

SOUTH HADLEY CONSERVATION COMMISSION
MEETING MINUTES
January 9, 2019

PRESENT: Bill DeLuca, Chair; Jim Canning, Vice-Chair; William (Bill) Bacis, Member; Stephanie Clymer, Member; Neva Tolopko, Member; Anne Capra, Conservation Administrator/Planner; Colleen Canning, Conservation and Planning Clerk; Linda Young; David Bernier

The meeting for January 9, 2019 was called to order at 6:45 p.m. by Commission Chair DeLuca.

1. Discuss and Consider Conservation Commission Comment Letter submitted to Planning Board dated 1/2/19, Chicopee Concrete Services Special Permit.

Chair DeLuca opened with a discussion about the comment letter compiled by the Commissioners to the Planning Board in regards to the intended excavation activities of Chicopee Concrete Services. Chair DeLuca read the comment letter at the most recent Board of Health meeting and stated that the letter as well received by the audience.. Chair Deluca commented that the Conservation Commission's letter was more specific in critique than other comment letters.

Motion: Chair DeLuca moved for the Conservation Commission to formally endorse the comment letter to the Planning Board. Commissioner Canning seconded the motion. All were in favor. Commissioners voted five (5) out of five (5) in favor of the motion.

Chair DeLuca wished to review with the Commission if the comment letter to the Planning Board went far enough. Chair DeLuca inquired if the Commission should make a verbal statement at the next Planning Board's meeting. Commissioner Canning stated that he would be hesitant to overstep on the Planning Board's jurisdiction. Chair DeLuca stated that both the Conservation Commission and the Planning Board had overlapping interests and recommendations perhaps could be given. Commissioner Tolopko recommended an outside analyst evaluate the impact of Chicopee Concrete's proposed work. Chair DeLuca stated that the minimum requirements in this case may not go far enough. Commissioner Clymer asked for confirmation on who makes the final decision in this matter. Chair DeLuca confirmed that the Planning Board makes the final decision. Commissioner Clymer affirmed that the Commission's comment letter should be read at the Planning Board meeting. Commissioner Bacis asked to readdress what falls under the purview of the Conservation Commission in this matter. Chair DeLuca stated that ground water and safe public drinking water were the primary concern of the Conservation Commission. The Conservation Administrator stated that the physical site of Chicopee Concrete's intended work did not fall under the jurisdiction of the Conservation Commission. The Conservation Administrator advised the Conservation Commission that if they intended to submit further comment or take other actions relative to the Special Permit application, they should do so immediately. Chair DeLuca and Commissioner Clymer considered if they would have more power to address this matter at the Planning Board meeting as town residents or as Commission members. Commissioner Tolopka observed that recent revisions had

been made to the plans and then rationalized that the review process of 35 days should start over reflecting the date of the most recent submission. Commissioner Tolopko inquired about the studies that had been done and what impacts those studies had shown. Commissioner Canning mentioned the finality of allowing the project to continue as the effects could not be reversed after the project started. Commissioner Canning and Commissioner Tolopko desired to see further studies done to better understand the impact. Chair DeLuca concluded that questions of jurisdiction would not be decided that night but would be part of an ongoing conversation.

Motion: Chair DeLuca moved to inform the Planning Board that the Conservation Commission's 35-day review process reflect the most recent revised submission. Commissioner Tolopko seconded the motion. All were in favor. Commissioners voted (5) out of (5) in favor of the motion.

44 Canal Street – Tree cutting and burning complaint The Conservation Administrator informed the Conservation Commission that a tree (36" DBH silver maple) within the Riverfront Area at this property had been cut and attempted to be burned. The homeowner, David Bernier, was present for the meeting. The land itself was owned by HGE but abuts Mr. Bernier's property. HGE had not given authorization to cut the tree. Upon notice, Mr. Bernier filed a permit after the fact (Application for Conservation Permit) to cut the tree after being contacted by the Conservation Administrator. Mr. Bernier explained that his son had attempted to cut down the tree because limbs were falling down. He did not know that it would require permission from the Conservation Commission. Mr. Bernier provided information from a certified arborist who stated that the tree was in failing condition and recommended to remove the tree. Typical mitigation for removing a tree under the Commission's Tree Removal Policy is replanting 2:1. Given the large size of the tree, simply replanting two saplings doesn't come close to replacing the functional value of the tree removed. Commissioner Canning inquired how this tree should be offset and what particular plants could be used. The Conservation Administrator informed the Commission that HGE's engineer would be performing a site visit to evaluate the conditions. Chair DeLuca thought it was best to wait for further recommendations from specialists but was leaning toward a 2:1 replacement which is the current requirement. No decision was made on the matter. Chair DeLuca asked that the Commission consider forms of public outreach to people in Riverfront Areas to educate them about the regulations to avoid situations like this in the future.

Discuss and Consider Order of Conditions 288-455 by William Mugg for planting a vineyard and wetland replication at 440 Amherst Road (Map 58, Parcel 91) The Conservation Administrator noted that a revised set of plans had been submitted. No vegetation management plan was yet available and no Conservation Restriction draft had been generated. The Administrator informed the Commission that they did not have to take action on the matter that night as accompanying documents were not yet available. Chair DeLuca inquired about the construction oversight of the project. Commissioner Canning inquired about the inspection process for the wetlands replication. The Conservation Administrator reviewed the draft Special Conditions for the Order of Conditions and made note to add site inspections throughout the construction process. No further action was taken in the matter.

