

SOUTH HADLEY CONSERVATION COMMISSION
MEETING MINUTES
May 16, 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; Rich Marion, Marion Excavating; Russ Marion, Marion Excavating; Lee Marion, Marion excavating; Ken LeBlanc, Developer of 88 Park Street; Alan Weise, Cold Spring Environmental; Patrick Spring, Developer of 22 Riverlodge Road; Martha Terry, 25 Brainerd Street; Laura Fernandes, 17 Rivercrest Way; Caesar Fernandes, 17 Rivercrest Way; Jean Whippa, 4 Rivercrest Way; David Whippa, 4 Rivercrest Way; Cathy LaBrie, 14 Rivercrest Way; Cathy Machak, 10 Brockway Lane; Richmond Machak, 10 Brockway Lane; Brian Scott, 7 Rivercrest Way; Marcelo Packman, 29 Rivercrest Way; Keitha Hebert, 16 Rivercrest Way; Dennis Hebert, 16 Rivercrest Way; Anne Sobel, 111 Brockway Lane; James McGough, 110 Brockway Lane; Gus Reinke, 25 Rivercrest Way; Megan Shibley, 19 Rivercrest Way, Jacqueline Dupre, 118 Ferry Street; Vern Blodgett, 11 Sycamore Knolls; Barbara Magnuson, 11 Sycamore Knolls; Stephen Frantz, 300 North Main Street; Russell Fleury, 129 Morgan Street; and Kim Spring, 33 Fairview Street.

Chair DeLuca called the meeting into session at 6:02 PM.

Agenda Item #1 --- 6:00 PM Public Meeting Request for Determination of Applicability for removal of 26 trees by Rivercrest Condominiums at Rivercrest Way (Map 47, Parcel 76)

Chair DeLuca read the Public Meeting notice out loud at 6:02 PM.

Rich Marion, Russ Marion, and Lee Marion were the developers of Rivercrest Condominiums and were presenting the Request for Determination of Applicability on their own behalf. Rich Marion opened by explaining that there were a number of hazard trees at Rivercrest. He cited safety being his primary reason for the proposed removal of 26 trees. Separately, he expressed concern for the financial burden to satisfy the Commission's tree replacement policy.

The Conservation Administrator explained that a site visit was performed over the winter with Peter Edge, the applicant's arborist, who identified a number of hazard trees. The Conservation Administrator explained that the current tree removal policy requires a 2:1 replacement ratio. Considering the scope of the proposed removal, Peter Edge inquired if the Town has a "Tree Fund" in which the applicant would have the option, with the Commission's prior approval, to monetarily compensate for the tree removal in lieu of the 2:1 replacement. As the Commission does not currently have such a policy, the Conservation Administrator looked to the Tree Warden's non-hazard tree removal policy which allowed for the removal of trees to be mitigated through paying a fee. At this time, the Commission has not adopted a mitigation policy outside the 2:1 replacement ratio.

Since the site visit, the applicant hired R. Levesque Associates to prepare a site plan and project narrative which was received in March 2019. The site plan showed color-coordinated dots by species to represent the location and variety of the trees requested to be removed.

Commissioner Canning referenced the tree removal process at Riverboat Village. The complex was within similar jurisdictional proximity. In that case, the applicant had tagged each tree so the Commissioners were able to see each tree relative to the site. Commissioner Canning appreciated the careful inspection at Riverboat and wished to see the same at Rivercrest.

Commissioner Tolopko noted that at the last site visit there was no leafage on the trees as it was winter. An additional site visit would allow the Commission to better access the hazard trees relative to the entire forested area. She additionally noted that specialized tools and practices would need to be used to ensure that removal did not cause undue damage to surrounding trees.

Commissioner DeLuca observed that the submitted RFD did not stipulate the means and methods to be used during removal. Additionally, no mitigation was offered for the removal of the trees. The applicant responded by reiterating how dangerous the trees were. They asked the Commissioners to explain why mitigation would be required to remove hazard trees. They referenced that fallen trees do need to be replaced. Commissioner DeLuca confirmed the Commission's policy which requires removed trees within the Commission's jurisdiction be replaced 2:1 regardless of the health of the tree. Trees that naturally fall do not require replacement.

The applicant noted that they already planted many trees during the construction phase of the project. They asked if this could be considered mitigation. The Conservation Administrator shared that planting trees was a requirement within the Special Permit granted through the Planning Board for construction. Therefore, those plantings wouldn't be considered mitigation for the proposed removal addressed in tonight's meeting. Additionally, she added that mitigation would require that the trees be planted within proximity of the wetland area where the hazard trees are located. The purpose of the mitigation requirement is to retain the integrity of the wetland where a tree would be removed.

The meeting was opened to public comment at this time.

