

SOUTH HADLEY CONSERVATION COMMISSION
MEETING MINUTES
April 24, 2019

PRESENT: Bill DeLuca, Chair; Jim Canning, Vice-Chair; William (Bill) Bacis, Member; Steph Clymer, Member; Neva Tolopko, Member; Anne Capra, Conservation Administrator/Planner; Colleen Canning, Planning and Conservation Clerk; Meredith Savage, SWCA; David Parsons, Orchard's Gold Club; Michael Lucchesi, 16 Upper River Road; Sean Cleary, 112 River Road, Debbie Boehner, 28 Westbrook Road; Robert Pleasure, 10 Jewett Lane, Joanna Brown, 25 Charon Terrace, Stephen Frantz, 300 North Main Street, Tom Dennis, 11 Butterfield Lane, Jacqueline Dupre, 118 Ferry Street; Rudy Ternbach, 118 Ferry Street, Walter Hamilton; Brian Scott.

Chair Deluca called the meeting into session at 5: 01 PM.

As the Public Hearing for the Notice of Intent filed by Orchards Golf Club was advertised to start at 5:15 PM, the Board addressed Agenda Item #8 (Minutes) and Agenda Item #9 (Administrator's Report)

Agenda Item #8--- Discuss and Consider Approval of Meeting Minutes from April 4, 2019

The draft minutes had been previously transmitted to the Commission Members for their review.

Motion: Commissioner Bacis moved to approve the minutes from the April 4, 2019 Meeting. Commissioner Canning seconded the motion. Five (5) out of Five (5) members voted in favor of the motion.

Agenda Item #9--- Administrator's Report including updates on projects, violations, next meeting dates, correspondence log

Proposed Zoning Bylaw

Articles to amend the Zoning and Stormwater Bylaw will be entering a Planning Board Public Hearing on April 22, 2019. Following the Hearing, the Planning Board will vote to endorse the articles to be accepted at Town Meeting. These articles grew out of a Planning Board Meeting on March 25, 2019 where the Board of Health, the Conservation Commission, and the Fire District No. 2 Board of Water Commissioners were represented.

Public Outreach

Outreach efforts were being implemented to inform homeowners along the Connecticut River of the Wetlands Protection Act. Mailing lists have been generated and will include an educational brochure detailing the importance of wetlands and the regulatory authority of the Conservation Commission.

Agenda Item #1--- 5:15 PM Public Hearing for Notice of Intent filed by Orchards Golf Club for an operation and maintenance plan of the golf course grounds at 18 Silverwood Terrace (Map 52, Parcel 164)

Chair DeLuca opened the Public Hearing at 5:15 PM and read the Public Hearing notice aloud.

The Conservation Administrator opened with background. The DEP had not assigned a file number. Additionally, an investigation was underway by the DEP to access potential wetland violations on site. David Parsons, Superintendent of Orchards Golf Club, and Meredith Savage, Senior Wetland Scientist of SWCA, were at the hearing to present to the Commission.

Meredith Savage gave an overview of the submitted NOI and presented maps of the course with color-coordinated work zones. She explained that SWCA had performed a new wetland delineation of the course. The new delineation identified the extension of wetlands at the southeastern area of the course near the Granby line. She explained that there were six work zones: 1) streams and catchment systems, 2) fairways, 3) line of site, 4) tree boxes and greens and 5) bridges, culverts and cart paths. Zone 6 was not shown as it was a designation for hazardous tree removal. Meredith Savage added that no machinery will be refueled within resource areas and the Conservation Commission will be given a yearly report detailing the maintenance activities.

The Conservation Administrator and the Commissioners responded to the mapped zones. Considering the number of zones paired with the varied allowed work, it was recommended that a site visit occur. A site visit was scheduled to walk through the mapped zones on May 8, 2019 at 10:30 AM.

Along with the submitted NOI, the applicant applied for a waiver to work within the 50 foot buffer zone and offered mitigation for such work. The Commission would make a determination at the close of the public hearing.

As discussed in previous meetings, some conditions from the previous Operations and Maintenance Plan under DEP File# 288-0399 were to be incorporated into the newly submitted NOI. These conditions will need to be addressed prior to closing of the public hearing.

Stock piling of materials, such as grass clipping and tree debris, was addressed. Material was stock piled alongside Silver Street. This area had been delineated outside of resource areas. This area and activity will be addressed within the dredging permit which the applicant plans on submitting upon approval of the O&M permit.

