

## Meeting of Leverett Conservation Commission

Date: Monday, September 18, 2023

### Members: (Quorum)

Remote: **Julia Firl**, at 7:00 PM

Remote: **Jono Neiger**, at 6:59 PM

Remote: **Gail Berrigan**, at 7:00 PM

Remote: **Seth Heminway**, at 7:00 PM

Absent: **Joan Deely**

### Also Present:

Amy Robb

Kevin Schnell

Andy Robb

### \* \* \* Meeting Minutes \* \* \*

Meeting opened: 7:01 PM

Meeting closed: 8:51 PM

#### 0. Meeting Preliminaries

Meeting Opened / Attendance Taken (see above).

#### 1. Approve Minutes

**Approve Minutes from August 7, 2023 Minutes**

##### **General Discussion...**

Approval of July minutes deferred pending review from additional commission members.

#### 2. Public Hearing

##### **7:01 7 Dudleyville Road - Accessory Dwelling Unit (ADU) discussion**

##### **General Discussion...**

Whitney Retallic spoke for Backyard ADU which is putting together a plan for a sole structure/dwelling on the property. Dudleyville Brook runs through the site so it will require an NOI. Whitney sent plans. Current OOC allows building on the current footprint. Proposed ADU would be set further back from brook.

Commission member Jono Neiger asked for details on construction activities proposed within 250' of stream. Has stream boundary been marked? Whitney shared Backyard ADU plan drawing showing proposed construction site.

Neiger asked about placement of new and old septic and explained that filing the NOI triggers the permitting process. Once filed, commissioners will make a site visit to compare the plan to site conditions. Commission would do formal review at public hearing.

Neiger says if OOC hasn't expired and change is minimal we could proceed under current OOC. Whitney to send previous NOI and OOC and commissioners will review.

Whitney sent the commission permits from previous owner, including previous plans, original OOC, extended OOC, and original NOE. Neiger reviewed plans and observed slight changes, including parking. Since OOC is expiring we'll need to discuss with DEP to determine if existing NOI/OOC can be extended or if new one need to be filed. Neiger confirmed that OOC is extended until Nov 9, 2023.

Chris Lee from Backyard ADUs joined call at 7:20pm.

Whitney summarized that the commission needs to be advised whether OOC can be amended or if new NOI needs to be filed. Chris says they've gotten little guidance from the town as far as which approach to take - new or amended NOI. Septic work is the same, just change in shape. Neiger offered to call Mark Stinson to get his guidance on which approach to take. Chris says driveway stays the same, compacted gravel base, technically impervious. No significant changes to driveway proposed. Chris says they have been in touch with Mark Stinson and offered to contact him in place of Neiger.

**No motion needed**

### **7:21 3 Hemenway Road - Kevin Schnell**

#### **General Discussion...**

Commission member Seth Heminway visited the site and observed wetlands delineation done by Ward Smith. Wetlands are close to where driveway will be located and will be impacted. Construction plan was forwarded to commission. Kevin asked commission for guidance on recommended erosion control measures, and they will add them to the plan. Proposed driveway location is based on advice from Leverett DPW. Kevin stated that they sent commission a set of plans, which includes a sketch of where to locate erosion control; asks commission to review and approve location and what materials to use.

Schnell says U-shaped driveway will allow egress for excavators removing soil. Trucks and excavators will enter on Hemenway Road.

Neiger says we'd like to review plan and visit site and requests that NOI include description of access/egress on site. Discussion of site conditions and erosion and how to provide access/egress to excavators and trucks. Construction area has a slight slope. Kevin says they left a copy of the printed plan with erosion control for ConCom at Town Hall at BOH request.

Homeowner can no longer afford to build the garage and will build a parking pad instead with permeable surface material.

Neiger noted that there is an isolated non-regulated wetland on the site that will intersect with the culvert/ditch. No erosion control only at the mouth of the driveway.

Neiger asked for explanation of moving excavated dirt to the 100' buffer. The plan is to add a stone retaining wall using site materials uncovered during site excavation. Neiger says as part of the NOI they will need to calculate disturbed area in the buffer zone. General discussion of proposed changes to reduce impacts in the buffer zone and what erosion control practices and materials the commission will advise. Neiger suggests marking limit of work zone uphill of wetlands so trucks don't enter these areas. Homeowner will leave an area un-mowed as a wild vegetated area to improve conditions of one of the wetlands. Kevin to fill out Mass DEP NOI. Commissioners will visit site once NOI is filed and will review plans on site at that time.

### **7:57 No updates on Heronemus project; no updates on 184 N Leverett Road**

#### **General Discussion...**

### **7:58 51 Camp Road - Andy and Neal**

#### **General Discussion...**

Commission member Firl stated that a building permit request came to Concom by email on August 18<sup>th</sup>. Commissioner needs to sign this and 4 other building permits requests however we need to get access to the platform where these permits can be signed.

Firl pulled up the site at 51 Camp Road on MassMapper for the commission to view. Applicant proposes building a deck on pond side; deck was already started. Four footings have been installed. Homeowner says 12'x30' deck is 90% complete, just need railings.

Neiger asked about surface material between footings, which is grass. Berrigan asked dimensions of footers. Neal (homeowner) says maybe 4x4" posts. In fact, they are Sono tubes - 8" or more.

Neiger checked regs and said if installed 50' or more from the pond they would be excluded. Homeowner says deck is 20' from pond. Pre-existing stairwell preceded installation of the deck. Seth will visit in person to assess impacts and measure distance to water's edge and will advise on next steps. Neal asked for a note to indicate they had reached out to the commission previously, in April and May.

### **8:25 Building Permits**

#### **General Discussion...**

More discussion regarding lack of access to building permit site to sign off on permits. Inquiries will be made to two former commission members (Powicki and Robison) regarding how to access the platform. MassMapper is a great starting point but seeing and/or familiarity with the site is essential to assess proximity to a resource area. Building permits have a checkoff that requires applicants to contact ConCom for wetlands review.

## Administrative Matters

### Responses to emails/voicemails

#### General Discussion...

Three emails came through via email. Firl will forward them to members to review.

#### Old Business

- Follow up on FRCOG Regional Agent (Leverett, Shutesbury, Wendell)

#### New Business (issues around town)

- Budget review per 9/3/2023 email from accountant

Members discussed expenses in email sent by town accountant. Neiger suggests asking accountant for summary of ConCom items. Looks like we haven't spent anything.

#### Other items not anticipated as of the date of the notice

Schedule next meeting date - Berrigan to email commission members with proposed dates

Adjourned 8:51 pm Berrigan moved, Firl seconded, all in favor.