

**SOUTH HADLEY CONSERVATION COMMISSION**  
**MEETING MINUTES**  
**AUGUST 7, 2019**

**PRESENT:** Bill DeLuca, Chair; Jim Canning, Vice-Chair; William (Bill) Bacis, Member; Neva Tolopko, Member; Steph Clymer, Member; Garth Schwellenbach, Member; Tom Dennis, Memeber; Anne Capra, Conservation Administrator/Planner; Colleen Canning, Planning and Conservation Clerk; David Parsons, Orchards Golf Club; Chris Tallman, Orchards Golf Cub; Meredith Savage, SWCA; Anabela Cruz, 508 River Road; Pat Spring, PSpring Realty; Matt Brassard, Nitsch Engineering; John Rosenthal, Meredith Management; Aaron Sabbs, Tighe and Bond; Vivian Price, Town of South Hadley Department of Public Works; Dr. Stephen Franz, 300 North Main Street; Theodore Mason, 11 Mistry Court; Todd Bulldough, 6 Briar Spring Lane; Tom Fitzell, 14 Edgewater Lane; Runa Skar, 10 Promenade Way; Sonya Rood, 16 River Lodge Road; Dan Pawlowski, 14 River Lodge Road, David Dybski, 8 River Lodge Road; Alison Garvey, 26 River Lodge Road; Kari Kastango, 26 River Lodge Road; and James Everett, 1 Promenade Way.

Chair DeLuca called the meeting into order at 6:01 PM.

Due to inclement weather, the consultant for Agenda Item #1 was tardy. The Commission decided to skip the item and return to it upon the consultant's arrival.

**Agenda Item #8 --- Discuss and Consider Approval of Meeting Minutes from July 17, 2019**

The draft minutes from the July 17, 2019 meeting had been previously transmitted for the Commission to review.

**Motion:** Vice-Chair Canning moved to approve the draft minutes from the July 17, 2019 meeting. Commissioner Bacis seconded the motion. Seven (7) out of seven (7) commissioners voted in favor of the motion.

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

**Skinner Woods**

The Conservation Administrator explained that the project consultant for the proposed Skinner Woods Flexible Development had responded in writing to the Conservation Commission's comment letter regarding the proposed development. The Commission did not have jurisdiction over the project. However, comments were made for the consideration of the Planning Board as the proposed project had entered the public hearing process. No further action would be taken by the Commission.

**Town Counsel Office Hours**

The Conservation Administrator shared that Town Counsel would be meeting with Chair DeLuca, Vice-Chair Canning and herself to discuss the potential to expand the Commission's permitting jurisdiction under the local Wetlands Bylaw, including consideration of the Zone II of the District 2 Dry Brook Well.

### **Tree Work**

The Conservation Administrator shared that Northern Tree Services, Inc. was scheduled to perform site work on August 7, 2019 at five locations previously approved for funding by the Commission. She explained that funding was no longer needed from the *Conservation Land Fund* as she was able to encumber funds from the FY2019 budget. The consultant hired to survey the boundary line at the Black Stevens Conservation Area had not done so before June 30<sup>th</sup> and had “forgotten” about the contract. Therefore, that contract has been cancelled and the funds reallocated to tree work.

### **Agenda Item #1 --- 6:00 PM Public Hearing Continuance 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 called the Public Hearing back into order by reading the Public Hearing continuance notice aloud at 6:15 PM. David Parsons, Superintendent of Orchards Golf Club; Chris Tallman, General Manager of Orchard Golf Club; and Meredith Savage, Senior Wetland Scientist of SWCA; were all present at the Public Hearing continuance.