Dennis Hebert, 16 Rivercrest Way, asked the Commission if seedlings would be considered adequate replacement. The Conservation Administrator explained that the Commission does not have particular specifics for replacement. However, the Commission requires survival of the trees and encourages use of native species.

Marcelo Packman, 29 Rivercrest Way, addressed the Commission. He explained that three trees behind his unit were concerning to him and asked if the plan represented those trees. The Conservation Administrator explained that three Locust trees behind units 27 and 28 were noted on the plan but it was up to him to confer with the condo association about whether or not his needs are being addressed.

Anne Sobel, 111 Brockway Lane, addressed the Commission. She explained that the condominium complex should never have been built at that location and the hazard trees were a

predictable side effect of the development. She urged the commission to require 2:1 replacement of the trees and not allow mitigation through payment.

Jacqueline Dupre, 118 Ferry Street, supported the comments that the complex should not have been built at that location.

Megan Shibley, 19 Rivercrest Way, wanted to understand the Commission's process. She explained that the Conservation Administrator had performed a site visit a few years ago in response to Ms. Shibley's request to remove a tree near her unit. The Conservation Administrator explained that the homeowners association would be the authority to communicate to the Commission the request for tree removal.

The Public Meeting closed at 6:40 PM.

Motion: Commissioner Tolopko moved to continue the Public Meeting to June 5, 2019 at 7:00 PM with conditions that include: 1) a site visit with the Commission, the applicant's arborist, and the Tree Warden (if he is available), 2) a clear understanding of what trees are to be removed through adequate on-site markings that follow the mapped locations and narrative, and 3) addressing mitigation requirements and methods for removal. Commissioner Canning seconded the motion. Five (5) out of Five (5) Commissioners voted in favor of the motion.

Agenda Item #2 --- 6:30 PM Public Hearing Continuance for Notice of Intent filed by Orchards Golf Club for and operation and maintenance plan of the golf course grounds at 18 Silverwood Terrace (Map 52, Parcel 164)

Chair DeLuca read the Public Hearing notice out loud at 6:41 PM. David Parson, Superintendent of the Orchards Golf Club, and Meredith Savage, SWCA wetland scientist, were present at the Hearing to update the Commission on the progress that has been made in the operations and maintenance (O&M) Notice of Intent filing.

Meredith Savage opened by sharing she understood that the Commission would not be able to grant Orders of Conditions for the O&M Notice of Intent tonight as the DEP has not given the filing a project number. This guaranteed that the Public Hearing would need to be continued to a later date. However, she was still able to update the Commission on the work that David Parson and she had done since the last previous meeting.

Meredith Savage passed out updated draft sections of the O&M map to the Commissioners. She explained that subcategories within zone three had been more clearly defined, as requested. Herbicide use was addressed. The Conservation Administrator will be notified in writing prior to any herbicide use. The applicant explained that intensive mowing would be required along the stream bank at four particular locations which was in conflict with a three foot buffer. Mitigation was offered through changing the maintenance plans for select areas to allow for lower impact. Meredith Savage identified areas of rough that will be left to return native and identified mowed areas will be turned to shrub. David Parson added that all areas out of the 'line of site' will be left to return native.

Stephen Frantz, 300 North Main Street, inquired about the use of the Rodeo herbicide on site. The applicant explained the Rodeo would only be dabbed or spot sprayed when necessary. The Conservation Administrator would be notified in writing prior to use. Areas have been identified where herbicide won't be applied. Fungicide will only be used on the fairways, greens, and tees.

The Public Hearing closed at 7:16 PM.

Motion: Commissioner Canning moved to continue the Public Hearing until June 5, 2019 at 6:30 PM. Commissioner Bacis seconded the motion. Five (5) out of Five (5) Commissioners voted in favor of the motion.

Agenda Item #3 --- 7:00 PM Public Meeting Request for Determination of Applicability for construction of a single-family home by Patrick Spring at 22 Riverlodge Road (Map 44, Parcel 72)

Chair DeLuca read the Public Meeting notice out loud at 7:17 PM.

Patrick Spring, the developer of the proposed single-family home at 22 River Lodge Road, was in attendance at the meeting and opened with background and explained he submitted a plan for a single-family home with a lawn on a parcel of land that was jurisdictional with a present waterway. In 2008, a wetland delineation was performed on site however following a site visit last week, the Conservation Administrator was not comfortable accepting the submitted delineation. The delineation appeared to be slightly smaller than the conditions observed on site. However, the proposed location of the home would still be considered outer buffer zone even with a larger delineation.

The Conservation administrator explained that the Commission could approve the construction of the home while not approving the submitted wetland delineation. Planting of trees along the wetland would help mitigate storm water and offer a natural monumentation of the wetland. Commissioner Canning noted that construction outside of the submitted single family home should not be permitted such as the construction of a shed or a pool.

