

Shutesbury Conservation Commission

Minutes – October 9, 2025

Approved – October 23, 2025

Virtual Meeting

Commissioners Present: Beth Willson (Chair), Scott Kahan, Mare Fox

Commissioners Absent: Bob Douglas

Other Staff Present: Matteo Pangallo (Land Use Clerk)

Others Present: Bridget Likely, Tom Siefert, Miriam DeFant, Rob Kibler, Sharon Weizenbaum, Jill Buchanan

Call to Order: 7:02pm

This meeting is being recorded and all members are participating remotely.

Comments from the Chair

Willson reports that Douglas will be absent for today's meeting. He would like to do a nature hike for the Conservation in December. Willson has been discussing the idea of a monthly nature walk or hike co-sponsored by the Conservation Commission and the Recreation Committee.

Review and vote on minutes of September 25, 2025

Motion to approve the minutes of September 25, 2025: Fox; second: Kahan. Vote. Kahan - aye; Fox - aye; Willson - aye. *The motion is approved unanimously.*

Site Visits Update

Willson had a conversation with Mary Anne Antontellis about the landscaping at the new library and would like to schedule a site visit to see the work. Fox suggests going within the week because the work has started.

Willson went to 11 North Laurel Drive to see the proposed removal of shrubs near the lake. She informed the property owners that they will need to file a Notice of Intent and the Land Use Clerk has sent them the forms.

Land Management Update

Kahan has not been getting a response from the Town Administrator about the process for moving forward on the South Brook Conservation Area project. He is uncertain how to move forward because the Town needs to put it out for bid, and he would like to get it out for bid this

fall before winter comes. The award amount is too much for the Conservation Commission to do independent of the Town. The Land Use Clerk will reach out to her as well to see what the Commission needs to do.

Kahan has begun drafting regulations for the conservation areas and will bring them to the Commission for their review once the Wetland Bylaw Regulations process is complete.

Discussion of Kestrel Land Trust preservation of 9-acre property (Map E, Parcel 2)

The Chair recognizes Bridget Likely who describes a potential land conservation opportunity off Locks Pond Road and Wendell Road. She shares a map showing the two parcels, one of which is adjacent to Bright Water Bog and both of which are under a Conservation Restriction. Kestrel Trust is planning to acquire and preserve the parcel adjacent to Bright Water Bog and wants to see if the Town is interested in acquiring the other 9.1 acre parcel because it is adjacent to the South Brook Conservation Area, possibly using Community Preservation Act funding.

Willson agrees it would be great to do this and asks about the cost. Likely responds that the family has asked for \$82,000 for the 9.1 acre parcel.

Willson will bring this before the Select Board and Town Administrator and look into getting CPA funding for it.

Kahan agrees that this is a good plan because the parcels are adjacent to protected land already.

Willson asks Likely how quickly this would need to happen. Likely answers that Kestrel would look to pre-acquire by the end of the year and Kestrel would hang onto the property until the Town has the CPA funds come through.

Fox also agrees that this is a good idea and asks if there is a snowmobile trail through that area. Likely says there is. Fox asks if there is a plan for trails. Likely says the parcel by Bright Water will be connected to Bright Water by trails. Kestrel is also considering trying to make an east-west wildlife corridor connection to the Brown property it acquired off Montague Road.

Fox asks about parking and Likely answers they would like to expand parking for the area because Bright Water is already overwhelmed by parking demand. There may be areas possible on the parcels they would be looking to acquire.

The Chair recognizes Rob Kibler who asks if snowmobiles would be excluded on this parcel. Willson notes that a Conservation Restriction would be placed on the land and it would

determine what would be allowed. Likely notes that snowmobiles are often allowed on conservation land while dirt bikes and ATVs are usually not.

The Chair recognizes Matteo Pangallo who notes that the snowmobile path is an existing right-of-way so if the property were acquired, that easement would still exist.

Willson and Likely will follow-up on this with the Select Board to move it forward.

Review of Order of Conditions for Clinton Kleciak for reconstruction of a retaining wall/Bank and filing for seasonal dock at 73 Shore Drive (Map B, Parcel 429), DEP #286-0309

Willson shares the draft Order of Conditions for DEP #286-0309 and reviews its contents. She will fill in some of the missing details upon consulting with Ward Smith.

Motion to approve the Order of Conditions for 73 Shore Drive: Fox; second: Kahan. Vote: Fox - aye; Kahan - aye; Willson - aye. *The motion is approved unanimously.*

Public hearing for Shutesbury Wetlands Bylaw Regulations revisions

Willson opens the public hearing at 7:33pm. She notes that the Commission is taking public comment tonight and is not presenting the regulations at this time. The hearing was duly posted in the Greenfield Recorder and the revised Regulations have been available on the website and in Town Hall for over a week. She opens the floor to comments and asks for comments to cite the part of the Regulations under discussion. She introduces Town Counsel Donna MacNicol for legal counsel representing the Commission.

