

**SOUTH HADLEY CONSERVATION COMMISSION  
VIRTUAL MEETING MINUTES  
OCTOBER 28, 2020**

<https://vimeo.com/473849311>

**As Approved**

**Present:** Bill DeLuca, Chair; Jim Canning, Vice-Chair; Bill Bacis, Member; Neva Tolopko, member; Steph Clymer, Member; Garth Schwellenbach, Member; Tom Dennis, member; Mary Zawatski, 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. Seven (7) out of seven (7) Commissioners and the one (1) Associate Commissioner were present at the virtual meeting.

**Agenda Item #1 --- Public Meeting Continuance for a Request for Determination of Applicability filed by CB Trust Realty, LLC for construction of a single family residence which includes an indoor pool and “multi-use” room at 40 Woodbridge Street (Map 52, Lot 263)**

The applicant’s representative, Jeff Squire of Berkshire Design Group, was present at the meeting.

Chair DeLuca called the public meeting continuance to order at 6:04 PM.

The Conservation Administrator explained that a public meeting to consider a Request for Determination of Applicability opened at the previous meeting. Since then, the applicant’s consultant, Conservation Department staff, and members of the Commission visited the site. The work was only subject to the South Hadley Wetlands Bylaw as the work was proposed within the Buffer Zone of an Isolated Vegetated Wetland. Tree removal was proposed within the 50-foot Conservation Zone so the applicant submitted a waiver for that portion of the work.

Chair DeLuca stated that the public meeting was continued to allow the Commission to evaluate the applicant’s request for tree removal in the Buffer Zone. He asked the Commissioners who attended the site visit what their impression of the site’s conditions were. Commissioner Bacis stated that the trees appeared to be in poor condition but noted that he was not certified to affirm the trees’ health. Commissioner Tolopko stated that the trees could be at risk of falling after the new house was constructed. However, that did not necessarily mean that the trees were hazardous within the existing site conditions. Vice-Chair Canning stated that the house was sited close to the jurisdictional area which required removal of trees within jurisdiction. He inquired if the applicant considered alternative locations for the new residence. Jeff Squire stated that the house was sited based on a number of factors. The house could not be placed closer to the northern or southern boundary to respect the privacy of the abutting property owners. As the rear of the lot was within jurisdiction, it did not make sense to construct the house any further back than currently proposed.

Chair DeLuca asked what the different styles of hatching represented on the project plans. Jeff Squire responded that the tight hatching represented the extent of clearing within the Commission's jurisdiction and the broad hatching represented clearing outside of the Commission's jurisdiction.

Commissioner Dennis asked if the existing trees were in stable condition. Chair DeLuca stated that the nature of white pine forests was unstable. Commissioner Bacis concurred with the Chair's assessment based on his impression from the site visit. Associate Member Zawatski supported the restoration plan and recommended monumentation. The Conservation Administrator stated that the Commission typically conditions monumentation along the 50-foot Conservation Zone.

Commissioner Tolopko noted that the site's topography sloped toward the wetland. She recommended that shrubs be incorporated into the restoration plan to prevent erosion.

Commissioner Schwellenbach stated his support of the project with the restoration plantings. Chair DeLuca wanted to ensure that the Commission's 2:1 replacement ratio was achieved within the restoration plan. This could be guaranteed through conditions of the Commission's Determination.

Vice-Chair Canning noted that the dredging project at Loomis Village involved lots of documentation and reporting. Chair DeLuca noted that the Loomis project, unlike this item, was filed as a Notice of Intent which had higher performance standards because work was being done directly inside a wetland resource area.

Commissioner Bacis stated his support for the tree removal plan with the associated restoration plan.

Chair DeLuca closed the public meeting at 7:05 PM.

**Motion:** Commissioner Bacis moved to grant a waiver for work in the 50-foot Conservation Zone and issue a Negative Determination #3 for the construction of a single family home and associated site work with special conditions to include: erosion and sediment controls during construction, 2:1 tree replacement ratio incorporated within the restoration plan, monumentation along the 50-foot Conservation Zone, and approval of the restoration plan by the Conservation Administrator. Commissioner Clymer seconded the motion. Seven (7) out of seven (7) Commissioners voted in favor of the motion through roll call.

