

**SOUTH HADLEY CONSERVATION COMMISSION
VIRTUAL MEETING MINUTES
SEPTEMBER 15 2021**

<https://vimeo.com/606115659>

As Approved

Present: Bill DeLuca, Chair; Neva Tolopko, Vice-Chair; 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; Rebekah Cornell, Conservation Administrator; and Colleen Canning, Senior Clerk Planning and Conservation Department

Chair DeLuca called the meeting to order at 6:03 PM and reviewed the virtual meeting protocols.

Agenda Item #1 --- Open Public Form

No members of the public indicated their interest to speak during the open form.

Agenda Item #2 --- Public Meeting for a Request for Determination filed by John Gormally. Lot 1, Stonegate Drive (Map 42, Parcel 67). Applicability of South Hadley Wetlands Bylaw Chapter 240 to a lot created through Definitive Subdivision Plan approval prior to adoption of local bylaw

The applicant, John Gormally, was present at the meeting along with his attorney, Alan Seewald Esq.

The lot in question was developed through a late 1980s subdivision which predated the adoption of the local Wetlands Bylaw. Clarity was needed on the applicability of the bylaw to the lot as the bylaw instituted a 'no build' zone in the outer 50'-100' Buffer Zone. Based on the language of the bylaw, it appeared that it was not applicable to the lot as the subdivision was created before the bylaw. However, the Wetlands Protection Act under state law was still applicable.

Members of the Commission inquired about development potential on the lot. However, the question was outside the scope of the filing. Any future development of the lot would require review and permitting through the Commission. Most of the lots within the subdivision were developed prior to the adoption of the bylaw which is why this issue had not been reviewed by the Commission previously.

Motion: Commissioner Schwellenbach move to issue a Negative Determination #1 as the South Hadley Wetlands Bylaw Chapter 240 was not applicable to Lot #1, Stonegate Drive. Commissioner Bacis seconded the motion. Six (6) out of seven (7) members voted in favor of the motion through roll call. Commissioner Dennis abstained from the vote as he was not present at the meeting during the entire discussion of the agenda item.

Agenda Item #3 --- Public Meeting for a Request for Determination filed by Charlie & Deborah Austin (7 Sycamore Parc; Map 53, Parcel 42) and Joan & Michael Rosner (9 Sycamore Parc; Map 53, Parcel 57) for removal of dead red pines

Charles Austin, 7 Sycamore Parc, was present at the meeting.

A number of dead trees were present within the Buffer Zone of an intermittent stream shared by 7 & 9 Sycamore Pac. As the property owners wished to remove them, a request was filed followed by a subsequent site visit. Removal of the trees appeared appropriate due to their condition. However, mitigation for the removal was complicated by the site's conditions. There did not appear to be adequate space for the planting of two trees for each one removed as was the typical mitigation requirement. Joan Rosner, 9 Sycamore Parc, submitted an email prior to the meeting requesting that the mitigation requirement be waived. The Commission was inclined to offer relief from the typical mitigation requirement by only requiring a 1:1 replacement ratio.

Removal of the trees would be performed with light equipment at the rear of the property and heavy machinery could be used for removal at the front of the property as the trees could be accessed from the street. All stumps would be left in place.

Motion: Commissioner Grover moved to issue a Negative Determination #1 for removal of dead red pine trees at 7 and 9 Sycamore Parc with special conditions to include: 1) 1:1 replacement ratio for trees removed and 2) approval of the species selected for mitigation by the Conservation Administrator. Commissioner Davis seconded the motion. Seven (7) out of seven (7) members voted in favor of the motion through roll call.

Agenda Item #4 --- Public Hearing for Notice of Intent filed by Anabela Cruz and Walter Rose for repair and new construction of retaining walls, repair of an existing driveway, construction of new walkways, and removal of trees at 508 River Road (Map 43, Parcel 28)

Anabela Cruz and Walter Rose, 508 River Road, were present at the hearing.

An enforcement order was issued to the property at 508 River Road for work performed in the Riverfront Area without permitting from the Commission. A Notice of Intent was filed to bring the project into compliance which included some additional proposed work. A recent site visit was performed with the Conservation Administrator and Commissioner Dennis to evaluate the site.

A lot of work had been performed including the construction of a retaining wall, construction of walkways, driveway repair and tree removal. The property had a long permitting history over a number of different owners. Conditions associated with previous orders showed an approved building footprint which the existing property did not appear to conform to. Given the amount of work performed, the applicant was encouraged to seek permitting guidance from a consultant who could help prepare a sufficient NOI filing. A site survey would need to be performed to show the impact of the work already done. No new work could be performed until permitting was issued by the Commission. The hearing needed to be continued to allow the applicant enough time to prepare the additional required materials.

