Town of SHELBURNE

Conservation Commission

MINUTES

Regular Meeting ~ April 20, 2023

Present: Norm Davenport, Susan Berger, John Harrington, John Richardson, Steve McCormick

Absent: None

Administrative Assistant: Faye Whitney

Guests: John Maddocks, Alain Peteroy, Kiki Smith, Larry and Susan Flaccus, Mark Shippee

Chair Norm Davenport opened the meeting at 7:04 p.m. A quorum was present. The meeting was held via Zoom.

**Minutes**

A motion was made by Susan, seconded by John R, to approve the minutes of March 9.

 Voting in favor: Norm, John R, Susan, John H, Steve

 Opposed: None

 Abstentions: None

 Motion passed 5-0-0

**Mail**

A notice was received from Eversource, notifying the Commission of proposed herbicide spraying along the power line.

**RDA Meeting for Andrew Royer (contractor), 34 Water Street – 7:15 p.m.**

Landowner John Maddocks had previously received permission from the Commission to clear out knotweed and debris behind the house. Now work is being done on the house. An existing enclosed porch, on the river side of the house, is in poor condition. The plan is to remove the porch roof and turn it into an open deck. The existing porch is now supported by posts. The plan is to use just one Sonatube for the deck. An existing retaining wall would catch any debris. The wall is in pretty good shape but may eventually need repairs, but that is not a part of the present application. Site visits had been done by Susan and Norm.

A motion was made by Steve, seconded by John R, to approve the RDA application submitted by Andrew Royer with a Negative 2 determination with no conditions.

 Voting in favor: Norm, John R, Susan, John H, Steve

 Opposed: None

 Abstentions: None

 Motion passed 5-0-0

**Franklin Land Trust, Conservation Restrictions – 7:30 p.m.**

Alain Peteroy, Franklin Land Trust Conservation Director brought two conservation restrictions (CRs) to the Commission.

The first is Hitor, which is a gift from Kiki Smith to the FLT. A portion of the property had already been protected and the land trust is asking for a restriction on 45 acres. The property contains a sugarbush maintained and used by Norm, and wetlands which include the habitat of an endangered bird, The CR will allow forestry, agriculture and trails. The CR goes with the land and the parcel cannot be sub-divided. Alain was asking for a vote of support from the Commission and the signing of municipal certification. Steve said it was good to always be mindful of removing land from the tax rolls, but the CR will be valued at the existing Chapter 61 rate. He also mentioned that there is usually talk of public access, but it rarely happens. Kiki Smith, said her late husband Charlie Cohn, loved the land and was very concerned that this former farm not be developed and instead be kept in agricultural use. A motion was made by Susan, seconded by John R, to support the Hitor Conservation Restriction and sign the municipal certificate.

 Voting in favor: John R, Susie, John H, Steve

 Opposed: None

 Abstentions: Norm

 Motion passed 4-0-1

The second CR was for Kenburn Orchards Farm. Owners Larry and Susan Flaccus were conveying the CR to FLT. It was almost a donation, but a small grant was given. A five-acre building envelope will be held out but the rest of the more or less 146-acre parcel will have a CR. The property is primarily forested, Allen Brook runs through it. The property has been in the family since 1924 and has been in Chapter for 20 + years. The CR would protect the stream, and allow for agriculture and forestry A motion was made by John R, seconded by Steve, to support the Conservation Restriction for Kenburn Orchards Farm and sign the municipal certificate.

 Voting in favor: John R, Susie, John H, Steve, Norm

 Opposed: None

 Abstentions: None

 Motion passed 5-0-0

John R left the meeting at 7:57 p.m.

**Mark Shippee, repaving Old Greenfield Road & bundled NOIs – 7:45 p.m.**

Mark plans to do a repaving project on Old Greenfield Road. He hopes to secure a MassWorks grant. The application for the grant requires a pre-application meeting with the Commission.

The work would include a full-depth reclamation from Route2 to the Greenfield town line. Old culverts would be replaced and upgraded to 15-inch plastic. The road will not be changed or widened. The DEP map shows that several streams could be affected, all are perennial. Stream crossing standards would need to be met. The grant application is due in June. No work would be done until next year. Mark would eventually file an RDA.

A discussion took place concerning the possible use of a bundled NOI by the Highway Department. The reason for having bundled NOIs is to get one document which would cover routine work on the roads. It would not include new construction. The document from the town of Monterey seems like a good one to use as a template. It was decided that Faye, with help from Steve, would rewrite the Monterey document making it applicable to Shelburne.

**New Business**

None

**Old Business**

None

The next meeting will be May 11.

At 8:21 p.m. Susan, seconded by John H, made a motion to adjourn the meeting. Roll call vote: Norm – yes; Susan – yes; Steve – yes; John H – yes. Motion passed 4-0-0.

Respectfully submitted,

Faye Whitney, Administrative Assistant