

## Mon August 7, 2023 - Leverett Conservation Commission meeting Minutes

### In Attendance:

Julia Firl, Voting member  
Seth Heminway, Voting member  
Joan Deely, Voting member  
Gail Berrigan, Voting member – joined @ 7:13PM  
Jono Neiger, Voting member - joined @ 8:11 PM

Melissa Coady – contractor hired by Eversource  
Mitch Mulholland  
Bridget Likely – Kestrel land Trust  
Bob Dolan  
Sarena Neyman  
Tom Hankinson  
Whitney Retallic  
David Askewd (Eversource)  
Tanya Cushman

**Meeting Start Time:** 7:05

### Agenda:

1. Attendance
2. Review & Approval of Minutes from July 17<sup>th</sup> meeting – not ready for review; put off until next meeting
3. Public Hearing/Public Meeting
  - 184 North Leverett Rd. – washout remediation (Bob Dolan):  
Problem: Sunday 3 weeks ago, heavy morning rain washed out portion of Eversource's access road; truckloads of gravel carved channel through forest (over intermittent stream); filled larger stream channel; happened to a smaller degree a few years ago; neighbor Steve Choat's property also damaged; channel cut in ~ 3 feet; area will be hard to access w/ heavy equipment; there was no structural damage to poles;  
  
Solution: Eversource has been responsive and cooperative; 3 concerns: 1) stabilize what's still in place 2) rebuild in a more stable road, 3) restore stream; removal of debris will have to be done by hand; Eversource visited a few days ago and agreed to do work by hand if necessary; Stabilize road 1<sup>st</sup> (they need access to transmission line), then begin remediating stream damage. Joan/Mark Stinson suggested submitting RDA; Eversource plans to move ahead w/ full NOI and site plan; new design will include more

water bars; full restoration plan will be done under guidance of environmental and permitting specialists; delineation scheduled to happen this week; tentatively plan to have NOI ready for September meeting

Follow ups: internal efforts to improve design standards and “storm harden” ROWs, but no direction yet from state or federal government on stormwater BMPs; Joan will be POC for this project; Bob will want for advice from ConCom for planting plan, etc;

- Whitney Retallic Accessory Dwelling Unit:

Background Info: Ms. Retallic purchased 7 Dudleyville Rd. ~ 3 years ago w/ plan to replace old building w/ something new; has been working w/ “Backyard ADUs” to develop site plan; plan would be for ADU to actually be the primary/only dwelling on the property; owners prefer the environmental consciousness of minimal footprint and impact on land; current plan reduces footprint of structure, moving ~ 10 feet further away from the stream; owners will complete permitting process, but then sell the property... construction is just too expensive since COVID;

Action Needed: owners have OOC from Planning Board that expires this fall; plan has evolved and now a new OOC is required (sent to LCC email); ConCom approval is final step before construction can commence because stream runs through property; not sure what process/form LCC will follow to approve; Commission members will review new OOC from Planning Board and make a recommendation to Ms. Retallic at next meeting; invite Tim Riley from Backyard ADUs to next meeting (technical expertise);

- 223 Long Plain Rd. (Andre Melcuk) and 17 Dudleyville Rd. (Neil Bannon) building permit sign-offs requested – ConCom needs to sign; Joan will get back to commissioners with details via email; FRCOG may be able to help us sign/approve electronically; otherwise, Joan will prepare documents and leave them in the ConCom mailbox at Town Hall for commissioners to sign;
- 15 Cider Mill Rd. follow-ups (Tanya Cushman) – OOC due by 8/8 (21 days following public hearing on 7/17); Julia will draft and finalize OOC this week and route for signatures; Ms. Cushman’s contractor won’t start without OOC from LCC; include standard language from DEP and see examples from Joan  
Q1: Ms. Cushman asked about the need to add silt fence at the top of septic mound; Seth doesn’t think a silt fence at the top of the septic mound is necessary, neither does Joan; okay to eliminate this from the site plan

Q2: Ms. Cushman asked if/how drainage line from sump pump needs to be addressed by the ConCom; commissioners agreed that amount of water from sump pump line will be minimal and recommended no further action needed unless high flow or erosion becomes an issue in the future; okay to proceed with site plan without additional consideration for basement drain line

Q3: Ms. Cushman is concerned about invasive plants and large buckthorns and wants to remove them; Gail suggested Ms. Cushman email the LCC when she decides how she would like to remove the invasives (no herbicides, baggies, etc.) and that will serve as a record that the LCC was notified of plan to remove invasives which is generally allowable and encouraged

