

Shutesbury Conservation Commission

Minutes – April 10, 2025

Approved – April 24, 2025

Virtual Meeting

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

Commissioners Absent: Scott Kahan, Mare Fox

Other Staff Present: Matteo Pangallo (Land Use Clerk)

Others Present: Mark Wightman, Angela Panaccione, Carlene Eaton, Megan Rhodes, David Grenier, Tom Siefert

Call to Order: 7:00pm

This meeting is being recorded.

Comments from the Chair

The Emergency Certification for the removal of the beaver dam from Fiske Brook, in the culvert to Lake Wyola under Lakeview Drive, will be postponed until the next meeting.

The Municipal Vulnerability Preparedness grant application has been submitted by all the towns in the Fort River Watershed for culvert assessment and prioritization.

The State's Drought Task Force downgraded the Connecticut River Valley to level 1, which is mild drought. If rain continues through April then hopefully the region will fully come out of drought status.

Review and vote on minutes of March 27, 2025

Motion to approve the minutes of March 27, 2025: Rowan; second: Douglas. Vote: Douglas - Aye; Rowan - Aye; Willson - Aye. Motion approved unanimously.

Site Visits Update

Rowan reports that there was a site visit for the BNOI on Wendell Road on April 7.

On April 8, Rowan visited the library site and there was another breach on the north settling pond which has been repaired again. There is a real problem on the western side where the wattles have been overtopped by sediment. There is one spot in the northwest corner where sediment has escaped the envelope and the contractor has been instructed to fix it. Douglas asks how the contractor has been responding to Rowan's requests for repairs. She indicates they have been good, though sometimes slow to act. Willson asks Rowan to go again in a week to check on the problem after the rain that is coming. Willson notes that there were several places where the silt socks were saturated and asks if those were fixed. Rowan states that they were not fixed.

Willson asks her to check on those as well and to let them know that if all of these are not fixed there will have to be an Enforcement Order.

Rowan and Willson did a site visit at 77 Shore Drive and confirmed that the parking area planned is outside of the 100-foot buffer of Lake Wyola.

Land Management Update

Willson reports that the CPA grant applications will be going before Town Meeting on May 31 and it would be good to have Commissioners in attendance to answer questions and show support for the applications.

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

Willson re-opens the public hearing for the BNOI at 7:15pm. Angela Panaccione asks if the Commission has received the revised narrative and Willson confirms they have. Willson and Douglas ask Panaccione to provide an overview of the amendments. Panaccione answers that they incorporated the Shutesbury Wetlands Bylaw and regulations requirements into the narrative and the application. Megan Rhodes added content about right-sizing culverts of 18 inches or less as well. Rhodes explains that larger culverts would require coming before the Commission.

David Grenier asks about whether they can replace the stormwater culvert on Sand Hill Road which is approximately 12 inches and in poor condition. Willson answers that they would need to do a site visit first to see if anything would need to be filed. Rhodes adds that if this BNOI were approved a culvert like this one could be replaced and increased in size.

Willson asks about the typical maintenance activities section and whether those activities would be included in the annual project list the Commission receives each year. Panaccione explains that it would be at the Commission's discretion but typical maintenance like mowing and catch-basin cleaning would not be included. Larger or atypical maintenance would require a notification in the project list. Willson notes that some of the projects included in the suitable projects under the BNOI are included in the typical maintenance list, such as maintenance and repair of structures. She notes that the suitable projects and typical maintenance lists are a little confusing. Panaccione explains that the suitable projects list is described as being at the Commission's discretion. Willson suggests that the Commission includes in its Conditions a list of what it would consider qualifying as such projects. Panaccione recommends putting that in the Findings of Facts section of the Conditions.

Willson asks about the process of delineating wetlands areas for activities on the project list. Panaccione notes that this would also be dependent on the Commission and their expertise in identifying the wetland area. Willson notes that this does presume that there will always be someone on the Commission capable of doing this.

Willson raises the topic of what can happen in what kind of stormwater conveyances, which is something else she thinks needs to be spelled out in the Conditions.

Douglas also expresses concern about the wetland delineation provision and the pressure it might place on the Commission. Willson recommends that in the Conditions they state that the Commission reserves the right to retain a professional wetlands scientist to conduct the delineation if they so choose. Panaccione also commends David Grenier for his professional understanding of how to identify and work around wetlands.

