

Leverett Conservation Commission

Meeting Minutes: September 23, 2024

Start Time 7:01 PM

Attendance

Julia Firl, voting member

Joan Deely, Vice Chair

Seth Heminway, voting member

David Powicki, voting member

Jono Neiger, voting member

Isabella Yeager, Cons Agent applicant

Mark Stinson – DEP

Lisa Sullivan-Warner, Library

Joan Godsey, Library Trustee

Chris Condit – Library Trustee

Hannah Paessel

Wayne Feiden – Project Manager

Lori Stowell Smith

Mark Stowell

Eva Gibavic

Steve Weiss

Peter Stuberovskis

Erik Stuberovskis

Phil Ciccarelli (attorney for Stuberovskis)

Carol Hillman

Daniel Hankinson

Denzel Hankinson

John Hillman – Board of Health (via Zoom)

Public Hearing/Public Meeting

- RDA - Leverett Library (Hannah Paessel and Trustees Joan Godsey & Chris Condit) – will use black locust wood (does not need to be treated with chemicals); hand installation to minimize heavy equipment; boardwalk will be over isolated wetland based on Ward Smith's delineation; a small culvert on the SW corner was installed after library construction for flushing heat pump system, but this system is not used anymore – culvert is just a relic; this is not a BVW according to delineation; this is not a pond – no standing water most of the time; Ward's letter recommended NOI be filed; shrub wetland has lots of invasives; would like to remove invasives as part of the work; helical screw footings will virtually eliminate any fill of wetlands; Mark Stinson suggested Neg 2

determination (de minimis impact); boardwalk will start at least 10 feet away from and at least 1 foot above the high water mark;

Discussion: Jono would prefer that the boardwalk not be in the wetland at all; Joan thinks the plan makes an effort to stay to the edge of the wetland. David makes motion to approve w/ Neg 2 Determination; Joan 2nd; Seth & Julia in favor; Jono abstains

- RDA –Rattlesnake Gutter Road Restoration & Improvement Project (Eva Gibavic & Steve Weiss) Road was built 108 years ago; was vehicular road until portion collapsed; has since become a major recreational area; rain/flood event in July 2023 caused severe damage; road was officially discontinued and is now “town land”; engineers and highway department agree that ditches and culverts need to be cleared out; add new ditches and culverts; add rolling grade dips to help funnel water into drainage system; rebuild section of retaining wall that is collapsed; make it possible for emergency vehicles to pass if needed; applicants say the only time there is water on the land is during precipitation events or snow melt runoff; Eva says MassMapper is incorrect; presence of rare species habitat upstream still requires MESA filing (work w/ Matt at Natural Heritage) even if full NOI is not required; Eva will move forward with Endangered Species consultation;

Discussion: Mark Stinson stated (via email) this clearly needs a full NOI. David makes a motion to Neg 4 Determination (not applicable); Seth 2nd; Joan and Julia concur; Jono abstains

- Review new septic plan for 112 Shutesbury Road (Pete, Phil, John) - ConCom rejected previous plan by previous owner; new plan submitted by new owners was not satisfactory due to high expense; there is now a 3rd plan presented tonight for preliminary discussion; Chris Stoddard (engineer) not present at meeting; John (BOH) says current system is failed; BOH required redesign of leach field; inspection was “conditionally” passed in 2020;
Summary of changes – has been changed to gravity-fed system; leach field is now in front of house and is strong enough to handle driveway traffic; want to avoid expense of mounded pumping system;

Discussion: David recuses himself because he is an immediate abutter to the applicant; Confusion of who approves it first...

Mark Stinson says BOH should have approved first - prior to coming to ConCom since it's less than 50 feet between the edge of the leach field and the nearest wetland; for a replacement system, the ConCom can approve the septic design if its > 50 feet from the edge of the wetland;

John (BOH) will take plans to Health Agent for review & approval; authority to approve a system this close to a wetland lies with the BOH; landowner should still file RDA or NOI so there is a record of the proposed work and the ConCom can set conditions on erosion and sedimentation control;

Action Items for Stuberovskis: Seek Board of Health approval first. Then, file a Notice of Intent since it will impact the resource area. ConCom will need to do site visit; will likely approve as-is or with conditions at the public hearing.

David returned to the meeting.

Possible infringement on Ruth McIntire C.A. from the behind 41, 43, 47 Depot Rd
ConCom will schedule site visit; Hankinsons would like to be kept informed of outcome.

Joan asked Mark Stinson question regarding invalid Order of Conditions. Estate (seller) will need to have new Title 5 Inspection.

Review and approval of Minutes

- 08 Jul 2024 – David makes motion to approve; Julia second; Jono abstains
- 19 Aug 2024 - David makes motion to approve; Julia second; Seth abstains; all in favor

Administrative Matters

- Choose LCC representative(s) to attend “Unpaved Roads Toolkit” workshop on 9/24 @ 7-8PM (FRCOG) – nobody available; Joan will email invitation to Matt from Hwy Department in case he is able to attend.
- Reviewed 3 applications (Yeager; Kelly; Myles); Yeager is most qualified and was interviewed her prior to tonight’s meeting. David makes motion to send Isabella’s name to the select board; Seth 2nd; all in favor.

Julia will send referral to Select Board to get this on their agenda for 9/24; then email Isabella the formal offer after confirming compensation details with Margie.

- Recruitment of new Commission members. 3-year terms ending soon for 3 of 5 Commissioners. LCC will go to Select Board to brainstorm ways to restock to full Commission. Jono will not last until 2026 term; Joan’s not sure if she wants to renew; recommends post on Leverett Connects and Town website
- Seth a bit concerned about new trail construction at FONLS; recommends ConCom does site visit to review work that has been done thus far.
- Joan recommends re-seeding where beaver dam was scraped clean, but it was previously agreed that it would be allowed to revegetate naturally; flow devise may be available from Shutesbury
- David has large amount of cash to deposit from blueberry patch.

Schedule date for October meeting: 10/7

Julia made motion to adjourn meeting; David second; all in favor

End Time 9:02 PM