

Shutesbury Conservation Commission

Minutes – June 26, 2025

Approved – July 10, 2025

Virtual Meeting

Commissioners Present: Beth Willson (Chair), Janice Rowan, Bob Douglas, Mare Fox (7:04pm), Scott Kahan (7:00pm)

Commissioners Absent: None

Other Staff Present: None

Others Present: Mary David, Mark Rivers, Connie ???, Blue G???

Call to Order: 6:17pm

This meeting is being recorded.

Bylaw Regulations Revisions

Willson shares the draft regulations and discussion begins with section 8 on consultants and consultant fees.

Rowan notes that she has never seen a budget or balance sheet for the Commission's financial accounts. She suggests the Commission have that information made public on an annual basis. Willson agrees that the Commission should review that information each year to see where the money from fees is going. Rowan emphasizes that she thinks the information should be made public because members of the public are paying these fees. Making that information public could help get more buy-in from the public as far as justifying the fees. Willson notes that there are two accounts the Commission controls and how fees can be used in those accounts is limited. She describes some of the ways the Commission has used money from fees in the past. She suggests holding a discussion about the finances during a public meeting at the end of the fiscal year so anyone interested could see that discussion. Rowan suggests that even accounts set up for consultant payments should be made public because there is no cap under the Bylaw or State law and making it transparent can create a level of trust from applicants.

In section 9, on minimal conditions regulating work, Rowan notes that she thought the Commission required that applicants have applied for the necessary other permits. Douglas notes that no activity may begin until all the needed permits are received but that does not mean the Commission needs to wait on making a decision about a project. Willson agrees, noting that the Commission can approve a project but the project cannot begin until the applicant has all the other required permits as well, which is something the Commission includes as a standard condition in its Orders of Conditions. Rowan seems to recall that the Commission has allowed projects to proceed without a Chapter 91 permit in hand because the Commission has no control over what the State does in its review of applications, but the Commission has not issued a Certificate of Compliance without those other permits in place. Willson agrees to remove the specific reference to Chapter 91 in the 9.1 in the regulations.

Rowan says that she often gets a question about how to know when a disturbed area has been stabilized to the satisfaction of the Commission, as per 9.3. She explains that she usually explains that it is when 75% of the grass has started to grow back. She suggests making it more specific in the regulations. Douglas proposes adding a parenthetical of the 75% vegetation growth as an example. Willson will check to see what the standard conditions stipulate. She notes that it is important that the Commission do a site visit and have discussed it at a meeting to confirm that the area is stabilized to an extent the Commission finds satisfactory.

In section 9.8, Willson suggests changing the language to require only an amendment to an existing NOI, or inquire with the Commission about whether a new NOI is required. Douglas agrees and proposes language to that effect.

In section 9.11, Rowan asks if there was no professional involved in the planning whether this section would be null. Douglas notes that the State calls for a professional or other qualified individual as determined by the Commission and that the regulation could just use that language. Rowan asks about how that would work for a simple project and Douglas answers that it would be at the Commission's discretion then to determine who is qualified to do it.

In section 10, Rowan asks if the Commission will have its own form for Small Project Permits and Willson answers that after the regulations are finalized the Commission will develop a new form based on the one the previous Chair had created for Administrative Approval Requests.

The Commission celebrated completing their detailed review of the regulations. Willson noted the usefulness for the Commissioners in going over the full set of draft regulations so thoroughly and how many improvements and clarifications they were able to make to them. She will review them for any places where the Commission needs to revisit unfinished discussions about specific points. After that, she will prepare both a redline version and a clean version to bring to a public hearing for public comment. The Commission then will deliberate on those comments, make any further changes based on them, and vote on the final version.

Comments from the Chair

Willson thanks Rowan for her more than year of service on the Commission and all the site visits she did for the Commission.

Review and vote on minutes of June 12, 2025

Motion to approve the minutes of June 12, 2025: Douglas; second: Kahan. Vote: Douglas - Aye; Kahan - Aye; Rowan - Aye; Willson - Aye. Motion approved unanimously.

Site Visits Update

Rowan reports that she went to the Lake Wyola Association North Beach for their tree removal project and found that the closest tree is fifty feet from the lake. An arborist has determined that

the trees are in bad shape or would be when the neighboring tree is removed. There is no access for equipment so the trees will have to be removed with a saw, so there would be no ground disturbance. Douglas agrees and notes the safety concerns presented by the trees.

Fox reports that she visited the new library site today and checked the last retention pond, closest to the road. That pond, as well as the other two, need to be repaired; the one closest to the street is getting far too much water, as Rowan has long noted.

Willson notes that they also looked at the re-vegetation of the restoration areas at the library site, undertaken by Ward Smith, and that Mary Anne Antonellis attended the last meeting of the Commission to discuss his report. She explains that the site visit confirmed the report's claims that the re-vegetation has been a success in both area two and area three. Fox offers to fill out that site visit report for the Commission.

