

**SOUTH HADLEY CONSERVATION COMMISSION  
VIRTUAL MEETING MINUTES  
JANUARY 06, 2021**

<https://vimeo.com/498359738>

**As Approved**

**Present:** Bill DeLuca, Chair; Neva Tolopko, Vice-Chair (as appointed at tonight's meeting); Jim Canning, member; Bill Bacis, Member; Steph Clymer, member; Garth Schwellenbach, Member; Tom Dennis (arrived at 6:21 PM), member; Mary Zawatski, associate member Anne Capra, Conservation Administrator/Planner; Colleen Canning, Senior Clerk Planning and Conservation Department

Chair DeLuca called the virtual meeting to order at 6:00PM and reviewed the protocols for virtual meetings.

**Agenda Item #1 --- Public Hearing Continuance for Notice of Intent #288-0468 filed by FSi Oil and Propane, Inc. for construction of a 50'x60' accessory building at 27 Gaylord Street (Map 18, Parcel 110)**

Chair DeLuca called the public hearing continuance to order at 6:05 by reading the public hearing continuance notice out loud.

Chris Karney, R Levesque Associates, was present at the virtual public hearing.

Chris Karney displayed updated plans for the construction of a garage at an existing paved location within the Riverfront Area. As the work was considered a Redevelopment Project, the conditions of the site needed to be improved. This would be achieved through the building's use as a garage to store utility vehicles which were currently being stored outdoors. A floor drain was proposed which would be outfitted with an oil and water separator prior to entering the sewer system. Additionally, the existing Stormwater outfalls would be improved. The first stormwater outfall was rip-rapped and the second outfall was fully vegetated.

The Conservation Administrator shared that she investigated which Town Department had oversight for review of any spill containment with the garage. According to the Building Commissioner, spill containment would be required per the International Fire Code. She explained that installation of the oil and water separator could be addressed as a Special Condition to the Order. The applicant will need to provide the Commission with the design specification of the separator along with its operation and maintenance plan. The floor drain proposed to be installed would require oversight from the Department of Public Works and the Waste Water Treatment Plant

Commissioner Dennis arrived at 6:21 PM.

Through discussions at the previous hearing, Chair Deluca was under the impression that both stormwater outfalls would be improved. It appeared that the applicant was now only proposing to improve one. Chris Karney explained that there was a discretionary element in reviewing the

adequacy of the outfalls. Different site plan preparers would have different opinions. However, both outfalls could be upgraded if required by the Commission.

The public hearing was closed at 6:36 PM

**Motion:** Vice-Chair Canning moved to issue Order of Conditions to DEP file #288-0468 filed by FSi Oil and Propane for construction of an accessory building at 27 Gaylord Street with special conditions to include: 1) erosion and sediment controls to be installed prior to construction, 2) upgrades to both existing stormwater outfalls are to be upgraded as shown on the plan, 3) the design and 'operation and maintenance plan' for the garage's oil and water separator are to be submitted after final design, and 4) the oil and water separator needed to include a sediment catchment. Commissioner Clymer seconded the motion. Seven (7) out of seven (7) Commissioners voted in favor of the motion through roll call.

**Agenda Item #2 --- Discuss and Consider Request for Certificate of Compliance #288-0429 filed by Ethan Bagg for a subdivision known as Ethan Circle at 57 Hadley Street (Map 47, Parcel 12)**

The Conservation Administrator explained that the developer of the Ethan Circle Subdivision had submitted a Request for Certificate of Compliance for subdivision development. As the Commission could recall, the Order of Conditions was extended at the previous meeting to allow the developer time to gather additional information needed for issuance of a Certificate of Compliance. Draft 'as-built' plans had been submitted. The Conservation Administrator explained that the submitted 'as-built' was inaccurate as there was an under-drain installed during development which was not reflected on the plan. She added that stormwater management logs had not been received and the Homeowner's Association appeared to only exist on paper. Many of the requirements within the development's OOC were impacted by the Subdivision's permitting through the Planning Board. She recommended that the Commission not issue the Certificate of Compliance at this time.

The Commission did not act on the applicant's request at this time.

