Town of SHELBURNE

Conservation Commission

MINUTES

Regular Meeting ~ May 11, 2021

Present: John Richardson, Steve McCormick, Ellen Jenkins, Norm Davenport

Absent: Allan Smith

Administrative Assistant: Faye Whitney

Guests: Mark Stinson, Susan Berger, Lara Radysh, Richard Stafursky, Mark Shippee

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 Steve, seconded by Ellen, to approve the minutes of April 1, 2021. Roll call vote: Norm – yes; John – yes; Ellen – yes: Steve – yes. Motion passed 4-0-0.

**Old Business**

**Tree Cutting Along Stream**

The owner of the property in question is Foxbard Farm. There has been a problem with the stream for many years involving a sharp turn of the stream and a bridge. There has been some flooding on Bardwells Ferry and South Shelburne Roads. The trees are right on the stream bank. The highway department is aware of the problem. Mark Stinson said an enforcement order could be issued to require restoration. A site visit was scheduled for 10 a.m. on Saturday, May 15.

**RDA Meeting – Pan Am Railways, railway rights of way – 7:15 p.m.**

The applicant was requesting verification of wetland boundaries only. Maps, provided by the applicant were studied and it was found that noting has changed. A motion was made by Steve, seconded by Ellen, to approve the RDA request with a Positive 2A determination. Roll call vote: Norm – yes; John – yes; Ellen – yes: Steve – yes. Motion passed 4-0-0.

**Organizational Matters**

Building permits were for a deck on a house on Center Road, and for an above-ground pool at 440 Mohawk Trail.

There was no mail.

Faye remined everyone that they all needed to take the state ethics exam before the end of June.

**New Business**

Susan Berger has moved to a Main Street property adjacent to the Deerfield River. She asked about removing invasives, and future landscaping on the river bank. Mark Stinson said she could maintain the landscaped area of the property but areas not presently landscaped would need an RDA. Anything within 200 feet of the river is jurisdictional. The river bank cannot be modified and the slope must not be destabilized.

Jen Hale was issued an NOI in 2018 and is concerned that it will expire before the work is done. Her 2018 plan involved a new garage that would face the nearby river. She now plans to change the angle of the garage. The entire property is within 200 feet of Shingle Brook. Mark Stinson said that Jen should make a request to amend the Order of Conditions, then put it on the agenda for the next meeting. He added that technically, the NOI expires in June but the pandemic has caused the executive order to be extended until the emergency is over. The change in plan is an improvement over what was previously approved. A motion was made by Steve, seconded by John, to approve three extension of the NOI for Jen Hale for three years. Roll call vote: Norm – yes; John – yes; Ellen – yes: Steve – yes. Motion passed 4-0-0.

Andrew Quient, whose project had been approved earlier in the year, has changed his plans and his neighbor, Tom Johnson, is concerned with snow melt causing erosion. The new plan places the proposed parking area further from the wetland. If the driveway is not in the buffer zone the Con Com has no jurisdiction. The Zoning Board had asked the Con Com for approval of the revised plan. Steve will write the Con Com’s thoughts on the matter for the ZBA.

John left the meeting at 8:14 p.m.

Craig Manning is concerned about a beaver dam near his driveway. The beavers have been removed.

Highway Superintendent Mark Shippee plans to resurface five roads. There will be no culvert replacements, no digging, and all work will be done within the road bed. Mark Stinson said this is a reason why the town should have a bundled Notice of Intent for the Highway Department. He will send examples.

The next meeting will be June 8.

At 8:30 p.m. Steve, seconded by Ellen, made a motion to adjourn the meeting. Roll call vote: Norm – yes; Ellen – yes; Steve – yes. Motion passed 3-0-0

Respectfully submitted,

Faye Whitney

Administrative Assistant

**Document List**

Meeting minutes of April 13

RDA application from Pan Am Railways

Email from Susie Berger

Form 7 from Jen Hale – Extension Permit for OOC

Email from Tom Johnson

New plans “Plan D” from Andrew Quient

List of roads to resurface from Mark Shippee