Town of SHELBURNE

Conservation Commission

MINUTES

Regular Meeting ~ September 24, 2024

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

Absent: Steve McCormick

Administrative Assistant: Faye Whitney

Guests: Connie Clarke, Rick LaPierre, Mark Stinson, Joan LaPierre, Cynthia Boettner. Jeff Johnston, Jim Perry, Cindy Snow, Brian Colleran, Larry Flaccus, Ann McBride

Chair Norm Davenport opened the meeting at 7:03 p.m. A quorum was present. The meeting was held via Zoom.

**Mail**

The Deerfield River Watershed Association was looking for someone to represent Shelburne on a Deerfield Wild and Scenic River Committee. No one from the Commission wanted to take this on.

An NOI for New England Power will be discussed at the next meeting. John H felt he did not understand the NOI as presented. Norm explained that a representative of the power company always gives a presentation and answers any questions.

**7:10 p.m. – RDA Meeting for Shelburne Highway Department, Old Greenfield Road and 7:25 p.m. RDA Meeting for Ecological Land Management, Old Greenfield Road.**

As these RDAs both concerned the same areas, they were discussed together.

Highway Superintendent Jeff Johnson filed two RDAs for locations on Old Greenfield Road for properties owned by Connie Cark and Camille Cosby. Ecological Land Management had also filed RDAs for the same two properties. Knotweed and other invasives have appeared in those locations as a result of fill deposited by the highway department to control erosion. Jeff had learned that Camille Cosby does not want herbicides used on her property. The only option for that property is now cover and smother. The areas with invasives are now well marked with red flags. Norm thought a heavy rain might wash off any herbicides and cover and smother could end up being the only option. Mark Stinson said some of the invasives were right next to wetlands and spraying would kill wetlands plants. Mark said it must be specified that work only occur in areas delineated by flags, not in any wetlands. Brian Colleran, principal of Ecological Land Management, who said he was a professional wetlands scientist as well as a certified herbicide applicator, said he thought in this situation it might be easier if all permits were denied and an enforcement order be issued. Mark totally disagreed with that idea. Brian thought covering the invasives could increase erosion and even cause the invasives o spread. He thought spraying would get results in two weeks, while cover and smother would show no results until spring. Discussion followed on whether dumping the fill was a violation. Connie Clarke said that while her preference was to not use herbicides, she was comforted by Brian’s expertise. She wanted to be sure the wetlands were safeguarded.

A motion was made by John H, seconded by John R, to approve the RDA application submitted by Ecological Land Management to use herbicides on Connie Clarke’s property on Old Greenfield Road, with a Negative 3 determination, and the condition that work be limited to areas of fill, roughly designated on the RDA, as it exists on September 24, 2024, and that no herbicides be used in the streams or bordering vegetative wetlands. Roll call vote: Norm – yes; Susan – yes; John R – yes; John H – yes. Motion passed 4-0-0.

A motion was made by John H, seconded by John R, to approve the RDA application submitted by the Shelburne Highway Department to use the cover and smother method on invasives on property owned by Connie Clarke on Old Greenfield Road, with the following conditions, the work must be limited to areas of fill as it exists on September 24, 2024, no work will be done in streams or in bordering vegetative wetlands, permeable filter fabric must be used, and sufficient erosion controls must be added to the site. Roll call vote: Norm – yes; Susan – yes; John R – yes; John H – yes. Motion passed 4-0-0.

A motion was made by John H, seconded by Susan, to approve the RDA application submitted by the Shelburne Highway Department to use the cover and smother method on invasives on property owned by Camille Cosby on Old Greenfield Road, with the following conditions, the work must be limited to areas of fill as it exists on September 24, 2024, no work will be done in streams or in bordering vegetative wetlands, permeable filter fabric must be used, and sufficient erosion controls must be added to the site. Roll call vote: Norm – yes; Susan – yes; John R – yes; John H – yes. Motion passed 4-0-0.

A motion was made by Susan, seconded by John H, to approve the RDA application submitted by Ecological Land Management to use herbicides on Camille Cosby’s property on Old Greenfield Road, with a Negative 3 determination, and the condition that work be limited to areas of fill, roughly designated on the RDA, as it exists on September 24, 2024, and that no herbicides be used in the streams or bordering vegetative wetlands. Roll call vote: Norm – yes; Susan – yes; John R – yes; John H – yes. Motion passed 4-0-0.

John R left the meeting at 8:19 p.m.

Cynthia Boettner said she had learned from the Department of Agricultural Resources, that a waiver would be needed to spray since the town has no vegetation plan. The waiver requires a wetlands determination be submitted to the Department of Agricultural Resources. Mark said he had never heard of this and said the area in question was not agricultural land. Cynthia Boettner said the Department of Agricultural Resources will have someone on site during the spraying and will stop it, if violations occur. It was left to Brian to figure this out.

Susan left the meeting at 8:30 p.m. As there was no longer a quorum, the meeting was declared to be over.

Respectfully submitted,

Faye Whitney, Administrative Assistant