

Leverett Conservation Commission

MINUTES: Monday, January 8, 2024

Start: 7:00PM

Agenda:

- Attendance: Seth Heminway, Julia Firl, Jono Neiger, Joan Deely, David Powicki, Norma & David Evans, & Julie Evans-Marlow, Tom Hankinson, Joe Rogers from GZA
- Review & Approval of Minutes
 - 05 Dec 2023 Minutes - not ready for review; wait to vote until next meeting
- Public Hearing/Public Meeting
 - Beaver dam management certification – Erin circulated certification on 12/18, expires 1/17; will need a renewed cert on 1/18; primary goal is to keep water level from impacting road; pine tree w/ green blaze marks safe waterline; water level is rising again – flooding expected this week; certs needed until leveler can be installed in the spring; ping Matt to check on Rattlesnake Gutter Road due to snowmelt/rain later this week
 - Gordon King Life Estate right-of-way: Dave Evans (Tom Hankinson helping to represent); Gordon granted easement to Chaffees (previous owners of Evans) to allow access to Glazier property; Gordon land passed to Town upon his death; Dave’s issue is that people are using the easement as a public right of way, but the wording of the easement was only meant for access to the privately-owned, landlocked parcel; Gordon had installed No Trespassing signs during his lifetime since it has been an issue for a long time; wants to reach an agreement with the Town/LCC to allow for maintenance access only (no public foot/vehicular traffic); Evans concerned about liability, loss of privacy, etc. Dave Powicki: read from Easement; includes “assigns” which is now the Town; restricting pedestrian access would be a “taking” from the Town’s rights; restricting vehicular access would make maintenance of blueberry patch very difficult; the Gordon property is a public resource... restricting access to only those that can hike long distances is a “taking”; many townspeople agree;
Dave Evans rebuttal: Mary Alice Wilson (former LCC member) had said that easement area would not be opened for public access, but this is not what map from ~2011 indicates; Jono pulled up map; Evans’ not sure what people are doing by crossing their land; doesn’t visually want to see people, have no idea who they are; Gordon would always let the Evans’ know when Christmas tree sales were, gate would only be opened for specific events; he would personally come and let the Evans’ know who and when people would be using the road; concern over cars parking too close to Shutesbury Road; people harvesting pine boughs for wreaths; signage needed

Tom Hankinson: what is fair to the Evans family? Handshake agreements no longer being respected; loss of Town memory, generational gap; 4H trail provides improved access to the blueberries; lack of forest management of the 4H tract has hindered other access points; parking along road is dangerous; Evans' wants to know who people are that are using the trails; maybe a sign-in book?; unreasonable to ask public to introduce themselves or to discriminate against newcomers; prescriptive easement?

Powicki: would Town buy the access area outright to fairly compensate the Evans' for their loss of property value?; the road is old and grandfathered in before the Wetlands Protection Act; Rattlesnake Gutter Trust owns Conservation Restriction on Fred Cheyette land, which the road also crosses; see Cheyette CR to see if road/access is allowed; Joan: consult w/ Town legal; recommends no parking signs to be installed by the Town & signs asking people to not damage/harvest private property; log must be removed so that LCC can access the land and in case of emergency; who can work w/ Town on No Parking signs?; Seth suggests 2 signs (1 at gate & 1 at crossing farther down the road); is someone who is NOT a citizen of Leverett not allowed on Town land?; Evans' believe that the easement is private; when the Gordon land was transferred to the Town, the easement transferred to the Town; if the Town wants to allow public access, then the public is allowed to use the easement. Jono thinks it's only appropriate to post "private property" along the edge of the easement, not "No Trespassing"; Joan – Town should post No Parking signs ASAP; revisit w/ Evans' next month; Seth will talk w/ Matt about No Parking Signs; Jono will talk to Margie and get legal opinion from Donna (town counsel)

- Joe Rogers: Eversource Montague to Fairmont project done in 2021-2022; monitoring and compliance checking ongoing; photos of work areas to show before-during-after; requesting a Certificate of Compliance from LCC to approve work has been completed satisfactorily; Jono – asked about heavy rains this past July and how it impacted 32-mile "site" along transmission line; Joe said no washouts or wetland-impacting damage were found; matting, gravel, and re-vegetated areas did well; every re-built pad was actually smaller than planned, so even smaller impacts; Erin recommended site visit to at least a few of the sites by choice of Commissioners; Julia and Joan will choose 3 sites to visit and arrange a site visit; final doc (Cert of Compliance) needs to be recorded;
- Administrative Matters
 - Hiring recommendation for Conservation Agent – Alex had greater interest in conservation than previously thought; willing to commit to at least a year if we can help make the position more "sustainable" – cobble together a FTE; very willing to take on tech-related tasks; Joan & Seth both recommend; Seth makes a motion to hire; Jono seconds; all in favor; Jono will ask Margie to put approval on next Select Board meeting (assuming Alex accepts the tentative offer)

- Robert Piotrowski – interest in joining commission; not on call
- In-person meeting for February (2/5/24) – Jono will ask Margie about hybrid meetings; verify quorum issue (3 vs 4)
- Permit sign-offs / responses needed – can only be done at Town Hall from laptop
 - 124 Jackson Hill Rd. / Julian Nickerson
 - 31 Hemenway Rd. / Richard Roberts
 - 438 Long Plain Rd.
- Purchasing additional storage for Gmail account
- Schedule site visit to 184 N. Leverett Rd. project – Joan spoke w/ David Askew & Melissa on site; work was done; mulching was in progress; restored to original grade; wait for spring planting
- Other items not anticipated
 - New Well at 163 Rattlesnake Gutter (Jono’s property) – schedule a site visit; entire property is within aquifer system; Seth will visit once he’s well and after snow melts (next week probably)
 - USDA Wildlife (David Warren) knowledgeable about installing levelers; Seth will craft email to Matt (and follow up via phone) to make sure he is staying on top of flooding concerns; don’t want massive breach, but do need to get water level down
- Adjourn 8:51 (Julia makes motion, Joan 2nd, all in favor)