

RL LEVESQUE ASSOCIATES, INC.

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September 14, 2020

Mr. Brad Hutchison, Chairman
Town of South Hadley Planning Board
116 Main Street, Room 204
South Hadley, MA 01075

**RE: Definitive Subdivision –Peer Review Definitive Plan Review Questions – Weston & Sampson 0, 328, 336, 390, & 394 Hadley St & 40 Sullivan Ln, South Hadley, MA
Map 56, Parcels 20, 26, 42, 43, 43A, 104, 109, 112 & 121; Map 54, Parcels 15 & 20
RLA Project #19 0310**

Dear Chairman Hutchison & Board Members,

Please allow this letter to serve as a response to questions received from Mr. Harris on Friday, September 11, 2020 via email. The format has been kept consistent for ease of review.

Definitive Plan Review Questions

The list corresponds w/the Weston & Sampson Matrix.

2) Conformance to Agric, Zoning District Definition

Weston & Sampson, the Board in previous meetings, members of the public have all questioned the need/wisdom behind excavating the entire site to match the bottom of the gravel pit. Not only does it go against conventional practice of making the development in sync with the natural contours of the site and but it appears not to be “incidental” (contrary to General Bylaw 245 and the spirit of the Agric. District purpose in the zoning bylaw).

- Question for Applicant: Do you intend to provide alternative grading/redesign approaches to minimize impact on the site/soil or not? If not, explain why.

RLA Response: The roadway and lot grading plan provided meets or exceeds all of the design standards for the Town of South Hadley. This was also confirmed by the peer review consultant. The grading proposed is incidental to the construction of the road and proposed subdivision lots. No revised grading is warranted.

- Please confirm whether or not you are considering bringing back any Open Space (23 acres) in the development as originally proposed? If not, why? (How does this conform to your Development Impact Statement in which you identify repeatedly 23 acres to be preserved in Open Space and in your Hydrogeological Assessment Study which also identified repeatedly that 23 acres was to be preserved in Open Space and even noted that this was a partial reason for the consultant’s findings regarding the project’s impact on public water supply?)

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RLA Response: As stated previously on multiple occasions, the owner's intent is to leave the area adjacent to the river undeveloped. The 23 acres of Open Space contemplated in the preliminary plan is still slated for protection in the future.

3) Water Supply Protection District Section 255-35(1)(b) - Leaving the replanting of lots "up to individual landowners" does not comply w/the requirements for development within this district.
-Question for Applicant: What is your plan: Adhere to the standard by replanting lots with topsoil and vegetative plantings suitable to the area as required by the bylaw OR draft covenants with individual homeowners for the PB's review?

RLA Response: The intent is to adhere to the standard by applying 4-6" of loam and seed to all exposed surfaces. Vegetative plantings will be incorporated into the landscape.

4) In relation to WSPD issue cited above, there are the following concerns:
a) and c) Whether earth removal is "incidental to and in connection with" the development of site improvements necessary for this subdivision (per Section 255-84A(2) of the SH Zoning Bylaw)
-Question for Applicant: Since your application must achieve this standard and approx. 1/2 million cubic yards of earth is *not* incidental, have you or will you consider alternative grade methods (e.g., cut and fill, importing material to site by using material from another area of the pit)?

RLA Response: The quantity of material is not a determining factor in what is considered incidental to the construction of the proposed project. Material cannot be imported for fill as it would disqualify the septic system locations (percs) under the Title 5 regulations. In addition, it is the intent that the proposed houses be built safely within native ground.

b) From W&S, could changes in the proposed grade of "Frosty Lane" reasonably reduce the scope of proposed earth removal while conforming to SH's Subdivision Regulations?
-Question for Applicant: When the application was initially submitted in Oct. 2019, Frosty Lane had a grade of approx. 7% and revised plans of Jan. 2020 showed even greater earth removal, particularly for this feature (newly revised grade 1-5%). Please explain why, when the Board asked (in Nov. 2019) you to consider potential redesigning parts of the development to minimize earth impact, did you revise the plans to actually *increase* earth removal by approx. 35,000 cubic yards which appears, in part, to come from the reduction in roadway grade?