Rob Kibler notes that MacNicol recused herself from reviewing the Regulations two years ago and asks if that conflict has been resolved. MacNicol explains that two years ago, during the update of the Wetland Protection Bylaw, she was representing a different board in Town during the Conservation Commission's objections to the new library. She is no longer representing the Town over the library because the library project has moved forward and so there is no longer any conflict preventing her involvement. The conflict at the time was thus about her being put in a place of representing two different Town boards; it was not about a personal conflict. She is no longer representing two different Town boards in conflict and thus has no conflict herself.

Tom Siefert asks if any professional consultants took part in reviewing the Regulations. Willson answers that no consultants were hired to review them. Siefert shares that in an email to a Select Board and Conservation Commission member, MacNicol mentioned that she thought she should recuse herself because she owned property at Lake Wyola. MacNicol explains that the real

conflict arose because she would have had to represent two boards; her recusal was not because she owns property at Lake Wyola. Those matters have been resolved and so she can now review the Regulations on behalf of the Commission. Seifert still wonders if the conflict described in the email still exists and MacNicol indicates that her ownership of property at Lake Wyola does not constitute a conflict of interest in reviewing the Regulations. Willson notes that MacNicol reviews changes to bylaws and regulations for other Town boards and committees even though she owns property in town and there is no conflict of interest in those cases. There is no difference in this case and MacNicol is able to provide counsel on the Regulations.

Siefert identifies several places where there appear to be typographic errors, including with numbering. MacNicol agrees and notes that she has found other places where numbering is not correct and needs to be fixed. Siefert identifies several places where he has questions about specific terminology and definitions and Willson responds to explain those terms.

Miriam DeFant asks about the reason for the change of wording in the delineation of bordering land subject to flooding in 5.2.4.2 to use “may be” rather than, as elsewhere, “shall be” in describing the reference to be used. Willson notes that the provision requires engineering calculations but that the engineer might use a different methodology, though she agrees it could be changed back to “shall be”.

DeFant asks about the removal of language in 6.4.7 that would allow wider vegetated buffers as an acceptable form of mitigation, noting that other Conservation Commissions typically include it and the Shutesbury Commission has in the past required that form of mitigation. Willson answers that the Commission will look into that change.

DeFant asks about tree replacements and mitigation for tree removals in 8.3.1 and notes that there is no definition of what constitutes “native”. She also notes that the replacement table does not consider that mature non-native trees, that are not invasive, could have an ecological function for a resource area or buffer zone. MacNicol notes that the table describes “native tree” as “native to Massachusetts.” DeFant suggests still removing the heading “Area of Native Tree Removal” and replacing it with a heading that recognizes that non-native trees can have an ecological function. Willson agrees and notes that the trees that are being put in as replacements should be native. DeFant notes a similar problem in 8.3.5 and 8.3.6.

DeFant notes that ANRADs are a voluntary application at the discretion of the applicant but that many Commissions have a policy about how they will address bylaw-only resource areas. She suggests the Regulations include such a policy. Willson agrees and considers 6.3 as the appropriate area to include that policy.

MacNicol notes that under subdivision and Approval Not Required plans, the Planning Board uses a condition that the approval does not necessarily mean the plan complies with the Zoning Bylaw. It might be a good idea to include that kind of generic release in the Commission's decisions so it does not seem like the Commission has approved something it has not.

MacNicol recommends the Commission review its use of "and" and "or" to ensure the Regulations do not use one where it means to use the other, or where it could use "and/or".

Rob Kibler suggests that the language about ANRADs in 6.2 implies that it must be submitted by a professional. Willson notes the Commission would not require it be submitted by a professional and Kibler suggests rewording the provision to make that clear.

Kibler suggests that the word "native" be defined and then used consistently.

Kibler suggests a clarification in the definition of "tree removal" because some trees that have been cut down are not technically dead within three-years. He suggests that tree removal be described as taking down from a point below its lowest branches.

Kibler suggests the definition of "aquaculture" be broadened to any land or water used for agricultural purposes. Siefert adds that the wording could be shortened further by removing the question of where the activity is being performed and just starting with the activity itself.

Willson agrees to look for more accurate language for all of these definitions.

Seeing no further comments from the public, Willson invites comments from the Commissioners. Fox notes that from her own experience going through the Bylaw, she understands the importance of providing sufficient definitions for the purposes of clarity.

Willson notes that the Commission will incorporate this feedback into the document and bring it back to the Commission for further discussion at its next meeting.

Motion to close the public hearing at 8:36pm: Kahan; second: Fox. Vote: Fox - aye; Kahan - aye; Willson - aye. *The motion is approved unanimously.*

Unanticipated business

There is no unanticipated business.

Adjournment

Motion to adjourn: Fox; second: Kahan. Vote: Fox - aye; Kahan - aye; Willson - aye. *The motion is approved unanimously.*

Adjourned: 8:37pm

List of Documents Used:

- Draft Order of Conditions for Clinton Kleciak for reconstruction of a retaining wall/Bank and filing for seasonal dock at 73 Shore Drive (Map B, Parcel 429), DEP #286-0309
- Draft revision of Shutesbury Wetlands Bylaw Regulations