

**SOUTH HADLEY CONSERVATION COMMISSION
VIRTUAL MEETING MINUTES
MAY 27, 2020**

<https://vimeo.com/423744579>

As Approved

Present: Bill DeLuca, Chair; Jim Canning, Vice-Chair; Bill Bacis, Member; Neva Tolopko, Member; Garth Schwellenbach, Member; Anne Capra, Conservation Administrator/Planner; Colleen Canning, Senior Clerk Planning and Conservation

Chair DeLuca called the virtual meeting to order at 6:00 PM. Five (5) of seven (7) members were present at the virtual meeting.

Agenda Item # 1 ---Public Hearing Continuance for Notice of Intent #288-463 filed by Orchards Golf Club for an operation and maintenance plan of the golf course grounds at 18 Silverwood Terrace (Map 52, Parcel 164)

Chair DeLuca called the Public Hearing continuance to order at 6:00 PM.

The applicant, David Parsons of Orchards Golf Club, was present at the meeting along with their consultant, Meredith Savage of SWCA.

Meredith Savage overviewed the application's progress. She explained that rounds of edits had been made to the filing to satisfy the requirements of the DEP who had undergone an enforcement investigation with the golf course. GPS files of the wetland delineation had been developed to allow the golf course's management team to effectively know where the jurisdictional areas were.

The Conservation Administrator reviewed drafted special conditions to be applied to the Order of Conditions. Meredith Savage inquired if the special conditions only applied to areas of jurisdiction. The Conservation Administrator confirmed that the conditions only applied to areas within the Commission's jurisdiction.

Chair DeLuca inquired if the Special Conditions gave the Commission the authority to conduct occasional site visits. The Conservation Administrator replied that routine site visits were not customary outside of active construction projects. She added that the Special Conditions included language to allow the Commission to halt work if the Order of Conditions was not complied with. David Parsons noted that a yearly report detailing maintenance activities would be submitted to the Commission. As the OOC would be active for three years, Vice-Chair Canning inquired if a site visit could be performed midway before the permit's expiration. The applicant was agreeable to the site visit. Commissioner Tolopko added that a site visit should be required in the event that new management takes over golf course management.

Chair DeLuca closed the Public Hearing at 6:21 PM.

Motion: Vice-Chair Canning moved to issue Order of Conditions to DEP file #288-0463 with special conditions to Orchards Golf Club for an operation and maintenance plan for the golf

course grounds at 18 Silverwood Terrace. Commissioner Bacis seconded the motion. Five (5) out of Five (5) commissioners present voted in favor of the motion by roll call.

The Conservation Administrator noted that, due the COVID-19 State of Emergency, the Commission was able to meet virtually. Therefore, the Commission needed to decide how orders and determinations would be signed. The Commission could authorize the Conservation Administrator to sign on their behalf. Alternatively, Commission members could sign electronically by signing a blank signature page or by submitting their electronic signature. Considerations for such were made at the previous meeting. However, it was unclear if the Commission voted at that meeting.

Motion: Commissioner Schwellenbach moved to authorize the Conservation Administrator to sign Orders and Determinations on behalf of the Commission. Commissioner Tolopko seconded the motion. Five (5) out of five (5) Commissioners present voted in favor of the motion by roll call

Agenda Item #2 --- Public Hearing Continuance for Notice of Intent #288-464 filed by Homes by LeBlanc for construction of two single-family homes and associated site work at 88 Park Street (Map 50, Parcel 48, Lots 2 & 3)

Chair DeLuca called the Public Hearing continuance to order at 6:26 PM.

The applicant, Ken LeBlanc, was present at the meeting along with the consultant, Meredith Savage of SWCA.

Meredith Savage detailed the changes to the NOI filing following the previous hearing date and site visits. The driveway on lot 1 was reconfigured to minimize the amount of tree cutting and the driveway material on lots 1 and 2 would be pervious. Diffusers would be installed at the end of the downspouts which would increase infiltration during storm events. No raingardens were proposed as the required mitigation plants would already heavily landscape the lots.

The Commissioners and the applicant discussed the best way to create clear monumentation using a combination of stones and rebar. Chair DeLuca advised that two rebar should be placed on each lot. The applicant could decide the best location along the Conservation Zone.

Chair DeLuca closed the Public Hearing at 6:45 PM.

Motion: Commissioner Bacis moved to issue Orders of Conditions to DEP file #288-0464 with Special Conditions to Homes by LeBlanc for the construction of two single-family homes and associated site work at 88 Park Street. Vice-Chair Canning seconded the motion. Five (5) out of five (5) Commissioners present voted in favor of the motion by roll call.

