

**SOUTH HADLEY CONSERVATION COMMISSION
VIRTUAL MEETING MINUTES
AUGUST 4, 2021**

<https://vimeo.com/channels/shctv15/583500649>

As Approved

Present: Bill Bacis, Member; Garth Schwellenbach, Member; Tom Dennis, Member; Mary Grover, Member; Kathleen Davis, Member; Aldo Villani, Associate Member; Anne Capra, Director of Planning and Conservation Department; and Colleen Canning, Senior Clerk Planning and Conservation Department

As both the Chair and Vice-Chair were absent from the meeting, Member Schwellenbach was selected to chair the meeting. Member Schwellenbach called the meeting to order at 6:03 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 form.

Agenda Item #2 --- Introduction of New Conservation Commission Members

As a new member and associate member had been appointed, introductions were made.

Agenda Item #3 --- Request for Certificate of Compliance for Order of Conditions #288-0454 filed by Western Mass Yacht Club at 22 Cove Island Road (Map 22, Parcel 1)

David Cote, Western Massachusetts Yacht Club, was present at the virtual meeting. He explained that the yacht club was issued an order for the demolition of an old club house and the reconstruction of a new one. As mitigation for the work, native species were planted and periodic expeditions were conducted to remove non-native plants from the Connecticut River Cove.

Motion: Commissioner Bacis moved to issue a certificate of compliance to DEP File #288-0454. Commissioner Dennis seconded the motion. Five (5) out of five (5) commissioners present voted in favor of the motion through roll call.

Agenda Item #4 --- Request for Certificate of Compliance for Order of Conditions #288-0452 filed by Western Massachusetts Electric Company for maintenance along Eversource ROW, Line 1447/1428/1327

Commissioner Grover recused herself from deliberating on this item as she had a professional relationship with the applicant.

Mark Smith, BSC group, was present at the virtual meeting to represent the applicant. He walked the Commission through the work that had been performed by Eversource using a series of photographs. The work involved replacement of structures and overhead lines through the right of way. Following completion of the work, site conditions were restored as was required

through special conditioning. Anne Capra walked the project site with Mark Smith prior to the meeting.

Motion: Commissioner Dennis moved to issue a certificate of compliance to DEP File #288-0452. Commissioner Bacis seconded the motion. Four (4) out of five (5) commissioners voted in favor of the motion through roll call. Commissioner Grover abstained from the vote.

Agenda Item #5 --- Discuss and Consider Request for Certificate of Compliance for Order of Conditions #288-0419 filed by Kristin Stuber for 24 Brock Way (Map 46, Parcel 1)

Kristin Stuber, 24 Brock Way, was present at the virtual meeting. Her property had an open Order of Conditions for invasive plant management. It was her intention to close the Order so the commission could consider a recently filed *Request for Determination of Applicability* for similar work. The Commission held a Conservation Restriction on the property and a Forest Stewardship plan had been performed relating to the Order. A Certificate of Compliance needed to be issued before new permitting for the property could be issued.

Motion: Commissioner Bacis moved to issue a certificate of compliance to DEP file #288-0419. Commissioner Grover seconded the motion. Five (5) out of five (5) commissioners voted in favor of the motion through roll call.

Agenda Item #6 --- Public Meeting for a Request for Determination of Applicability (RDA) filed by Kristin Stuber for invasive species management at 24 Brock Way (Map 46, Parcel 1)

Kristin Stuber, 24 Brock Way, was present at the virtual meeting.

As detailed in agenda item #5, an Order of Conditions was issued to the property for management of invasive species. The order, and associated forest stewardship plan, had both expired. However, the property owner was interested in continuing some work to help maintain the progress of the previous management plan. To streamline the review process, the applicant was proposing all work to be outside Bordering Vegetative Wetland and associated Buffer Zone. However, Riverfront Area still appeared to be included in the scope of work. Upon issuance of a Negative Determination, the applicant could commence work.

Motion: Commissioner Bacis moved to issue negative determination #3 for invasive species management at 24 Brock Way. Commissioner Grover seconded the motion. Five (5) out five (5) commissioners present voted in favor of the motion through roll call.

Member Davis left the meeting at 7:00 PM.

Agenda Item #7 ---- Discuss and Consider Enforcement Order issued to Stephen and Michelle Rehm at 56 San Souci Drive (Map 43, Parcel 84)

Stephen Rehm, 56 San Souci Drive, was present at the virtual meeting. He submitted a restoration plan to satisfy the conditions of an enforcement order issued to the property for tree

removal and woodchip dumping. The plan proposed mounemntation at the wetland edge, removal of woodchips in the wetland, and a restoration planting plan. He was seeking to remove and grind tree stumps left behind from the cut. The Commission reviewed the plan and conditions for approval. Stumps within the monumented area could not be removed. However, removal of stumps in the lawned area was permissible. All woodschips within the wetland needed to be removed with hand tools only and the area was to be reseeded with a native plant mix.