Commissioner Bacis inquired with the applicant how the property will be purchased. Will the owner acquire all the land now called "lot 4"? Patrick Spring explained that, with the presence of wetlands, two lots were lost during the subdivision. No additional building lots could be created.

Motion: Commissioner Tolopko moved to issue a Negative Determination #3 with special conditions including: 1) Installation of erosion controls through a silt fence 2) permanent monumentation to identify the "conservation zone" and 3) mitigation requirement to plant six trees. The wetland delineation was not endorsed. Commissioner Bacis seconded the motion. Five (5) out of Five (5) Commissioners voted in favor of the motion.

Agenda Item #4 --- 7:15 PM Public Meeting Request for Determination of Applicability for wetland boundary determination and renovation of single-family home and associated buildings and lot by Ken Leblanc at 88 Park Street (Map 50, Parcel 48)

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Agenda Item #5 --- Discuss and Consider Enforcement Order at 88 Park Street

Chair DeLuca read the Public Meeting notice aloud at 7:30 PM.

Ken Leblanc, the developer renovating the property at 88 Park Street, and his consultant, Alan Weiss of Cold Spring Environmental, were in attendance.

As agenda items four and five were related, they were discussed in tandem.

Alan Weiss addressed the Commission. An Enforcement Order has been issued on the property for demolition of a barn, house renovations and associated clean-up within buffer zone without adequate permitting. Following the enforcement, Ken Leblanc filed a Request for Determination of Applicability (RFD) to bring the project into compliance. He explained that, at this time, the applicant only wishes to be able to move forward with demolition of the barn and renovations of the house. Confirmation of the wetland boundary would not be requested at this time. The existing barn is in deteriorating condition and exists within buffer. The proposed renovation of the house would include the addition of a garage and the replacement of the current driveway.

A number of trees had been removed during site work. No additional trees would be removed at this time. Mitigation of the removed 15 trees would require a 2:1 replacement. The applicant offered to plant the trees within the 50 foot buffer as mitigation. No regrading of the site would occur without additional permitting.

Russ Flurry, 129 Morgan Street, addressed the Commission. He was an abutter of the property and was enthusiastic about the renovations occurring at 88 Park Street as the house was previously in a state of disrepair.

The Public Meeting closed at 7:52 PM

Motion: Commissioner Bacis moved to issue a Negative Determination #3 with special conditions including: 1) the requirement for erosion controls through the installation of a silt fence, 2) no site disturbance allowed within the 50 foot buffer zone defined through permanent monumentation, and 3) the mitigation requirement to plant 30 trees. The wetland delineation was not endorsed. Commissioner Tolopko seconded the motion. Five (5) out of Five (5) Commissioners voted in favor of the motion.

The Enforcement Order was endorsed by the Commission Members.

Agenda Item #6 --- Discuss and Consider Status of Enforcement Order issued to 514 River Road

The Conservation Administrator explained that an Enforcement Order had been issued on the property at 514 River Road. Steps leading down to Connecticut River from the property had been installed without a permit. The Enforcement Order required that a Notice of Intent (NOI) be filed by May 24, 2019 to bring the project into compliance. The Conservation Administrator shared that the homeowner contacted her for the first time today (May 16, 2019) via e-mail. The homeowner stated that the stairs were pre-existing and repairs were being made. The

Conservation Administrator explained that all work in River Front Area required permitting through the Conservation Commission. No NOI has been filed at this time.

Agenda Item #7 --- Discuss and Consider Request for Order of Conditions Extension for #288-441 Hillcrest Park Condominiums Dam Repair

The Conservation Administrator explained that Hillcrest Condominiums had submitted a request to extend their current Order of Conditions (DEP file # 288-0441) for Dam Repairs as they have not started the project. If granted, the extension would continue the OOC for three years.

Motion: Commissioner Tolopko moved to extend the Order of Conditions for DEP file number 288-441. Commissioner Canning seconded the motion. Five (5) out of Five (5) members voted in favor of the motion.

Commissioner Clymer excused herself from the meeting at 8:00 PM.

Agenda Item #8 --- Discuss and Consider Request for Certificate of Compliance for #288-436 Quality Fleet Services, 548 New Ludlow Road

The Conservation Administrator explained that a site visit had been performed on May 1, 2019 to access site conditions prior to issuing a Certificate of Compliance for construction of a new building located at 548 New Ludlow Road. During the site visit, a number of concerns had been noted including: trailers parked against the stormwater swale, no evidence of monitoring reports, visible oil spots, and trash within the wetland. Following the site visit, the Conservation Administrator drafted an e-mail to the Planning Department, Building Department, and Board of Health detailing the site conditions. The Commission was not inclined to grant a Certificate of Compliance at this time.

