

**SOUTH HADLEY CONSERVATION COMMISSION
VIRTUAL MEETING MINUTES
FEBRUARY 17, 2021**

<https://vimeo.com/514351427>

As Approved

Present: Bill DeLuca, Chair; Neva Tolopko, Vice-Chair; Jim Canning, member; Bill Bacis, Member; Steph Clymer, member; Garth Schwellenbach, Member; Tom Dennis, member; Mary Grover, associate member; Anne Capra, Conservation Administrator/Planner; Colleen Canning, Senior Clerk Planning and Conservation Department

Chair DeLuca called the virtual meeting to order at 6:00PM and reviewed the protocols for virtual meetings.

Agenda Item #5 ---Regulatory Q & A with Mark Stinson, Mass DEP Western Region Wetlands Circuit Rider

Mark Stinson, MassDEP, was present at the virtual meeting.

At the previous meeting, the Commission identified regulatory questions during considerations for construction of single-family homes close to Buffer Zone. In light of these questions, the Commission expressed interest in hosting a question and answer session with Mark Stinson to seek his guidance.

The Commission questioned how long a wetland delineation was valid. Mark Stinson explained that the validity of the delineation was at the Commission's discretion. The Commission was entitled to ask for any information needed to make a determination related to the location of wetlands.

The Commission inquired about the extent to which the Buffer Zone is protected or regulated.. Mark Stinson explained that, under the Wetlands Protection Act, the Buffer Zone was not a Resource Area. However, the Buffer Zone was within the Commission's jurisdiction to evaluate work and its potential impact on adjacent wetlands. All work within the Buffer Zone does not necessarily impact the associated wetland. For example, conversion of lawn to a single-family home, may not have any impact on the adjacent wetland. Local wetland bylaws could place certain protections on the Buffer Zone and/or regulate it to a greater extent than the Wetlands Protection Act. However, he could not answer questions relating to South Hadley's local Wetland Bylaw and to what extent Buffer Zones are covered under it.

The Commission asked for guidance on how to notify homeowners of potential jurisdictional areas on their property. Mark Stinson explained that this was a complicated issue and different Commissions had different ways of dealing with it. Some Commissions required placement of a placard in the garages of new construction. However, the Commission could not make such a requirement if the work performed was outside of jurisdiction.

Agenda Item #6 --- Approval of January 27, 2021 Meeting Minutes

Draft minutes of the previous meeting were sent to the Commission for review.

Motion: Commissioner Clymer moved to approve the January 27, 2021 meeting minutes. Commissioner Canning seconded the motion. Five (5) out of seven (7) members voted in favor of the motion through roll call. Vice-Chair Tolopko and Commissioner Dennis abstained from the vote.

Agenda Item #2 --- 339 Pearl Street Conservation Restriction Assignment

The Conservation Administrator explained that, a number of months ago, the Commission voted to co-hold a Conservation Restriction (CR) associated with the Adams property at 339 Pearl Street with Kestrel Land Trust. Since the Commission's acceptance of the designation, Kestrel altered their legal structure and was now identified as 'Kestrel Land Trust, Inc.' rather than 'Kestrel Land Trust'. Therefore, the legal documents associated with the CR needed to be updated to reflect the change. A vote of the Commission was required to authorize the Chair to sign the Conservation Restriction Assignment..

Motion: Commissioner Dennis moved to authorize the Chair to sign the 'Assignment of Conservation Restriction' recognizing the reassignment of Kestrel Land Trust to Kestrel Land Trust, Inc. Commissioner Bacis seconded the motion. Seven (7) out of seven (7) Commissioners voted in favor of the motion through toll call.

Agenda Item #7 --- Administrator's Report

Ledges Golf Club

The Conservation Administrator stated that Ledges Golf Club sent their yearly herbicide report as was required through their Order of Conditions for routine maintenance. Separately, the golf club expressed interest in developing a Forest Stewardship Plan which could be used to help maintain the abutting Newton-Carver-Jones Conservation Area. Considerations from the golf club were ongoing.

Dogs and Conservation Areas

The Conservation Administrator explained that there was an increase in reports of dog waste left along the trails in Conservation Areas. Department staff developed press releases to combat the issue. In addition to the issue of dog waste, reports had been received regarding unleashed dogs. Dogs were allowed at Conservation Areas and were subject to the rules for use. The Conservation Administrator addressed a confusing item within the Conservation Land Regulations which require dogs to be leashed or under 'voice control'. The regulations were likely referencing trained hunting dogs as hunting was allowed at the Bachelor-Stony Brook Conservation Area. However, the language was too vague to be enforced when owners of untrained dogs claimed to have their pet under voice control when they did not. As unleashed hunting dogs were not presenting an issue, it would make sense for the Commission to re-evaluate their regulations to make the standards clearer.