**Agenda Item #3 --- Discuss and Consider Ratify Enforcement Order issued to Jon Conner at 35 San Souci Drive (Map 43, Parcel 62)**

The Conservation Administrator explained that the owner of 35 San Souci Drive placed wood chips within the 50 foot Buffer Zone which was considered a fill activity. The owner had familiarity with the Commission as a RDA (Request for Determination of Applicability) had been previously filed for the development of the basketball court currently at the property. The Conservation Administrator issued an Enforcement Order for the fill activity and required the removal of woodchips and restoration of the area with plantings.

Commissioner Dennis inquired why placement of the woodchips required enforcement. The Conservation Administrator explained that the woodchips stifled growth of all vegetation- not just nuisance plants. If the homeowner wished to maintain the nuisance plants within the Buffer Zone, it should have been permitted through the Commission to ensure that best management practices were maintained.

**Motion:** Commissioner Schwellenbach moved to ratify the Enforcement Order issued to Jon Conner at 35 San Souci Drive for unpermitted work in an area subject to jurisdiction. Commissioner Bacis seconded the motion. Seven (7) out of seven (7) commissioners voted in favor of the motion through roll call.

**Agenda Item #4 --- Discuss and Consider Annual Organization of Conservation Commission Officers**

Chair DeLuca explained that periodically the Commission needed to reconsider the appointments of Chair and Vice-Chair. Chair DeLuca had been functioning as Chair but was interested in allowing others to take on the role in the future. He proposed remaining chair for another year to allow the Vice-Chair to grow comfortable with the role prior to consideration for transition to Chair. He recommended Neva Tolopko for the position of Vice-Chair and thanked Jim Canning for his years of service to the Commission as Vice-Chair. Jim Canning was supportive of the appointments.

**Motion:** Commissioner Schwellenbach moved to approve the appointments of Bill DeLuca to Chair and Neva Tolopko to Vice-Chair of the Conservation Commission. Commissioner Bacis seconded the motion. Seven (7) out of seven (7) commissioners voted in favor of the motion through roll call.

**Agenda Item #5 --- Discuss and Consider Approval of December 9, 2020 Meeting Minutes**

Draft minutes of the December 9, 2020 meeting had been previously submitted to the Commission.

**Motion:** Vice-Chair Tolopko moved to approve the draft minutes of December 9, 2020. Commissioner Canning seconded the motion. Five (5) out of seven (7) commissioners voted in favor of the motion through toll call. Chair Deluca and Commissioner Dennis abstained from the vote as they had not reviewed the draft.

**Agenda Item #6 --- Administrator's Report**

**Bynan Conservation Area**

The Conservation Administrator explained that a letter was received from a resident regarding the policy for use of Bynan Conservation Area. He expressed interest in the Town allowing motorized vehicle use on Town-owned property. The Conservation Administrator shared the letter with the Town Administrator who would bring it to the Selectboard.

The Conservation Administrator explained that a Jeep was abandoned in Bynan Conservation Area. As the Commission could recall, a different Jeep was abandoned in Bynan which caught on fire. The same owner owned both vehicles. The Conservation Administrator was working with the Police Department to find appropriate enforcement action against the vehicle owner. If the area was regulated under the Wetlands Protection Act or within priority habitat, enforcement action could be taken under those regulations. If the location was within the Commission's jurisdiction, Commissioner Clymer recommended restoring the area impacted by the Jeep and changing the violator for cost of the restoration work

### **Sexual Harassment Policy**

The Conservation Administrator explained that the Deputy Town Administrator sent the Town's sexual harassment policy to Town Staff and all elected and appointed Town officials. The Commission members were asked to review the policy and sign the acknowledgement form.

### **Agenda Item #7 --- Other New Business**

Chair DeLuca asked for an update regarding the enforcement order issued to 30 Bridge Street for unpermitted work within the Riverfront Area of Buttery Brook. The Conservation Administrator explained that that area was restored by a landscape contractor. The piles of brush and debris had been removed. Any further work, such as development of a parking lot, would require permitting through the Commission.

### **Adjournment**

The meeting was adjourned at 7:34 PM

Respectfully Submitted,  
**As Approved**  
Colleen Canning, Senior Clerk Planning and Conservation Department

| <b>Document</b>                                     | <b>Document Location</b> |
|---|--------------------------|
| Plan sets for 27 Gaylord Street DEP File # 288-0468 | Conservation Files       |
| Bynan Conservation Area comment letter              | Conservation Files       |