

SOUTH HADLEY CONSERVATION COMMISSION
MEETING MINUTES
JUNE 5, 2019

PRESENT: Bill DeLuca, Chair; Jim Canning, Vice-Chair; William (Bill) Bacis, Member; Neva Tolopko, Member; Anne Capra, Conservation Administrator/Planner; Colleen Canning, Planning and Conservation Clerk; Michael Lucchesi, 16 Upper River Road; David Parsons, Superintendent of Orchards Golf Club; Sophia Bitzas JD, R. Levesque Associates; Ray Authier, 100 Cislak Drive, Ludlow MA; Russ Marion, 12 Rivercrest Way; Rich Marion, 56 Canal Street; Craig Authier, 1421 Granby Road; Jeff Squire, Berkshire Design Group; Doug Serrill, Berkshire Design Group; Steve and June Carpenter, 116 Brockway Lane; Jodi Miller, 111 Brockway Lane; Anne Sobel, 111 Brockway Lane; Jaqueline Dupre, Ferry Street

Chair DeLuca called the meeting into order at 6:01 PM.

Agenda Item #1 --- 6:00 PM Public Hearing Continuance for Notice of Intent #288-0457 filed by Michael Lucchesi for revegetation of Bank on Connecticut River at 16 Upper River Road (Map 43, Parcel 5)

Chair DeLuca called the Public Hearing Continuance into order by reading the notice aloud at 6:01 PM.

The property owner and applicant, Michael Lucchesi, was present at the meeting.

The Conservation Administrator opened with background. She explained that the submitted NOI was the result of an Enforcement Order issued by the Commission for woodchip dumping along the bank of the Connecticut River as a perceived means of poison ivy control. The enforcement required the property owner to revegetate the bank. The homeowner submitted a NOI application with site plans prepared by himself. Upon review of the submitted site plan, it was recommended that a more comprehensive plan with more appropriate plantings be submitted. This brought the applicant to hire Berkshire Design Group to design a plan that would satisfy the DEP and the Commission's recommendations. The Conservation Administrator continued to explain that the updated site plans, prepared by Berkshire Design Group, had been received June 5, 2019 (the date of tonight's meeting). As the plans were just submitted, the DEP and NHESP (Natural Heritage and Endangered Species Program) has not been able to review the documents. As the agencies had not been given opportunity to review and offer comment, the Public Hearing could not be closed at tonight's meeting.

It was noted that on the submitted site plan, "IV 50" was labeled on the map but the abbreviation "IV" was not listed in the plant list key. Jeff Squire, landscape architect at Berkshire Design Group, was present at the meeting for a different Public Hearing. However, he was able to inform the Commission that "IV" represented the species "Iris Versicolor"

Motion: Commissioner Canning moved to continue the Public Hearing until June 26, 2019 at 6:30 PM. Commissioner Bacis seconded the motion. Four (4) out of four (4) Commissioners present voted in favor of the motion.

As the next agenda item was advertised to start at 6:30 PM, the Commission skipped the items with advertised times and would return to them at the appropriate time.

Agenda Item #7 --- Discuss and Consider Request for Waiver of Permit Application, 514 River Road (Map 43, Parcel 19)

The Conservation Administrator opened with background. She explained that an Enforcement Order had been issued to the property at 514 River Road. Steps were constructed on the property leading to the Connecticut River. In response, the property owner submitted a waiver to do work within the 50 foot Conservation Zone. The Conservation Administrator explained to the Commission that within Riverfront Area, there is no Conservation Zone therefore a waiver request was not appropriate.

The Conservation Administrator explained that she spoke to the owner June 5, 2019 (the date of tonight's meeting). The property owner explained that the stairs were already in existence and the repairs did not expand its footprint. Even so, the Conservation Administrator explained that repairs would require a Request for Determination of Applicability (RFD) as the project was in Riverfront. Additionally, evidence would need to be provided showing that the stairs were previously in existence. It was explained that all work on the property had stopped as the hired contractor was under investigation by the Attorney General. The applicant does not have plans, at this time, to add a dock. A new RFD will be filed after the applicant hires a new contractor.

Agenda Item #8 --- Discuss and Consider Water Service Replacement Activities, South Hadley Water Department, Fire District 1, Granby Road (Route 202)

The Conservation Administrator opened with background. She explained that the proposed project would replace water lines along Granby Road. As the project included installation of underground utilities within an existing roadway, the project would be categorized as an expect minor activity under the Wetland Protection Act. However, it was still within the Commission's purview to advocate for best practice measures including closure of the site after each work day, installation of straw wattle, and installation of silt fencing. The Conservation Administrator will reiterate best practices in a letter to the South Hadley Water Department, Fire District 1.

