

SOUTH HADLEY CONSERVATION COMMISSION
MEETING MINUTES
February 20, 2019

PRESENT: Bill DeLuca, Chair; Jim Canning, Vice-Chair; William (Bill) Bacis, Member; Neva Tolopko, Member; Anne Capra, Conservation Administrator/Planner; Colleen Canning, Conservation and Planning Clerk; Kimberly Masiuk, Associated Builders; Timothy Houle, Associated Builders; Colleen Puzas, SWCA; Barbara Magnuson, South Hadley resident; Vern Blodgett, South Hadley resident; and Robert Pleasure, South Hadley Resident.

The meeting for February 20, 2019 was called into order a 6:04 pm by Chair DeLuca.

1. 6:00 PM PUBLIC MEETING on Request for Determination by Center for Human Development for construction of a 10,133 sq.ft. group home and associated parking lot, Old Lyman Road (Map 14, Parcel 64)

Chair Deluca read the public hearing notice out loud to call the hearing into session. Kimberly Masiuk, Civil Engineer P.E., of Associated Builders and Timothy Houle, EIT/Engineering Division, of Associated Builders were present to represent the Center for Human Development's Request for Determination.

Kimberly Musiuk opened by explaining the proposed group home's orientation relative to the existing area. Abutting properties include Big Y Supermarket, MassDOT and some single family homes. Posters were provided for reference. Ms. Musiuk explained the project's location relative to wetlands. She explained that no resources were on the project site and that the closest resource area was over 80 feet away from the property line. The intended project location would not fall under the jurisdiction of the Conservation Commission. However, the importance of formality was acknowledged.

The Conservation Administrator detailed a site visit that she, Bill Bacis and Jim Canning on November 14, 2018. She verified that the abutting Big Y Supermarket wetlands delineation was consistent with the existing site conditions of the proposed project location.

Ms. Musiuk detailed storm water engineering mechanisms. She explained that DEP requirements and local by-law requirements were met and exceeded. Storm water basins were in place and the building design was engineered to protect against the 100 year storm. Commissioner Bacis wanted to know what would happen if all water basins filled. Ms. Musiuk explained that storm water would flow out the driveway in that event.

Ms. Musiuk explained that the site will have residential-style architecture and the landscaping and lighting will complement the surrounding area as well as benefit the site's residents. Commissioner Canning inquired about tree cutting and urged for use of native plants. Ms. Musiuk explained that, to conform to zoning regulations, the site will need to be clear cut and the ground will need to be filled due to the high water table. She explained that the area will be replanted with London Plane and Cherry Trees. Tim Houle, of Associated Builders, added that London Plane Trees are a hybrid with a local variety.

Motion: Vice-Chair Canning moved to issue a Negative Determination #4 on the proposed project. Commissioner Bacis seconded the motion. All **Four (4)** out of **Four (4)** Commissioners present moved to issue a number four negative determination on the project.

2. Discuss and Consider Request to Withdraw Notice of Intent #288-445, Orchards Golf Course, 18 Silverwood Terrace, Map 52, Parcel 164

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3. Discuss and Consider Request for Certificate of Compliance for #288-399, Orchards Golf Course, 18 Silverwood Terrace, Map 52, Parcel 164

Agenda items two and three were discussed in tandem as both items were related. The Conservation Administrator offered some background on this case. The applicant's representative Colleen Puzas, a wetland scientist of SWCA, was present. Orchard's Golf course has an open Order of Conditions (288-399) filed under a representative prior to SWCA. It was SWCA's intention to retrieve a Certification of Completion for DEP file number 288-399 and then file a new Notice of Intent with a new file number to reflect SWCA's updated maintenance plan for the golf course.

The Conservation Administrator explained that the existing Order of Conditions expired August 31, 2018. The Commission is still waiting on an accounting of completed conditions stipulated in DEP file number 288-399. Once there is a complete accounting of conditions, the applicant and the Commission can see what orders need to be rolled over to a new Notice of Intent for General Maintenance. Additionally, the Conservation Administrator informed he applicant that a fee of \$100 is still needed to complete their request for a Certificate of Completion.

