

Mon. April 3, 2023 - Leverett Conservation Commission meeting DRAFT minutes

In Attendance:

Jono Neiger, Chair
Joan Deely, Vice-Chair
Seth Heminway, Voting member
Julia Firl, Voting member
Mitch Mulholland, citizen of Leverett
Courtney Jane Brown, citizen of Leverett
Samuel Black, FONLSM
Cynthia Baldwin, FONLSM
David Henion, President of LCA
Macaylla Silver, citizen of Leverett
Kathryn Stoddard, citizen of Leverett
iPhone (?)
Brian (?)

Start Time:

Jono started the meeting at 7:08pm

1) NOI hearing continued for 350 Shutesbury Rd.

Landowners need more time to prepare requested documents. Unpermitted work done by previous landowners has caused lots of impacts to wetlands; not the responsibility of the current owners but Jono would like to consider mitigation actions to prevent further damage.

2) Mulholland- RDA- 35 Cider Mill Road, Tree Cutting

Mitch Mulholland submitted a Request for Determination of Applicability (RDA) and supporting documents (cover letter, map, quote from arborist, 2 photos) to Jono on 3/14/23. There is a large maple tree on his property at 35 Cider Mill Rd, near the shoreline (within 15' of water) of Leverett Pond. The tree is in danger of falling over and causing damage to persons or property. The tree has been infested by insects or pathogens that have eaten into and rotted the bottom 15 feet of the trunk. The maple tree is approximately 70 ft tall, and 24" DBH (diameter at breast height). While the right side of the trunk is partly intact/alive, an arborist who examined the tree doesn't think it can be saved and should come down. The arborist anticipated that the tree, if left to fall naturally, will fall into the pond or onto 1 of 2 houses. The arborist would take down the tree in chunks, by climbing and lowering portions one at a time

Voting member, Gail Berrigan, although not present at tonight's meeting, had previously inquired about leaving a portion of the trunk standing for woodpecker habitat. Mitch is amenable to that idea.

Prior to tonight's meeting, Jono talked with Mark Stinson of MassDEP for technical support. Mr. Stinson advised that landowners are allowed to harvest trees within a wetland buffer for their

own firewood use under the Ag section (B15) exemption rules. There is also an emergency provision that allows removal of trees that pose a hazard to persons or property that would be appropriate to use in this scenario.

Because the tree is within a resource area, it is subject to Wetlands Protection Act; however, given the hazardous nature of the situation, the intent of the landowner to salvage useable (non-rotten) firewood, the Jono believes a Negative 3 Determination is appropriate, requiring no further action by the applicant. Joan made a motion to issue a negative 3 determination, Seth seconded. All in favor.

3) Introductions w/ Courtney Jane Brown (realtor who lives on Long Plain Rd); will have several large land listings coming up and wants to learn more about how and when landowners need to involve the ConCom for future work on the land.

4) David Henion- LCA-Town Hall Land, discussion
Shared photos; President of Leverett Crafts & Arts; on 10-year Planning committee; 10 years ago convo w/ Will Stafford... agreed to fill in some of the area between the 2 buildings; David was previously allowed to level off area w/ waste fill... now could use some more... can this be a continuation of the project from last summer if Hwy Dept has extra fill?; David has been cutting brush to keep forest from filling in for visual appeal; vernal pool;

Issue: water drains from/along road into LCA parking lot; propose to fill gully w/ gravel to prevent erosion

Goal: David wants wide grass margin between LCA and Town Hall for visual appeal; no tree cutting proposed; current margin is about 10 feet of grass; want to create a continuous grade to fill out steep angled hill that grows poison ivy and invasives; stake on boundary line of LCA property and Town Hall property; most of work would be on LCA property;

Con Com needs to pull records from previous decision (it was when David was Chair); vernal pool – only present in spring, but is large and should not be disturbed during spring; ground is too soft to work right now anyway;

Concerns: don't want fill entering/filling vernal pool; will run-off be blocked from entering pool? What erosion controls will be used?

