

**SOUTH HADLEY CONSERVATION COMMISSION**  
**MEETING MINUTES**  
**AUGUST 28, 2019**

**PRESENT:** Bill DeLuca, Chair; Jim Canning, Vice-Chair; William (Bill) Bacis, Member; Neva Tolopko, Member; Steph Clymer, Member; Garth Schwellenbach, Member; Tom Dennis, Member; Anne Capra, Conservation Administrator/Planner; Colleen Canning, Planning and Conservation Clerk; David Parsons, Orchards Golf Club; Chris Tallman, Orchards Golf Club; Meredith Savage, SWCA; John Hammer, Milone and MacBroom; Heather Minott, Milone and MacBroom; Dan Luis, 37 Westbrook Road; Jamie Luis, 37 Westbrook Road; Michael Liu, Berkshire Design; Chris Karney, R. Levesque Associates; Beatrice Ouimette, 20 Garden Street; Kathy Davis, 7 Saybrook Circle; Melissa Michalski, 38 Bridge; Bruce Rivest, 38 Bridge Street; David Desmarais, 19 Dayton Street; Ann Rocchi, 5 Fulton; Ruth Camuse, 40 Garden Street; Stephen Fratz, 300 North Main; Jaqueline Levreault, 43 School Street

**Agenda Item #1 --- 6:00 PM Public Hearing for Notice of Intent filed by the Town of South Hadley for construction of a new Senior Center, parking lot, and associated site work at 45 Dayton Street (Map 28, Parcels 154 and 155)**

Chair DeLuca opened the Public Hearing by reading the notice out loud at 6:00 PM

The project consultants, John Hammer and Heather Miontt of Milone and MacBroom, were present at the Public Hearing.

John Hammer opened the discussion by describing the intended work scope within Conservation Commission jurisdiction. The present basketball court would be removed and graded to create additional parking. He explained how, through the new stormwater management design, water would ‘sheet flow’ to an underground detention basin. This would alleviate the present issues concerning stormwater running into the road.

Vice-Chair Canning noted there were signs of significant erosion on site. He asked how the updated system would combat those present issues. John Hammer explained that the new system would not contribute to erosion and the proposed system would be an improvement from the current system. He added that there were no plans for restoration at this time.

Chair DeLuca addressed the resource areas delineated on site. He noted that the NOI described an intermittent stream with associated bordering vegetated wetland. However, through his own observational analysis the referenced stream appeared to be perennial. He added that perennial streams afford more jurisdiction than intermittent ones.

The Conservation Administrator referenced comments made by the DEP which would need to be addressed prior to the close of the Public Hearing. She explained that, as the water quality swale would flow directly into the wetland, pretreatment would be required to satisfy stormwater management requirements. The current plan did not incorporate pretreatment. She added that the stormwater management would be peer-reviewed during the Planning Board’s permitting process. Therefore, tonight’s Public Hearing would need to be continued.

Vice-Chair Canning addressed concerns for the amount of trees proposed to be removed within the plan. John Hammer explained that, at the time of design, the Tree Warden approved the removal of the proposed trees. He added that the tree's root zone would be too close to the new building for survival.

Chair DeLuca inquired if the proposed parking could be reduced. He observed that only four spaces were within buffer zone. John Hammer explained that those four spaces were located in buffer zone due to the grading of the site. He added that the parking calculations were generated from figures based upon the expected attendance for events.

Beatrice Ouimette, 20 Garden Street, addressed the Commission. She remarked that, within her 50 years living in South Hadley, she never observed the referenced stream to be dry.

David Demararis, 19 Dayton Street, addressed the Commission. He advocated for street improvements throughout the neighborhood surrounding the senior center. He reiterated that the street often floods.

Stephen Franz, 300 North Main Street, addressed the Commission. He supported the comments made by Vice-Chair Canning regarding large trees. He explained that the trees were an asset to the site as they sequester large amounts of carbon; more carbon than could be sequestered by the smaller trees intended to be replanted.

As there was no further discussion, Chair DeLuca inquired if there was a motion to continue the meeting.

**Motion:** Commissioner Tolopko moved to continue the Public Hearing to September 25, 2019 at 6:15 PM. Vice-Chair Canning seconded the motion. Seven (7) out of seven (7) Commissioners voted in favor of the motion.