Agenda Item #11 --- Administrator's Report including updates on projects, violations, next meeting dates, correspondence log

Missing Bench at Bynan Conservation Area

The Conservation Administrator opened with background. She explained that a bench had gone missing at Bynan Conservation area and it was discovered a number of days later in the woods and subsequently chained to a nearby tree by the Police Department. It was not clear how or why the bench was removed. After the bench was recovered, it was placed in storage at DPW. The recovered bench was dedicated to Lin Pickle, a community member who was involved in local conservation efforts during his life. His widow, Nancy Pickle, was present at the meeting. The Commissioners and Nancy Pickle exchanged many ideas about where the bench could be relocated. Ideas ranged from placement on conservation trails to placement outside the Firehouse Museum. Among the ideas, it was recommended that the bench be installed at the new Senior

Center. Linda Young, member of the Senior Center Committee, shared that she would address the idea with her committee when they meet next. No definitive plans were set in place for the new location of the bench. For now, the bench will remain in storage at DPW until a location is chosen.

Agenda Item #2 --- 6:30 PM Public Hearing Continuance for Notice of Intent by Orchard Golf Club for an operations and maintenance plan of the golf course ground at 18 Silverwood Terrace (Map 52, Parcel 164)

Chair DeLuca called the Public Hearing Continuance into order by reading the notice aloud at 6:34 PM.

David Parsons, Superintendent of Orchards Golf Course, was present at the meeting. He explained that MassDEP had not yet granted the Notice of Intent (NOI) a file number. Therefore, the Commission would not be able to come to a finding at tonight's meeting. He was requesting that the Public Hearing be continued to a future meeting. He added that the Golf Course was currently operating under a "letter of forbearance" from MassDEP.

Motion: Commissioner Tolopko moved to continue the Public Hearing to June 26, 2019 at 6:00 PM. Commissioner Bacis seconded the motion. Four (4) out of four (4) Commissioners present voted in favor of the motion.

As the Agenda Item #3 was advertised to start at 7:00 PM, the Commission skipped the item and would return to it after the advertised time.

Agenda Item #11 --- Administrator's Report including updates on projects, violations, next meeting dates, correspondence log

Request for Partial Certificate of Compliance DEP File # 288-0450

The Conservation Administrator opened with background. She explained that a new house was built on the property at 15 Stewart Street. The property owner's original intention was to build the house for their in-laws. Since then, the applicant decided to sell the house and applied for a Partial Certificate of Compliance (COC) to aid in finalizing the sale of the house. The Conservation Administrator performed a site visit. A rain garden was installed, permanent monumentation was installed and three trees were planted. A full COC could not be issued because, as was stipulated in the Order of Conditions, the plantings and rain garden would need to survive for two years after installation. Two years following the issuance of a Partial COC, a full COC would be applied for guaranteeing that plantings survive two years.

Motion: Commissioner Tolopko moved to issue a Partial Certificate of Compliance for DEP File # 288-0450 with ongoing conditions #2 and #3 which stipulates that 'Trees and rain garden vegetation must demonstrate health and vigor two (2) years after planting.' Commissioner Canning seconded the motion. Four (4) out of four (4) Commissioners voted in favor of the motion.

Native Plant Trust

The Conservation Administrator explained that the *Native Plant Trust* communicates with her annually about collecting seeds from Conservation Lands around South Hadley. She explained that they were a reputable organization, Formerly called New England Wildflower Society, and she typically grants authorization. Following collection, the *Native Plant Trust* will reports back on their activities and findings. In their correspondences, they listed the species and location of seeds that they were interested in collecting.

River to Range Trail Clean-Up

The Conservation Administrator opened by explaining the importance of Conservation Land stewardship. She described projects underway at Bachelor Brook-Stony Brook Conservation Areas. Two volunteer work parties were scheduled for routine trail maintenance on: *Sunday June 9, 2019 from 9:00 AM-12:00 PM & Wednesday June 12, 2019 from 4:00PM – 6:00 PM*

Additionally, the Town's contractor, SWCA, had finished applying loam and seed. All contracted trail work had been completed with the exception of sign installation. Signage was in the final editing process and the Conservation Administrator was working with the graphic consultant to streamline the process.