Agenda Item #1 --- Restoration Plan submitted by John Conner for Enforcement Order issued to 35 San Souci Drive (Map 43, Parcel 62)

John Conner, owner of 35 San Souci Drive, was present at the virtual meeting.

The Conservation Administrator reviewed the enforcement action that was taken against the property owner. The property owner dumped woodchips along the edge of a stream on his property. Additionally, some vegetation was cleared at the location.

John Conner described the work he performed. Pictures and documentation provided by the applicant were displayed. He explained that small trees had fallen along the stream. He removed the downed trees and cleared some vegetation to clean up the area. Following this, he placed wood chips along the stream to suppress growth of invasive species which he saw as suffocating the growth of any other native vegetation. Additionally, the woodchips allowed for vehicular access to the area.

The Commissioners inquired if trees had been removed. John Conner explained that no large trees had been removed.

Associate Member Grover recommended that the area be cleared of mulch and restored with native plantings.

The Commissioners agreed that the applicant needed to develop a restoration plan which would be reviewed and approved by the Conservation Administrator.

Agenda Item #3 --- Planned Improvements at Hahn-Warner Arboretum

Commissioner Canning and Commissioner Dennis were involved in ongoing volunteer efforts to improve the Hahn-Warner Arboretum. They updated the Commission on the progress of the improvements. Ted Boulais, Chair of the Tree Committee, was planning to pursue funding for kiosk materials to install on site. Volunteer work had been solicited to help weed invasive species. The site's mowing plan would be reviewed to help convert a portion of the property into a pollinator meadow.

Agenda Item #4 --- Acquisition of 315 Amherst Road – MGL Chapter 30B Determination of Uniqueness

The Conservation Administrator explained that the acquisition of 315 Amherst Road would partially be funded through the Local Acquisition for Natural Diversity (LAND) Grant. The grant administrator was requiring that a public hearing under MGL Chapter 30B be held to publically consider the acquisition. The standard required that the land to be publically acquired needed to be determined 'unique'. Therefore, a vote of the Commission was required to designate the property as such. As the Commissions could recall, acquisition of the parcel satisfied the local standards for acquisition which identified the site's uniqueness.

Mary-Beth O'Meara, current owner of 315 Amherst Road, addressed the Commission. She was supportive of the Town's acquisition as it would allow the land to remain undeveloped in perpetuity.

Motion: Commissioner Bacis moved to determine that the property at 315 Amherst Road was unique to satisfy the land acquisition standards as defined under MGL Chapter 30B Chapter 16(e) (2). Commissioner Dennis seconded the motion. Seven (7) out of seven (7) Commissioners voted in favor of the motion through roll call. ¹

Agenda Item #7 --- Administrator's Report

Dumping at Hawkins Bird Sanctuary

The Conservation Administrator explained that furniture was illegally dumped at the Hawkins Bird Sanctuary. The police department was able to identify the violators and issue citations.

Native Plant Trust Survey

The Conservation Administrator stated that the Native Plant Trust periodically does inventory of rare plant species within Conservation Areas. This year, the Trust provided the Commission with the list of species locally catalogued.

Public Form

The Conservation Administrator explained that the Planning Board received a letter requesting that a public comment period be held during their regular meetings. As the concept had been floated amongst other boards, the Conservation Commission could consider inclusion of a public comment period on their agenda. Members of the Commission were agreeable to hosting a public comment period.

Agenda Item #8 --- Other New Business

Vice-Chair Tolopko questioned why the Ledges Golf Club now had an interest in developing a Forest Cutting Plan. The Conservation Administrator speculated that Ledges observed that another local golf club had a cutting plan which peaked their interest in getting their own.

Adjournment

Chair DeLuca adjourned the meeting at 8:33 PM.

Respectfully Submitted,

DRAFT

Colleen Canning, Senior Clerk, Planning and Conservation Department

¹ Roll call vote was performed later in the meeting during review of the Administrator's Report

Appendix

Document	Document Location
Q&A Transcript	Attached
Mark Stinson Emails	Conservation Files
35 San Souci Drive	Conservation Files

February 17, 2021 Conservation Commission Meeting 'Q &A' Transcript

Question	Asker Name	Asker Email	Answer(s)
1 Colleen, has anyone else reported that they can't hear the speakers or is it just my system?	lindalyoung	precincte@gmail.com	Hi Linda, no one else has reported audio issues.