

## **Monday Nov. 7th, 2022 - Leverett Conservation Commission meeting FINAL minutes**

### **In Attendance:**

David Powicki, Chair

Gail Berrigan, Voting member

Joan Deely, Voting member

Ralph Tiner, Voting member

Seth Heminway, Voting member

Julia Firl, Voting member

Adam Kohl, Conservation Agent

Samuel Black, FONLS

Cynthia Baldwin, FONLS

Susan Maraneck, FONLS

Don Ogden, citizen of North Leverett

Carol E. Heim, citizen of Leverett

### **Meeting started: David starts the meeting at 7:02pm**

#### **1) October 2022 minutes**

Seth makes a motion to approve Oct. minutes, Joan seconds. All in favor except Gail who abstains as she was not at the October meeting.

#### **2) Request for Certificate of Compliance at 15 Chestnut Hill Rd (DEP#200-0184)**

Adam gives background on the project: An NOI was filed in 2017 by the homeowner/applicant Eric Mabiuis. The work description involved minor tree cutting and rebuilding of the stone steps and stone entry to the house; the NOI also included a rebuilding and extending of a stone wall between the house and brook. The stone wall was advertised as crumbling and in need of repair. In compensation for the rebuilding and extending of the stonewall the Commission required mitigation. A mitigation plan was produced by a consultant Ward Smith in Wendell (Wendell Wetland Services). The mitigation plan involved planting native species and permanently memorializing the mitigation area. During a site visit prior to the Nov. 2022 meeting Adam noted the mitigation area boundaries were not obviously marked and the native plantings had never been planted. The Commission would like to see the Orders of Condition fulfilled and considers the project out of compliance. David makes a motion to continue the request to the next scheduled meeting; Gail seconds, all in favor.

Gail suggests we go through past filings and encourage applicants to file a RCOC if they haven't already.

### **3) Friends of North Leverett Sawmill presentation on revitalizing Slarrow Sawmill**

Samuel Black shares a presentation on FONLS thoughts and plans to turn the Slarrow Sawmill into a 'heritage park'. FONLS would like to request a letter of approval from the Commission to complement their CPC application. FONLS is considering hiring Mickey Marcus (SWCA) to put together a plan and an NOI for the project. Mickey Marcus had suggested filing a single NOI for dam repair and all the work needed to create the park. FONLS would like to get funding from CPC to survey the boundaries of the property.

Tree cutting to preserve the levee is introduced as a possibility, but is controversial to some towns folk who are concerned with carbon sequestration. The Commission decides to work through some of the questions that were raised. Don Ogden questions the integrity of the carbon sequestration expert that was cited by FONLS. Sam notes the levee hasn't been used for 150 years tree cutting would be to preserve the historic nature of the levee. Sam notes he isn't cutting trees for a nature trail. FONLS notes they are not taking a position on the tree cutting, but are seeking input from the town citizens and town boards. Mike Mori and Bob Leverett are to be contacted by FONLS as expert consultants. Gail suggested contacting DCR foresters. Most of the FONLS property is within the 200' riverfront area. David suggests adding the tree cutting to preserve the levee into the NOI, and then the Commission can review it properly. Gail suggests making a map of the trees to be cut with their DBH and noting the species, including that in the NOI. FONLS will be meeting with the Coordinator of Preservation Planning at Mass. Historical Commission on Wednesday. David mentions there is precedent for a project like this to be a collaboration with the Conservation Commission. FONLS will set up a doodle poll for a site visit with the Commission.

### **4) Discussion and approval of a letter in support of Rattlesnake Gutter Trust's CPA proposal to stabilize Rattlesnake Gutter Rd**

David makes a motion that we accept the letter as written, Gail seconds, all in favor (Seth abstains due to potential conflict of interest). Adam is to sign the letter on behalf of the Commission.

### **5) Conservation Commission role in re-energizing Leverett Trails Committee**

Seth is interested in bringing back the activities of the Leverett Trails Committee and would like to add some personal energy and organization back to the project. Seth is polling the Commission on how they would like to be involved. David gives some historic context on the

LTC, which has always been a partnership between the Rattlesnake Gutter Trust and the Con Com. David mentions there are DCR trail grants available on an annual basis.