The Conservation Administrator discussed some current issues. People were driving over recently applied loam near the parking area of Bachelor Brook-Stony Brook. She advised that the parking area be staked off to disallow cars from driving where they should not. Separately, there had been a number of reported dumpings, including tire dumpings, at the Route 47 parking lot. Cameras will be installed in an attempt to combat these activities. Additionally, ATV-use was observed at Bachelor Brook –Stony Brook. These activities were reported to the Massachusetts Environmental Police. The Conservation Department staff intend on sending letters to property owners near Bachelor Brook-Stony Brook. These letters will inform property owners of allowed uses of Conservations Area and seek assistance in reporting misuse.

Ledges Golf Course

The Conservation Administrator offered an update on the anticipated submittal of a Notice of Intent (NOI) from Ledges Golf Course. She explained that the previous Operations and Maintenance (O&M) Order of Conditions had expired in January of 2019. Therefore, the applicant was required to re-file. Fuss and O'Neil had been retained as the consultant for the submittal and were in communication with the Conservation Administrator about performing a new delineation on site. Following a site visit at Ledges Golf Course, the Conservation Administrator explained that she was not concerned for the management of the wetland currently as the mowed areas appeared to be out of jurisdiction and the layout of the overall course within relation to wetland appeared straight forward as compared to other O&M plans currently being reviewed by the Commission. The Commission could anticipate the filing of the NOI in the near future.

Tree Removal Funding

The Conservation Administrator explained that a number of trees on Town conservation land were leaning out of the conservation area onto privately owned property. Property owners

abutting Black Stevens, at 5 and 6 Lynch Place, were having safety concerns regarding such trees. The Conservation Administrator went on to explain that a consulting arborist, David Hawkins, evaluated seven trees and determined that six were hazards.

Similarly, two trees within Black Stevens are leaning onto the property at 14 Hunter Terrace. The property owner expressed interest in removing the trees. However, as the trees are on Town property, there is an issue of liability.

Discussion surrounding funding tree removal has been ongoing. As there are multiple hazard trees and limited funds, the Town Administrator had suggested that the cost of tree removal come out of conservation funds. The Town Meeting has been appropriating \$5,000 to the *Conservation Land Fund* annually since 2007. The Conservation Administrator and Chair DeLuca met with the Town Administrator to discuss the expressed purpose of the fund. The Town Administrator explained that if the Commission used the *Conservation Land Fund* to pay for \$9,000 dollars of necessary tree removal, the Commission could request the fund be replenished at Town Meeting.

The Conservation Administrator added that, through the discussions with the Town Administrator, she would be developing detailed work plans and budgets for maintenance of Conservation Land. This would allow the Commission to request consistent funding for necessary maintenance.

Commissioner Canning inquired if the *Conservation Land Fund* was acquiring interest. The Conservation Administrator explained, per recent decision, the bulk of the fund was moved into a trust to gain interest. \$10,000 dollars was kept in an operating account.

Commissioner Canning requested that the conversation continue at the end of the meeting as he wished to have further discussion prior to authorizing the use of the *Conservation Land Fund*.

Agenda Item #3 --- Discuss and Consider the Request to Withdraw Request for Determination, without prejudice, for tree removal by Rivercrest Condominiums, LLC at Rivercrest Way (Map 47, Parcel 76)

The applicant's representatives: Ray Authier, Craig Authier, Russ Marion, and Rich Marion were present at the meeting along with their consultant, Sophia Bitzas JD, of R. Levesque Associates.

Sophia Bitzas addressed the Commission. She explained that her client was requesting to withdraw their application without prejudice, which would allow her client to resubmit the application at any time. She explained that, if the application was allowed to be withdrawn, it would allow herself and the applicant time to prepare a more comprehensive submittal.

Jodi Miller, 111 Brockway Lane, addressed the Commission. She inquired whether or not a site visit had been performed pertaining to the Request for Determination of Applicability (RFD). The Conservation Administrator explained that one had not occurred.

Jodi Miller asked for clarity about procedures for public notice regarding Conservation Permitting. The Conservation Administrator explained that Public Meetings for RFDs are posted

at Town Hall and are published in the Town Reminder. For Notices of Intent, property abutters are sent notice directly.

Motion: Commissioner Canning moved to allow the applicant to withdraw their Request for Determination of Applicability without prejudice. Commissioner Basic seconded the motion. Four (4) out of four (4) Commissioners present voted in favor of the motion.

