

SOUTH HADLEY CONSERVATION COMMISSION
MEETING MINUTES
April 11, 2018

PRESENT: William (Bill) DeLuca, Chair (excused absence); Jack Fleming, Vice Chair; William (Bill) Bacis, Member; Jim Canning, Member; Neva Tolopko, Member (excused absence); Anne Capra, Conservation Administrator/Planner

The meeting for April 11, 2018 was called to order at 6:00 p.m. by Vice Chair Fleming.

1. **6:00 PM PUBLIC HEARING** on Request for Determination by Guy Pelletier for removal of trees, paving of driveway, installation of a fence, and addition of parking area for three (3) cars, 311 River Road (Assessor's Map 23, Parcel 49) – Commissioner Canning read the Meeting Notice. The Administrator/Planner stated that Mr. Pelletier or his representative are not in attendance. She added that she has not received any further information since the site visit. The Administrator/Planner explained that the Commission could put the Public Hearing on hold and see if Mr. Pelletier shows up later, or the Commission could continue the Public Hearing to their next meeting which would be May 2, 2018. After discussion it was the consensus of the Commission to put this Public Hearing on hold and wait for the arrival of Mr. Pelletier.

The Administrator/Planner suggested the Commission move to Agenda Item #8 since there was time prior to the 6:15 Public Hearing. The Commissioners were in agreement.

8. **Discuss and Consider** request to amend Order of Conditions #288-450 by Joan MacIver, for the construction of a single-family home, 15 Stewart Street (Assessor's Map 14, Parcel 72) – The Administrator/Planner explained that 15 Stewart Street was the grass lot the Commissioners saw in November at the end of the cul-de-sac. She added the house was permitted just outside the 50' buffer. The Administrator/Planner explained that during the winter they completely redesigned it to move the house towards the back of the lot. She noted that the special conditions would continue which include rain gardens on the downspouts and plantings of native trees and shrubs. **Motion:** Commissioner Bacis moved and Commissioner Canning seconded the motion to issue an amended Order of Conditions regarding the proposed new location of the house, and keep the special conditions. The Commission voted **Three (3)** out of **Three (3)** members present in favor of the motion.
1. **6:00 PM PUBLIC HEARING** on Request for Determination by Guy Pelletier for removal of trees, paving of driveway, installation of a fence, and addition of parking area for three (3) cars, 311 River Road (Assessor's Map 23, Parcel 49) – Commission Vice Chair Fleming asked Commissioner Canning to reread the Meeting Notice. Commissioner Canning recommended discussing each project separately. **Trees** – Responding to a question, Mr. Pelletier stated that there are three (3) trees out back that need to come down. One (1) tree is a large tree that's been hit by lightning and is closest to the house, and the other two (2) trees are dead. **Paving** – Mr. Pelletier stated that he wanted to pave his driveway from the road to the garage. He added that the Highway Department has inspected it. Mr. Pelletier also explained that the proposed new parking area would have gravel as opposed to asphalt. **Fence** – The Administrator/Planner stated that the area is maintained as lawn currently and

that during the site visit the Commissioners discussed if the fence impairs the structure and function of the wetland. The Administrator/Planner responded “No” it would not impair the structure and function of the wetland. The Commissioners then discussed the possibility of mitigation could be a row of high bush blueberries behind the fence on the north side. They also discussed various native trees and shrubs that could be planted.

