

36 Bridge Street
South Hadley, Massachusetts 01075

August 26, 2019

To: South Hadley Conservation Commission

Re: Response to DEP Comments

- [1] No Comment
- [2] If the commission determines that the project should be reviewed as a new development under 310 CMR 10.58(4), the applicant will withdraw the current proposal and resubmit the project as a new development and perform the required alternatives analysis. Under a new development, the commission may allow the alteration of up to 5000 sf or 10% of the Riverfront within the lot, whichever is greater. As a matter of information, the allowable 5000 sf for a new development is greater than the 4268 sf currently proposed as redevelopment within previously developed Riverfront areas.
- [3] This project was submitted as a redevelopment under 310 CMR 10.58(5) because it had degraded area in the riverfront prior to August 7, 1996. Degraded areas included a paved parking lot, a swimming pool and a shed, totaling 2302 sf. As you know, the vacant property was bought, sat idle for several years while the house collapsed, and a cleanup order was issued by the building commissioner. In the fall of 2014, the house was demolished and the rest of the site was cleared to make the property safe. The applicant was encouraged to develop the site by many town departments and officials. The applicant contends that the degraded areas should be allowed to be counted as part of the redevelopment proposal.
- [4] Under 310 CMR 10.58(5), the proposed project will result in improved conditions within the riverfront over the previous conditions which had degraded areas and no stormwater treatment. The project will result in planting of indigenous plant species, providing stormwater management, and removal of noxious materials.
- [5] Work in the BLSF includes a portion of new building and parking lot and associated re-grading. The 100-year flood plain elevation of 73.8' is confirmed to be from NGVD 1929 datum. The flood plain extends to the rear of the former house, and the former parking lot was completely within the 100-year flood plain.

The rear of the new building is proposed to extend into the 100-year flood plain, and the parking lot will also be reconstructed in the flood plain. The parking lot will be built at grade and no change in grade is proposed. The driveway leading to the parking lot will be slightly lowered to compensate for the new building extending into the floodplain. Because the parking lot is proposed to be at grade, calculations were done only for the upper level of the flood plan between elevation 73.0 – 73.8 where storage capacity is affected.

Under the former existing conditions at elevation 73.0 – 73.8, the flood volume on the site was 257.6 cf.

Under the proposed conditions at elevation 73.0 – 73.8, the flood volume on the site will be 260.8 cf. There will be a slight increase in flood storage under proposed conditions.

The increase in flood storage at the site will be accomplished by lowering the driveway between elevation 73.0 – 73.8 to compensate for the loss due the new building extending into the flood plain. For all intents, the flood volume at elevation 73.0 – 73.8 will not be changed.

- [6] The rain garden is designed according to the stormwater handbook, Volume 2, Chapter 2. It provides pretreatment by a combination of a stone diaphragm combined with a grass filter strip.
- [7] The rain garden is not counted to provide any compensatory flood storage.
- [8] The rain garden work was not originally included as alteration in the Riverfront area calculation. The revised figures for total alteration including the rain garden work is 4,268 sf total alteration versus 2928 sf originally submitted. The plan has been updated with this information.
- [9] Invasive species removal will be accepted by the applicant as a long term requirement and condition of approval.



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Secretary

KARYN E. POLITO
Lieutenant Governor

MARTIN SUUBERG
Commissioner

DATE: August 19, 2019

Municipality SOUTH HADLEY
(city/town)

RE: NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant: LUIS BUILDERS, INC.
Address: 37 WESTBROOK RD
SOUTH HADLEY, MA

Owner: LUIS BUILDERS, INC.
Address: 37 WESTBROOK RD
S. HADLEY, MA, 01075

LOCUS: 36 BRIDGE ST

This project has been assigned the following file # : WE 288-0459

A FILE NUMBER ONLY INDICATES THAT THE APPLICATION CONTAINS THE MINIMAL SUBMITTAL REQUIREMENTS AND IS ADMINISTRATIVELY COMPLETE - NOT THAT THE INFORMATION IN THE APPLICATION IS ADEQUATE FOR ISSUANCE OF AN ORDER OF CONDITIONS.

Although a file # is being issued, please note the following:

[1] The commission will need to carefully review the regulations for this project.

[2] If the commission requires that the work be reviewed as a new development project under 310 CMR 10.58(4), the alternatives analysis that is required would be any parcel in South Hadley. Please review 310 CMR 10.58(4)(c) 2.c.i. and new work would be limited to 10% alter of the Riverfront Area unless 310 CMR 10.58(4)(d)4. applies, which it may not.

[3] To be eligible to be reviewed as a redevelopment under 310 CMR 10.58(5), it must have "degraded" area in the Riverfront that was there in 1996 and is there now. One cannot claim degraded area credit for degraded area that is not there. Aerial photographs do not appear to show all the degraded area that are shown on the plans. Plans should show degraded area that is there now and was there in 1996. "degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds." If the commission agrees that there is degraded area on the site that qualified under 310 CMR 10.58(5), then the specific area must be shown on the plan and square footage calculated. It would be appear that mitigation at 2 to 1 would likely be required which may be done offsite, as allowed under 310 CMR 10.58(5)(g).

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.

 <http://www.mass.gov/dep>
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LUIS BUILDERS, INC.
37 WESTBROOK RD
SOUTH HADLEY, MA

[4] Under 310 CMR 10.58(5), an improvement over existing conditions is always required.

Acceptable improvements include, but are not limited to:

- 1) Significant net reduction of impervious surfaces;
- 2) Planting of indigenous plant species;
- 3) Providing stormwater management demonstrably in excess of what is required per 310 CMR 10.05(6)(k) through (q);
- 4) Removal and proper disposal of noxious but otherwise legally located materials.

[5] Though the plans show BLSF on the parcel and work is proposed on the parcel, no information is included that states the area of work or the volume of proposed work in BLSF. Please confirm that the plans are also using NGVD 1929 as the 73.8 feet noted appears to use that 1929 datum.

[6] A rain garden is proposed for treating stormwater. What should be done is the applicant reviews the stormwater handbook, Volume 2 Chapter 2, and should cut and paste the BMP information into the stormwater report. All BMP's must be designed, constructed, operated and maintained per the handbook. For a rain garden, see pages 23 through 35. In order for a rain garden to receive 90% TSS removal credit, it must have adequate pretreatment. See the planning considerations on page 25 and 26.

[7] For any compensatory storage required for the proposed work in BLSF, rain gardens or other type basins cannot be used as they do not have an unrestricted connection to the water body, as is required.

[8] Was the work in and near the rain garden included in the Riverfront area calculations? If submitted under 310 CMR 10.58(4), an alternatives analysis is required. If submitted under 310 CMR 10.58(5), that area must be included in the total Riverfront area alter calculations.

[9] Any removal of invasive species is a long term requirement and should be required in perpetuity if it is proposed as mitigation and/or improvement. Please note that restoration, under 310 CMR 10.58(5)(f), is restoring areas that are presently degraded.

If you have any questions regarding this letter, please contact: MARK STINSON @ (413)-755-2257

Cc: South Hadley Conservation Commission, TOWN HALL, 116 MAIN STREET, South Hadley, MA, 01075
Owner: LUIS BUILDERS, INC., 37 WESTBROOK RD, S. HADLEY, MA, 01075
Representative: THE BERKSHIRE DESIGN GROUP, 4 ALLEN PLACE, NORTHAMPTON, MA, 01060