- Lot 68 for sale (Robin Richards-Quineros) – Robin sent email to ConCom asking for advice on if the parcel for sale contains aquifer points; Joan shared map generated from MassMapper that shows wetlands and circles representing aquifer points, but will advise Ms. Richards-Quineros that a professional wetlands delineation will need to be performed to confirm all resource areas on the parcel; realtor for the parcel (Courtney Brown) informed Julia this morning that the property is under contract contingent upon a wetland delineation and determination of an acceptable building site
- New England Power Company – sent notification letter that National Grid will be conducting geotechnical work (seismic refraction and ground-penetrating radar) on the E5/F6 transmission line ROW; the work will not involve ground disturbance, but mowing of vegetation around tower footings may be needed; ConCom had no concerns and no action is necessary
- Friends of Leverett Pond (Mitch Mulholland) – Amendment to OOC for FLP to allow on-site refueling of Eco Harvester; ConCom approved amendment language during meeting (Gail editing in real time) to allow onsite refueling if no-spill cans and spillmats are used; Seth motion to approve, Joan second, all in favor.

Mr. Mulholland provided follow up information from June survey, new data from his July survey, and reported proposed dates for Eco Harvester work is Aug 23-25, 2023; shared confirmation from Mass Wildlife's Natural Heritage & Endangered Species Program that reports of endangered plants are inconclusive and that since the Eco Harvester will not treat the north end of the pond, there is no concern with the proposed work; Mitch volunteered to post dates of Eco Harvester at Town Hall;

- Lake Wyola Dam / Sawmill Brook discussion - Miriam DeFant from Shutesbury ConCom contacted Leverett ConCom about very low water levels on Lake Wyola; changes to

water level management practices are under consideration due to climate changes and recent impacts from construction on Locks Pond Rd; Sawmill Brook in Leverett may be impacted and Miriam suggested LCC look at stream flow regulations so that Leverett's portion of the stream is protected; towns need to coordinate to set minimum stream flow requirements; Jono will try to attend Shutesbury's CC meeting this Thursday; suggested Mark Stinson be contacted for advise

- Dudleyville Pond Dam (owned by Lois Brown) – LCC was contacted by Conservation Agent from Amherst (Erin Jacque) regarding an application for funds to remove the dam; the project site is physically in Shutesbury, but the impacts of a dam failure would negatively impact Leverett; Erin inquiring if LCC could submit the RFR on Lois's behalf; applications must be submitted by the Town; the project is in Shutesbury and the Leverett Selectboard does not meet until after the 8/11 deadline; commissioners did not have enough notice or information to make a decision at this time
- Depot Rd. (Bridget Likely, Kestrel Land Trust) – Heronemous CR update; Kestrel Land Trust drafted and affidavit to clarify the intent of use of funds; if approved, ConCom will need to "re-vote" at next meeting; time constraint has been removed in order to address the issue;

#### 4. Administrative Matters

- Hiring a Conservation Agent – the FRCOG is hosting a meeting tomorrow (8/8) @ 10am to discuss the hiring of a full time CA to be shared by municipalities in Franklin County. Julia, Gail, and/or Seth will try to attend

#### 5. Old Business

- 350 Shutesbury update – Seth visited site; straw wattles were installed, but Seth asked for more stakes to hold wattles in place; asked for more bales at bottom of slope under house & on hill where trenching will be done; brush will be added from cleared slope for additional erosion control;

#### 6. New Business (issues around town)

- (143 Montague Rd) Bill Nanratonis called ConCom regarding an excavator breaching a beaver dam on the neighboring property (141 Montague Rd) owned by Wendy Raskevitz, thus draining the pond on his property. Message was relayed on July 18<sup>th</sup>, but no commissioner has been able to do a site visit yet; Jono replied via email: Breaching a beaver dam can be allowed if it's an emergency and potentially flooding someone's house, basement, septic system, etc. But otherwise not ok. And also did they go into the wetlands with the excavator?
- Cave Hill Conservation Area trail flooding; beaver pond continues to rise and is now impacting the hiking trail; some kind of pond leveler may be needed in the future; that

bit of the trail might be a ROW over private land; LCC generally only deals with beaver if they are impacting wells or safety; Tanya said FLP had “beaver deceiver” installed for a few years so this could be precedent for controlling beaver impacts

7. Other items not anticipated as of the date of this notice:
  - Discussion on how to pay Cowles bill
8. Next meeting date(s) – Sep 18<sup>th</sup>; Joan unavailable that date, Jono might be unavailable; 4 commissioners needed for quorum
9. Adjourn - Julia made motion to adjourn, Seth 2<sup>nd</sup>, all in favor.

**Meeting End Time: 9:25**

Minutes recorded by Julia Firl, voting member.