Con Com will visit site; schedule in next few weeks since work can't be done soon anyway. All agree; Seth asked for flags to mark area where fill will be; weekend visit: 4/16 @ 9am;

5) Samuel Black & Cynthia Baldwin
Not officially on the agenda, just a pre-discussion. Last year of meetings on proposal for CPA funds to develop a heritage park and trail system near the old saw mill; Gail & Seth walked land; part of project is on Town land; 2 linked proposals & funding streams; land owned by FONLSM,

Graves Sugar Shack, Ironworks & Smithing; survey needed; Mickey Marcus would delineate wetlands for NOI application; will seek advice from foresters & arborists; cultural specialist to assess remains of mill and provide recommendations; want trails to be Forest Service compliant (have money set aside for study of slopes, drainage needs, etc.); Mass Trails grant application for ~\$20 - 70k will be written; ADA compliance... pavilion near remains of sugar shack w/ ADA parking spots and accessible access to open air pavilion; would have views of dam and river; trail system along river and to access ruins; historical commission already involved; want it to be permanently accessible to the public; experts working on interpretation of native American tribes in valley, local flora & fauna; forestry; invasive plants; want to replace invasives with pollinator friendly natives; remaining controversy is over removal of trees from levee... some feel no tree should ever be cut; others think some should come down to prevent further damage to the levee; up to 30 trees proposed for removal at one time; experts will weigh in on variables associated with removing trees; Town owned land is managed by the Con Com; Seth: asked what a Forest Service compliant trail is? Look up online. Sam says a "fit person" should be able to traverse a FS trail (shallow slopes, etc.); ADA requires it to be traversable in a wheelchair; limited trail maintenance needed (removing fallen branches, etc.); if well used, trail may require maintenance for erosion, drainage, etc.; Leverett Trails Committee now back in action and can help w/ maintenance – also Rattlesnake Gutter Trust

Jono: would pavilion be on Town land? No – pavilion to be on FONSLM land
See application on Town website.
Con Com will revisit after Town Meeting.

6) Approval of March minutes delayed until next meeting.

7) Appointment of new Chair and Vice Chair

Gail travels too much; Jono and Joan coming into field season and will have limited availability; Seth and Julia are newest members and have very limited capacity due to family responsibilities; try to divide up Con Com work between the 5 remaining members...

Communications: someone check email; check mailbox at Town Hall; alert other members when action/site visit is needed; responding to info requests; legally required to respond within __ days; must hold hearing within __- days of filing of Notice of Intent; NOIs submitted to Town Hall office; incoming project action – agent kept calendar to make sure hearing deadlines kept;

Meeting logistics: agenda, facilitating, taking/sending out/posting minutes after approval

Seth can commit to new project recon, especially trees, trails, and stormwater issues

Joan comfortable w/ communications processes

Julia – to meet w/ Jono & Margie; see SOP dated Dec 2021; set up Google Drive of resources; careful of rules of what can be public vs. private; posting agenda at Town Hall and on website; take minutes;

Jono – new project recon

Gail - TBD

Other ideas to keep LCC functioning: Training via MACC (Fundamentals training, 6-8 sessions); Joan & Jono could mentor; Mark Stinson available for technical assistance (Western Regional Circuit Rider) – via phone; knows all rules and regs; NOI much more involved than Req for Determination;

8) Community Preservation Committee (CPC) wants Representation from Con Com
Gail was former CPC rep; table decision for now since we have no chair and CPC is also paused;
Danielle Barschack is chair of CPC and wants Con Com member to be a rep

Next regularly scheduled meeting will be Mon., May 1, 2023 at 7pm via Zoom.

End Time:

Jono made a motion to adjourn, Seth seconded. All in favor.

Meeting adjourned: 9:12pm

Meeting minutes taken by Julia Firl, voting member