Town of SHELBURNE

Conservation Commission

MINUTES

Regular Meeting ~ September 12, 2017

Present: Norman Davenport, Ellen Jenkins, John Richardson

Absent: Allan Smith, Steve McCormick

Administrative Assistant: Faye Whitney

Guests: John Taylor, Gary Root, Mark Stinson

Chairman Norm Davenport convened the meeting at 7:40 p.m. A quorum was present.

**Approval of Minutes**

Ellen, seconded by John, made a motion to approve the minutes of August 8.

Voting to approve: Norm, Ellen, John

 Opposed: None

 Abstaining: None

**Old Business**

None

**New Business**

Changes to Beaver Control Law

The Board of Health had indicated that changes had been made to this law. That is not the case. The law says that if the Board of Health deems beaver activity to be a threat to public safety, they can declare an emergency and issue a permit to trap the beavers. Once the Board of Health has declared the emergency, the Con Com can react and also issue emergency orders.

**Organizational Matters**

Faye will soon start to file items electronically on the shared Town Hall computer.

**Building Permits/ZBA Reports/Forest Cutting Plans**

Several building permits had been approved online.

**NOI Hearing – Gould Fire Pond**

The public hearing was opened at 8 pm. A Notice of Intent had been filed by John Taylor for the Shelburne Fire District, to clean silt and mud build-up from an established fire pond. The project site is shown on Town of Shelburne Assessor’s map 11, lot 17. The work proposed may occur within or adjacent to a Protected Wetland Resource Area. John Taylor had proof that all abutters had been duly notified. Thirteen years ago, the Gould Fire Pond had been created and a dry hydrant installed. Since that time the pond had not been cleaned and silt had been building up. Run off from the road has sent sediment into the pond. The hydrant is still working and has been flushed and tested annually. The silting does not yet reach the inlet to the hydrant. The work on the pond was not expected to start until after foliage season. If more than 100 cubic yards of silt is to be removed a 401 Water Quality Form is needed. John Taylor explained that the entire pond was not being cleaned, and that the amount of material to be removed was approximately 65 cubic yards. Mark Stinson said it would be OK to work in the dry (from the shore) but not in the pond itself. He also said that if the work was done outside of the dry season (July 1 to Sept. 30) a Reconstruction Notification Form would need to be filed with the Army Corp of Engineers. The applicant decided to try and get the work done before September 30. Mr. Stinson suggested issuing a five-year order of conditions for the work, then an extension of up to three more years could be given.

A motion was made by John, seconded by Norm, to close the hearing at 8:38 p.m.

Voting to approve: Norm, John, Ellen

 Opposed: None

 Abstaining: None

A motion was made by John, seconded by Ellen, to approve the permit for the Gould Fire Pond subject to the following conditions: 1) Project will stay within parameters of work as set forth in NOI application. 2) No more than 99 cubic yards of sediment will be dredged/removed from the pond. 3) Dredged/removed material will be stored on site until dry enough to be transported and will be located in such a way that runoff will not return to the resource area and/or be legally disposed of.

Voting to approve: Norm, John, Ellen

 Opposed: None

 Abstaining: None

**RDA Meeting – Eversource**

Guests – Melissa Cote, Tighe and Bond; Tom Degman, Eversource

It was noted that the fee for the RDA meeting had been received. Melissa explained that FERC had recommended that the area within the power line right of way be cleared to prevent trees from falling on the lines. The area would include up to 100 feet from the outermost lines or the limit of the right of way. Work is to take place in the vicinity of Taylor and Hawks Roads. Some of the work would be in wetlands that border intermittent streams. Abutters may retain the wood that will be cut or it will be removed or chipped on site. A motion was made by John, seconded by Ellen, to approve the RDA for Eversource with a Negative Determination 3 subject to the following conditions: 1) The Con Com will be given 48-hour preconstruction notification by phone and email; and 2) any disturbed areas in the buffer zones will be stabilized.

Voting to approve: Norm, John, Ellen

 Opposed: None

 Abstaining: None

**NOI Hearing – Root Fire Pond**

The public hearing was opened at 9:09 p.m. A Notice of Intent had been filed by John Taylor for the Shelburne Fire District, to clean accumulated silt and sediment from an established pond and to install a fire hydrant. The project site is shown on Town of Shelburne Assessor’s map 23, lot 15. The work proposed may occur within or adjacent to a Protected Wetland Resource Area. John Taylor explained that to have a useful fire pond 40,000 gallons of water are needed. He said less than 100 cubic yards of silt and sediment would be removed. The plan was to drain the pond and let the sediment dry, or leave it on site until it was dry. A contractor was ready to go and the work would be completed by September 30. It was understood that the Route 2/Colrain Shelburne Road Project mitigation area would not be disturbed.

A motion was made by John, seconded by Ellen, to close the hearing at 9:25 p.m.

Voting to approve: Norm, John, Ellen

 Opposed: None

 Abstaining: None

A motion was made by John, seconded by Ellen, to approve the permit for the Root Fire Pond subject to the following conditions: 1) Project will stay within parameters of work as set forth in NOI application. 2) No more than 99 cubic yards of sediment will be dredged/removed from the pond. 3) Dredged/removed material will be stored on site until dry enough to transport and will be located in such a way that runoff will not return to the resource area and/or be legally disposed of.

Voting to approve: Norm, John, Ellen

 Opposed: None

 Abstaining: None

The next meeting will be on October 10.

At 9:30 p.m. John, seconded by Ellen, made a motion to adjourn the meeting. The vote in favor was unanimous.

Respectfully submitted,

Faye Whitney

Administrative Assistant