

Mon. March 6th, 2023 - Leverett Conservation Commission meeting DRAFT minutes

In Attendance:

Jono Neiger, Chair

Joan Deely, Vice-Chair

Seth Heminway, Voting member

Gail Berrigan, Voting member

Julia Firl, Voting member

Adam Kohl, Conservation Agent

Hillary and Rich Ferro, owners 350 Shutesbury Rd

Ward Smith, representing 223 Long Plain Rd RDA

Andre Melcuk, owner 223 Long Plain Rd

Christopher Stoddard, representing 292 Shutesbury Rd

Bridget Likely, Kestrel Land Trust

Mitch Mulholland, Friends of Leverett Pond (FOLP/FLP)

Tom Hankinson, Friends of Leverett Pond (FOLP/FLP), Leverett Selectboard member

Carol Heim, Citizen of Leverett

Jameson Brenner, undergrad student at UMass Amherst

Tanya Cushman, citizen of Leverett

Kemper Carlsen, citizen of Leverett

Claire Carlson, citizen of Leverett

R. Brooke Thomas, citizen of Leverett

Shannon Gamble, citizen of Leverett

Patricia Duffy, Leverett Selectboard member

Jono started the meeting at 7:02pm

1) NOI hearing for tree cutting and utility pole install at 350 Shutesbury Rd

Hillary and Rich introduced the project where they are building a new house at the top of a hill and need to run electricity up to it. Jono said one map provided has poles and another with Resource Areas delineated but neither map shows the previous cutting area, and both maps should be combined into one. Rich noted some tree cutting was done without a permit in the Riverfront Area, but it was not the entire area that needed to be cut for the power poles to cross the brook. Ward Smith of Wendell has done the wetland delineation for the property. Jono noted there's no pole placement on the wetland delineation map, and that that information should be on the map. Jono asked

what happens after pole-87 and noted the Commission needs to know how much activity is proposed in resource areas. It is also noted by Jono that it's hard to complete a site visit when there is snow cover, as the limits of resource areas are not always visible. Jono mentioned that there are two stream crossings that were unpermitted when the property was first developed, and Hillary and Rich said that work was done prior to their purchasing of the property. The hearing will be continued at the next meeting in April, and the Commission would like to see clearer maps with all the information required, and to complete a site visit without snow cover.

2) RDA for septic installation at 292 Shutesbury Rd (continued)

Chris Stoddard presented on the project and shared the plan of record. Several locations on the property had soils that wouldn't pass Title 5. The proposed location was, according to Chris, the only possible location on the site due to the soils and well radius restrictions. Jono, Joan, Seth, and Adam had visited the site prior to the meeting. Seth noted that the proposed septic location's proximity to the stream is his biggest concern. Chris noted that the current septic location failed due to the poor soils, and can not be located there again. Chris also mentioned that there is also a high water table in that area, as well as historically buried trash. Chris argued this is the 'best' location in terms of public health, and stated the Board of Health Agent had agreed. Jono noted there is a wetland behind the shed that wasn't mapped. Chris explained the mechanism of the septic and leach field and stated the proposed septic is an 'apples to apples' replacement of what the septic was before. The septic is proposed to be located 51' feet away from a major brook. Seth asked if any remediation could happen, i.e. trash removed in the process of cleaning at the site of the old location. Chris explained that because of the soils, one can't do a percolation test, and therefore can't do any new construction. The old tank however is planned to be pumped and removed. 10.58 is the exemption to repair the existing septic system and Chris believed this project falls under that exemption. Chris said he can coordinate a site visit when the erosion controls are up for the Commission to inspect. Gail made a motion to issue a negative 3 and 5 determination. Joan Seconded. All in favor.