**Agenda Item #2 --- 6:15 PM Public Hearing for Notice of Intent filed by Luis Builders, Inc. for construction of a 4-unit apartment building and commercial storefront, and associated parking lot and site work at 36 Bridge Street (Map 5C, Parcel 21)**

Chair DeLuca opened the Public Hearing by reading the notice out loud at 6:37PM.

The applicants, Jamie and Dan Luis, were present at the hearing along with their consultant, Michael Liu of Berkshire Design Group.

Dan Luis addressed the Commission and shared the history of the site which had led to the filing of a Notice of Intent to proceed with the project. He purchased the property at 36 Bridge Street with the intention of renovating the structure. Since the purchase, the Building Commissioner required demolition of the existing building citing health and safety reasons. At this time, he was ready to proceed with the project.

Michael Liu presented the proposed conditions of the site. He explained that, following comments from DEP, the plans had been updated. He shared that a raingarden was included within the newly submitted plans. All drainage mechanisms were designed to comply with the

Stormwater Handbook. He explained that a major hurdle in proceeding with the project was the site's designation as 'development' or 'redevelopment'. He asked the Commission to consider the site's condition in 2014, the time at which the old building was demolished, in determining the project to be redevelopment, and noted that assorted construction debris, an electrical conduit, fencing, and compacted soils in the vicinity of the former building and parking lot all still exist on the site presently, noting its degraded conditions. He added that restoration of the site would include invasive species control and trash/debris removal.

The Conservation Administrator detailed standards that the project needed to satisfy to be considered a 'Riverfront Redevelopment Project'. The Commission would be required to determine if the site was 'previously degraded' which would allow it to be considered a redevelopment; rather than a 'new development'. New developments required an 'alternatives analysis' in which the applicant needed to evaluate the ability to have the same development at a different location in town. Additionally, only ten percent or 5,000 SF could be disturbed on site. She explained that degraded areas included dump sites and locations with impervious surface. Luis Builders also took ownership of the property when the former building was on the site, and was the owner when the building was demolished.

The Conservation Administrator recommended that the Commission require the stormwater management system of the proposed project be peer-reviewed to assess compliance with the WPA and ensure that it satisfied the town's stormwater bylaw. She added that Site Plan Review of the project would be required by the Planning Board.

Bruce Rivest and Melissa Michalski, 38 Bridge Street, addressed the Commission. They expressed concern for increased erosion if the project moved forward as proposed. They were direct abutters to the project and cited concerns for increased traffic, snow storage and tree removal.

Commissioner Schwellenbach inquired how stormwater would affect neighboring properties. Michael Lui responded that the grade of the site was lower than the neighboring properties so displaced runoff would not be an issue.

Jaqueline Levreault, 43 School Street, addressed the Commission. She explained how the land behind the proposed project was slowly eroding away along the bank of Buttery Brook. She observed heavy water flows that could be dangerous to people trying to enjoy the brook.

As there was no further discussion, Chair Deluca inquired if there were motions for endorsements and motions to continue the Public Hearing.

**Motion:** Vice-Chair Canning moved to require peer-review of the proposed project's Stormwater Management Plan. Commissioner Bacis seconded the motion. Seven (7) out of seven (7) commissioners voted in favor of the motion.

**Motion:** Commissioner Schwellenbach moved to designate the proposed project as a 'redevelopment project'; rather than a 'new development' project. Commissioner Bacis seconded the motion. Six (6) out of seven (7) Commissioners voted in favor of the motion. Commissioner Dennis abstained from the vote.

**Motion:** Commissioner Canning moved continue the Public Hearing to September 25, 2019 at 6:30 PM. Commissioner Tolopko seconded the motion. Seven (7) out of seven (7) Commissioners moved in favor of the motion.

**Agenda Item #3 --- 6:30 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)**

The Public Hearing was called back into order at 7:21 PM

The applicants, David Parsons and Chris Tallman of Orchard's Golf Club, were present at the Public Hearing continuation along with their consultant, Meredith Savage of SWCA.

Meredith Savage shared the revisions made to the Notice of Intent and the Operations and Maintenance (O&M) Plan. Some maintenance zones within the updated draft had been further subdivided to offer greater clarity. Appendix D, which detailed the O&M plan, used tables to illustrate the allowed activities in each zone. She added that the DEP still had not issued a file number therefore the Public Hearing could not close.