SWCA had submitted a new Notice of Intent (288-445) for General Maintenance at Orchards Golf Course. As there was already an open DEP file number for General Maintenance, the existing OOC must be closed first. Additionally, the NOI (288-445) included dredging. As dredging permits are for a temporary condition, it was advised by the Conservation Commission to file separate Notices of Intent for general maintenance and for dredging. The general maintenance permit is for on-going projects and the dredging permitting is for a fixed project.

Motion: Commissioner Bacis motioned and Commissioner Tolopko seconded the motion to continue the meeting to March 13, 2019 at 6:00 PM to discuss COC for 288-0399, Orchards Golf Course, 18 Silverwood Terrace, Map 52, and Parcel 164. **Four (4)** out of **Four (4)** Commissioners present voted in favor of the motion.

Motion: Commissioner Tolopko moved and Commissioner Canning seconded the motion to allow the withdraw Notice of Intent #288-445, Orchards Golf Course, 18 Silverwood Terrace, Map 52, Parcel 164. **Four (4)** out of **4 (Four)** Commissioners voted in favor of the motion.

4. Discuss and Consider Request to Remove Trees at Rivercrest Condominiums (#288-0431), Rivercrest Way, Map 47, Parcel 76

The Conservation Administrator opened with some background. She performed a site visit with Commissioners Bacis, Canning and Tolopko on and Peter Edge, Rivercrest's arborist, on 2/11/19 to review a request to remove or prune over 40 trees. Approximately 20 of the trees are located within the wetland buffer zone. Typically tree removal requests are handled as Application for Conservation Permits. However, in this case, due to the number of trees proposed for removal, she asked if the Commission would prefer a Request for Determination permit process. There was discussion about ensuring that the landowner would be responsible for the permitted work, and not the arborist, so that they could be held accountable to permit conditions.

Motion: Commissioner Canning moved and Commissioner Tolopko seconded the motion to require a Request for Determination, with accompanying plans and maps, at Rivercrest Condominiums. **Four (4)** out of **Four (4)** Commissioners present voted in favor of the motion.

Motion: Commissioner Tolopko moved and Commissioner Canning seconded to amend the legal language of the motion to require that the property owner applies for the permit. **Four (4)** out of **Four (4)** Commissioners present voted in favor of the motion.

5. Discuss and Consider Amendment to Conservation Commission Tree Removal Policy

Agenda item number four inspired a conversation about potential amendments to the current Conservation Commission Tree Removal Policy. The current Tree Removal Policy requires a 2:1 replacement. However, with the proposed project scale at Rivercrest Condominiums, the replacement requirement of 40+ new trees on the site may not be appropriate. Peter Edge, of Edge Tree Services, was consulted on the Rivercrest project. He had inquired with the Conservation Administrator if the town had a tree replacement fund. This would offer the option to monetarily compensate for the tree removal in lieu of the 2:1 replacement. Such a fund does not currently exist. The implementation of such a fund, would require approval at Town Meeting. Legal language of such a fund would need to be worked out. The Town Planner had been consulted and he advised that a waiver should be a component of such a fund. Even with the proposed amendment, the Conservation Administrator added that she intends to continue to promote replanting on site. Possible amendments to the Tree Removal Policy will be part of an ongoing conversation.

6. Discuss and Consider Letter to Town Boards and Departments regarding status of existing permits for Chicopee Concrete Services

Discussion of the draft comment letter to the Building Commissioner and Planning Board regarding existing permits for Chicopee Concrete Services opened. The draft letter was read aloud and copies were passed out to members of the public. Members of the Commission commented on changing some of the language in the letter to make a more formal appeal.

Robert Pleasure, resident of Water District 2, addressed the Commission. He addressed three primary concerns regarding Water Supply protection:

- a. He claimed that important language had been removed from the Wetlands By-law during recodification that could affect the Conservation Commissions authority. The Senior Clerk

to Conservation will review the current by-law and the by-law instituted in 2005 to see if there is any merit to this claim.

