Town of Shelburne

Conservation Commission

MINUTES

Regular Meeting June 5, 2012

Present: Norm Davenport, Tom Miner, Dave Thompson, Steve McCormick, Allan Smith

Applicant/Representative: James Logan, Virginia Logan

Larry Flaccus, Susan Flaccus

The regular monthly ConCom meeting was convened at 7:36 PM.

**Approval of Minutes**

The Minutes of the 5/8/2012 meetings were unanimously approved on a Motion by Norm, seconded by Steve.

**Mail/Announcements**

MACC news and certified mail receipt from Renee Parker (RDA for property for Lucy Fiske Road).

**Public Meetings on RDAs**

7:40 PM Logan RDA. A public meeting was convened on the RDA submitted by James Logan, 230 Wilson Graves Road, for maintenance of fire pond and installation of a dry hydrant. Logan presented original map of pond drawn by USDA in 1975 showing outline of area to be constructed. Original purpose of pond construction was as a fire pond as noted on the drawings. In its current state it needs to be dredged due to siltation over 45 years to be useful. Discussed concerns of Mark Stinson that a NOI would be required. Mark’s email indicated that in addition to the pond there is BVW and these together would be greater than 10,000 sq ft. However, our site visit indicated that current borders of pond are clearly artificial (flat embankment) that are currently mowed and are not BVW. This is confirmed by the original drawing that was submitted. The pond itself is ~7500 sq ft. Letter of support for repair and placement of dry hydrant from Shelburne Fire Chief John Taylor entered into record. The Commission unanimously approved a Negative 5, with order of conditions to include hay bales, with no work in upstream or downstream BVW, and spoils to go in area away from any impact of upstream or downstream BVW.

Meeting was adjourned at 8:30.

8:31 PM Flaccus RDA. A public meeting was convened on the RDA submitted by Larry and Susan Flaccus, 1394 Mohawk Trail Road, for farm pond maintenance. Their pond has silted in over the years, now current average depth is 1 ft. An increase to 4 ft would provide water for irrigation for expanded blueberry production that has replaced an existing apple orchard. Current ‘footprint’ of pond will not be altered. They are applying for a grant to include dam repair, water level control and dry hydrant. They would like us to approve dredging to improve their chances of obtaining the grant. Discussed need to do two RDA’s, one for dredging and one for dam repair. Unanimous approval of Negative 5 determination for the dredging, citing 310 CMR 10.04(Agriculture)(b)7.

Meeting was closed at 8:58.

9:00 PM Logan RDA. Discussed order of conditions for Logan Pond, including siltation and location of material.

Meeting was closed 9:08.

**Organizational Matters**

Expense reimbursement for Tom Miner. Payment of $12.55 in postage was approved.

Discussion of issuing emergency certificates Town DPW approached Norm for approval of emergency work. Tom indicated that Emergency Certification Form is easy and can be done by anyone. Steve brought up the concern that there is no plan for town DPW to do work in accordance with Wetlands Protection Act. Tom will contact Tom Cottrell for plan that may have been developed for Heath.

ConCom brochure. A draft brochure about the Commission – “who we are, what we do” – that Tom adopted from one he helped prepare in Conway was modified for Shelburne and presented. Concom members will give Tom feedback.

ConCom representative to Open Space Committee Norm has gone to several meetings, but is generally too busy to attend regularly. Although all were interested, most of us were too busy. Tom will attend next several meetings to get a flavor for what is all about.

Cancellation of July 3 meeting

Agreed to cancel July meeting due to the 4th of July holiday. A meeting will be scheduled at another date if hearing necessary.

**Old business**

Discussed work that had been done in intermittent stream on Perkins property, discussed possibility of issuing a cease and desist to Snow’s landscape. Other possibility is to write a certified letter. Discussed value of each approach and decided a letter was most appropriate. Allan will draft and bring for review at next meeting.

Building permit for Clark’s Corvair to install and 80 KW solar array that Tom was approached to sign. Concern that there are wetlands issues because there are ferns present. Tom will see if he can get a USDA soils specialist to take a quick look or find it on soil survey.

Norm was in contact with Ruth Davenport Smith regarding maintenance of dam on her property. Found that dam was made of refrigerator size boulders, filled with clay and mud. She has hired an engineer who is talking to state engineer, and they are devising a plan to upgrade or maintain.

The meeting was adjourned at 10:08 PM.

Prepared and submitted by: Stephen D. McCormick