Meredith Savage addressed concerns regarding wetland boundary marking. There were safety concerns for staking the wetland boundaries with rebar. As rebar would protrude from the ground, it posed a challenge for maintenance staff and golfers. She proposed that the maintenance team use GPS software to distinguish the wetland areas. She added that SWCA already marked the areas via GPS during their wetland delineation of the course.

Meredith Savage shared how hazard trees were addressed within the O&M Plan. She explained that, in the initial draft, trees were part of a maintenance zone. Within the current draft, trees were considered separately. She explained that a certified arborist would flag hazard trees and the Commission would be given notice. She detailed two potential emergency situations. Hazard tree removal and ruptured irrigation systems were considered emergencies.

Meredith Savage detailed the reclamation plan for the former golf cart parking area. Invasive species would be removed from the 3.2 acre area and native species would be replanted. The reclamation would function as a form of mitigation for ongoing maintenance in areas of jurisdiction.

Stephen Franz, 300 North Main Street, addressed the Commission. He advocated for the discontinuance of Glyphosate in invasive species control. Meredith Savage shared that that use of Glyphosate was regulated through the Mass Pesticide Act and its use followed specific criteria.

**Motion:** Commissioner Schwellenbach moved to continue the Public Hearing to September 25, 2019 at 7:00 PM. Commissioner Tolopko seconded the motion. Seven (7) out of seven (7) commissioners voted in favor of the motion.

**Agenda Item #7 --- Other New Business**

Commissioner Clymer excused herself from the meeting at 8:03 PM.

#### **47 Lawn Street Enforcement Order Restoration Plan**

The applicant's representative, Christopher Karney of R. Levesque Associates, was present at the meeting.

Christopher Karney shared that the restoration plan before the Commission stemmed from an enforcement order issued for unpermitted wetland crossings. He explained that restoration included removal of the present culvert and restoration of the disturbed area. Straw logs would be placed to manipulate the stream flow which would help reduce siltation within the stream. He added that the owner of 47 Lawn did not install the existing culvert nor owned the land on the side. Therefore, the crossing was not necessary for the applicant's use.

The Conservation Administrator explained that the Commission could issue a Determination under the Enforcement Order. The Conservation Administrator shared that filing a *Notice of Intent* would not be necessary per her consultation with DEP. The Commission could issue a 'letter' to accept the restoration plan and stipulate special conditions if they chose to do so.

**Motion:** Commissioner Canning moved to endorse the plan for culvert removal and land restoration near the property at 47 Lawn Street with special conditions. Commissioner Tolopko seconded the motion. Six (6) out of six (6) Commissioners present voted in favor of the motion.

#### **Agenda Item #4 --- Discuss and Consider Request to remove fallen tree across Stoney Brook, 7 Edison Drive**

The Conservation Administrator opened with background. She explained that the private property at 7 Edison Drive abutted Town land at Trompke-Stoney Conservation Area. A large tree on the bank of Stoney Brook had fallen over the brook from the conservation area reaching towards the private property at 7 Edison Lane. The homeowner expressed concern for increased beaver activity and requested that the town remove the tree. The Conservation Administrator asked the Commission to determine if removal was necessary and a priority. Commissioner Bacis shared that it is often recommended to leave downed trees undisturbed at riverbanks as they add ecological value. He added that this recommendation often remains even at areas where waters are navigated with kayaks. Commissioner Canning agreed that downed woody debris was a good feature of the brook. Chair DeLuca stated that removal was not recommended.

#### **Agenda Item #7 --- Other New Business**

##### **14 Cove Island Road Shed Request**

The Conservation Administrator explained that the resident of 14 Cove Island Road expressed interest in installing a shed on the property near his cottage. The cottage is close to Riverfront Area. However, if there is an area at the property outside of Riverfront and Buffer Zone, installation of the shed could be permit-able. If the property owner chooses to proceed with the project and file a permit application, a site visit will be scheduled.

