

SOUTH HADLEY CONSERVATION COMMISSION
MEETING MINUTES

June 29, 2009

Approved at 7/20/09 meeting.

PRESENT: Jack Fleming, Chair; James Canning, Brad Allen, and Dennis Swartwout (7:45 PM). Art Jackson excused. Janice Stone, Conservation Administrator.

7:00 PM OPEN FORUM Opportunity for the public to come in and ask questions, discuss wetland concerns with the Conservation Commission. No one present, so Jim proceeded with review of *Bills Payable*. Office supplies and mileage for Janice. Jim made the motion to approve payment, seconded by Brad, all in favor. Discussion of ways to get the *minutes* done in a manner that would require less of Administrator's time. Kristin Steuber will check on transcription service providers for Commission to contact and research.

7:15 PM PUBLIC HEARING, continued on a Notice of Intent (288-399) filed by the *Orchards Golf Club* Arnold Palmer Golf Management for routine maintenance work within the buffer zone and some resource areas at the Orchards Golf Club. Consultant not ready with revised map, so asked for continuation to July meeting. Brad made the motion, seconded by Jim, to continue the hearing to July 20th at 7:45 PM. All in favor.

7:18 PM OLD & NEW BUSINESS: Request for Certificate of Compliance (288-368) *Fire District #2* building addition project, 20 Woodbridge Street. Last item to be completed was planting of native shrubs. They have been in for a month or more, look healthy and receiving good care. Jim made the motion, seconded by Brad, to approve issuing the complete Certificate of Compliance for the project. All voted in favor. Re-signing of Extension for *Mountainbrook subdivision* (288-259), for recording purposes, Scott Nielsen, off Mountainview St and Westbrook Rd. Janice explained that original document had been lost in moving of office. They need original signatures to record at Registry of Deeds. Brad made the motion, seconded by Jim, to approve re-signing the Extension. All voted in favor. Request for Waiver from South Hadley Wetlands Bylaw for work within 50' Conservation Zone, Chris Collins, 7 Sunrise Circle, *Stonegate subdivision*. This is related to the agenda item for 7:45 PM. The lot has a Superceding Order of Conditions from DEP, but the potential buyer wishes to change the approved footprint of the house, expanding it in the direction of the wetland. He is willing to mitigate for the impact in some way. There are some extenuating circumstances for the change in house footprint. The lot is exempt from the bylaw and from further wetland review if the building footprint is not changed. The bylaw exemption does not apply if the building will be closer to the wetland. The Commission has approved requests for waivers from the bylaw on three other similar-situation lots at Stonegate, but they have all been decks and not so close. The Commission discussed whether it was worth going to court with the property owner over this situation, which is complicated by the bylaw-grandfathered subdivision, Superceding Orders from DEP, impact limited to buffer zone, and the precedent of the other recent waivers. Commission agreed to consider waiver if some mitigation (line of native shrubs to permanently mark wetland area and buffer it?) is provided.

7:45 PM PUBLIC MEETING on a Request for Determination filed by Chris Collins, for construction of a single family home in the buffer zone at *7 Sunrise Circle* (lot 5 Stonegate subdivision). Chris Collins, prospective buyer and applicant, was present. Acting on his lawyer's advice, he had recently requested that the Request for Determination be withdrawn without prejudice. Janice explained this was appropriate, once she spoke to DEP and realized that one can't file a Request on a property that already has an Order or Superceding Order. The Request could have been for under just the bylaw, but based on recent precedent it was agreed that a request for a waiver from the bylaw would be sufficient instead. Chris explained the reason for the larger floor plan, and showed the Commission the footprint he was considering. It was probably going to be 80' x50' for the house, with a total footprint of about 100' x 65' to include a deck and patio. The patio and deck would be the part closest to the wetland, which would be about 12' away at the closest point. The Commission discussed mitigation measures with Chris, including planting of native shrubs along the border of the wetland as permanent monumentation. Chris said he would be in touch with the Commission as the project began. Brad made a motion to approve the withdrawal of the Request for Determination, and approve a waiver from the wetlands bylaw under reasons 1 & 3. Dennis seconded, and all voted in favor. Janice will put the waiver in writing as soon as possible so Chris can continue with his plans to purchase the lot, once he receives approval from DEP as well under the Superceding Orders.

