

**SOUTH HADLEY CONSERVATION COMMISSION
VIRTUAL MEETING MINUTES
APRIL 6, 2022**

Present: Neva Tolopko, Chair; Garth Schwellenbach, Member; Tom Dennis, Member; Kathleen Davis, Member; April Doroski, Member; Jessica Schoendorf, Member; Louise Croll, Associate Member; Rebekah Cornell, Conservation Administrator; and Colleen Canning, Planning/Conservation Coordinator

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

Agenda Item #1 --- Open Public Forum

No members of the public indicated their interest to speak during the open forum.

Agenda Item #2 --- Public Hearing continuance to consider a Notice of Intent filed by R Levesque Associates, Inc on behalf of the Gary Linsky to secure an Order of Conditions permitting the applicant to restore previous unpermitted clearing within Riverfront Area, as well as minor site improvements, at 0 (68) School Street

The applicant's consultant, Chris Karney of R. Levesque Associates, was present at the meeting.

Chris Karney presented the proposed project plans. The hearing was continued from the previous meeting as the Commission had not visited the site prior to opening the hearing. Since the previous hearing date, a site visit was performed.

Commissioner Doroski stated that a portion of the proposed footpath was within Bordering Land Subject to Flooding. As such, that activity was not exempt under the Wetlands Protection Act. However, performance standards could be met if the gravel path was installed at the existing grade.

Commissioner Schoendorf expressed concern for possible washout from the gravel path during storm events and recommended that edging be added along the path to prevent washout.

Commissioner Dennis attended the site visit and observed that the proposed conditions were a great improvement over the existing.

Associate Commissioner Croll questioned the location of the path as it appeared to be close to the bank and could contribute to erosion. The applicant's representative clarified that the document referenced was the existing conditions, not the proposed conditions.

Administrator Cornell detailed changes made to the plan from the original submission. Tree selection within the planting plan had been modified and the low point of the foot path was altered. Additionally, she met with the Town Assessor regarding historical uses of the site as a concern was raised by a Commissioner regarding possible soil contamination. The site had

always been in residential use with no history of industrial related activities. Administrator Cornell recommended special conditioning to include demarcation of the 20 foot Buffer Zone and ongoing invasive species management.

Commissioner Davis also recommended modifying the draft conditioning to require gravel material on the footpath.

Motion: Commissioner Schwellenbach moved to issue Order of Conditions for DEP file #288-0476 for restoration work to remedy and Enforcement Order as well as other site improvements with special conditions. Commissioner Davis seconded the motion. Six (6) out of six (6) Commissioners present voted in favor of the motion through roll call.

Agenda Item #3 --- Public Hearing continuance to consider a Notice of Intent filed by BSC Group, Inc on behalf of E-Ink for redevelopment activities and a new stormwater management system located with Riverfront Area and Buffer Zone of a wetland resource at 7-25 Gaylord St (Map 18, Parcel 86)

The applicant's consultant, Rob Newton of BSC Group, was present at the meeting.

Administrator Cornell explained that the applicant recently submitted additional materials. As the Commission did not have adequate time to review the materials, the hearing would be automatically continued.

Motion: Commissioner Davis moved to continue the hearing to April 27, 2022 at 6:00PM. Commissioner Schwellenbach seconded the motion. Six (6) out of six (6) commissioners voted in favor of the motion through roll call.

Agenda Item #9 --- Other New Business

The Commission welcomed new Commissioner, April Doroski, to the Commission. Each Commissioner introduced themselves and welcomed the new Commissioner.

Agenda Item #5 --- Minutes

Draft minutes of the March 16, 2022 minutes were sent to the Commission for review. As a few edits were proposed, a revised draft would be prepared and considered at the next meeting.

Agenda Item #7 --- Conservation Area COVID-19 Rules

Administrator Cornell explained that the Commission enacted temporary rules within Conservation Areas to help curb the spread of COVID-19. As COVID-19 cases had decreased and the Town was moving forward with a 'reopening' plan, such as lifting the mask mandate, the Commission could consider revising their rules to be in line with Town-wide messaging.

Motion: Commissioner Schwellenbach moved to revise the Conservation Area rules as described. Commissioner Dennis seconded the motion. Six (6) out of six (6) commissioners present voted in favor of the motion through roll call.