David Parsons addressed the Commission and asked for permission to preform historic maintenance of the course which included mowing of the fairways and one fungicide application. The Commission advised the applicant to seek approval from DEP.

Stephen Frantz, 300 North Main Street, addressed the Commission. He expressed concern over the use of pesticides in maintenance practices of the golf course.

Larry Dickson, 89 Amherst Road, addressed the Commission. He explained his property abutted the course and noted dumping and tree cutting on his property. Additionally, some areas of his

property had been flagged. The applicant and their consultant will address this matter outside of the public hearing.

Joanna Brown, 25 Charon Terrace, addressed the Commission. She echoed the concerns of pesticide use. She advised the Board of Health be consulted.

An unidentified man who lives across the street from the seventh green, addressed the Commission. He had observed the landscape of the course changing over time. The change intensified when Mount Holyoke College, the owners of the course, leased out the property about 20 years ago

As there were items that needed to be addressed prior to the close of the Public Hearing, a motion was needed to continue the Public Hearing.

Motion: Commissioner Canning moved to continue the Public Hearing to the next the meeting on May 16 at 6:30 PM. Commissioner Tolopko seconded the motion. Five (5) out of Five (5) Commissioners voted in favor of the motion

Agenda Item #2--- Discuss and Consider Sign Certificate of Compliance for #288-399 Orchards Golf Club, 18 Silverwood Terrace (Map 52, Parcel 164)

The Commission decided to address the concerns of the newly submitted Notice of Intent before considering to sign the Certificate of Compliance for the previous Operations and Maintenance DEP File # 288-0399.

Agenda Item #3--- 5:45 PM Public Hearing for Notice of Intent #288-0457 filed by Michael Lucchesi for revegetation of Bank on Connecticut River at 16 Upper River Road (Map 43, Parcel 5)

Chair DeLuca called the Public Hearing into session at 6:34 PM and read the Public Hearing Notice.

Michael Lucchesi was present at the Hearing. The Conservation Administrator opened with background. The Notice of Intent (288-0457) was filed following an Enforcement Order for woodchip dumping along the bank of the Connecticut River. The NOI filed was to restore and revegetate the bank. Upon issuance of the file number, DEP provided comment regarding the proposed project as there was a long history of permitting on the site. The comments were as follows:

- DEP File # 288-0112 permitted the building of the house on the property. However, the project folder has not been uncovered. At this time, the Commission is not able to determine alterations that may have occurred on site since the initial permitting.
- The same violation for dumping along the riverbank occurred in 1999. Bank restoration was required and filed under DEP File #288-0261. The Order of Conditions was filed with the Registry of Deeds but a Certificate of Compliance was not. No project folder has been uncovered. With no recorded COC and no project folder, there is not a record of the work being completed.

- The DEP has advised the Commission to seek peer-review of the project proposal of NOI #288-0457. The Conservation Administrator recommended to the Commission to require the applicant to hire a consultant to prepare a restoration plan and help navigate the permitting process.
- The DEP advised that the ‘Natural Heritage and Endangered Species Program (NHESP)’ be consulted prior to closing the Public Hearing. The applicant did a joint filing with NHESP.
- The fee amount paid was incorrect. Michael Lucchesi presented the Commission with the remaining balance of the filing fee.

As there were items that needed to be addressed prior to the close of the Public Hearing, a motion was needed to continue the Public Hearing.

Motion: Commissioner Tolopko moved to continue the Public Hearing to June 5, 2019 at 6:00 PM. Commissioner Clymer seconded the motion. Five (5) out of Five (5) Commissioners voted in favor of the motion.

Agenda Item #4--- Discuss and Consider Request for Determination of Applicability for work on single-family home by Sean J. Cleary at 112 River Road (Map 22, Parcel 2)

The applicant, Sean Cleary, was present at the meeting and opened with background. He recently purchased the property at 112 River Road and wanted to start performing routine repairs and renovations. Considering the home is within riverfront, he decided to file a Request for Determination of Applicability (RFD) to assure he remains within compliance during renovations. Sean Cleary explained his plan for renovations in two phases. The first phase would consist of 1) re-roofing and 2) renovation of the interior of the house. The second phase would consist of 1) removal of a makeshift shed in the backyard (with possible construction of a new shed), 2) removal of the porch and installation of a new porch (perhaps patio) and 3) possible removal of five trees that are close to the house and causing problems for his homeowner’s insurance. Sean Cleary explained that during the course of renovations, no dumpster would be kept on site and no changes would be made to the building footprint

The Commission Members determined that the 1) interior renovations, 2) re-roofing and 3) removal the makeshift shed were **allowable** without permitting.