8:00 PM PUBLIC MEETING on a Request for Determination filed by Wayne Boulais, for replacement of existing septic system with a new Title V compliant residential system in the buffer zone at *5 The Knolls*. Wayne and Mary Boulais present to explain the project. This is a replacement system, and the only location that perked on the property (rest was too close to bedrock). The original system was from 1955 and in two parts. These are being merged. Janice stated that she measured the distance from the wetland across the street to the closest corners of the leach field and it was at least 50'. She has requested the engineer to revise his plans, which show the wetland further away based on his determination but no flagging. Dennis made the motion to approve the project with a negative determination #3, contingent upon Board of Health approval of plans. Brad seconded, and all voted in favor.

8:07 PM OLD & NEW BUSINESS, continued. Janice discussed with Commissioners forms of permanent monumentation, specifically at *Apple Road*. Rebars and PVC pipe are not very attractive if they are going to be in someone's back lawn. Could use large rocks/boulders, but expensive to bring in? What else can be visible from the road and permanent?

8:15 PM PUBLIC MEETING on a Request for Determination filed by George Zebrowski, for upgrade of existing septic system by connection to the town sewer system, in the buffer zone at *42 Stanton Ave*. Anne Brozzi and Michael Kulig from Berkshire Engineering, and applicant George Zebrowski were present to answer questions. Anne explained that the applicant is upgrading the sewer system because his daughter is going to live there. They looked at alternatives, and the best was to connect to the existing sewer line at the end of Stanton Ave. There are a lot of wetlands out there, and Stony Brook is close by. They are also including a foundation drain from the house that will daylight 62' from the edge of the wet meadow Janice found during a site visit (not on the plans). Their plan is to go under the culvert crossing. They either have to have 10' of clearance or a cement encasement. They will be about 2.5' under the culvert, so they will do the encasement. They offered to encase the pipe the distance of the

wetland that abuts the driveway. They said the contractor is extremely careful, and the work will probably be done in August. The line will only be a 2 or 4" pipe. A neighbor expressed concern that the work could make the drainage problem in his yard worse. Anne stated "on the record" that it will not make the drainage worse. The gravel drive will remain gravel. Jim made a motion to approve the project with a negative determination # 5 & 3. Brad seconded, and all voted approval.

8:35 PM PUBLIC HEARING on a Request for an Amendment to the Order of Conditions (288-392) for the *Mill at Stoney Brook*, for vegetation removal for dam maintenance at 124 College Street. Kathleen Sharkey from the condo association was present to answer questions. She explained that the Mill is under a requirement of the Office of Dam Safety to have their dam inspected by an engineer and follow recommendations for maintenance of the "banks" of the dam. The banks in this case are all areas within 20' of the spillway on both sides. Most of the areas will just require some tree branch trimming and weed whacking. On the NW side, two sugar maples need to be removed from a lawn and garden patio area over looking the water. No vegetation will be dumped into the stream. Peter Edge will be doing the work. There will be no herbicide use. This type of work was last done about 8-10 years ago. They request adding this type of maintenance of these areas to the regular maintenance agreement. Brad made a motion to approve the Amendment to the Order of Conditions, Dennis seconded. All voted in favor. Dennis made a motion to close the hearing, seconded by Brad. All in favor.

8:50 PM OLD & NEW BUSINESS, continued. Commission Vote to contribute funds from the Conservation Land account for *McCray APR* appraisal. Janice discussed the status of the project, and that the farm is now on a state list awaiting an appraisal. If the Commission or town or other entity is willing to cover all or some of the cost of the appraisal, estimated at \$8,000-9,000, the application will go higher on the list. Janice explained that she has had a couple of meetings with other town officials and it is really important to find out what the appraisal is so we can start planning the funding. Any funds used for the appraisal will count towards the Town's contribution at the end. Brad made a motion, seconded by Jim to approve the expenditure of up to \$4,000 towards the appraisal of McCray's Farm. All voted in favor. Beaver problem at the *Ledges*. The beaver dams are causing flooding of the cart path and immediate area. Someone had breached a dam in one area with a shovel or something, but has been rebuilt by the beaver. The Ledges will have to figure out how to solve the problem. New conservation land *signs* are up for Carver-Jones, Gormally, Bachelor Brook/Stony Brook and Bynan.

9:00 PM ADJOURNMENT. Jim made a motion to adjourn, which was seconded by Brad, and all voted unanimously in favor. Next regular Conservation Commission meeting will be July 20, 2009 at 7:00 PM.

Respectfully submitted,

Janice Stone

Janice Stone,
Conservation Administrator