Discuss and Consider Conflict of Interest Law Training for Municipal Employees and Boards

The Conservation Administrator notified the Conservation Commission that all municipal workers and municipal boards had to complete 'Conflict of Interest Law Training'. Prior to the board meeting, the Conservation Administrator had emailed the Commissioners the appropriate training software. The Conservation Administrator notified the Commission that upon completion of the course they would have to print out the completion certificate and return it. The Conservation Administrator will bring the printed certificates to the appropriate administrative personnel at Town Hall.

Discuss and Consider Approval of Meeting Minutes from December 19, 2018

Commissioner Clymer clarified that she was not present at the December 19, 2018 meeting. The Conservation Administrator edited the minutes to reflect that four (4) of five (5) Commissioners were present. Following confirmation off the edits, Chair DeLuca motioned to approve the minutes from the December 19, 2018 meeting. Commissioner Canning second the motion. All approved. Commissioners voted four (4) out of five (5) to approve the minutes, Commissioner Clymer abstained.

Mark Stinson, DEP Western Region Wetland Circuit Rider to attend 1/30/19 meeting

The Conservation Administrator engaged the Commission in a discussion about the expected attendance of Mark Stinson of the DEP at the next Conservation Commission meeting 1/30/19. The Administrator asked if the Commission had particular inquiries or comments for the DEP representative. While there were no particular questions, Commissioner Canning wanted to gather information about community outreach and engagement. Chair DeLuca noted that some of the violations the Commission were witnessing in the community stemmed from the lack of community knowledge of wetland protection.

Orchards Golf Course

The Conservation Administrator updated the Commission about the status of the Orchards Golf Course. The Administrator informed the Commission that a new project consultant was involved and they intended on withdrawing the original Notice of Intent and re-submitting it under the new project consultant. Chair DeLuca expressed concerns about how long the process was taking. The Conservation Administrator reiterated that a new Notice of Intent still had not been re-submitted. Chair DeLuca stated that the Conservation Commission would be inclined to submit an order of enforcement if the appropriate permitting was not submitted in a timely fashion. The Conservation Administrator will communicate with the project consultant of the intention of the Conservation Commission.

Open Space and Recreation Plan Update

The Conservation Administrator stated that the updated of the Open Space and Recreation Plan (OSRP) has begun.. The Selectboard will appoint people to an advisory committee. Chair

DeLuca will be the representative for the Conservation Commission. Commissioner Clymer asked for more clarification about the OSRP. The Administrator stated that the plan inventories open space and recreation facilities in town and prioritizes areas of conservation interest based on community need as expressed through a series of public outreach events. The Conservation Administrator confirmed that the Master Plan Committee and the OSRP Committee were separate committees but the update of both plans will happen in tandem with the public outreach component coordinated to maximize efficiency and public participation

Conservation Land on River Road – Plouffe Donation River Road, Map 23 Parcel 45

The Conservation Administrator stated that Willy Plouffe had visited her office and inquired about a parcel of land donated by his family. Mr. Plouffe was particularly concerned that there was not a sign on the property noting its donation by his family. There is no placard on the plot of land and there is minimal paperwork corresponding with the site. Commissioner Bacis remarked that the plot of land had been originally donated to the Connecticut River Watershed Council and then they donated it to the Town. The site is a forested wetland, and may also be in Riverfront Area. The Administrator prompted brainstorming questions to the Commission including: Should a sign go up? Was this land acquired through mitigation? What is the existing historical precedent? Is there public access? Commissioner Canning inquired if there was another way to acknowledge the site. The Administrator noted the crossover importance of this occurrence with the town's OSRP. No decision was made on this specific matter but it will be included in an ongoing discussion.

317 River Road – Tree Cutting Violation

The Conservation Administrator stated that she had been contacted anonymously about tree cutting at this site along the Connecticut River. She spoke with the property owner who said that in efforts to get better visibility of the Connecticut River, he had cut all of the understory vegetation including Oriental bittersweet. The Conservation Administrator showed accompanying pictures of the site. The homeowner lived across the street from the area that was cut. HG&E owns the waterfront property and did not give this homeowner permission to do the cutting. HGE will follow up with homeowner about this matter relative to their ownership of the property. Chair DeLuca pondered how the Commission could engage with the public to prevent things like this from happening in the future. Chair DeLuca added that mitigation would be required and that the area would need to be replanted. Commissioner Canning wanted to find a way to prevent people from unknowingly clearing wetlands or other Resource Areas under protection by the WPA. Invasive species at the site will need to be controlled as part of mitigation for the cutting, and replanting native species will need to happen at a 2:1 ratio, minimum. The Administrator will contact the property owner about permitting.

Eversource OOC 288-452 Site Visit

The Conservation Administrator and Commissioner Canning visited the Eversource ROW off Brainerd and Newton Streets to review pole replacement work. All of the work sites were in stable condition. One area of steep slope behind Orient Farm off Newton Street had been recently

constructed with bare soil exposed. Eversource would cover the slope with an erosion control blanket to prevent runoff.

Queensville Pond Dam

The Conservation Administrator informed the Commission that she had issued an Emergency Order to cut brush and clear the spillway at the Queensville Pond Dam, based on the emergency declaration issued by the Health Director, Sharon Hart. This pond is also called Titus Pond, off Newton Street, across the street from the 7Eleven. The order was passed around and signed by each of the members present. Chair DeLuca considered defining a holistic approach to maintain the Dam so that emergency orders would not need to be taken in the future.

Other New Business:

Commissioner Bacis mentioned a small landlocked parcel of land owned by Conservation behind the 7Eleven. The Administrator said she would look into it and make sure it was included in the inventory in the OSRP.

Commissioner Bacis mentioned wood chip dumping on River Street Embankment of the Connecticut River. The Administrator said she would investigate.

Adjournment Chair DeLuca adjourned the meeting at 8:45

Respectfully submitted,
Colleen Canning, Senior Clerk to Planning and Conservation