Town of SHELBURNE

Conservation Commission

MINUTES

Regular Meeting ~ September 14, 2023

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

Absent: Steve McCormick,

Administrative Assistant: Faye Whitney

Guests: Kate Conlin, Ed Whitaker, Tom Lautzenheiser, Matt Valliere, Greg Coppola, Meredith Borenstein, Rick LaPierre

Chair Norm Davenport opened the meeting at 7:02 p.m. A quorum was present. The meeting was held via Zoom.

**Minutes**

A motion was made by Susan, seconded by John H, to approve the minutes of August 10. Roll call vote: Norm – yes; Susan – yes; John R – yes; John H – yes. Motion passed 4-0-0.

**ZBA Notices**

A notice of a Special Permit for a cannabis retail operation, located next to the Posada restaurant had been received. Since there will be no outward changes to the building, the Commission had no objections to the permit.

**Building Permits**

A building permit for Matt Popoli was approved. The building had already been constructed. The Commission was taking Mr. Popoli’s word that there was no digging or foundation work involved. It was decided that in the future, any site visits should be done by at least two Commissioners. John H asked the Commission was involved in building permits. John H and Susan will undertake a review of Conservation Commission authority regarding building permits.

**Organizational Matters**

Due to a change in Faye’s schedule the Commission could go back to meeting on Tuesdays. Everyone is agreeable to that idea.

Marc Kaufman, who previously had an approved RDA for a deck, would like to expand the size of the deck. Rather than make him wait for the next regular meeting, it was decided to hold a brief, one topic, meeting on September 21.

**7:15 p.m. – Kate Conlin, New England Forestry Foundation**

The foundation has grant money for riparian restoration. An identified site for such work is near Buckland-Shelburne School. Part of the property is owned by the school and the other part is owned by the town. Both the Selectboard and School Committee have approved the plan to plant trees on the site. It is expected that about 50 trees, that are appropriate for the conditions, will be planted. The site has a lot of erosion and also a lot of invasives. It was recommended that the bittersweet be mowed on a regular basis. The Commission thought this was a great idea. As the grants are awarded annually, it was mentioned that perhaps something could be done in the future about the knotweed along the Deerfield River. A motion was made by John R, seconded by Susan, to endorse the riparian tree planting plan for BSE as presented on September 14, 2023. Roll call vote: Norm – yes; John R – yes; Susan – yes; John H – yes. Motion passed 4-0-0.

**7:30 p.m. – RDA Meeting, Ed Whitaker, Old Greenfield Road**

Ed was asking for an approval for the installation of a septic system. A retaining wall, which is part of the septic installation, is within 50 feet of a small pond on the property. The pond is man-made, fed by groundwater, and is too small to be jurisdictional. A motion was made by John H, seconded by Susan, to approve the RDA as submitted by Ed Whitaker with a Negative 1 determination as the area described is not subject to protection under the Wetlands Protection Act. Roll call vote: Norm – yes; John R – yes; Susan – yes; John H – yes. Motion passed 4-0-0.

**7:50 p.m. – RDA Meeting, Mass Audubon, off Patten Road**

An RDA had been submitted for the replacement of a culvert at the High Ledges Audubon Sanctuary. Both the inlet and outlet of the current culvert are now above the water level of the stream. The existing culvert became clogged. The water then flowed over the road and created a large gully. The plan is to enlarge the culvert, re-gravel the road, and crown it up a bit. The stream involved is intermittent. The only traffic on the road is from the caretaker, the rest is foot traffic. The road is closed in the winter. A motion was made by Susan, seconded by John R, to approve the RDA application with the following condition - work must be done while the stream is not flowing. Roll call vote: Norm – yes; John R – yes; Susan – yes; John H – yes. Motion passed 4-0-0.

**8:10 p.m. – RDA Meeting, PV Squared Solar, Colrain-Shelburne Road**

Matt Valliere of PV Squared explained that a 22-kw ground mount solar array is planned for property owned by the Vipassana Meditation Center, to offset the energy used by the center. The project size had been reduced due to the presence of wetlands and is now completely outside of the river buffer zone and the resource area. There will be no specific tree clearing, just some trimming. This will be a pile-driven system, with the only soil disturbance being the posts and trenching between the arrays. Access to the property will be from the south side, away from the resource area. Meredith Borenstein, a wetlands scientist, flagged the site in July. A motion was made by Susan, seconded by John H, to approve the RDA application as submitted by PV Squared with a Negative 1 determination as the area is not subject to protection under the Wetlands Protection Act. Roll call vote: Norm – yes; John R – yes; Susan – yes; John H – yes. Motion passed 4-0-0.

**New Business**

**Filing Fee**

As the cost of advertising continues to rise, a motion was made by John R, seconded by Susan, to raise the cost of the filing fees to $150. Roll call vote: Norm – yes; John R – yes; Susan – yes; John H – yes. Motion passed 4-0-0.

**Old Business** None

The next meeting will be September 21.

At 8:32 p.m. John R, seconded by Susan, made a motion to adjourn the meeting. Roll call vote: Norm – yes; John R – yes; Susan – yes; John H – yes. Motion passed 4-0-0.

Respectfully submitted,

Faye Whitney, Administrative Assistant