#### **Agenda Item # 6 --- Administrator's Report**

##### **46 Canal Street Tree Removal Request**

The Conservation Administrator explained that Holyoke Gas and Electric (HG&E) had requested to remove five large trees near the bank of the Connecticut River citing they were hazards. Upon receipt of the application, the Commission forwarded the request for removal to the Natural Heritage and Endangered Species Program (NHESP) as the area was priority habitat. NHESP required the applicant to get a second opinion on the status of the trees to see if measures could be taken to extend the longevity of the trees. HG&E hired a second arborist, David Hawkins, to evaluate the trees proposed for removal. Following the evaluation, the second arborist verified that four of the five trees proposed for removal were hazards. He determined that one of the five trees proposed for removal could remain if the canopy was trimmed to reduce its crown weight. Mitigation would be met through replanting of trees on site at a rate of 2:1. Commissioner Canning advocated for the replanting of large trees.

### **Agenda Item # 7 --- Other New Business**

#### **Pickle Memorial Bench**

The Conservation Administrator explained that the Lyn Pickle Memorial Bench was removed from its original location at Bynan Conservation Area. A number of months ago the Commission discussed the topic of relocating the bench to an area that best suited the memory of Mr. Pickle. Patty Pickle, Mr. Pickle's widow, was in attendance at the prior discussion. The Conservation Administrator shared that she had been informally told that Patty Pickle wanted the bench to be reinstalled at the Town Farm property. Patty Pickle will formalize her request in writing before the bench is reinstalled.

### **Agenda Item # 6 --- Administrator's Report**

#### **Source to Sea Cleanup**

The Conservation Administrator shared that the department would be hosting an event on Friday September 27, 2019 from 8:00AM-12:00 PM to help clean the Connecticut River shore line. Participation is part of the larger regional effort called the "CT River Source to Sea Cleanup" which calls for yearly cleanup event throughout the region. Volunteers will meet at Beachgrounds Park off Main Street.

#### **Office Hours with Attorney Mead**

The Conservation Administrator explained that Chair DeLuca, Vice-Chair Canning and herself had a conversation with Town Counsel, Attorney Lisa Mead, to discuss the potential for increases in the Conservation Commission's jurisdiction. As it was explained, a new jurisdictional area cannot be created to therefore regulate. However, the Commission has the authority to offer greater protection to area that is already considered jurisdictional under the Wetland Protection Act. The Commission has already offered that greater protection through the local wetland bylaw. It was also noted that a "home rule" petition could only be endorsed if state law does not already offer protection. Therefore, as groundwater is already regulated by the state, such a petition would not be appropriate.

#### **Go4Life Stroll**

The Conservation Administrator shared that the Bike-Walk Committee and the Council on Aging would be hosting a walk at the River-to-Range Trail located at the Bachelor-Stony Brook Conservation area. The event will be held on Sunday October 20, 2019 from 1:00PM- 4:00PM and all were invited to attend.

### **Water Supply Protection District Update**

Chair DeLuca shared updates on the progress made through the *Water Supply Protection District Working Group*. The group was tasked with evaluating the current bylaw and to offer recommendations to strengthen protections. Chair DeLuca explained that part of the discussion was evaluating which Special Permits received by the Planning Board could offer jurisdictional voting power to the Conservation Commission, the Board of Health and the Fire District 2 Water Department. Commissioner Tolopko remarked that the working group was initiated to strengthen the bylaw to prevent the reoccurrence of issues documented in the past and hoped that the drafts generated from the working group would do so.

### **Agenda Item # 5 --- Discuss and Consider Approval of Meeting Minutes from August 7, 2019**

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

**Motion:** Commissioner Schwellenbach moved to approve the draft minutes of August 7, 2019. Commissioner Tolopko seconded the motion. Five (5) out of six (6) Commissioners present voted in favor of the motion. Chair DeLuca abstained from voting as he had not reviewed the draft.

### **Adjournment.**

The meeting was adjourned at 8:52 PM.

Respectfully Submitted,  
Colleen Canning, Planning and Conservation Senior Clerk

### **Appendix**

<b>Document</b>	<b>Document Location</b>
Updated Draft O&M Plan for Orchard's Golf Club	Planning Files
Restoration Plan for Wetland Crossings at 47 Lawn Street	Planning Files
Updated Site Plan and Stormwater Management for proposed mild-use building at 38 Bridge	Planning Files
Proposed Site Plan and Stomwater Management for New Senior Center at 45 Dayton Street	Planning Files