**Agenda Item #2 --- Discuss and Consider Ratify Emergency Order issued to 56 San Souci Drive**

The Conservation Administrator explained that multiple reports were received of tree cutting at 56 San Souci Drive. Upon site inspection, she discovered that there was a major tree removal operation underway which included clearing through wetlands for vehicle access and wetland fill from woodchip debris. The Conservation Administrator halted work and issued an Enforcement Order to require the property owner to restore the area. The Commission needed to ratify the Enforcement Order issued by the Conservation Administrator. The Department of Environmental

Protection (DEP) advised that the contractor who performed the removal could be issued an Enforcement Order as well.

Commissioner Clymer inquired which party generally would be issued an Enforcement Order- the property owner or the contractor performing the work. The Conservation Administrator stated that the property owner is usually issued the Enforcement Order. However, actions of a contractor could rise to the level of warranting enforcement. Associate Member Zawatski noted that, in certain cases, the contractor is the responsible party to ensure that necessary permitting is granted and adhered to.

**Motion:** Commissioner Clymer moved to ratify the Enforcement Order issued to 56 San Souci Drive for tree cutting, clearing and fill in wetland and buffer zone. Commissioner Bacis seconded the motion. Seven (7) out of seven (7) Commissions voted in favor of the motion through roll call.

### **Agenda Item #3 --- Discuss and Consider Social Justice Statement**

At the previous meeting, Chair DeLuca mentioned his interest in drafting a letter in response to occurrences of racism across the country and its impact on equitable use of conservation and recreation areas.

Associate Member Zawatski questioned if the first two sentences of the statement were necessary. It referenced a particular incident of racism that she was not familiar with. Chair DeLuca felt it was important to open the statement with an example of explicit racism to relate the statement to a real incident.

The draft of the letter was emailed to all Commissioners. Any recommended edits were included within the meeting's agenda background materials.

**Motion:** Commissioner Clymer moved to endorse the social justice statement as edited within the meeting's agenda background materials. Vice-Chair Canning seconded the motion. Seven (7) out of seven (7) commissioners voted in favor of the motion through roll call.

### **Agenda Item #4 --- Discuss and Consider Approval of October 7, 2020 Meeting Minutes**

Draft minutes of the October 7, 2020 meeting were previously sent to the Commission.

Chair DeLuca stated that Commissioner Bacis' name was misspelled within the draft.

**Motion:** Commissioner Bacis moved to approve the October 7, 2020 minutes as amended. Commissioner Clymer seconded the motion. Six (6) out of seven (7) members voted in favor of the motion through roll call. Commissioner Tolopko abstained from the vote.

### **Agenda Item #5 --- Administrator's Report**

#### **MVP Grant**

The Conservation Administrator explained that the tree planting campaign funded through the Municipal Vulnerable Preparedness (MVP) Action Grant had received a positive response. In the weeks since launching the campaign, over 350 trees had been ordered from residents of South

Hadley. The campaign sought to provide at least 500 trees to residents. The order deadline was December 1, 2020.

**15 San Souci Drive**

The Conservation Administrator explained that a strong smell of gas was reported on San Souci Drive. She investigated the cause of the odor with members of the Police and Fire Departments. As it turned out, a member of the household at 15 San Souci Drive poured old gasoline onto a pile of grass clippings and woody debris at the edge of the lot. The Conservation Administrator explained that she reached out to the property owner and advised them to remove the woody debris and restore the area. She did not issue a formal ‘enforcement order’ through the Wetlands Protection Act because the action was performed by an adolescent and the property owners were agreeable to resolving the situation. Members of the Commission indicated support of the decision.

Vice- Chair Canning asked how the area would be restored. The Conservation Administrator explained that the property owner would bag and dispose of the gasoline soaked material.

**Bynan Conservation Area Illicit Building**

The Conservation Administrator explained that the Police and Fire Departments informed her that a makeshift club house had been erected at Bynan Conservation Area. Construction of the camp was not authorized and posed safety hazards. Therefore, the Conservation Administrator coordinated with the Department of Public Works to have the structure dismantled and disposed of. Concrete blocks will be placed at the trailhead and within the interior trails to limit motorized vehicle use at the area.

**Agenda Item #6 --- Other New Business**

There was no new business

**Adjournment**

Chair DeLuca adjourned the meeting at 7:52 PM.

Respectfully Submitted,  
**A Approved**  
Colleen Canning, Senior Clerk Planning and Conservation Department

**Appendix**

<b>Document</b>	<b>Document Location</b>
40 Woodbridge RDA	Conservation Files
Conservation Commission Social Justice Statement	Conservation Files