



CITY OF EASTHAMPTON
Conservation Commission
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Meeting Minutes (1/10/2022)

Pursuant to Governor Baker's March 12, 2020 Order, as Extended on June 15, 2021, with the Governor's signing of Senate Bill #2475, Suspending Certain Provisions of the Open Meeting Law, this meeting of the Easthampton Conservation Commission was conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the agenda. Every effort was made to ensure that the public could adequately access the proceedings in real time, via technological means. In the event that we were unable to do so, despite best efforts, we will post on the City of Easthampton website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Commissioners: Melissa Coady, Chair
Dan Buttrick
Jay Ryan
Julie Busa
Michael Whittemore
Deborah August (Absent with Notice)

Agent: Cassie Tragert

Public/Others: Daniel Nitzche
Lisa Narkiewicz
Curtis Weimann
Sofia Bitzas
Father Ryan Sliwa
Tom Brown

1. Call to Order (6:07 PM)

2. Public Concerns (None)

3. Public Hearings/Meetings

- a. Public Hearing: (Continued from December 13th, 2021) Notice of Intent filed by Lathrop Community, Inc. at 100 Bassett Brook Drive (Map: 104, Lot:2) for improvements to existing trail network (MassDEP File #151-0315). Agent Tragert informed the Commission that the applicant requested to continue the hearing to the next meeting on January 24th, 2022. She informed the Commission that an update on the status of the application had not yet been obtained.

Commissioner Ryan motioned to continue the hearing to January 24th, 2022. Commissioner Busa second. Unanimous.

- b. Public Hearing: Abbreviated Notice of Resource Area Delineation filed by Heritage Land Surveying & Engineering, Inc. on behalf of Jeffery Wolak C/O Our Lady of the Valley Parish at 109 Everett Street (Map: 146, Lot: 1) for resource area delineation (MassDEP File #151-0318). Lisa Narkiewicz of Heritage Land Surveying & Engineering, Inc. presented the proposed resource area delineation. Dan Nitzche of GZA also explained the methodology of the delineation and noted that the types of resource areas include Bank and Bordering Vegetated Wetlands with the 100ft Buffer Zone.

Commissioner Coady asked when the delineation was completed in the field. Nitzche explained that the field portion of the delineation was completed in May 2021 and noted that for the southern inlet a "shelf-like" formation was flagged with the upper edge as BVW and not Bank. He explained that the dominate plant species found included red maples and ilex species with hydric soils 3 inches down. Commissioner Coady asked if the swale associated with flags A1 – A15 had skunk cabbage within it. Nitzche explained that while some swales did have some skunk cabbage, it was minimal and fairly abrupt. Commissioner Coady requested confirmation that flags A43 – A45 represented Bank and what the extra flag indicators (unnumbered) extending off of A55 indicated. Nitzche confirmed that A43 – A45 do represent Bank, while the additional unnumbered flag markers have been erroneously included and should be removed. Commissioner Coady requested confirmation that the abutter notifications had been sent. Narkiewicz explained that they had been sent out, but they have not provided the mailing receipts and will do so as soon as possible. Commissioner Coady requested clarification as to whether the pond like formation to the north of the plan seen in the site visit photos is connected to Lower Mill Pond and whether any of the swales have outlets/drainage structures associated with them. Nitzche explained that pond-like formation is connected to Lower Mill Pond and is resulting from beaver activity. He also explained that none of the swales have outlets/drainage structures associated with them and are rather natural formations. Commissioner Coady remarked that it is difficult to analyze site visit photos that were taken in the winter months. She recommends that the hearing be continued to allow for the applicant to provide proof of the abutter notification.

Commissioner Busa pointed out that the plan indicates that the delineation was completed in January and remarked that she remembered previous informal discussion of the property included possible Riverfront Areas. Agent Tragert explained that the Commission had previously informally reviewed what permitting would be necessary if a cemetery were to be installed at this property, however at that time no delineation was provided, nor any permits issued. For this ANRAD hearing, the only consideration for the Commission is the accuracy of the resource area delineation and not a possible future cemetery. Nitzche noted that a perennial stream does exist off the plans shown to the Northeast. The Northern inlet terminates at a culvert outlet associated with the perennial stream, but the RFA associated with it ends at the culvert outlet because large body of water that is Lower Mill Pond does not have riverine characteristics. Commissioner Coady asked if the culvert was over 200ft in length and requested clarification as to where the RFA ends. Nitzche explained that the pipe had not been measured, however it is likely less than 200ft in length and the end of the pipe is unclear on the plans. Additional review in the field will be needed to clarify the extent of any RFA and the configuration of the culvert.

