

**SOUTH HADLEY CONSERVATION COMMISSION
VIRTUAL MEETING MINUTES
OCTOBER 4, 2023**

Present: Neva Tolopko, Chair; Bill DeLuca, Member; Garth Schwellenbach, Member; Tom Dennis, Member; Kathy Davis, Member; Jess Schoendorf, Member; Louise Croll, Associate Member; Terry Rosenfeld, Associate Member; Rebekah Cornell, Conservation Administrator; and Colleen Canning, Planning/Conservation Coordinator

Chair Tolopko called the meeting to order at 6:02 PM and reviewed the virtual meeting protocols.

Agenda Item #1 --- Open Public Forum

No members of the public spoke during the open forum.

Associate Member Rosenfeld joined the meeting at 6:04 PM.

Agenda Item #2 --- Minutes

Draft minutes of the September 6 meetings were sent to the Commission for review.

Motion: Commissioner Davis moved to approve the September 6 meeting minutes. Commissioner Schwellenbach seconded the motion. Four (4) out of five (5) commissioners voted in favor of the motion through roll call vote. Commissioner Schoendorf abstained from the vote.

Agenda Item #3 --- Housing Production Plan with Planning & Conservation Director Anne Capra

Planning and Conservation Department Director, Anne Capra, was present at the meeting. Director Capra shared a slideshow which reviewed the Town's process for updating the Housing Production Plan (HPP). The plan sought to identify South Hadley's housing needs and define strategies to achieve target housing affordability.

Commissioner Deluca joined the meeting at 6:25 PM.

Commissioner Rosenfeld asked for the term 'safe harbor' to be clarified. Director Capra explained that 'safe harbor' indicated that a community satisfied the minimum requirements for deed restricted affordable housing. That community would not be subject to a comprehensive permit housing development, a process which allowed development that did not conform to local zoning.

Commissioner Schoendorf identified that the objectives of the HPP were aligned with the work of the Commission's Diversity, Equity and Inclusion Subcommittee. If housing developments were planned near Conservation Areas, an effort could be made to connect residents to those

areas. She asked what the catalyst for initiating the HPP process was. Director Capra explained that the Town's previous HPP had expired and the current update was funded through the American Rescue Plan Act (ARPA)

Commissioner Davis asked for clarity on how the opportunity sites were selected. Director Capra explained that the opportunity sites were not proposals for development but only examples of potential sites for housing development given the appropriate circumstances.

Chair Tolopko asked if adopting a Community Preservation Act was still part of the plan, so that it could be used as funding to implement the plan's recommendations. However, Director Capra mentioned that town members would need to spearhead a campaign to bring CPA to Town Meeting for adoption (CPA had previously come before Town Meeting and had been twice defeated in past years).

Chair Tolopko stated that she was pleased that many of the areas shown for potential development were located on properties that were pre-disturbed vs. requiring land/tree clearing.

She also stated when bylaws and regulations were updated to implement many of the initiatives in the HPP, that the town should consider requiring some common open space or native plantings and if development is in the Water Supply Protection District to consider requiring specialized septic systems that provide nitrogen treatment (like what is required on some parts of Cape Cod).

Agenda Item #4 --- Public Hearing: Notice of Intent filed on behalf of the Town of South Hadley for a culvert replacement at Pearl Street and restorative improvements to Elmer Brook within Buffer Zone and wetland resource areas. The project location is Pearl Street and adjacent segments of Elmer Brook (Map 56, Lots 1, 2, and 122)

The hearing to consider the Notice of Intent had been continued from a previous meeting as the Commission was waiting for comments from DEP and the *Natural Heritage and Endangered Species Program (NHESP)*. Since the previous hearing date, the necessary comments were received and the Commission was able to issue Order of Conditions. Special conditioning would incorporate the determination from NHESP which included the requirement for a Turtle Protection Plan. It was also recommended that a condition be added to require off-site disposal of construction material.

Motion: Commissioner Davis moved to issue Order of Conditions to DEP file #288-0488 for culvert replacement and improvements to Elmer Brook at Pearl Street with special conditions as discussed during the hearings. Commissioner DeLuca seconded the motion. Six (6) out of six (6) Commissioners voted in favor of the motion through roll call vote.

