

**Conway Conservation Commission Minutes**  
**May 9, 2023, 6 p.m.**  
**Town Hall, General Purpose Room, 5 Academy Hill Road**

**Present for the Conservation Commission:** Grace Larson, Chair; Mary Kay Costello, Brittany Nickerson, Tony Somers

**Others Present:** James Matus, Lee Whitcomb, Russ French, Roxanne Parent, Board of Assessors; Jesse Williams, Janet Chayes, Aimee Anderson, Open Space Committee; Josh Surette, Eversource; Louise Beckett, Assistant to the Conservation Commission

Grace convened the meeting at 6:00 p.m.

*Approval of Minutes of April 25, 2023*

Tabled as the minutes were not distributed prior to the meeting

*Financial*

- Invoices - None
- As Received - check received from Jesse Williams. On a motion from Grace to accept the check for processing, Brittany seconded, all said aye and the vote was unanimous in favor.

*Housing/Building Permits/Site Visits*

- Site Visit – 00 Whately Rd – J. Matus
- Site Visit – 00 Thompson Rd – J. Williams – new Driveway
- Site Visit – Nexamp driveway, level spreader, erosion issues

*Forest Cutting Plans*

None

*Mail/Announcements*

- South River Invasive Plant Management – Garlic Grass – approved
- Wendy Stayman – RDA extension for Knotweed removal – If removal goes past RDA 3 year limit a new RDA would be necessary. There are no extensions on RDAs.

*Miscellaneous Matters*

- Nexamp Update – waiting for response for site visit with Nexamp and erosion issues

670 Shelburne Falls Road - right to build - primary habitat - needs to do Massachusetts Endangered Species Act (MESA) review. The installation of the applicant's gas tank will stay on hold until an RDA has been submitted and also a MESA Review, including the results of the review.

## *Hearings*

- *6:10 p.m. – Discussion: Assessors, Jim Matus – 00 Whately Rd*

Mr. Matus believes his property is non-buildable. The ConComm did a site visit with the assessors and Jim. Roaring Brook runs through his property. He obtained a permit in 2010 and built a cabin 30' from the stream as he wasn't aware of the law in terms of the required buffer zone. Subsequently, the ConCom determined he needed to move the structure 200' from the stream, which he did in 2012. Jim's concern is that he wouldn't be able to pay the taxes if the site is determined to be buildable. It was suggested that he put the property into Chapter 61B, which would reduce the taxes by 75% according to the assessors. Mark Stinson of DEP, was contacted and he said that the ConCom doesn't have the authority to declare a property non-buildable.

- *6:30 p.m. – RDA – Jesse Williams – New Driveway - 00 Thompson Road*

Jesse is hoping to build a driveway and eventually build on the land. Across Thompson is a wetlands, within 100'. Erosion protection needs to be installed - silt fencing, hay bales, silt socks, etc. Where the driveway is to go the installation of silt fencing is necessary to protect the neighbor as well as the wetland. Jesse asked if installing a barrier along the side/s of the proposed driveway, does it channel the water? The Importance of knowing which way water would shed was discussed. The Board asked Jesse to present a better plan/design to show where the grades are and to make sure water goes to the west and not across the road. On a motion from Grace to continue the hearing to the next Conservation Commission meeting, Tony seconded, all said aye and the vote was unanimous in favor.

- *6:55 p.m. – Eversource, DEP 138-0128, minor change- Josh Surette*

Eversource is seeking a minor change on the order of conditions. The work is underway. Eversource construction planning identified the need for grading within the 100-foot buffer zone to bordering vegetated wetlands and are requesting authorization from the Commission to proceed with this change. The area of grading measures approximately 8,500 square feet and is necessary to establish a level work pad for wire pulling equipment. The work location is located east of Pfersick Road, between structures 25215 and 25216, On a motion from Grace to approve this minor adjustment Mary Kay seconded, all said aye and the vote was unanimous in favor. Tony recused himself from this vote.

- *7:00 p.m. – Discussion: Janet Chayes – Open Space and Con Comm*

The conversation centered around the degree to which the ConComm and Open Space might work together. Open Space would like in particular at this time, to start a pollinator project on the Bigelow property which is a 2.3 acre property roughly across from the South Meadow on Shelburne Falls Road and runs along Cemetery Hill on the opposite side. As it's town owned, as is the South Meadow, Open Space would like to work on it, and the town supports this. Problematic because of the slope. The deed which dates back to 1990 contains a conservation restriction. If the ConCom takes it over, what are they obligated to do? Currently it is mowed a

few times a year, but mowing is probably not the best solution in the opinion of the Open Space committee. Why not turn it into a pollinator field where people could walk through? The neighbor at the top of the hill may look upon it as their back yard, so efforts at providing them privacy through plantings could lessen any negative feelings. It was noted that all open space requires management, in particular regarding invasives. There is bittersweet, which is wide spread and that's a problem in that you might need to use something like Roundup. Initially if the ConCom requests an NOI the abutters would need to be notified that you are using sprays. The Open Space Committee is working with Owen Wormser, landscape architect who lives in town. Any plan for the property would be approved by the We need clarity on WHO is managing the project A memorandum of understanding between Open Space and ConComm should be drafted.

Next Meeting scheduled for Tuesday, May 23, 2023, 6 p.m. at Town Hall, General Purpose Room. All Interested Parties are encouraged to attend.

At 7:30 p.m. on a motion by Grace to adjourn, Tony seconded, all said aye and the vote was unanimous in favor.