Agenda Item #4 --- 7:00 PM Public Hearing Continuance for Request for Determination, for tree removal by Rivercrest Condominiums, LLC at Off Ferry Street (Map 47, Parcel 76)

Due to the findings of Agenda Item #3, the Request for Determination of Applicability had been withdrawn. Therefore, no Public Meeting occurred.

Agenda Item #5 --- Discuss and Consider Request for Certificate of Compliance for #288-0431 by Rivercrest Condominiums, LLC at Off Ferry Street (Map 47, Parcel 76)

The applicant's representatives: Ray Authier, Craig Authier, Russ Marion, and Rich Marion were present at the meeting along with their consultant, Sophia Bitzas JD, of R. Levesque Associates.

The Conservation Administrator opened with background. She explained that Commissioner Canning and herself preformed a site visit to review the submitted request for a Certificate of Compliance (COC) for the construction of condo units at Rivercrest. During the visit, the Conservation Administrator observed that the stormwater retention basins were in good condition with no sign of erosion or overflow. Additionally, permeant monummentation was installed at the edge of the resource area with iron pins. The installed pins would need to include caps to be within compliance of the Order of Conditions (OOC).

Chair DeLuca was not in attendance at the site visit. He addressed some questions regarding the OOC associated with the project as follows:

Condition #41 required that informational signs be installed to inform the public about the location and purpose of the retention basin. The applicant responded that signs are not currently installed but will be installed as soon as possible.

Condition #43 pertained to the responsible party for oversight of the ongoing Operation and Maintenance Plan. The developer was the responsible party during construction. Post-construction the homeowners association would take over responsibility. This condition will remain ongoing. The applicant explained that reporting on maintenance activities will be incorporated on the Homeowner's Association meeting minutes.

Condition #53 required the applicant to send the Commission yearly maintenance reporting. The Conservation Administrator had not received such reporting. The applicant will generate the report for the Commission as soon as possible.

Jodi Miller, 111 Brockway Lane, addressed the Commission. She expressed her frustration with the project. She added that yearly reporting was a bare minimum expectation for appropriate maintenance of land.

Anne Sobel, 111 Brockway Lane, addressed the Commission. She expressed her concern for the increased stormwater runoff within the community that she suspected this project was responsible for.

The Conservation Administrator explained that Condition #43 and Conditions #50-#55 would remain on going conditions.

Motion: Commissioner Canning moved to issue a Certificate of Compliance for DEP File #288-0431 with ongoing Condition #43 and Conditions #50-55 **contingent upon** 1) the applicant submitting a report of maintenance activities, 2) the installation of a sign to inform the public of the location of the stormwater retention basin and 3) the installation of identifying caps on the monumentation pins. Commissioner Tolopko seconded the motion. Four (4) out of four (4) Commissioners voted in favor of the motion.

Agenda Item #6 --- 7:15 PM Public Meeting for Request for Determination filed by the Town of South Hadley for a dog park at Mulligan Drive (Map 23, Parcel 48)

Chair DeLuca called the meeting into order by reading aloud the notice at 7:35 PM.

The Town's consultants Doug Serrill, Landscape Designer from Berkshire Design Group, and Jeff Squire, Landscape Architect from Berkshire Design Group, were present at the meeting.

Doug Serrill addressed the Commission. He offered an overview of the proposed Town Dog Park and presented maps as visual reference. He began by explaining the existing conditions of the site. The proposed location was within close proximity to the Town golf course, Ledges. A 2005 wetland delineation of the golf course was used during the design of the proposed dog park. A small amount of the park was located within buffer zone. The conservation boundary would be marked off with a chain link fence.

Doug Serrill explained that the proposed park was 1.75 acres and contained two separate parks; one for large dogs and one for small dogs. As the proposed site was over one acre in size, it triggered the requirement for a Storm Water Management Plan. The stormwater run-off was calculated as if asphalt was the only material used at locations with planned impervious surface to calculate the highest possible runoff. Even so, no adverse effects were noted. Asphalt would be the most expensive material to use. Gravel and stone dust were less expensive and more pervious but had a higher maintenance cost. The surface material had not yet been decided upon. The materials would be used at a series of walking paths. Part of the path would be in buffer zone which constituted the only disturbance within conservation jurisdiction. Outside the buffer, fill would be added at the site's steepest grade to aid in stabilization.