The Commission Members determined that the 1) building of new structures, 2) cutting and/or removal of vegetation and 3) the addition of new impervious surfaces were **not allowable** without permitting.

As Sean Cleary moves forward with the renovations at 112 River Road, he will be in communication with the Conservation Administrator as permitting is needed.

Agenda Item #6--- Discuss and Consider Request for Certificate of Compliance for #288-436 by Quality Fleet Services at 548 New Ludlow Road (Map 8, Parcel 118)

The Conservation Administrator scheduled a site visit for this location on May 1, 2019 at 10:00 AM. Discussion regarding granting a Certificate of Compliance will follow the site visit.

Agenda Item #7--- Discuss and Consider Comments on Preliminary Subdivision Plan – North Pole Estates, Hadley Street, Map 56 Parcels 20, 26, 43, 43A, 104, 109, 112 & 121; Map 54, Parcels 15 & 20, submitted by Chicopee Concrete Services

A proposed Preliminary Subdivision Plan was before the Planning Board to approve. The Conservation Commission, along with other town boards and commissions, were encouraged to draft letters with comments regarding any new proposed development. The Conservation Administrator had drafted a letter compiling the Commission's comments regarding the Preliminary Plan from the previous meeting. A draft letter had been transmitted to Commission Members for their review. Once the letter was endorsed, it could be given to the Planning Board to inform their decision regarding the Preliminary Plan.

The Conservation Administrator read the draft letter aloud.

Upon reflection, it was decided to remove the recommendation for flexible development, as cluster housing at this location would not be able to meet Title Five requirements.

Rudy Ternbach, 18 Ferry Street, addressed the Commission. He commented that the Conservation Commission's primary responsibility is to protect the town's water supply. He did not support the proposed development as it would be placed on top of an aquifer.

Robert Pleasure, 10 Jewett Lane, addressed the Commission. He commented that the Subdivision Regulations stipulates 12 items that must be present for the approval of a Preliminary Subdivision Plan.

Walter Hamilton, 77 Hadley Street, addressed the Commission. He commented that the Commission had 45 days after the submission of a Preliminary Plan to make comment. The Chair responded that the Commission needed to make sure the comment letter was submitted prior to the Planning Board Meeting on April 29, 2019.

Stephan Frantz, 300 North Main Street, addressed the Commission. He stated that he had filed a complaint with the Building Commissioner regarding the gravel pit operation located at the site of the proposed development as excavation moved beyond the allowed area.

As additional considerations needed to be made in drafting the comment letter, a Special Conservation Commission Meeting will be held on April 29, 2019 at 10:00 to finalize the letter. The Planning Board will be holding a meeting the afternoon of April 29, 2019 to make a determination on the Preliminary Plan.

Agenda Item #10---Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice).

DEP correspondence regarding Bachelor Brook.

The Conservation Administrator shared that she received correspondence from DEP regarding bog bridges located in the Bachelor-Stony Brook Conservation Area. DEP interpreted these actions as wetland fill. The Conservation Administrator explained that prior to the implementation of the project, a RFD was filed and SCA was secured as consultants. The

Conservation Commission and their consultants interpreted these actions as an ‘improvement over existing conditions’. Chair DeLuca offered to reach out to DEP to try to resolve this issue.

Arbor Day

Vice-Chair Canning invited everyone to attend the Arbor Day festivities at the South Hadley Middle School on April 26, 2019. The celebrated guest will be the Conservation Commission Member, Bill Basic.

Agenda Item #11---Adjournment

Chair DeLuca adjourned the meeting at 8:34 PM.

Respectfully Submitted,
Colleen Canning, Planning and Conservation Clerk

Appendix

DEP Notes regarding NOI #288-0457

Written statement from Robert Pleasure with pairing Subdivision Regulations

Draft Letter Commenting on the Preliminary Subdivision Plan of North Pole Estates.

Map of Orchards with wetland work zones prepared by SWCA