Agenda Item #3 --- Public Meeting for Request for Determination filed by Luis Builders for construction of an addition to a single-family residence and associated landscaping at 21 North Sycamore Knolls (Map 53, Parcel 39)

Chair DeLuca called the Public Meeting to order at 6:45 PM.

The applicant, Dan Luis of Luis Builders, was present at the meeting.

The Conservation Administrator updated the Commission on the application's progress. She conducted a site visit the previous day with the applicant and their consultants as a follow up to the Commission's earlier visit. The wetlands associated with an intermittent stream near the site had been delineated. However, there was question as to whether the wetland was larger than delineated as the Conservation Administrator observed wetland indicator plants. The wetland scientist had taken soil samples which did not show hydric soils. The Commission had not yet received the field data sheets as they were still being prepared.

Commissioner Schwellenbach inquired if the addition would be within Buffer Zone. Regardless of changes to the delineation, the addition would not be in the Buffer Zone.

Vice-Chair Canning observed that a number of trees proposed for removal were within the 50 foot Conservation Zone and advised that no trees should be removed. Chair DeLuca responded that an arborist had assessed the trees as hazards and inquired if documentation was received regarding their assessment. The Conservation Administrator commented that the arborist had not submitted a written assessment of the trees. The trees were reviewed during a site visit with the Conservation Administrator, an arborist, and the applicant. Dan Luis added that the previous owner of the home did a lot of clearing which compromised the existing trees. The Commission discussed the net benefit of allowing tree removal to take place with mitigation planting versus the existing conditions.

Vice-Chair Canning moved to continue the Public Meeting to June 10, 2020 at 6:00 PM. The motion was not seconded.

The Conservation Administrator noted that the Commission could make separate determinations for the construction of the addition and for the proposed tree removal. A negative determination could be made on the construction of the addition and positive determination could be made on the tree removal. This would allow the applicant to commence construction. The applicant would need to submit a separate filing in the future for tree removal within the Conservation Zone.

At this time, the Commission was agreeable to the applicant's request to remove one tree to allow for removal of an existing shed on site.

Chair DeLuca closed the Public meeting at 7:28 PM.

Motion: Commissioner Schwellenbach moved to issue a Negative Determination #3 for an addition on an existing house and associated patio, and a Positive Determination #4 for tree removal within Buffer Zone at 21 North Sycamore Knolls. Vice-Chair Canning seconded the motion. Five (5) out of five (5) Commissioners present voted in favor of the motion by roll call.

Agenda Item #4 --- Public Meeting for Request for Determination filed by Matthew and Jessica Tatro for construction of radio antennae and associated clearing of vegetation at 29 Hildreth Avenue (Map 28, Parcel 42)

Chair DeLuca called the Public Meeting to order at 7:28 PM.

The applicants, Matthew and Jessica Tatro, were present at the meeting.

The Conservation Administrator explained that that project originated from a complaint from a neighbor regarding clearing and antenna installation near a stream at the subject property. Following communications with the homeowner, it was discovered there was a deed restriction mandating no work within 20 feet of the stream. However, as work was being done within a regulated resource area, the Commission needed to approve the work.

Matthew Tatro explained that he installed a radio antennae in his backyard. The clearing that was performed was not done to install the antenna but to remove invasive plants from the area.

The Conservation Administrator noted that any work-including invasive species removal- within Buffer Zone the stream required Commission review. Chair DeLuca recommended that the conditions of the determination should include the allowance for bittersweet removal as mitigation. He added that the applicant should contact the Conservation Administrator if they need assistance in identifying other invasive plants for removal.

Commissioner Bacis noted that a 2009 orthophoto showed that the site was already cleared which was years before the current owner moved in.

Matthew Taro reviewed the construction of the antenna. The Conservation Administrator noted that any determinations made by the Commission did not negate the applicant from satisfying requirements of other Town Departments. She advised that the Building Commissioner review any plans for construction.

Chair DeLuca closed the Public Meeting at 7:50 PM.

Motion: Commissioner Tolopko moved to issue a Negative Determination #3 for the construction of a radio antennae and associated clearing of vegetation at 29 Hildreth Avenue. Commissioner Schwellenbach seconded the motion. Five (5) out of five (5) members voted in favor of the motion by roll call.

Agenda Item #5 --- Public Meeting for Request for Determination filed by Oak Ridge Builders for construction of four single-family ANR homes and associated site work at 353, 357, 361, and 365 East Street (Map 33, Parcels 30, 29, 28, 11)

Chair DeLuca called the Public Meeting to order at 7:50 PM.

The applicant's consultant, Michael Mocko, was present at the Public Meeting.

