

Leverett Conservation Commission

Minutes: Monday, July 8, 2024

Meeting Start Time: 7:01 PM

In Attendance:

Julia Firl, voting member

Joan Deely, Vice Chair

Seth Heminway, voting member

David Powicki, voting member

Eva Gibavic

Paul Gibavic – not present at start of meeting

Hannah Paessel

Christopher Alphen, Esq. – from Bettye Ann's office

Wayne Feiden

Melanie Klein

1. Review & Approval of Minutes

- 15 Apr 2024 Minutes – David made motion to approve, Seth second; all in favor
- 06 May 2024 Minutes – David made motion to approve, Julia second; all in favor
- 03 Jun 2024 Minutes – no quorum, so minutes will not be published

2. Public Hearing/Public Meeting

Leverett Library project updates (Hannah Paessel and Wayne Feiden, Project Manager); Hannah gave project summary; intention is to extend boardwalk significantly beyond the wetlands so nobody steps into wetland;

Library plans to hire Ward Smith to do wetland delineation; Ward places flags and surveyor then takes GPS points to create plat. Is survey required? Or can handheld GPS unit acceptable to create a map (vs. a survey plat)? Eva offered to lend 20cm-accuracy GPS unit (to avoid cost of hiring surveyor); Commissioners agreed to allow GPS waypoint map in lieu of hiring a surveyor.

Seth asked how much the water level fluctuates. Hannah says small pipe drains on far side of driveway that keep the water level fairly consistent; BVW is about 0.3-0.35 acres.

- 7 Dudleyville Road (Bettye Ann Blatman, Atty.) – Cert of Compliance needed for project that was never done; property under new ownership and issue needs to be resolved; select invalid order of conditions since work was never done and will not be done. Joan will prepare document and gather Commissioner signatures.

- Update on request to remove cattail from boat launch/inlet area of Leverett Pond; DEP 200-0196 (Joan & Julia; Mitch Mulholland) Mark Stinson suggested RDA; Fire Dept provided evidence of need to maintain access to hydrant; maintenance order of conditions to allow management in a specific area (map/size of extent); dam on Cave Hill had similar permit; Joan will ask Mark Stinson for more info on maintenance permit to allow removal of cattail within 20 feet on either side of boat launch
- Status update on Friends of Leverett Pond (FLP)/DEP 200-0196 Wetlands Protection Act permit;
- DEP Waterways WW01-0000167 Dredging Permit Eco-Harvester work done June 18-20, 2024. Mitch not present; but work was completed as scheduled June 18-20.

3. Administrative Matters

- Re-publish advertisement for Agent position, including on MACC website. Joan will check in with Margie for current status of what salary we can offer.
- Melanie Klein – wondering about role of Commission and Chair (regulatory role related to Wetlands Protection Act, trails, land protection)
- Set August meeting date – Will try for Tues, Aug 6th (check to see if calendar/town hall will accommodate.) 12th would only work for David remotely.

4. Other items not anticipated

Gibavic beaver pond; no water in beaver pond/brook. Joan called Mass Wildlife (Belchertown office) and they said removal of dams is allowed if no beavers are present and dam is currently non-functional. Commissioners not sure if RDA is required or not since it is a historical wetland and resource area. Brook dries up in most years. Seth suggested we ask during the beaver presentation on July 21st. Matt from highway dept offered to remove it if allowed, to protect the culvert and prevent future flooding of the Gibavics' field. NOI was filed to install a deceiver, but it is now irrelevant since there is no water flowing in brook. Emergency Certs issued during the winter were to prevent flooding of road. Commission needs to issue permit to officially approve of dry dam removal. Suggest Town files RDA (if Town will do the work) with negative determination. Joan will contact Board of Health to see if they can issue approval outside of the RDA process, or to draft RDA to be reviewed at August meeting.

Removal of trees in ag areas is okay – there is blanket exemption for active agricultural land. Make sure Matt also removes screen after the dam comes out since this was causing a big plug of sticks and branches.

5. Executive Session to prepare for mediation session regarding the access easement across 101 Shutesbury Road (Evans-Marlowe) to the Gordon King Life Estate property (Leverett Conservation Commission)

Purpose of Executive Session: (3) Exception to the Open Meeting Law (MGL Chapter 30A, Section 21(a)): To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

The Commission will not return to Open Meeting after the Executive Session.

Adjourn

End Time: 7:50PM

Minutes prepared by Julia Firl.