Motion: Vice-Chair Tolopko moved to continue the public hearing to December 1, 2021 at 6:00 PM. Commissioner Bacis seconded the motion. Seven (7) out of seven (7) members voted in favor of the motion through roll call.

Agenda Item #5 ---Master Plan Implementation Committee. Review of Conservation Commission tasks

Suasan Perry and Judy Doubosh, Master Plan Implementation Committee, were present at the meeting to review the tasks assigned to the Commission within the Master Plan and track the progress made.

1. Research and map the current status of ownership and conservation restrictions of parcels within the Mount Holyoke Range

The Commission had partnered with Kestrel Land Trust in securing a Conservation Restriction for the Adams Property. There were ongoing conversations between staff and the Department of Conservation and Recreation (DCR) regarding the sale of land along the Mount Holyoke Range.

2. Identify key areas for preservation and priority conservation funding

The Open Space and Recreational Plan (OSRP) had been finalized which identified priority lands for preservation. The Commission successfully worked on preserving the Adams Property and 315 Amherst Road and were working on preserving the Lauzier Farm

3. Identify, evaluate and map potential wildlife corridors, including regional and local connections to core habitat areas, vernal pools, and water resources

The finalized OSRP satisfied aspects the task and the recent town-wide culvert assessment sought to identify habitat connectivity.

4. Provide accurate information to property owners that support conservation goals and individual community educational initiatives

Public education was built into the permitting process. Certain public outreach campaigns were sent to targeted communities.

5. Develop meaningful and effective information delivery methods (such as town's website and community access television) to ensure that town residents and visitors are aware of and can easily find and use the town's network of parks, trails, and publically accessible open lands.

Kiosks at Conservation Areas and the Town's website were used to share information.

Agenda Item #6 --- Discuss and Consider Electronic Signature during Covid-19 Pandemic

The Conservation Administrator explained that, due to the pandemic legislation relating to COVID-19, meetings were allowed to be held virtually. With new members, the Commission was asked to revisit this subject to determine how to sign Determinations and Orders. The Commission has previously, in May 2020, authorized the Conservation Administrator to sign on their behalf only after a formal vote was taken during a duly posted public meeting. Tonight,

with two new Commission members and a new Conservation Administrator, it was requested that the Commission take this vote again with the new members present.

Motion: Commissioner Bacis moved to authorize the Conservation Administrator to sign Determinations and Orders on behalf of Conservation Commissioners. Commissioner Davis seconded the motion. Seven (7) out of seven (7) members voted in favor of the motion by roll call vote (William DeLuca, Neva Tolopko, Bill Bacis, Garth Schwellenbach, Tom Dennis, Mary Grover, and Kathleen Davis).

Agenda Item #8 --- Administrator's Report

The Conservation Administrator detailed the following:

- **Fire District 2 Forest Cutting Plan** - A Forest Cutting Plan has been filed by Fire District #2 for property they owned along Amherst Road. The Plan was submitted to the *Natural Heritage and Endangered Species Program* (NHESP) for review and a potential 'take' of habitat was identified.
- **164 Woodbridge** – Department staff performed a site visit following notification of activity within the Riverfront Area of Bachelor Brook. It was discovered that a large tree had fallen during a recent storm.
- **Volunteer Events** – Within the upcoming weeks, work parties would be held at Black Stevens Conservation Area and Beachgrounds Park
- **Loomis Village** - A pre-construction meeting was held to review the planned dredging at a pond on the Loomis Village Campus. The work was permitted through the Commission under Order of Conditions #288-0466.

Agenda Item #9 --- Other New Business

The Commission discussed the tree replacement policy associated with tree removal in jurisdictional areas.

Agenda Item #7 --- Approval of September 1, 2021 Meeting Minutes

Draft minutes of the September 1 meeting were sent to the Commission for review. A spelling error was noted within the draft.

Motion: Commissioner Schwellenbach moved to approve the September 1 meeting minutes as revised. Vice-Chair Tolopko seconded the motion. Six (6) out of seven (7) commissioners voted in favor of the motion through roll call. Chair Deluca abstained from the vote as he was no in attendance at the September 1 meeting.

Adjournment

Chair Deluca adjourned the meeting at 7:53 PM.

Respectfully Submitted,
As Approved

Colleen Canning, Senior Clerk
Planning and Conservation Department

Appendix

| Document | Document Location |
|-------------------------|--------------------------|
| No Q&A Report | --- |
| Lot 1 Stonegate - RDA | Conservation Files |
| 7&9 Sycamore Parc - RDA | Conservation Files |
| 508 River Road - NOI | Conservation Files |