Motion: Member Grover moved to accept the restoration plan submitted by Stephen and Michelle Rehm to satisfy the enforcement order issued to the property at 56 San Souci Drive with the conditions as discussed during the meeting. Commissioner Bacis seconded the motion. Four (4) out of four (4) commissioners voted in favor of the motion through roll call.

Agenda Item #8 --- Public Meeting to consider Issuance of Fines per the South Hadley Wetlands Bylaw Chapter 240 and associated Wetland Regulations Article VII, Enforcement Order issued to Val Shvets at 80 River Road (Map 22, Parcel 5)

Val Shvets, 80 River Road, was present at the virtual meeting alone with his consultant, Mike Mocko.

Anne Capra reviewed the permitting and enforcement history associated with the site. A restoration plan to satisfy the enforcement order was submitted previously the same day. The restoration plan showed a concept plan with an elevated walkway on helical piers leading to a floating dock. This concept plan would not result in wetland fill.

The Commission identified that the most pressing issue relating to the enforcement order was the removal of the existing walkway and dock. Any new structures could be considered under new permitting at a future time. Commissioners advocated for immediate removal of the dock without the use of heavy machinery and issuance of fines for not complying with the conditions of the enforcement order.

Member Davis rejoined the meeting at 8:00 PM.

Motion: Commissioner Bacis moved to continue the meeting to consider the enforcement order against 80 River Road to September 1, 2021 at 6:00 PM *and* moved to require the property owner to remove the dock and associated boardwalk immediately *and* moved to issue fines for each day the property was not in compliance. Four (4) out of five (5) Commissioners present voted in favor of the motion through roll call. Commissioner Davis abstained from the vote as she was not present during the full duration of the agenda item.

Agenda Item #9 --- Minutes

Draft minutes of the July 14, 2021 meeting were sent to the Commission for review. Grammatical errors were noted within the draft.

Motion: Commissioner Grover moved to approve the minutes of the July 14 meeting as revised. Commissioner Bacis seconded the motion. Four (4) out of five (5) commissioners voted in favor of the motion through roll call. Member Davis abstained from the vote as she joined the Commission after the July 14 meeting.

Agenda Item #10 --- Administrator's Report

Anne Capra detailed the following items:

- *SHELD ANRAD*- The meeting to consider the delineation was continued to the Commission's September 1 meeting. The applicant's consultant and the Commission's peer-reviewer were recently on site to refresh the delineation.
- *MassTrails Grant*- The grant application for an American with Disabilities Act (ADA) compliant parking lot and seating area at Leaping Well had not been awarded/
- *New Tail Kiosks* –New kiosks were being installed at Bynan Conservation Area, Black Stevens Conservation Area, and the Hahn-Warner Arboretum
- *Senior Center* –The swale associated with the Stormwater management systems associated with the newly constructed Senior Center were dug too deep and vegetation was unable to establish. To remedy the issue, rip rap was added to stabilize the swale.

Agenda Item #11 --- Other New Business

- *Hadley Street – First Right of Refusal*-Anne Capra was recently notified that parcels of land along Hadley Street had entered a purchase agreement. The land was enrolled in Chapter 61A for its agricultural use. This designation allowed the Town to purchase the property in the event of sale or change of use. The location of the land did have cultural and ecological value. However, the land did not adjoin existing protected land and was selling at a high price point.

Motion: Commissioner Bacis moved to recommend the Town *not* exercise its right of first refusal to acquire the property at 225 and 229 Hadley Street. Five (5) out of five (5) commissioners present voted in favor of the motion through roll call.

- *Vacant Position*- As Anne Capra had recently been appointed Director of Planning and Conservation, her previous position as Conservation Administrator/Planner was now vacant. The vacancy was posted and candidate interviews were ongoing.

Adjournment

The meeting adjourned at 8:55 PM.

Respectfully Submitted,

As Approved

Colleen Canning, Senior Clerk Planning and Conservation Department

Document	Document Location
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Q& A Report	Attached
Eversource RCOC #288-0452 Documents	Conservation Files
24 Brock Way RDA	Conservation Files
80 River Road – Restoration Plan 8/4/21	Conservation Files
56 San Souci Drive – Restoration Plan 7/30/21	Conservation Files

August 4, 2021 Conservation Commission Meeting Q&A Transcript

# Question	Asker Name	Asker Email	Answer(s)
1 Ann Val Shvetz 80 river rd present here	Val Shvetz	valshvetz@yahoo.com	live answered