Agenda Item #5 --- Public Meeting: a Request for Determination filed on behalf of Patricia Stefanelli to modify an existing septic system and construct the addition to a single-family home with buffer zone at 125 Amherst St (Map 52 Parcel 249)

Commissioners Schoendorf and Schwellenbach recused themselves from the hearing.

The applicant's consultants, Jeff Squire of Berkshire Design and Ryan Crandall of Wright Builders, were present at the hearing. The project consultants detailed the objective of the RDA filing which included modification of an existing septic system and construction of an addition to a home at 125 Amherst St.

Chair Tolopko considered if an RDA or NOI review process was most appropriate for review of the proposed work. There appeared to be new impervious surface proposed within the 50 foot Buffer Zone which was understood as a 'no build' area under the local wetland bylaw. As it was unknown what impact the work would have on the Resource Area, it appeared that an NOI would be more appropriate. She asked for thoughts from fellow Commissioners.

Commissioner Davis identified concerns with the proposed project. She asked if the Pine Trees on site were proposed for removal. Administrator Cornell explained that proposed soil disturbance would likely lead the Pines to fail soon after site work was completed. Jeff Squire added that a raingarden could be placed at the site of tree removal.

Administrator Cornell elaborated on the site's conditions. Prior to visiting the property, GIS mapping only showed a wetland at the western corner of the site. As such, a Request for Determination was filed to permit the addition and septic system upgrade. Following site visits and Resource Area delineation, the presence of Wetlands was greater than initially understood. The Commission needed to act on the applicant's request and determination if proposed work posed impacts to the jurisdictional areas. If a negative determination was made, the work could move forward. If a positive determination was made, the applicant would need to file an NOI to permit the work.

Commissioners Dennis and Davis indicated support for requiring the filing of an NOI. Commissioner DeLuca indicated that requiring the filing of an NOI would be consistent with previous determinations of the Commission.

Motion: Commissioner Davis moved to issue a Positive Determination #1 for modification of an existing septic system and addition to an existing single-family home at 125 Amherst Road. Commissioner Dennis seconded the motion. Four (4) out of four (4) voting commissioners voted in favor of the motion through roll call vote.

Agenda Item #6 --- Request for Certificate of Compliance 46 E. Carew St (DEP File #288-325)

A request for Certificate of Compliance (COC) had been received for DEP File #288-325. The Order of Conditions (OOC) was issued for construction of a storage facility within Riverfront Area at 46 E. Carew Street. A COC was being requested to lift the OOC from the property deed to allow sale of the property. Administrator Cornell completed a site inspection and recommended issuance of the COC.

Motion: Commissioner DeLuca moved to issue a Certificate of Compliance to DEP File #288-325. Commissioner Schoendorf seconded the motion. Six (6) out of six (6) Commissioners voted in favor of the motion through roll call.

Agenda Item #7 ---Administrator’s Report

Administrator Cornell detailed the following items:

- *Route 116 Culvert Repair* – Repair of the culvert was expected to be completed in October. Restoration of Newton Smith Brook would follow
- *River-to-Range Parking Lot* – Upgrades to the parking lot had been completed. The new swale was functional following recent rain events. A new layer of stone dust would be added to trials to prevent erosion.
- *Site Visits* – A site visit was scheduled for Orchard’s Golf Club on October 6 at 3:00 PM and a site visit was scheduled for Ledges Golf Club on October 20.
- *Subcommittee Meetings* – The Diversity Equity and Inclusion Subcommittee was scheduled to meet on October 18 and the Growing Wild Subcommittee was scheduled to meet on October 17.
- *Board of Health* – Commissioners DeLuca and Dennis indicated availability to attend a future meeting with the Board of Health to discuss the Town’s Property Maintenance Bylaw and how it conflicted with conservation efforts.

Agenda Item #8 --- Other New Business

There was no new business to discuss.

Adjournment

Motion: Commissioner DeLuca moved to adjourn the meeting. Commissioner Davis seconded the motion. Six (6) out of six (6) commissioners voted in favor of the motion through roll call vote.

The meeting adjourned at 7:58 PM.

Respectfully Submitted,
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document
HPP Slideshow	Conservation Files
NOI 288-0488	Conservation Files
RDA 125 Amherst St	Conservation Files
RCOC 288-0325	Conservation Files