Meredith Savage updated the Commission on progress made in developing the *Operations and Maintenance Plan* (O&M) that would satisfy the needs of the Golf Club and satisfy the requirements of the DEP and Conservation Commission. She explained the initial draft O&M submitted to the Commission months ago dually functioned as a guide for the general maintenance of the entire course for the benefit of the maintenance team and functioned as a guide for the Conservation Commission to understand the maintenance activities within areas of jurisdiction. However, since the opening of the Public Hearing the DEP had engaged in an ‘enforcement investigation’ with the applicant and required that the O&M Plan reflect only areas of jurisdiction. Meredith Savage submitted an updated draft O&M plan that was drafted to reach the specifications laid out by the DEP. It was her hope that the measures stipulated in this document could be transferred to the *Order of Conditions*. However, that determination could not be reached at this time as the DEP still had an open investigation and had not granted the *Notice of Intent* a file number yet. Creation of a functional O&M guide for Orchard’s staff would be included in ongoing conversations.

Meredith Savage continued by detailing the restoration plan for an area southeast of the property. She explained that the DEP wanted the restoration plan for this area to be considered separately from the O&M *Notice of Intent*. Handlings of the reclamation efforts would be included in an ongoing conversation as the DEP wanted protections for the area set in place prior to issuance of a file number for the O&M *Notice of Intent*.

Stephen Franz, 300 North Main Street, asked what methods would be used to manage invasive plants. Chair DeLuca responded that the submitted draft O&M was still a working document and considerations would be made when the final draft is submitted. All management activities would satisfy the requirements of the state.

**Motion:** Commissioner Bacis moved to continue the Public Hearing until August 28, 2019 at 6:30 PM. Vice-Chair Canning seconded the motion. Seven (7) out of seven (7) commissioners voted in favor of the motion.

**Agenda Item #2 --- 6:30 PM Public Meeting for Request for Determination filed by the Anabela Cruz for a new roof at 508 River Road (Map 43, Parcel 28)**

Chair DeLuca called the Public Meeting into order by reading the notice aloud at 6:43 PM. The applicant, Anabela Cruz, was present at the meeting.

The Conservation Administrator explained that the applicant was preparing to re-roof the dwelling at 508 River Road. As the house existed right up against the river, a *Request for Determination of Applicability* (RFD) was filed to ensure that the proposed project remained in compliance. As was defined in the RFD, work practices involved tarping around the house and placement of debris into a dumpster located on the existing driveway. No heavy equipment would be used in the river or along the bank.

**Motion:** Vice-Chair Canning moved to issue a Negative Determination #2 for re-roofing the property at 508 River Road. Commissioner Bacis seconded the motion. Seven (7) out of seven (7) members voted in favor of the motion.

**Agenda Item #3 --- 6:45 PM Public Meeting Continuance for Request for Determination by P. Spring Realty LLC for roadway reclamation, paving and drainage improvements on Riverlodge Road (Map 44, Parcels 69-82)**

Chair DeLuca called the Public Meeting back into order by reading the notice aloud at 6:46 PM. The applicant, Tom Spring, along with the owner representative, John Rosenthal of Meredith Management, and the consulting engineer, Matt Brassard of Nitsch Engineering, were present at the meeting.

The Conservation Administrator explained that a site visit was performed the previous day to assess the existing and proposed conditions of the road at areas of jurisdiction. She explained that the Public Meeting for this project had been continued due to Commission's request for reclamation plans to be certified by an engineer. Additionally, the Commission wanted information regarding the potential for wetland fill as a result of the project.

Matt Brassard addressed the Commission and explained that a retaining wall failed due to concentrated drainage at the road's low point. He explained that gravel fill would be used to bring the road to grade and the road would be stabilized with rip-rap. Embankment reconstruction would be a component of the work scope.

The Commissioners inquired about the phasing of the components of the project amidst the entire road reclamation. Concern was expressed for project sequencing and for defined demarcation of the limit of work. John Rosenthal responded that coordination of the project would be done through Meredith Management and that the jurisdictional components of the project would occur first; followed by the remainder of the road.

Commissioner Canning asked if there would be an opportunity to inspect the job site prior to the start of work. The Conservation Administrator would perform a site visit prior to the start of work to confirm the scale of the proposed project.

Commissioner Bacis expressed concern for the management of the road in perpetuity and inquired who the responsible party would be. Meredith Management would be the responsible party as they were the owner.

Theodore Mason, 11 Misty Court, addressed the Commission. He expressed concern for the current condition of the road as emergency vehicles could potentially have issues driving down it. He added that local traffic had been rerouted off the road leading to longer trips which contributed to increased use of gasoline.

