify the Emergency Certification for 74 Pratt Corner Road: Douglas; second: Fox. Douglas - Aye; Rowan - Aye; Fox - Aye; Willson - Aye. Approved unanimously.

### **Public Hearing for Request for Determination of Applicability for Atkins Reservoir Basin Dredging Project, Town of Amherst Department of Public Works**

Willson recuses herself and names Douglas as acting Chair. Douglas recognizes Isobel Arthen-Long of Tighe & Bond who presents an overview of the project, including its goals, location, photos, project drawings, mitigation and proposed conditions, anticipated impacts, and the background and history of the reservoir and diversion channel.

The basins were last dredged in the late 1950s or early 1960s. Presently all three sedimentation basins are near capacity so during high-flow events sediment is being transported into the river, meaning they are not only failing to capture sediment but they are contributing to pollution entering the channel. This project would dredge the three basins to restore their water treatment

functions and it would improve the capacity of the basins to accommodate higher diverted flows into the Atkins Reservoir. Access would be via Cushman Road using existing paths and trails, and dredged material would be used as cover at the retired South Amherst Landfill. Work would start with design and permitting this spring and summer, bidding and award in fall and winter, and construction in fall 2026.

Arthen-Long notes that the project is exempt under the MA WPA and has been presented in order to comply with the Shutesbury Wetlands Protection Bylaw. The applicant is requesting a waiver from the condition that the work conforms to relevant Performance Standards and Design Specifications as the basins are primarily utility structures rather than ecological resources.

Rowan notes that during the site visit they discussed that this falls under the utility maintenance exemption under the regulations. She appreciates that they are taking care to protect the resource areas even with the exemption they have. She notes that vernal pools in the area will be curtailed off and wants to ensure that they will be protected. She observes that the only question that remains is the planting plan and whether it makes sense to replace hemlocks with hemlocks given the adelgid problem, which might mean it makes more sense to plant with succession and climate change in mind. Arthen-Long answers that they are proposing to plant a variety of species, including hemlock, white oak, red oak, red maple, and birch. She indicates that hemlock could be removed from the list and other species emphasized if the Commission would prefer that. Douglas agrees given the rich natural seed bank for hemlock in that forest. The Commission agrees that the hemlock could be deprioritized. Arthen-Long reviews the steps being taken to protect and avoid the two vernal pools that are in proximity to the work area.

Rowan asks what happens to the work plan if there is a high-flow event in the fall of the work. Arthen-Long answers that they will have to reassess if that happens; though they do have water control structures to cut off standard flows and those could minimize high flows, but if high rainfall would overcome the coffer dams then work would be postponed.

Douglas asks if a waiver request was filed and Arthen-Long indicates that a request was included in the application but no separate form was submitted.

Douglas notes that the Commission can require an inspector on site and a peer-reviewer to review the plans before the Commission approves them. Rowan does not feel that those steps are necessary in this case. Fox asks if the Commission would be allowed to do site visits and Douglas indicates that site visits would be stipulated as part of the Order of Conditions. Fox indicates that would be sufficient for her.

Douglas invites public comments on the project. No comments are made.

Motion to close the public hearing: Rowan; second: Fox. Rowan - Aye; Fox - Aye; Douglas - Aye; Willson - Abstain. Approved unanimously with one abstention.

The Commission will deliberate and vote on the application at its April 10th meeting.

## **Continuation of Public Hearing for BNOI for Road Maintenance, Town of Shutesbury Highway Department**

Willson resumes as Chair. The applicant requested the hearing be continued to April 10, 7:15pm.

Motion to continue the hearing to April 10 at 7:15pm: Fox; second: Douglas. Douglas - Aye; Rowan - Aye; Fox - Aye; Willson - Aye. Approved unanimously.

Willson informs David Grenier, Highway Department, about the Monday site visit for the BNOI and for the run-off problem at 539 Wendell Road. Grenier asks that the site visit be moved to 3:30pm instead and the Commission agrees. Willson notes a second site visit might be needed. Grenier describes some of the work the Highway Department has done on Wendell Road and at the site in question.

### **Bylaw Regulations**

Discussion starts with Article V, Procedures and Permits.

In 2.2.2, Willson suggests that revised materials be required five days, rather than ten days, prior to a meeting. Fox suggests it be five days after the material is requested. Rowan notes that such a requirement might be excessive in the off-season when the Commission only meets once per month and that applicants might need more time to develop that material. Douglas notes that in the town where he works the requirement is that revised material be received two weeks before it can be considered. Willson feels that is too long and notes that there is always the option of a continuation of the hearing. The time frame for revised materials is changed to five days before the hearing.

In section 4, on abutter notifications, Douglas asks about adding language for very large parcels where 100-foot of property line might be burdensome and instead stipulating that large parcels notify abutters within 200-feet of the project or something similar. Willson notes that the state regulations do this and have language defining “large parcels” and parcels of particularly peculiar shapes. She will look into that language and bring it to the next meeting.

Rowan asks if property on the lake would consider property on the opposite side of the lake as “abutters.” Willson notes that 4.1 as drafted would consider them as abutters. Rowan suggests specifying a certain distance across a body of water at which a property would no longer qualify as “abutting,” because what might make sense across a river, like the Sawmill, would not make sense across a large lake, like Wyola. Willson agrees that there should be an exception included. Rowan suggests that it be set at 50 or 100 feet or some other similar limited amount.

The Commission reviews section 5, on actions by the Conservation Commission, including what constitutes a quorum for taking an action and the distinction between meeting for making a decision and meeting to issue or sign a decision. To clarify that part of the section is about quorum and part is about signing decisions, the Commission separates section 5 into two parts.

In 6.1, on ANRADs, Willson suggests deleting the first sentence because the name of MassDEP Form 4A might change and the second sentence already describes the forms required.

Willson suggests deleting 6.2 because it simply states that applicants must submit the full application, which is obvious.

Willson corrects a typographic error in 6.3.

Willson notes that under an ANRAD the applicant can choose which resource area it is delineating, which is contradicted by the second sentence of 6.4 as drafted. The Commission revises the language of 6.4 to align with this.

Douglas asks for clarification on what constitutes a Small Project under section 7 of the proposed regulations and Willson explains the regulation's intention. Rowan asks why this section is written this way given that the Administrative Approval option existed previously. She indicates that this new Small Project Permit seems excessive and that it might make sense to include exceptions for certain projects, particularly regarding the required distance from a resource area or the nature of the work. Willson observes that there are exempted minor activities in the buffer zone under the WPA and the Town's Wetlands Protection Bylaw. Rowan suggests the Commission review this and that information for the next meeting. Douglas indicates that he would lean toward being generous for small projects that do not require a permit.

### **Unanticipated Business**

Willson notes that the Commission has ten business days to respond to the Forest Cutting Plan received from Cowls. Rowan notes that this Plan does not do a good job of indicating where streams are located in the work area. Willson adds that there do appear to be streams and wetlands on the map provided but that the wetland section of the application is blank. Willson will submit a comment to the forester that more information about wetlands be provided in future Forest Cutting Plans, including how they will be protected during the harvest.

### **Adjournment**

Motion to adjourn: Douglas; second: Rowan. Rowan - Aye; Douglas - Aye; Fox - Aye; Wilson - Aye.

**Adjourned: 9:14pm**

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

- Emergency Certification for 74 Pratt Corner Road
- Tighe & Bond presentation for Atkins Reservoir Basin Dredging Project
- Proposed revisions to Wetlands Protection Bylaw Regulations
- Forest Cutting Plan for Montague Road, Eddy Lot (Cowls)