

SOUTH HADLEY CONSERVATION COMMISSION
MEETING MINUTES
September 12, 2018

PRESENT: Bill DeLuca, Chair; Jim Canning, Vice-Chair; William (Bill) Bacis, Member; Neva Tolopko, Member; Stephanie Clymer, Member; Anne Capra, Conservation Administrator/Planner; Alex Krofta, Associate Commissioner; Chris Parent; James Everet; Dwight Scott; Thomas Fitzell; Michael Bell; Runa Wassermann; Judy Davies; Karen Pinkhas; Patrick Spring; William Mugg

The meeting for September 12, 2018 was called to order at 6:03 p.m. by Commission Chair DeLuca.

1. **6:00 P.M. PUBLIC Meeting** on Request for Determination by P. Spring Realty LLC for roadway reclamation, paving and drainage improvements on Riverlodge Road – Commission Chair DeLuca read the meeting notice. Patrick Spring presented the history of project dating back to 2009/2010 when he acquired an access agreement from the road owner, Mr. Rosenthal of Meriden Management who also owns and operates Riverboat Village. Mr. Spring stated that he originally had approval to build 14 homes along the road, and under his agreement with Rosenthal, he would upgrade the road. Mr. Spring described the details of the road work to be completed, and discussed the location of the paved flume where stormwater is directed as surface runoff to the roadside. The Conservation Administrator described the conditions observed at the site visit earlier that morning during the rain. There is a concrete headwall supporting the paved flume that is in disrepair, the face of which is broken off such that stormwater is flowing behind the concrete wall, possibly compromising the integrity of the slope alongside the road. The Conservation Administrator stated that she spoke with Mark Stinson at DEP this afternoon on guidance on stormwater improvement requirements. Repaving a road is an exempt minor activity under the WPA, so long as the work is within the existing paved area. However, the degraded paved flume structure should be upgraded, at a minimum, as part of the project. Mr. Spring stated that he has outreach to his contractor and the road owner to discuss having an engineer evaluate the structure, design a replacement, and provide a cost estimate. He will likely postpone the road work until the spring to allow for adequate time to explore options. **Motion:** Commissioner Canning moved and Commissioner Bacis seconded the motion to continue the meeting to October 3, 2018 at 6:15pm. The Commissioners voted **Five (5)** out of **Five (5)** members present in favor of the motion.

2. **6:15 P.M. PUBLIC HEARING Continuance** – Notice of Intent by William Mugg for planting a vineyard at 440 Amherst Road (Assessor's Map 58, Parcel 91) – Commissioner William Bacis recused himself from the hearing and moved to the back of the room. Commission Chair DeLuca read the Meeting Notice. Dr. Mugg handed out a packet of new information including a one page narrative about the work he would like to do, a letter from his PWS Ward Smith describing erosion and sediment controls, a photo of a vineyard on a hillside, and photocopies of two sections of the plan set with the delineated wetland and an area drawn around them, presumed to be the 50' Buffer Zone. Dr. Mugg described how he would like to fill the smaller wetland on the south end of the site and relocate it closer to the existing pond, next to the driveway. Commission Chair DeLuca inquired about what

professional assistance he has had in exploring a wetland replication project, and noted that for the Commission to review work of that nature, Dr. Mugg would need to submit a detailed plan developed by a Professional Wetland Scientist that fully met the Massachusetts Wetland Protection Act regulation standards for a wetland replication project. He also noted that that approach would be the most complicated permitting direction to proceed in. Commissioner Canning stated that he was not in favor of wetland mitigation as an option for this project, and said he felt the 50' Conservation Zone should be adhered to fully. The Conservation Administrator reviewed the range of possible permitting options given what has been submitted at this time. The Commission Chair then allowed comments from the audience. One abutter stated that the whole neighborhood would be a wetland if no one was mowing it and that Dr. Mugg should be allowed to do what he wants on his property because he is a taxpayer. Another abutter asked for clarification about what sort of implications the vineyard would have on the wetlands. Commissioner Canning responded noting the complexity and sensitivity of a wetland system, and the importance of buffers to protect them. Commission Chair DeLuca further elaborated on how wetlands are delineated and their function.

Motion: Commissioner Canning moved and Commissioner Tolopko seconded the motion to deny the NOI as submitted due to a lack of information to make a decision. The Conservation Administrator noted that she had spoken to Mark Stinson at DEP about how approvals and/or denials should be handled with this project given that the work in the Buffer Zone may be permissible under the WPA, but not under the South Hadley Wetlands Bylaw. Commissioner Canning revised his motion to deny the NOI under the South Hadley Wetlands Bylaw and the WPA. The motion was not seconded. Commissioner DeLuca moved and Commissioner Tolopko seconded a motion to continue the Public Hearing under both the WPA and local bylaw until October 24, 2018 at 6pm. The Commission voted **Three (3)** out of **Four (4)** members present in favor of the motion. Commissioner Canning voted against the motion.

Commissioner Bacis rejoined the members at the table at the front of the room.

3. **Discuss and Consider** – Approval of Meeting Minutes from August 22, 2018 – The Commissioners acknowledged that they had reviewed the minutes. **Motion:** Commissioner Tolopko moved and Commissioner Bacis seconded the motion to approve the minutes of August 22, 2018. The Commission voted **Four (4)** out of **Four (4)** members present in favor of the motion. **Motion:** Commissioner Tolopko moved and Commissioner Bacis seconded the motion to approve the minutes of August 22, 2018.
4. **Administrator's Report** (updates on projects, violations, next meeting dates, correspondence log) – The Administrator had the following to share with the Commissioners:

Shadowbrook Estates 288-331 – Retention Pond Maintenance

On 9/5 I met with the new property manager Michael Hogan of Splotkin about maintenance of the retention pond. They plan to mow the vegetation on the slope of the pond, inside the fenced area. There was an excessive amount of algae and duckweed covering the entire pond. I requested that they review fertilizer program with the lawn care company to address potential excess nutrient loading to the retention pond. I will provide them with a copy of the OOC.

Stonegate Drive, Lot B7 – New House

Spencer Hart met with me to inquire about the status of his permit to construct a new house at this location. After reviewing the file, it appears this lot has a superceding DEP Order #288-275 and a Negative Determination under the local Wetlands Bylaw for a footprint for construction of a new house. I do not know when the DEP OOC expires, and referred him to DEP to seek an extension of that if needed.

River to Range Trail Go4Life Stroll September 16, 2018 1-3 p.m. – The Administrator explained that the Bike Walk Committee and the Senior Center will be hosting a walk for all ages and abilities from 1:00 p.m. to 3:00 p.m. She noted that on September 14, 2018 there will be a work day for students from South Hadley High School from 9:00 a.m. to Noon to plant some woodland plants and do some trail maintenance. Anyone is welcome to come help.

Next Meeting Dates – The Administrator noted that the next meeting dates would be October 3rd, October 24th, November 14th, and December 5th. Due to the Christmas holiday, the Commission decided to hold the next meeting on 12/19, if there is business to address, otherwise schedule after the New Year.

Upcoming Site Visits - Monday, 9/24 at 10:30am at Hillcrest Park Condos #288-434 to review proposed modification to the approved scope of work.

5. **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.
6. **ADJOURNMENT** Commission Chair DeLuca adjourned the meeting at 7:25pm.

Respectfully submitted,

Anne Capra, Conservation Administrator/Planner

Attachment A

List of Documents Reviewed in September 12, 2018 Conservation Commission Meeting

<u>Document</u>	<u>Record Location</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
New narrative and Letter from PWS 440 Amherst Road	Project File