David Dybski, 8 River Lodge Road, addressed the Commission. He advocated for the implementation of safety barriers/guardrail along the current road.

**Motion:** Commissioner Bacis moved to issue a Negative Determination #2 subject to Special Conditions for reclamation, paving and drainage improvements to Riverlodge Road. Vice-Chair Canning seconded the motion. Seven (7) out of seven (7) commissioners voted in favor of the motion.

**Agenda Item #4 --- 7:00PM Public Hearing Continuance for Notice of Intent filed by Town of South Hadley Department of Public Works for repair of the Judd Brook Sewer Interceptor between Brainerd Street and Route 202 (Assessor's Parcels 25-55, 25-56, 19-32, 25-10, 25-26)**

Chair DeLuca called the Public Hearing back into order by reading aloud the notice at 7:06 PM.

Viv Price, Operations Manager for the Town of South Hadley Department of Public Works, and the project's engineering consultant, Aaron Sabbs of Tighe and Bond, were present at the hearing.

Aaron Sabbs addressed the Commission. He explained that no details to the proposed project had been changed or altered since the previous hearing date. He asked if comments were received from DEP regarding the project as possible violations of the Wetland Protection Act were observed on private property in close proximity to the proposed work site. The Conservation Administrator referenced an e-mail exchange shared with the DEP which confirmed their understanding that the observed violations were separate from the proposed project. An *Enforcement Order* was issued to the property owner of 47 Lawn Street. Bringing the property at 47 Lawn Street into compliance would be handled separately from the present NOI filing.

The Conservation Administrator recommended that, if the Commission issued an Order of Conditions, the Wetland Delineation not be confirmed in the event that wetland fill was located in relation to the pending *Enforcement Order*.

**Motion:** Vice-Chair Canning moved to issue an Order of Conditions to the Notice of Intent DEP File Number 288-0458 to repair the Judd Brook Sewer Interceptor. The Wetland delineation was not endorsed. Commissioner Tolopko seconded the motion. Seven (7) out of seven (7) Commissioners voted in favor of the motion.

**Agenda Item #5 --- 7:15PM Public Meeting for Request for Determination by Town of South Hadley for repair of a 18” culvert and installation of a “beaver deceiver” on Cedar Ridge (Map 26, Parcels 129)**

Chair DeLuca called the Public Meeting into order by reading aloud the notice at 7:15 PM. Viv Price, Operations Manager for the Town of South Hadley Department of Public Works, was present at the hearing.

Viv Price addressed the Commission. He explained that persistent issues with beaver damming at an 18” inch culvert on Cedar Ridge were ongoing. Temporary fixes had been made to remedy the problem. However, the DPW was now interested in a permanent fix through the installation of a “beaver deceiver”.

The Conservation Administrator shared that she recently attended a “beaver deceiver” workshop host by Baystate Roads and explained how they function. The device works like a “cage” around the culvert which allows water and aquatic animals to pass through; but not the beaver. Additionally, the device dulls the sound of flowing water making the beavers less inclined to dam. The deceiver was described as a low technology and low impact method for beaver control.

**Motion:** Commissioner Tolopko moved to issue a Negative Determination #2 and Negative Determination #3 for the repair of an 18” culvert and installation of a ‘beaver deceiver’ on Cedar Ridge. Commissioner Bacis seconded the motion. Seven (7) out of seven (7) commissioners voted in favor of the motion.

**Agenda Item #7 --- Discuss and Consider Information submitted regarding the use of Glyphosate with Dr. Stephen Frantz**

Dr. Stephen Franz addressed the Commission. He had previously transmitted written comments regarding glyphosate for the Commission’s consideration. He detailed the harms and dangers of the chemical, which has been linked to cancer.

Commissioner DeLuca inquired if Glyphosate was banded anywhere. Dr. Stephen Franz responded that some towns and golf clubs in Massachusetts have banded the substance.