Willson asks David Grenier about how they avoid spreading invasives while mowing. Grenier reports they had been avoiding the knotweed sections unless it was impeding the road but if the Town is not willing to spray the knotweed it is going to have to be cut back. Sometimes adding fabric can help suppress it briefly, but it grows back through the fabric. Panaccione recommends using a much thicker fabric that is black, with no woodchips on top, to solarize the plants. Willson asks if equipment can be cleaned off after mowing invasives. Grenier explains that they run the head of the mower and that clears debris off it and they do not have the kind of equipment needed to wash the mowers while on the road. Panaccione explains that knotweed spreads by fragmentation, which is what makes it so hard to control. Willson notes that the Knotweed Coalition had been discussing digging up plants in some locations outside of buffer zones. Panaccione recommends the injectable herbicide rather than the foliar spray, but that would not be covered under this permit. Willson confirms that this permit does say anything about the use of pesticides or herbicides.

Willson will work on writing appropriate Orders of Conditions for the Commission's consideration at its next meeting.

Rowan notes that the example of the culvert on Sand Hill is a good example of the kind that could be upgraded under the BNOI. Grenier agrees and describes it as an emergency situation. Willson would like to do a site visit to the culvert and notes they could go on Monday afternoon after the meeting to discuss the beaver dam situation and Grenier agrees.

Willson welcomes comments or questions from the public regarding the BNOI. There are none.

Motion to close the public hearing at 7:47pm: Rowan; second: Douglas. Vote: Rowan - Aye; Douglas - Aye; Willson - Aye.

Mark Wightman for CR Leverett Rd, Lot H-151

Willson recognizes Mark Wightman to describe where things are with the Conservation Restriction. Willson reports that the surveyor has done a thorough job describing the property and the rights of way and he provides an overview of the three that were found going back to the 1800s. He reports that the surveyor noted that the State wants title research done for a Conservation Restriction. Wightman spoke with his attorney to look into doing the research on it. Berkshire Design has added in the data from Charles Eisman and will add in the information from the survey. The last thing to discuss is the \$10,000 fund the Commission has required. He asks what DiMare was charged for his Restriction and he notes that \$10,000 in a CD at 4% per

year would accrue \$400 per year in interest, which would produce \$200 for the CR monitoring each year and \$200 to keep the principal growing with inflation. Willson confirms that this was the calculation and that research into other CRs showed the same general amount. Douglas confirms this and he spoke with some other trusts who gave similar figures, generally between \$5,000 and \$10,000. Wightman asks how big those other conservation areas were. Douglas does not have that information on hand but agrees it would be useful.

Willson asks Wightman to send the Commission the full draft of the CR so they can review it for the next meeting and she will try to find how much DiMare was charged for Sumner Mountain. Wightman proposes \$7,500 as an investment in the CR fund. Willson will ask the Commission to vote on this at its April 24 meeting.

Rowan notes that Kahan was the one who calculated the donation amount to arrive at the \$400 per year and he had indicated that the costs for the land management of the Sumner Mountain parcel were something like \$300 per year. It would be helpful to have his input on this question.

Vote on Request for Determination of Applicability for Atkins Reservoir Basin Dredging Project, Town of Amherst Department of Public Works

Due to Willson's need to recuse herself, with Kahan and Fox absent, there is not a quorum to discuss or vote on the drafted permit so the vote is postponed until the April 24 meeting. The applicant–Willson, for the Town of Amherst–agrees to waive the requirement that a decision be issued within 21 days of the close of the public hearing.

Emergency Certification for Beaver Dam Removal

Willson states again that this will be discussed at the next meeting. Rowan asks for more information on the situation. Willson reports that the Highway Department and some residents saw this dam and expressed concern. A past Emergency Certification had included the Board of Health instructions that this culvert be regularly kept clear but with the turnover in the Highway Department superintendent position those instructions were not followed. There has also been disagreement about what kind of trapping and removal process to use. Willson notes that a Beaver Deceiver would not work in that culvert because kayaks and canoes need to be able to pass through the culvert. There was also concern from the Highway Department about going in the water while it is still too cold. Willson will be meeting this week with the Board of Health, Town Administrator, and Highway Department to figure out a plan.

Bylaw Regulations

Rowan suggests they table reviewing the Regulations because two Commissioners are absent. Douglas concurs. Willson agrees to table the discussion and next time they will start again with the Small Permit section. She will send a list on what sections to look at for next meeting.

Unanticipated Business

Adjournment

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

Adjourned: 8:12pm

List of Documents Used:

- BNOI for Road Maintenance, Town of Shutesbury Highway Department
- Draft Conservation Restriction for Lot H-151