Agenda Item #8 --- Administrator's Report

Administrator Cornell detailed the following items:

- *Future meeting dates* – The Commission's future meetings would be held on April 27, May 4, and May 18
- *Volunteer Events*- Future volunteer events would be held at the Hahn-Warner Arboretum and along the Connecticut River and Bachelor Brook for Water Chestnut removal
- *Rangeview Meadow Conservation Area* – Discussion of a management plan for the newly acquired Conservation Area was on the horizon.
- *Photo Contest* – Submissions for the photo contest had been received. Commission Members would be asked to vote on the photo submissions and a winner would be selected within each submission category.
- *Educational Materials* – Associate Commissioner Croll had a number of resource materials regarding invasive species management that could be posted on the Commission's webpage.

Agenda Item #4 --- Public Hearing to consider a Notice of Intent filed by Val Shvets to secure an Order of Conditions permitting the applicant to install an elevated walkway extending to a floating dock on a cove of the CT River at 80 River Road (Parcel 22 Map 5)

The applicant, Val Shvets, was present at the meeting along with the project's consultant, Mike Mocko.

Mike Mocko described the proposed project. Enforcement Action had been taken against the homeowner for installing an unpermitted walkway leading to a dock at the cove of the Connecticut River. As constructed, the walkway and dock did not meet performance standards. Hence, both were required to be removed and the location re-seeded. The homeowner was told that a Notice of Intent could be filed to perform the work in a manner that satisfied the standards. A six-foot wide walkway was being proposed. As the consultant indicated, light penetration would not be an issue as the site was bright and not densely vegetated.

Administrator Cornell explained that the Notice of Intent had been sent to the *Natural Heritage and Endangered Species Program* (NHESP) for comment. Comments from the agency had not yet been received. Additionally, the precise location of the dock would be located on property owned by Holyoke Gas & Electric (HG&E). Therefore, HG&E would need to approve of the installation. Similarly, approval had yet to be received. All these approvals were needed in addition to the requirement for a Chapter 91 License which would be issued through MassDEP. A copy of the Chapter 19 license application should be provided to the Commission. The hearing would need to be continued to allow both agencies to review and comment on the application as well as allow the applicant to submit additional information.

Commissioners expressed concern for the width of the walkway as was also reflected in the correspondence from DEP granting the application a file number. In response to concerns from the Commission, Val Shvetz stated that he wanted to create a walkway that conformed to Americans with Disabilities Act (ADA) standards to allow elder relatives to enjoy the dock. As conversation continued, Commissioners identified that common ADA standards reflected a 4 foot-wide path, not 6 foot as was proposed. Regardless, if the applicant wanted to make an argument for a walkway meeting ADA standards, they would need to provide full documentation on how the design satisfied such standards. A fully ADA compliant walkway would likely require adequate path width, adequate wheelchair turning radius, and handrails. It was noted that ADA compliance was not required on private land. However, the applicant was attempting to use the standards to justify the submitted design. Therefore, full ADA compliance should be sought. Administrator Cornell would consult with the Building Commissioner regarding what building permits would be needed.

In reviewing the Notice of Intent form, Commissioner Doroski observed that quantities were missing and/or incorrect on the application relative to Bordering Land Subject to Flooding, Bordering Vegetated Wetland, and Riverfront Area. The applicant would modify and re-submit corrected forms.

Motion: Commissioner Schwellenbach moved to continue the hearing to May 4, 2022 at 6:30 PM. Commissioner Dennis seconded the motion. Six (6) out of six (6) commissioners present voted in favor of the motion through roll call.

Agenda Item #6 --- Tree Policy

As the Commission was aware, a tree mitigation policy had been reviewed over the course of a number of meetings. The final draft had been submitted to the Commission for review. Before the regulation could be adopted, a public hearing would be held and the draft could be reviewed by Town Counsel.

Motion: Commissioner Davis moved to approve the draft Tree Policy and refer it to Town Counsel review followed by a public hearing before adoption. Commissioner Schwellenbach seconded the motion. Six (6) out of six (6) commissioners present voted in favor of the motion through roll call.

Agenda Item #9 --- Other New Business

There was no new business to discuss.

Adjournment

Chair Tolopko adjourned at 8:11 PM.

Respectfully Submitted,

As Apporved

Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
No Q&A Report	---
NOI – 68 School Street	Conservation Files
NOI – Gaylord Street	Conservation Files
NOI – 80 River Road	Conservation Files