RLA Response: In November of 2019, when the Planning Board asked if the stormwater basin could be moved to reduce impacts because of the concern of earth removal, we relocated the basin to address their concern. At the same time, comments were received from the Board of Health. Those comments were specific to the validity of perc test locations sitting in native ground and continuing to be in native ground in proposed conditions. Our grading design is based on the subdivision standards coupled with controlling factors including the existing grades within the excavated areas, the perc test locations, the feasibility and grading of proposed home sites, and

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the desired approach, location and function of the proposed roadway. While the quantity of material has been raised multiple times as a concern, the quantity itself is not a deciding factor but rather a byproduct of the intended design.

-Condition d. Topography - "Must be verified" per Prelim. Plan condition, the proposed grading for the site is limited to the 9 lots/4 houses and applicant believes this enough. It appears this was included and said issue was resolved based on the July 13th hearing.

-Condition g. Construction Staging/Operation Planning - a plan for ensuring construction equipment and operations (which to my mind includes excavation) do not adversely impact the groundwater supply. Peer reviewer noted that this should include an O & M Plan and Emergency Response Plan. Applicant response: "will be discussed" at the PH..."

-Question for Applicant: As this is not merely a discussion point, will you submit a fully fleshed out, written plan that accounts for construction equipment AND operations (which includes excavation since that is happening at the same site as the development) as well as an Emergency Response Plan prior to any public hearing for the Board's review?

RLA Response: A detailed construction phase stormwater management plan, a stormwater pollution prevention plan, and the detailed grading/erosion control plans have already been provided. A detailed O & M Plan has already been provided for the excavation, as requested. Should further clarification be needed, our office will be happy to provide that.

-Conditions h and i. Vegetative Maintenance/Reveg. Plan - h requires Phasing plan for tree cutting to prevent destabilization of slopes, erosion throughout site and prevent stormwater basins from becoming overwhelmed during construction. Applicant refers to O&M plan which has nothing to do w/tree cutting or vegetation, but rather long term M&O of roadways and for homeowners POST-development)

-Question for Applicant: Will you submit a vegetative maintenance/erosion/slope destabilization plan for review as prescribed by these conditions?

RLA Response: Yes, the information has been previously provided. Please see response above. Should further clarification be needed, our office will be happy to provide that.

-Condition i. Revegetation Plan requires that the disturbance of the land be remediated with plantings and anti-erosion measures to ensure that long term degradation (including steep slopes) does not occur. This Plan, along with a timetable, is critical to stabilize the site in the interim phase (during construction) and final phase/post construction as well as prevent potential well contamination. Applicant's response to date has been "affected areas will be loamed and seeded" and, apparently, the rest is left up to the builders and homeowners. As per the approved Prelim. Plan, this is the applicant's responsibility - not builders' nor homeowners'.

-Question for Applicant: Will you comply with Condition i. of the approved Preliminary Plan by submitting a Revegetation Plan to ensure affected areas will be safe for when the builders and homeowners take over?

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RLA Response: Yes.

-Condition 7 Fill Material - requires details on how any fill material will be verified that is not contaminated. Applicant response is that they contracted with an LSP who will oversee their work/no known contamination.

-Question for Applicant: How was your conclusion of "no known contamination" determined? What analysis(es) was performed to make such a conclusion? Will you provide us with the parameters that the LSP will be utilizing to test the fill material? For instance, what contaminants will they test for, how will testing be conducted, frequency, location, etc.

RLA Response: The only potential for fill will be topsoil. Any imported material would be tested prior to trucking to the site. Slips for that testing are provided with each truckload of material. Contaminated material cannot be legally sold or transported.

-Condition 8 Buyer Notification - Applicant is to provide details on how lot purchasers will be informed that they are in a Zone II area. Applicant "feels this is unnecessary as the WSPD regs restrict/prohibit said noxious uses".

-Question for Applicant: Despite refusals to date, for the record, do you intend to comply with Condition #11 from the approved Preliminary Plan by providing a plan that details on how homeowners will be informed that they are in a Zone II area?

RLA Response: Point of clarification, this statement is inaccurate. There has been no refusal to date. The Planning Board should provide a condition if they want this completed. We have seen this done both on the deed or by posting something in the garages of each home.

-Condition 9 (Hydrogeological Assessment Study - See prior hydro comments

-Condition 10 Details on earth removal, particularly any proposed crushing on the site. Applicant says no crushing happening on site but fails to address earth removal.