Commissioner Tolopko inquired about maintaining dog waste on site. Doug Serrill responded that waste receptacles would be located within both the large dog park and small dog park. Bags would be provided for pet owners to pick up waste.

Commissioner Canning inquired about the cutting of trees. Doug Serrill replied that the bulk of removal will occur at the parking area. However, they intend on keeping as many mature trees as possible for shade. He added that fostering mature trees on site would be important as the active dog activity would make it difficult for young trees plantings to mature.

Doug Serrill explained that proposed Dog Park was largely being funded by a grant from the Stanton Fund. A requirement of the fund was ADA accessibility. Asphalt would require less long term maintenance but was far more expensive to install than the other proposed material, gravel and stone dust. Available funding will largely inform the material type used. As a portion of the impervious path would be located within buffer zone, mitigation was offered through invasive species control and installation of a rain garden.

The public hearing was closed at 8:02 PM.

Motion: Commissioner Basis moved to issue a Negative Determination #3 for the proposed Town of South Hadley Dog Park at Mulligan Drive. Commissioner Tolopko seconded the motion. Four (4) out of four (4) Commissioners present voted in favor of the motion.

Agenda Item #11 --- Administrator's Report including updates on projects, violations, next meeting dates, correspondence log

Tree Removal Funding

Discussion resumed regarding authorizing the use of the *Conservation Land Fund* to pay for the removal of hazard trees on Conservation Land.

The Conservation Administrator explained that, through discussions with the Town Accountant, the *Conservation Land Fund* had been used previously for activities outside of land acquisition. She listed the expenses that were charged to the account. However, none of the charges were as high as the proposed 9,000 dollar expense.

Commissioner Canning was concerned about use of the fund and urged that the Commission attempt to replenish the fund at Town Meeting, as was earlier recommended. He did not want to create a precedent in which the fund was used too freely.

Motion: Commissioner Tolopko moved to allow the use of \$9,000 from the Conservation Land Fund to pay for the removal of hazard trees on Conservation Land. Commissioner Bacis seconded the motion. Four (4) out of four (4) commissioners present voted in favor of the motion.

Agenda Item #9 --- Discuss and Consider Skinner Woods Flexible Development Preliminary Plan, Amherst Road/Route 116 (Parcel 58, Lot 21)

The Conservation Administrator opened with background. She explained that a flexible development was being proposed off Amherst Road that would include 10 single-family condos. She explained that the project was outside of the Commission's jurisdiction and it was currently before the Planning Board under Stormwater Management Plan review and Special Permit

review. The Conservation Commission would be afforded an opportunity to offer comment to help inform the Planning Board's decision regarding the project.

The Conservation Administrator explained that the project had been reviewed for relevance pertaining to the Massachusetts Endangered Species Act (MESA). The findings determined that the site was Priority Habitat for Eastern Box Turtles and Wood Turtles.

The Conservation Administrator explained that the proposed development would include 11 acres of land. Of that, 8.73 acres was proposed open space. The possibility of creating trails that connect to town and state land was discussed as a possibility in the previous development submission. The Conservation Administrator explained that the mechanism for permanent conservation of the open space was intended to be a deed restriction but it was not known who would hold it.

The Commissioner's addressed concerns for land management and advocated for the use of native plants. Multiple trees on site were identified as having a DBH of 18" or greater. As these particular trees were of significance, the Commissioners advocated for mitigation of any that were required to be removed. Additionally, the proposed development was located within the Water Supply Protection District which would hold the development to all applicable standards including but not limited to fertilizer use.

The Conservation Administrator will draft a letter detailing the Commission's recommendations and concerns regarding the proposed development for the Commission to later endorse.

Agenda Item #10 --- Discuss and Consider Approval of Meeting Minutes from May 16, 2019

The draft meeting minutes from May 16, 2019 had not been reviewed by Commission to approve.

Agenda Item #12 --- Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice).

There was no new business to discuss.

Agenda Item #13 --- Adjournment

Chair DeLuca adjourned the meeting at 8: 50 PM.

Respectfully Submitted,
Colleen Canning, Senior Clerk

Appendix

Document	Document Location
Site Plan for revegetation of bank at 16 Upper River Road prepared by Berkshire Design Group	Conservation Files
Order of Conditions for Rivercrest Condominiums DEP File # 288-0431	Conservation Files
Maps of Proposed Town of South Hadley Dog Park	Conservation Files