Motion: Commissioner Canning moved to deny the request for Certificate of Compliance and to send a letter to the applicant detailing what needs to occur to bring the project into compliance. The DEP, Planning Board, Building Commissioner and Board of Health are to be carbon copied in the letter. Commissioner Tolopko seconded the motion. Four (4) out of Four (4) Commissioners present voted in favor of the motion.

Agenda Item #9 --- Discuss and Consider Request for Certificate of Compliance for #288-439 Mount Holyoke College, Community Center with Dining, College Street

The Conservation Administrator explained Mount Holyoke College had submitted a request for a Certificate of Compliance for DEP File number 288-0439 to construct a Community and Dining Center on Campus. The Conservation Administrator explained that the site was in good conditions with regular monitoring. The site was fully vegetated.

Motion: Commissioner Bacis moved to issue a Certificate of Compliance for DEP File #288-0439. Commissioner Canning seconded the motion. Four (4) out of Four (4) Commissioners voted in favor of the motion.

Agenda Item #10 --- Discuss and Consider NHESP comments on tree removal request at 46 Canal Street by Holyoke Gas and Electric

The Conservation Administrator explained that the Natural Heritage and Endangered Species Program (NHESP) had been consulted in making a determination to remove a series of trees on the Connecticut River Front at 46 Canal Street. NHESP reviewed the project and determined that the trees were important for bank stabilization. They advised that a second arborist evaluate the trees to see if measures can be taken to extend their longevity.

Agenda Item #12 --- Discuss and Consider Black Stevens Conservation Area – Boundary Line Survey and Consulting Arborist

The Conservation Administrator explained that a number of trees on Town conservation land were leaning out of the conservation area. Property owners abutting Black Stevens, at 5 and 6 Lynch Place, were concerned about such trees. The Conservation Administrator went on to explain that a consulting arborist, David Hawkins, evaluated seven trees and determined that six were hazards.

Similarly, two trees within Black Stevens are leaning onto the property at 14 Hunter Terrace. The property owner expressed interest in removing the trees.

Discussion surrounding funding tree removal has been ongoing. As there are multiple hazard trees and limited funds, the Town Administrator has suggested that the cost of tree removal come out of conservation funds. The *Conservation Land Fund* offers \$5,000 of appropriations each year. Commissioners were not comfortable spending from the *Conservation Land Fund* without investigation the fund's indented purpose. The Conservation Administrator will research the original intention of the fund.

The Conservation Administrator added that the property boundary at Black Stevens from Newton Street to Loraine Avenue will be surveyed and permanent monumentation installed along the boundary line.

Agenda Item #11 --- Discuss and Consider Draft Conservation Restriction for 440 Amherst Road

The Conservation Administrator had previously sent the Draft Conservation Restriction for 440 Amherst Road for the Commission to review. She explained that the property owner's attorney has sent the draft for the state to review. A site visit will be performed May 21, 2019 at 9:00 AM.

Agenda Item #13 --- Discuss and Consider Approval of Meeting Minutes from April 24, 2019

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Agenda Item #14 --- Discuss and Consider Approval of Special Meeting Minutes from April 29, 2019

Commissioner Tolopko noted she was in attendance at the Special Conservation Commission Meeting on April 29, 2019. The minutes were edited to reflect that.

Motion: Commissioner Tolopko moved to approve the Regular Meeting Minutes of April 24, 2019 and to approve the amended minutes of the Special Meeting on April 29, 2019. Commissioner Bacis seconded the motion. Four (4) out of Four (4) Commissioners present voted in favor of the motion.

Agenda Item #15 --- Administrator's Report including updates on projects, violations, next meeting dates, correspondence log

The Conservation Administrator explained there were no additional items to report in the Administrator's Report.

Agenda Item #16 --- Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice).

It was explained that the Planning Board is attempting to implement an inter-departmental group to help craft Zoning Bylaws amendments regarding the Water Supply Protection District. As envisioned, the group would include the chairs of the District 2 Board of Water Commissioners, Board of Health, Conservation Commission and Planning Board. It would be the intention that the group would meet periodically during the summer months to prepare for a Special Town Meeting in the fall to endorse the crafted amendments

Adjournment

The meeting adjourned at 8:38 PM.

Respectfully Submitted,

Colleen Canning, Senior Clerk Planning and Conservation

Appendix

Document	Document Location
E-mail correspondence between the Conservation Administrator and Homeowner of 514 River Road	Conservation Files
Draft Conservation Restriction for 440 Amherst Road	Conservation Files
Rivercrest Condominiums Tree Removal Site Plan	Conservation Files
Updated draft section of O&M map for Orchards Golf Course	Conservation Files
Site Plan of SFH at 22 Riverlodge Road	Conservation Files
Site Plan of 'existing conditions' at 88 Park Street	Conservation Files