**6) Site visit report 10/13/2022 and discussion: Brown dam at 575 Montague Rd. in Shutesbury**

Adam gives a background on the project, which includes a site visit conducted by members of the Commission and their Agent along with Miriam DeFant (Shutesbury Con Com Chair) and landowner Dave Brown. Site visit notes are attached to these minutes. The Commission will continue to consider this possible mitigation request, but Eversource has not yet filed an NOI with the Commission that would potentially garner the need for mitigation.

**7) Appointing a new Chair of the Leverett Conservation Commission**

Gail mentions she is not available right now to be the Chair. David mentions the workload is very low. Adam can list the vacancy on the website, and will coordinate with the Town Administrator. David mentions the Leverett Elementary school newsletter as a possible venue for spreading the word. David suggests holding an extra meeting before the Dec. meeting to decide the new Chair, and the Commission agrees. A meeting will be set for Nov. 28th at 7pm via Zoom, strictly to choose a new Chair.

**8) Mail and Items not anticipated within 48 hours**

Gail suggests changing the headline on the FOLP files on town website to "Leverett Pond NOI-related files" with the DEP file number added.

The next meeting is set for: Nov. 28th to decide Chair. December 5th will be the next regularly scheduled meeting. Both meetings will occur via Zoom at 7pm.

**Motion to close the meeting:** Joan makes a motion to adjourn, Seth seconds, all in favor.

**Meeting adjourned: 8:46pm**

**Meeting minutes taken by Adam Kohl – Leverett Conservation Agent**

**Minutes approved at a Con Com meeting on 11/28/22**

Attached:

Site visit report

October 13th, 2022 at 8:30am

at 577 Montague Rd., Shutesbury, MA

Dam on the Leverett/Shutesbury line (42.485194, -72.444403)

In attendance:

Miriam DeFant, Shutesbury Con Com Chair

Gail Berrigan, Voting member Leverett Con Com

Seth Heminway, Voting member Leverett Con Com

Adam Kohl, Leverett Conservation Agent

Dave Brown, landowner

The above met on site to observe a dam in need of repair. The dam is in Shutesbury but quickly downstream passes into the Town of Leverett. The dam is mostly made of fieldstone and poured concrete and is failing in several locations with water leaking through the fieldstone face. The dam at the time of visit was also overflowing on the sides and water was bypassing the dam all together. Beaver activity was observed but noted that the water wasn't deep enough for a 'beaver deceiver'. The dam itself has been deemed a hazard by the Office of Dam Safety, with the concern that it could fail and cause flooding and erosion on Montague Rd/Dudleyville Rd and beyond, potentially impacting a nearby house downstream that is reportedly in both Leverett and Shutesbury.

Miriam DeFant had initiated the site visit considering a possible collaboration between the Leverett and Shutesbury Conservation Commission's, knowing that there may be funds for mitigation via Eversource spurred by their proposed right-of-way widening project (which crosses both towns). Miriam had suggested in a previous phone call with the Agent that mitigation funds could be used to help the landowner repair the dam, and as part of that deal put over 100 acres adjoining the property into conservation. The landowner had been in the process of putting the 100+ acres into a CR but found local land trusts were not interested in taking ownership of a dam. The point of the collaboration would be two-fold: help a landowner who is not financially able to do so take down a hazard dam, and as part of the deal make 100+acres more enticing for a land trust to own the land and put it into conservation.

The Agent brought up a couple concerns:

- 1) More generous amounts of funding could be pursued through DER if the dam removal is applied for under an Ecological Restoration project
- 2) With the dam removal will come a large disturbance event, favoring disturbance adapted species like glossy buckthorn and Japanese knotweed that were present on site, but as of now in moderate numbers. A plan to monitor and manage invasive species should be in place and will likely have additional costs.

The owner Dave Brown mentioned that Mass Fish and Wildlife was interested in purchasing the 100+ acres, and noted they may have right of first refusal as they had already put a down payment on the property. The site visit was adjourned at 9:30am.