

Town of Leverett Conservation Commission Meeting Minutes: Feb 3, 2025

Attendance

Joan Deely, acting Chair

Seth Heminway, voting member

Julia Firl, voting member

David Powicki, voting member

Isabella Yeager, Conservation Agent

Eva Gibavic & Steve Weiss (Rattlesnake Gutter RDA applicants)

Samuel Black (FONLS NOI updates)

Marc Levasseur, Project Engineer, Foresight Land Services (FONLS NOI updates)

Mark Stinson, DEP

Meeting preliminaries

Meeting opens at 7:03pm. Attendance is taken.

1. Public inquiries: none

2. New business

a. RDA, Rattlesnake Gutter Restoration & Improvement Project

- i. The applicants have returned for a second hearing of their RDA due to the DOA permit not having been filed with DEP during the 21-day period following the September 2024 hearing. There is debate between the board and Mark Stinson regarding whether the negative 4 determination given in September was the appropriate one. Mark Stinson argues that because the area is a mapped intermittent stream, the applicants and/or the Commission must prove via site analysis that the work site is not a resource area in order to issue a negative determination. Seth and David assert that their recent visits to the site have confirmed the board's assessment of the area as not containing a protected intermittent stream due to its lack of hydrological connection to the wetland upgradient, which is separated by a berm from any flow in Rattlesnake Gutter. Julia adds that there would likely be a net gain for stream health through the reduction of erosion the project aims to accomplish. Mark accepts this assessment.

The board will vote on part C1c of the RDA, but not on C1a, which was selected in the RDA but is not applicable.

Joan makes a motion to issue a negative 4 determination. David seconds. Julia abstains. The motion passes.

b. FONLS NOI: project amendments

- i. Sam Black and the FONLS Heritage Park & Nature Trail project engineer Marc LeVasseur address the Commission (Marc has to leave to attend the Board of Health meeting upstairs). The larger changes to the project previously proposed by the design firm have been walked back in part to avoid a new NOI, and only minor changes are being proposed now for consideration under the same NOI and OOC; i.e., to be deemed *de minimis*. It is proposed that the ADA-accessible viewing platform be moved northward for more direct access to the parking lot, which then being further from the river buffer will decrease impact on the resource area. The parking lot will not be expanded.

Seth makes a motion to approve minor modifications to the plan as *de minimis* and not requiring a new NOI or an updated OOC. Julia seconds. The motion passes unanimously.

3. Other business

a. Conservation Agent's Report

- i. They discuss the steps needed for the potential installation of a flow control device in the beaver pond abutting 42 Shutesbury Rd in April 2025. Bella will reach out to Matt Boucher to inquire about any plans to replace the culvert there, which could impact the functionality of the flow control device. They discuss the possibility of a temporary FCD in the interim if a culvert replacement is planned. Bella will reach out to abutters east of the beaver pond to inform them of the potential FCD installation. It is discussed that a DOA or NOI for the flow control device was already issued in 2024; Bella will investigate.
- ii. They discuss whether there are any outstanding action items for the ConCom regarding 112 Shutesbury Rd. The board agrees that it has done everything it can do for now, with the last action having been the request for an updated NOI reflecting the most recent septic upgrade design. Bella will discuss with BOH to make sure everyone is on the same page.
- iii. Bella raises the issue of rodenticide killing raptors, having attended a training session for Conservation professionals with MSMCP and Audubon Society. She asks whether the ConCom would like to take local action to raise awareness about these risks and Seth suggests she contact Julie Collier, a regional raptor rehabilitator. They agree it would be great to feature this issue in the next Leverett newsletter, alongside other spotlight conservation issues like handling beaver conflicts.
- iv. Seth mentions that he will be visiting Jim Hicks's property to discuss donation of land at 88 Jackson Hill Rd to the Town. Julia suggests they run title work on the property and ask Margie to speak to Town Counsel about best practices for a land donation. She points out that if the landowners are looking for a tax break for the donated land, the Town would need an appraisal of the property, which the Town or ConCom

could pay for. It is discussed that possibly the Town could own the land, but Rattlesnake Gutter Trust could hold a CR. They note the appeal of it being contiguous with other conserved land.

4. Administrative matters

- a. The ConCom endorses the buying of a new chair for the office and paying for a gmail storage upgrade. They discuss the need to retrieve the gmail password so it can be reset.
- b. Approval of the minutes: 1/6/25
 - i. Julia wishes to make a small addition to the minutes she submitted; they will be held until the March meeting for approval.

Julia makes a motion to adjourn. Seth seconds. The motion passes unanimously.

Meeting adjourned at 8:18pm.

Next meeting: 3/3/25.

Minutes submitted by: Isabella Yeager

Approved on: 3/3/25