Michael Mocko gave an overview of the request before the Commission. He explained that the applicant purchased four vacant lots with the intention of developing single-family homes on each. Of the four lots, only one lot (lot 4) existed within Buffer Zone. The limit of work was far outside the Buffer Zone.

The Conservation Administrator added that lot 4 was within the 50 foot Conservation Zone. Therefore, a condition of the determination would be permanent monumentation at that location.

Chair DeLuca closed the Public Meeting at 7:58 PM.

Motion: Commissioner Bacis moved to issue a Negative Determination #4 for construction of four single family homes and associated site work at 353,357, 361 and 365 East Street. Vice-Chair Canning seconded the motion. Five (5) out of five (5) members voted in favor of the motion by roll call.

Agenda Item #6 --- Public Hearing for an Amendment to Order of Conditions #288-452 filed by Eversource Energy for work on Line 1447/1428/1327

Chair DeLuca called the Public Hearing to order at 7:58 PM.

The applicant's consultant, Melissa Kaplen of BSC Group, was present at the meeting.

Melissa Kaplen overviewed the OOC amendment request. Initially, the project proposed to gravel over a farm access road off Ferry Street to access one of the sites. However, that location had a Conservation Restriction which disallowed such activity so matting was now being proposed. Access and work pad installation were the only components of the project that impacted the ground.

Chair DeLuca inquired where new access roads would be constructed. Melissa Kaplan responded that access off Ferry Street would be matter, access within the right-of-way within wetlands would be matted, and access to line 1147 would be graveled over to improve existing conditions. She added that there were additional access roads proposed outside of jurisdiction.

Vice-Chair Canning inquired about herbicide use. Melissa Kaplen responded that herbicide was allowed and that all substances would be approved by the Massachusetts Department of Agricultural Resources.

Chair DeLuca closed the Public Hearing at 8:08 PM.

Motion: Commissioner Bacis moved to issue Amended Order of Conditions to DEP File #288-0452 for Eversource Energy work on Line 1447/1428/1327. Commissioner Schwellenbach seconded the motion. Five (5) out of five (5) Commissioners present voted in favor of the motion by roll call.

Agenda Item #7 --- Administrator's Report including updates on projects, violations, next meeting dates

Sewer Easement Request across Trompke-Stony Brook Conservation Area

The Conservation Administrator explained that she had been in contact with DPW regarding a sewer easement to cross Trompke-Stony Brook Conservation Area to connect the residence at 88 East Street to Town Sewer. The existing septic system failed and could not be replaced. The DPW advised that this easement was the only route possible to connect the residence to Town sewer.

Motion: Commissioner Schwellenbach moved to grant a sewer easement across Trompke-Stony Brook Conservation Area to connect the property at 88 East Street to Town sewer. Commissioner Bacis seconded the motion. Five (5) out of five (5) Commissioners voted in favor of the motion by roll call.

Minutes

Draft meeting minutes of the March 4, 2020 Conservation Commission Meeting were submitted to the Commissioners earlier in the day. As a quorum of members had not reviewed them, approval would be considered at a future meeting date.

Agenda Item #8 --- Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice).

Arboretum Volunteer Maintenance

Vice-Chair Canning expressed his interest in organizing volunteers to perform some maintenance activities at Hahn-Warner Arboretum. He was interested in getting in touch with members of the Volunteer Conservation Corps to help with the efforts.

315 Amherst Road First Right of Refusal

Chair DeLuca noted that at a recent Selectboard meeting the Conservation Administrator partook in a lengthy conversation regarding the acquisition of 315 Amherst Road. The Selectboard endorsed the acquisition and the seller would be notified of the Town's intention to purchase the land.

Signature Authorization

The Senior Clerk noted that, at the previous Conservation Commission Meeting on May 13th, all seven members of the Commission voted to authorize the Conservation Administrator to sign orders and determinations on their behalf.

Adjournment

Chair DeLuca adjourned the meeting at 8:25 PM

Respectfully Submitted,
As Approved
Colleen Canning, Senior Clerk Planning and Conservation

Appendix

Document	Document Location
11/25/19 Revised Notice of NOI 288-0463 Orchards Golf Course	Conservation Files
Draft Special Conditions 288-0463 Orchards Golf Course	Conservation Files
3/13/20 Revised NOI 288-0464 88 Park Street	Conservation Files
5/26/2020 Revised Demolition and Tree Removal Plan 21 N Sycamore Knolls	Conservation Files
5/17/2020 email from neighbor regarding clearing at 29 Hildreth Avenue	Conservation Files
353, 357, 361 & 365 East Street Request for Determination of Applicability	Conservation Files
5/19/20 Revised Plan Set- OOC Amendment 288-0452 Eversource Line 1447/1428/1327	Conservation Files