3) RDA for shed alterations and tree cutting at 223 Long Plain Rd

Ward Smith represented the applicant and walked through the plans which involved rebuilding a shed and cutting some trees which are adjacent to an intermittent stream

and hanging over said shed. The applicant has agreed to trim branches on the hemlock tree that might hang over the shed, rather than cut the whole tree down. Ward proposed in the plan to plant trees and shrubs, but the Commission and the Agent showed favor for letting it naturally revegetate. Seth asked about the extent of the disturbance. The new roof will add an additional 40 feet of runoff space. Jono noted that the drainage should be directed as much as possible towards the west where it could be infiltrated by the woods. Seth suggested adding a 'gravel splash pad' to help distribute water as it runs off the roof. Conditions for the project are decided upon:

1. Seeding shall take place over the work area after work is completed to stabilize the ground.
2. A site visit by the Agent or members of the Commission is required to inspect the erosion controls prior to work.
3. Work must be completed and/or site stabilized by mid-December 2023
4. The large diameter eastern hemlock tree by the stream will not cut down, but pruning is fine for limbs facing the garage.
5. A gravel splash pad will be installed for roof runoff 6" off the drip line on the north side of the garage.
6. The area between the stone wall and intermittent stream will be naturally revegetated.
7. The stonewall will remain in place as much as possible to reduce disturbance.

Ward will amend the plan and RDA and resubmit it to Adam in the morning. Gail made a motion to issue a negative 3 determination with the discussed conditions. Julia seconded. All in favor.

4) Friends of Leverett Pond, Annual Proposal at Leverett Pond

Mitch updated the Commission on the history of the filing and the intentions of further work in 2023. FOLP intends to use mechanical means such as an EcoHarvester to continue to remove invasive aquatic plant species; this involves cutting and removing vegetation but it requires a dredging permit that has not yet been acquired. FOLP prefers to use mechanical means rather than another herbicide treatment in 2023. There are approximately 200 square feet 'maximum' of cattails that are blocking a picnic table and a small brook that enters the pond. It is proposed by FOLP that the cattails in

this area would be removed by hand. It is noted that some residents are ‘experimenting’ with benthic barriers which require regular maintenance. FOLP would like to reserve the right to use SCUBA if needed. SWCA will produce a map from 2023 surveys of the pond which will be provided to the Commission. No herbicides will be recommended in 2023.

Jono took a few minutes to give some background on the project for new Commission members and members of the public. Jono noted that the project was submitted as a Limited Restoration Project with the proposed benefit of fish populations. Jono asked FOLP how the areas to be treated are to be determined. Mitch said SWCA provided data and a rough map, which informed the survey and resulting report. FOLP is also surveying before and after treatment, and that information was used to prioritize areas as well. Jono noted the treatment areas haven’t changed through the years and said the areas are always in front of people’s homes in shallow water. Mitch said that’s because milfoil always appears in the same places. Jono suggested FOLP should be documenting the relative health of the fish populations through the years, as fish health was the reason for having a Limited Restoration Project.

Jono suggested that there are studies that show herbicides reduce dissolved oxygen. Seth said it sounds like we’re trying to “shoehorn a people problem into an ecological situation” and asked how we balance the needs of the homeowners with the ecological quality of the pond. Tom thought reducing the invasive species is an ecological benefit to the pond. Several members of the public are heard from.

Jono asked how non-target vegetation is being protected during the treatments and mechanical removal. Gail suggested that the Commission be contacted prior to mechanical removal work and noted the Annual Proposal is in line with what she expected based on the Order of Conditions. Mitch said he will try to get DCR to come and perform regular fish studies. Gail made a motion to approve the Annual Proposal submitted by FOLP, Jono seconded, all in favor.

5) Heronemus Land CR, review and approval

In the updated draft CR the activity of trapping was removed as a permitted use. Also, parking was updated to include dimensions and parking count which is estimated at 8-

10 cars and winter parking maintenance was included in the updated draft. The CPC meeting went well, reported Bridget, and was supported unanimously. The next step will be a legal review of the CR, which Kestrel will handle. Bridget will send a clean version of the CR next time around. Bridget noted there will still be more opportunity to change the CR in this process.

6) Annual Report, review and approval

Seth made a motion to approve the Annual Report Adam had drafted and circulated, Gail seconded, all in favor.

7) Agent replacement updates

The applicant Justin Maynard was offered \$28/hr and an average of 7.5 hours per week. Justin reportedly said that is satisfactory.

8) Minutes, mail, and items not anticipated within 48 hours

Jono made a motion to approve the Feb. minutes as amended. Seth Seconded, Julia abstains. All else in favor.

Next regularly scheduled meeting will be Tue. April 3rd at 7pm via Zoom.

Motion to close the meeting: Joan makes a motion to adjourn, Gail seconded. All in favor.

Meeting adjourned: 10:16pm

Meeting minutes taken by Adam Kohl - Conservation Agent