2. **DECISION** on Request for Determination by Guy Pelletier for removal of trees, paving of driveway, installation of a fence, and addition of parking area for three (3) cars, 311 River Road (Assessor’s Map 23, Parcel 49) - **Motion:** Commissioner Canning moved and Commissioner Bacis seconded the motion to issue a Negative Determination #2 work within an area subject to protection under the Act, but will not remove, fill, dredge or alter that area; and, #3 work proposed is within the Buffer Zone but will not alter an Area subject to protection under the Act. The Determination is to be issued with Conditions regarding plantings and construction materials for the driveway and parking spaces. The Commission voted **Three (3)** out of **Three (3)** members present in favor of the motion.
3. **6:15 PM PUBLIC HEARING** on a Request for Determination by RG East Street LLC for construction of a single family home, 13 Lawrence Avenue (Assessor’s Map 16, Parcel 133) – Commissioner Bacis read the Meeting Notice. The applicant’s consultant Kevin Brooks explained that this parcel came before the Commission in 2016 after Dino Marinello cleared land in the buffer zone without a permit. Utilizing a plan it was explained to the Commissioners where the house was to be located, and the location of the storm drain basin (no easement was found). The Commissioners then discussed the wetland in the back of the property, flagging, and plantings. The Representatives of RG East Street stated that the driveway would stay the same. The Administrator/Planner stated that the 50’ conservation zone will not be disturbed, including the stumps. In response to an inquiry, the Administrator/Planner stated there was no requirement for marking the wetlands in the existing Determination. The contractor stated that the house would be 42’ x 44’ with the possibility of some shrinkage, but that it would not get any larger. In response to an audience member requesting something be done about the stumps, the Commission agreed to taking the stumps down to ground level and then covering them with soil. The audience member, the contractor, the Commissioners, and the Administrator/Planner were in agreement.
4. **DECISION** on Request for Determination by RG East LLC for construction of a single family home, 13 Lawrence Avenue (Assessor’s Map 16, Parcel 133) – **Motion:** Commissioner Canning moved and Commissioner Bacis seconded the motion to issue a Negative Determination #3 work proposed is within the Buffer Zone but will not alter an Area subject to protection under the Act with required conditions for removal of large stump and no further additions or alteration to the Buffer Zone. The Commission voted **Three (3)** out of **Three (3)** members present in favor of the motion.
5. **6:30 PM PUBLIC HEARING** on Request for Determination by Chicopee Concrete Services, Inc. for determination about whether the area depicted on the plans is subject to the jurisdiction of the Wetland Protection Act or local Wetlands Bylaw, and whether the boundaries of the resource areas have been delineated accurately 394 Hadley Street (Assessor’s Map 56, Parcel 26) – Commissioner Bacis read the Meeting Notice. Mr. Ryan Nelson introduced himself and explained that the property is located on Route 47 north on

the left-hand side. Mr. Nelson described the topography of the property and that the soil borings and also discussed intermittent streams. In response to an inquiry about the property, he stated that it was a mature forest. The Commissioners then discussed the location of any test wells. Mr. Nelson stated that there were no test wells on this property, but found some on other properties nearby. In response to an inquiry concerning egress, Mr. Nelson responded that there was egress frontage on Sullivan Street and that nothing was proposed for construction in that area. The Administrator/Planner stated that this property was proposed for a subdivision and added that after reviewing that file she found that the wetland delineation for that project is consistent with the current delineation.

6. **DECISION** on Request for Determination by Chicopee Concrete Services, Inc. for determination about whether the area depicted on the plans is subject to the jurisdiction of the Wetland Protection Act or local Wetlands Bylaw, and whether the boundaries of the resource areas have been delineated accurately 394 Hadley Street (Assessor's Map 56, Parcel 26) – **Motion:** Commissioner Canning moved and Commissioner Bacis seconded the motion to issue a Positive Determination #2a boundary delineations of the BVW are confirmed, and #5 the area is subject to review and approval of the South Hadley Wetlands Bylaw. The Commission voted **Three (3)** out of **Three (3)** members present in favor of the motion.