-Question for Applicant: Will you comply with this condition by providing details on any earth removal happening at the site?

RLA Response: Yes, a detailed earth removal plan can be provided.

-Condition 11 Pavement - Board is supportive of minimizing pavement; encourages minimizing impervious surfaces and use of Low Impact Development approaches. Given the importance water recharge on Dry Brook Hill to maintain our water supply, such measures were/are highly encouraged to be incorporated in the plan. Applicant response - roadway is designed to meet standards / the amt. of impervious surface is dictated by standards. Peer Reviewer aptly points out that standards are not so specific to dictate the amount of pavement at NP Estates. Nor did they address LID.

-Question for Applicant: Will you propose measures to minimize impervious surfaces and/or investigate potential LID measures to be used at the site?

RLA Response: To clarify, the subdivision standards dictate the width of the roadway which

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dictates the amount of impervious surface. The subdivision standards that apply to the roadway and stormwater design do not allow for LID consideration. The peer reviewer in charge of the stormwater design has determined that said design is appropriate, meets the standards and has been designed in accordance with the regulations. Given the contentious review process for this subdivision, the applicant is not willing to request a waiver from the subdivision design standards to accommodate LID considerations.

-Condition 12 Prior Contamination - Operated as pit, travelled on by heavy trucks and equipment for decades, used as a shooting range: applicant must address how will test the site for contaminants.

Applicant's response - 'there are no contaminants'.

-Question for Applicant: While historical evidence says otherwise (e.g., the site was used for shooting practice and it has operated as a gravel pit with heavy equipment for decades), there may be potential contaminants at the site. As such, do you intend to test for prior contamination, and if so, will you provide details on how the testing will be conducted and the analysis used to determine the outcome?

RLA Response: What evidence has been provided that there is/was contamination on this site? No evidence has been provided to date. If the board has evidence that they are withholding from the applicant, we respectfully request that it be brought to our attention immediately so the proper remediation can be done.

-Condition 16 Peer Review - by Berkshire Design re: steep slopes and drainage easement. "Impossible" to be compared given disparity between Prelim. and Def. Plans, therefore, same issue as #13 above.

-Part c. Given extensive clearing and excavation, a phasing plan should be provided to ensure adequate loam/seed/plantings are provided to stabilize the site. Applicant responds w/'see O&M plan' but neither their Jan. 2020 O&M submittal nor the O&M section of their Stormwater Report document such a plan.

-Question for Applicant: Do you intend to fulfill this Prel. Plan condition by providing a phasing plan?

RLA Response: Yes. The project will be completed in one phase. Please see sheets C-3 through C-5 detailing construction sequence.

-Condition 17 Roadway Maintenance - Public vs. Private and maintenance of a safe surface, free of snow/ice, meeting DEP requirements, best practices given unique environmental conditions. Applicant says we must wait until the PH to consider this info which will be provided verbally...? (similar to Construction/Staging Operations Planning requirement). Once again, this approach does not allow for advance consideration/review time by the PB

-Question for Applicant: Do you intend to put the above requirements in writing?

RLA Response: Yes.

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-Applicant has noted (in Def. Plan p. 61) that landscaping of lots will be “consistent with that of other single-family homes” and “homeowner will choose the extent of lawn areas and landscaping they feel is appropriate at the time of the construction of their home.” Given the history and complications of this site/project, landscaping is essential to remediate the site to return some of it back to its natural state.

- Question for Applicant: Will you develop a landscape plan for the individual lots to address this concern?

RLA Response: There is no history nor complications of this site/project. No, we will not be providing individual landscaping plans as they are not required and presumptuous.

-A member of the public questioned # of trees removed. Response was “2.1 acres will be removed and limited replanting will occur as part of the residential development”.

- Question for Applicant: Will you highlight the affected area on a map and estimate the number of trees to be removed along with any type of plan for replacement of said trees?

RLA Response: The only plantings required within the subdivision regulations are street trees and those are have provided. The establishment of topsoil and lawns will happen throughout the extent of the site.

If any additional information is required, please do not hesitate to contact our office.

Sincerely,
R. LEVESQUE ASSOCIATES, INC.

Robert M. Levesque

Robert M. Levesque, ASLA, RLA
President

Cc: Town of South Hadley – Town Clerk
Jason Ouellette