The Conservation Administrator explained that the substance is considered for use of invasive species management when applied by a licensed applicator. The DEP permits the use for the management of aquatic invasives. The State regulates the compound and licenses its use.

Chair DeLuca responded that the use of Glyphosate would be evaluated by the Commission when its use is proposed in wetland. However, the substance is ultimately allowable by the State. A local bylaw would need to be implemented to ban its use.

### **Agenda Item #6 --- Discuss and Consider Partial Certificate of Compliance for 1 Ethan Circle**

The Conservation Administrator opened with background. She explained that 1 Ethan Circle was included in a Subdivision that had one *Order of Conditions* placed over construction of the entire development. The construction of the house at 1 Ethan Circle was completed and the builder subsequently filed a request for a *Partial Certificate of Compliance* to release the property for sale. The Conservation Administrator explained that the site was not vegetated and could not be considered 'stable'. However, the lot had no areas of jurisdiction. A silt fence was installed on site and straw waddle surrounded the catch basins.

The Commission reviewed the Order of Conditions placed over the subdivision to verify that all items pertaining to this particular lot were completed. All conditions were satisfied pertaining to the issuance of a PCOC for this lot. Conditions 48-53 would exist in perpetuity.

The Conservation Administrator explained that the initial developer of the subdivision, Ethan Bagg, met with her and requested a full COC for the entire subdivision. She explained that the OOC tied to the subdivision required that the road be fully paved and functional. The road presently only had a base coat, and the sidewalks had not been constructed.

**Motion:** Commissioner Bacis moved to issue a Partial Certificate of Compliance for DEP file Number 288-0429 to 1 Ethan Circle (lot 7) making note that conditions 48-53 were to exist in perpetuity. Commissioner Tolopko seconded the motion. Seven (7) out of seven (7) commissioners voted in favor of the motion.

### **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).**

#### **Lot 3, Lithia Springs Road Right of First Refusal**

The Conservation Administrator explained that Lot 3 on Lithia Springs Road was for sale and the Town was offered *First Right of Refusal* for the property because it is currently enrolled in Chapter 61A. The parcel was a component of a previously subdivided lot owned by Elizabeth O'Meara. The parcel was located close to the Holyoke Range. However, the parcel was only about one acre in size and expensive.

**Motion:** Commissioner Tolopko moved to recommend to the Selectboard to decline the *First Right of Refusal* for the purchase of Lot 3 Lithia Springs Road (Map 58, Parcel 136). Commissioner Bacis seconded the motion. Seven (7) out of seven (7) members voted in favor of the motion.

#### **Urban Redevelopment & Renewal Plan**

The Conservation Administrator explained that the draft *South Hadley Falls Urban Redevelopment & Renewal Plan* was available on the Town's website. The Town's consultant on the project submitted the *Environmental Notification Form* (ENF) in accordance with *Massachusetts Environmental Policy Act* (MEPA) to the *Executive Office of Energy and*

*Environmental Affairs* for their review and subsequent approval. Public Hearings regarding the proposal would take place over the next few months.

### **Hahn-Warner Arboretum**

Vice-Chair Canning addressed Commission. He explained that he noticed trees in poor condition at Hahn-Warner Arboretum. He remarked that the arboretum was located far from an accessible water source so the soils were dry on site. Vice-Chair Canning proposed developing strategies to save the existing trees or to replant hydrophobic plant varieties. Vice-Chair Canning and Commissioner Dennis would work together to develop and implement strategies.

### **Adjournment**

The meeting was adjourned at 8:36 PM.

Respectfully Submitted,  
Colleen Canning, Planning and Conservation Senior Clerk

### **Appendix**

<b>Document</b>	<b>Document Location</b>
Consultant response letter to Conservation Commission comment letter regarding proposed Skinner Woods Flexible Development	Conservation Files
8/7/19 updated draft O&M plan for Orchards Golf Club	Conservation Files
Plan for River Lodge Road Reclamation	Conservation Files
Dr. Stephen Franz submission regarding Glyphosate	Conservation Files
E-Mail Communication with DEP regarding NOI # 288-0458	Conservation Files
OOB 288-0429 and Special Conditions	Conservation Files