7. **6:45 PM PUBLIC HEARING Continued** on Notice of Intent by Eversource Energy for maintenance associated with the replacement of select structures and overhead insulators along Line 1447/1428/1327, Utility Right-of-Way from the Connecticut River to the Chicopee town line in South Hadley (multiple Map and Parcel numbers) – Commissioner Canning read the Meeting Notice. Devleena Ghosh-Brower of Eversource introduced herself and Kate Wilkins of Tighe & Bond. She stated that at the last meeting a presentation was given of the entire project. She added there were some outstanding issues such as a DEP number had not been issued at that time and there was no determination from Natural Heritage. Ms. Ghosh-Brower stated that the DEP has issued their file number and the determination from Natural Heritage concluded that there is a segment of the project that requires additional botanical surveys which have been scheduled to be completed in late June or early July. She explained the remaining outstanding item was the mitigation. The Administrator/Planner stated that Eversource would make a monetary payment to a designated fund under the care and control of the Conservation Commission to be used for mitigation projects on the list developed and approved by the Commission. Since all information has been completed and submitted, the Administrator/Planner suggested the Public Hearing be closed tonight. **Motion:** Commissioner Canning moved and Commissioner Bacis seconded the motion to issue an Order of Conditions subject to mitigation as proposed, substantially restore vegetation and contours of impacted areas to comply with Limited Project status, and full compliance with MESA requirements, and restoration of any impacted riverfront areas. The Commission voted **Three (3)** out of **Three (3)** members present in favor of the motion.

9. **Discuss and Consider** Request for Certificate of Compliance for Order of Conditions #288-446 by HWP Company, Eversource Energy for coal tar capping in Connecticut River, south of Route 116 Bridge – The Administrator/Planner stated that this is a request for an Order of Conditions on the coal tar capping. It was explained that the project is basically completed. The project representative from Tighe and Bond added that there are some on-going items to

be completed such as an inspection of the cap tags and the report on the short-nose sturgeon. He noted that every five (5) years there will be a re-evaluation with the report submitted to DEP. In response to a question, he stated the only problems they ran into were getting a late start, a short-nosed sturgeon that would not move out of the way, and the snowstorms in March. He described the process for removing the coal tar. The Commissioners also discussed the various sizes of the stones found. **Motion:** Commissioner Bacis moved and Commissioner Canning seconded the motion to issue a Certificate of Compliance for #288-446 for coal tar capping in the Connecticut River, south of Route 116 Bridge. The Commission voted **Three (3)** out of **Three (3)** members present in favor of the motion.

10. **Discuss and Consider** Request for Partial Certificate of Compliance for Order of Conditions #288-359 by Luis Builders, Inc. for construction of a single family home at 10 East Red Bridge Lane (Lot 21) (Assessor's Map 36, Parcel 161) – The Administrator/Planner stated that this was part of the Mountainbrook Subdivision and did not have its own Order of Conditions. **Motion:** Commissioner Canning moved and Commissioner Bacis seconded the motion to issue a Partial Certificate of Compliance for #288-359. The Commission voted **Three (3)** out of **Three (3)** members present in favor of the motion.
11. **Discuss and Consider** Restoration Plan in response to Enforcement Order for 440 Amherst Road – The Administrator/Planner stated that the applicant and his consultant are coming before the Commission on May 2, 2018. They have submitted delineation and the 50' Conservation Zone delineation takes up most of the site. She added that they have filed a restoration plan for the wetlands. The restoration plan consists of grading it with hand tools, seed over it, and seed the whole slope. The Administrator/Planner noted that Conservation Chair DeLuca is not satisfied and wants to explore the restoration further to make sure the Commission is consistent in its requirements of all applicants/projects. She stated she has explained to the applicant, the consultant, and his attorney that they need to submit a Notice of Intent for any new work.
12. **Discuss and Consider** Approval of Meeting Minutes from March 21, 2018 – The Commissioners stated they have read the minutes. **Motion:** Commissioner Canning moved and Commissioner Basics seconded the motion to approve the minutes from the March 21, 2018 meeting. The Commission voted **Three (3)** out of **Three (3)** members present in favor of the motion.
13. **Administrator's Report** (including updates on projects, violations, next meeting dates, and correspondence log

River to Range – The Administrator/Planner stated that the trail looks good, and the trail in the woods is awesome. She added the Recreational Trails Grant Phase II the Town has received notice to proceed from DCR. The Administrator/Planner stated that the Grant was to formalize parking lot on Route 47, a new kiosk, re-do trail head, and repair two (2) intermittent stream crossings. DCR has requested that Conservation work with AmeriCorps for a 10 day hitch (2 week period). She added that they will come out and do the sustainable trail work. The Administrator/Planner stated that she would file an RDA with the Commission for parking lot work and the two (2) stream repairs. She noted that she hopes to file the RDA for the May 2, 2018 meeting.