Land Management Update

Kahan informs the Commission that he is moving forward on the two CPA projects approved by Town Meeting. He recalls that during the West Quabbin Conservation Area project there were problems with the bidding process the Commission used and he would like to avoid that this time. He wants to get the design/build bid request for South Brook out soon but he wants to make sure that the Town Administrator is onboard with the contract solicitation process and language they use. He is currently waiting on that information. Willson asks if Pangallo has been helping on this and Kahan notes he has been reaching out to Pangallo as well as the Town Administrator and Town Administrative Assistant but has not yet heard back. Willson notes the Town Accountant would also have information on the procurement process that the Town uses.

Kahan reports that the parking area for the West Quabbin Area is still in process. The Highway Department has indicated that they can construct the lot and are planning to do it this year. Willson encourages Kahan to reach out to the Highway Department again to see when they plan to start on the work. Kahan agrees to do so by the end of this week. Willson notes that she needs to go to Town Hall to sign the CPA grant agreements still. Kahan notes that he visited South Brook recently and the area is in need of the repair work that will be part of the project.

Administrative Approval Request for Lake Wyola Association North Beach

The Chair recognizes Mary David of the Lake Wyola Association who explains that the Association submitted the request to remove these trees on the Association's North Beach because they are a danger to people on the beach and to the adjoining property at 10 Wyola Drive. The trees are already dropping limbs and branches. A licensed arborist confirmed that the

trees are either in bad condition or would need to be removed if one of the other trees in bad condition is removed.

Willson asks if the land is owned by the Lake Association or if it is privately owned land. David answers that it is owned by the Association.

Willson notes that the arborist's report, the photographs, and Rowan's site visit all make it clear that the trees need to come down. She asks if the trees will be taken down by hand and David confirms that they will because access to vehicles is blocked off.

Willson points out that the project meets the requirements for an Administrative Approval.

Motion to approve the Administrative Approval Request for tree removal on Lake Wyola Association North Beach: Douglas; second: Kahan. Vote: Douglas - Aye; Kahan - Aye; Rowan - Aye; Willson - Aye; Fox - Abstain. Motion approved unanimously with one abstention (Fox).

Ratify Emergency Certification for 74 Pratt Corner Road

Willson reviews the Emergency Certification that extends the period of work allowed under the previous Certification to allow for repairs following damage to the well on the property.

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

Certificate of Compliance for 70 Lake Drive

Willson recognizes Mark Rivers who describes their project to expand their deck and enclose it to create a handicapped-accessible front door on the residence and a screened porch. There was no disruption to the resource area or the topology of the site. They used helical piles for the foundation. The work is now complete.

Rowan did a site visit to the property and found virtually no disruption to the ground surface and grass is now beyond 75% regrown.

Douglas recuses himself from the deliberation and vote because he is a direct abutter.

Willson asks if Rowan and Fox are abutters as well. Fox answers that she is over 300 feet from the project site. The applicant owns another parcel that she abuts, but that is a different parcel from the project parcel. Rivers asks if abutters are within 150 feet, not 300 feet, and Willson

answers that abutters are within 100 feet but this is a different matter because it relates to conflict of interest and not notification requirements. Rowan points out that under the law it is either by distance or by being an abutter to an abutter within the stipulated distance. Fox notes that her property is both sufficiently far and not an abutter to an abutter of the project.

Willson shares the draft Certificate of Compliance and reviews its contents. She asks Rowan when she made the site visit and she indicates that it was on June 16.

Motion to issue Certificate of Compliance for 70 Lake Drive: Rowan; second: Kahan. Vote: Kahan - Aye; Rowan - Aye; Fox - Aye; Willson - Aye. Motion approved unanimously.

Willson reminds Rivers that the Certificate does need to be recorded at the Registry of Deeds.

Rivers raises the problem of an older Order of Conditions from 2002 that needs to have a Certificate of Compliance recorded because it was not recorded at the time and the book and page number on the Order of Conditions is now incorrect. Willson states that the Commission will issue a new Certificate of Compliance to supersede the old one since the Order was recorded and the work was complete. They may need to do another site visit to ensure the work was done as indicated in the Order of Conditions. He will need to submit another request for a Certificate of Compliance along with the fee.

Unanticipated Business

Douglas notes that with Rowan's departure there will be a new Commissioner soon and so that would be a good time to arrange for a representative from DEP to do a Commissioner education session. He asks to have something put on the Commission's calendar for a few hours with the circuit rider. Willson agrees and will check in with Mark about it.

Adjournment

Motion to adjourn: Rowan; second: Douglas. Vote: Douglas - Aye; Rowan - Aye; Fox - Aye; Kahan - Aye; Willson - Aye. Motion approved unanimously.

Adjourned: 7:34pm

List of Documents Used:

- Draft Bylaw Regulations
- Administrative Approval Request and accompanying materials for Lake Wyola Association North Beach tree removal
- Emergency Certification for 74 Pratt Corner Road
- Certificate of Compliance application for 70 Lake Drive

- Draft Certificate of Compliance for 70 Lake Drive