- b. He commented that the Conservation Commission has authority to protect public and private water supply. He referred to the term “reservoir” in the bylaw, and the Conservation Commission’s authority could arguably extends to it.
- c. He mentioned that some municipalities in Massachusetts have outlawed or highly regulated land use to dissuade extraction activities.

Vern Blodgett, South Hadley resident, addressed the Commission with a comment on the wording of the permit request letter. He noted that there is no formal standard for referring to a “grandfathered” permit. The term can be used loosely and it can mean different things to different people. It was agreed to put the term “grandfather” be used in quotations to signify this.

There was discourse among the Commissioners if proceedings thereafter should be collaborative in finding a solution with Town Departments or be forceful in demanding responsibility. No clear consensus was felt on the matter but discussion will undoubtedly continue on the matter. In the final edits of the letter, the Commissioners decided to add the Town Administrator, Mike Sullivan, to the list of copied recipients.

Motion: Commissioner Tolopko motioned and Commissioner Canning seconded the motion to approve the edits and to formally endorse the letter to Town Boards regarding the status of existing permits for Chicopee Concrete Services. **Four (4)** out of **Four (4)** commissioners present voted in favor of the motion.

7. Discuss and Consider Coordination of Arbor Day 2019 with the Tree Committee

Discussion opened with Commissioner Canning sharing his ideas for Arbor Day 2019 festivities. He was appointed to the Tree Committee and can function as a liaison between the two committees. As the ceremonies are typically held at the Arboretum next to the Middle School, Commissioner Canning wanted to use the opportunity as a form for engagement and education with the students. He recommended that Chair Bill DeLuca speak at the event. As an educator at UMass Amherst and the Chair of the Conservation Commission, Chair DeLuca has valuable insight. Recommended honorees were made for this year’s tree planting memorial including: Martha Terry, a member of multiple town Boards and Committees; Chris Ryan, South Hadley Tree Warden; and a teacher at South Hadley Middle School who is involved in conservation efforts.

8. Discuss and Consider Approval of Meeting Minutes from January 30, 2019

No minutes were presented to the Commission at this meeting. The draft minutes for the January 30, 2019 meeting will be sent out and discussed and considered at the next scheduled Conservation Commission Meeting.

9. Administrator’s Report including updates on projects, violations, next meeting dates, correspondence log

- **Master Plan & Open Space and Recreation Plan Updates:** Chair of the Conservation Commission, Bill DeLuca, was appointed as represent the Conservation Commission on the Master Plan Update and OSRP advisory committees. It was asked if it would be appropriate to appoint an alternative in the event the Chair DeLuca could not attend. Commissioner Tolopko volunteered and will informally be the alternative representative of the Conservation Commission for the advisory committees.
- **Water Supply Protection District Revisions:** The Conservation Administrator shared with the Commission that changes to the Water Supply Protection District will be part of an ongoing discussion. Potential redistricting has implications for many Town Boards and Departments. As a Commission, it would be within its purview to offer comments and recommendations. Compiling of such recommendations will be part of an ongoing conversation.

10. Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice).

Commissioner Bacis requested that a discussion of a proposed solar field in Water District #2 be added to a future agenda. He noted that the intended project would require nearly 30 acres of forest to be cleared. Commissioner Basic wanted to engage in a discussion about the implications this proposed project would have on Conservation.

The Conservation Administrator informed the Commission that a proposed municipal dog park had just submitted a preliminary plan. The intended project location is near the municipal golf course, Ledges. The Conservation Administrator scheduled a site visit on Wednesday, February 27 at 3:00 PM. The staff to the Conservation Commission will gather information on wetlands delineation for Ledges Golf course to gather insight.

11. Adjournment

Chair DeLuca Adjourned the meeting at 8:47.

Respectfully Submitted,

Colleen Canning

Appendix

| Document | Document Location |
|---|-------------------------------|
| Orchards OOC 288-399 | Conservation Commission Files |
| Endorsed Letter to Town Boards | Conservation Commission Files |
| Wetland Bylaw | Conservation Commission Files |
| Group Home project proposal prepared by Associated Builders | Conservation Commission Files |