The Administrator/Planner explained that the other part of the Grant involved the invasive species next to the ADA loop. She noted that there was money in the budget for permitting and treatment. Lauren Gloriosa at Natural Heritage suggested to begin with a botanical inventory, treatment plan, and delineation and avoid the rare species. The Administrator/Planner stated that she would be initiating an RFP for a consultant to handle permitting and treatment and to have a quality botanist on board to inventory and identify where the rare species are located.

The Commissioners also discussed the Toth property. The Administrator/Planner suggested putting this parking lot out to bid with the parking lot on Route 47 and perhaps the Commission would get a better deal.

Lin Pickle – The Administrator/Planner stated that Mr. Harold Akey is a close family friend of the Pickle's and contacted the office about the placement of the memorial plaque on the bench. She added that she explained to Mr. Akey that all the donations made for the purchase of the bench have been used. Commissioner Bacis stated that he distinctly remembers that the family was going to purchase the plaque. The Administrator/Planner explained that he is researching companies that manufacture such memorial plaques. After discussion it was the consensus of the Commissioners that their position is that the family is responsible for the memorial plaque.

Arbor Day – Commissioner Bacis and Commissioner Canning met with the Tree Committee to work out the details of Arbor Day. Commissioner Canning noted that everything was done. Vice Chair Fleming stated that he was pleased he was chosen as this year's honoree.

Conservation Area Property Management – The Administrator/Planner stated that she has received reports of partying at Bynan, i.e., fire pits and stored pallets. She added that additionally she has received reports of bagged dog poop being thrown on the Gormally Conservation Area, but on her site visit she only found some roadside trash. The Administrator/Planner noted that one (1) of the objectives given to her was to develop a volunteer corps to do property management on conservation land. The Director of Planning & Conservation and Town Administrator suggested to work with the Bike Walk Committee to begin to generate interest in this sort of thing. She noted that the High School's Environmental Club has indicated an interest in participating. The Administrator/Planner noted that there is a large tree down across the path at Bagg-Pierce where the Bike Walk Committee is holding their trek on April 22, 2018. She explained that next fiscal cycle she would like to ask for a line item in the budget for Property Management.

MHC Worley-Miller Center Site Visit about patio repairs – The Administrator/Planner reviewed plans to repair the patio at the Center. She added that basic repairs would be allowed under their existing General Maintenance Order of Conditions, but full reconstruction would require an RFD or NOI. They are currently reviewing their options.

Interns – Three (3) applicants applied for the Internship. One (1) of the applicants declined, the second (2) applicant is a geography major currently studying in New Zealand, and the third (3) applicant is a math major and has an interest in data and is currently studying in Sidney. The two (2) applicants will start mid-July.

Vacation – The Administrator/Planner stated that she will be on vacation from April 13, 2018 to April 20, 2018.

Next Meeting – The Administrator/Planner stated that the next meeting date would be May 2, 2018.

14. **Other New Business** (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice) – There was no new business brought before the Commission.

15. **ADJOURNMENT**

Motion: Commissioner Canning moved and Commission Bacis seconded the motion to adjourn. The Commission voted **Three (3)** out of **Three (3)** members present in favor of the motion. The meeting adjourned at approximately 8:17 p.m.

Respectfully submitted
Doris Leclair, Senior Clerk
Planning & Conservation

Attachment A

List of Documents Reviewed in April 11, 2018 Conservation Commission Meeting

<u><i>Document</i></u>	<u><i>Record Location</i></u>
Conservation Meeting Agenda	Conservation Agenda & Minutes Binder
Administrator Notes	Conservation Agenda & Minutes Binder Individual Project Files
Minutes	Conservation Agenda & Minutes Book Individual Project Files
Sign In Sheet	Conservation Agenda & Minutes Binder