Commissioner Busa motioned to continue the hearing to January 24th, 2022. Commissioner

Ryan second. Unanimous.

Commissioner Ryan motioned to take item 7(l) out of agenda order. Commissioner Busa second. Unanimous.

7. Compliance Updates – Active Projects / Open Permits

- I. R. Levesque Associates, Inc., 69 and 73 Loudville Road (MassDEP File #151-0309) for construction of a new condominium housing development and associated roadway and stormwater system. Exp. 10/6/2023. Sofia Bitzas of R. Levesque Associates, Inc. presented a letter regarding the pre-construction requirements of the Order of Conditions. The letter requests either confirmation of fulfillment of some conditions or alteration of some conditions as follows:

Condition 16 (f) – Permittee agrees and will send the final plans once clarification is gained from the Commissions responses to these other items.

Condition 16 (g) – Permittee explained that though there is no phasing of construction as described in the Order, the Stormwater Management System will be completed and stabilized prior to any paving or binder application on proposed roadways and catch basin inlets will be set to binder grade so they can function before later being raised to final road grades. The Commission confirmed this is acceptable.

Condition 16 (j) – The Commission confirmed the affidavit is completed as submitted.

Condition 17 – The Commission did not approve the increase of the permanent marker intervals to every 100ft from the original every 25ft requirement, nor did they approve the marker design submitted. The Commission requested that a site visit be conducted and a plan depicting the marker locations as well as a typical detail of the markers be submitted.

Condition 23 – The Commission did not approve the assignment of Carlos Goncalves of G &G Construction Company, Inc. (the site contractor) as the Project Environmental Monitor. They expressed concern in having the same person installing the controls/completing construction as the monitor as a second opinion can be beneficial. The Commission noted that this would be the case for any contractor and also requested to receive the credentials for Mr. Goncalves.

Agent Tragert will schedule a site visit and R. Levesque agreed to provide the additional information requested for the next meeting.

Commissioner Ryan motioned to take item 8(b) out of agenda order. Commissioner Busa second. Unanimous.

8. General Business

- b. Draft Solar Ordinance Review – Curtis Weimann, Assistant Planner of the City Planning Department, presented the draft Solar Zoning Ordinance. He explained the details of the draft and how this, as a zoning ordinance, would involve the Commission in future permitting completed by the Planning Board. Specifically, the new ordinance strives to provide additional review by the Conservation Commission so that they may provide comments beyond the projects relevance to the Wetlands Protection Act. Specifically, the ordinance will require that applicants provide additional environmental analysis of their project and provide a structured review process in the form of standard transmittal to the Commission from the Planning Board. The Commission could then review the transmittal at it's meeting and ultimately would provide detailed comments to the Planning Board. He noted that the Planning Board would not be bound to take action on the Commission's comments and the Commission would not have final approval power for applicants. This added process would only apply to Use Group III designated solar projects, meaning those that are large scale (over 10,000 sqft) and located on existing greenfields.

Commissioner Busa added that most Use Group III solar projects would likely come before the Commission's review under the Wetlands Protection Act as well due to the likelihood that jurisdictional areas would exist, but this allows the Commission to provide separate comment beyond the purview of the WPA and would ensure all large scale projects are reviewed by the Commission.

Commissioner Coady requested clarification as to why projects would need to provide information on the amount of 20 inch DBH trees and why that DBH was chosen. Weimann explained that this specification was derived from an existing tree protection ordinance in Northampton and that the intent of that DBH is to protect "old growth" trees. Commissioner Coady noted that this does not meet the definition of "old growth" and that there likely is not any true old growth trees in Easthampton. She raised concerns that 20 inch DBH may be too large to protect large stands of trees. Weimann explained that the term old growth would not be used in the final ordinance and requested possible other language or standards that could be used. Commissioner Coady offered to do some research and send anything to Agent Tragert. Commissioner Coady asked why 35 days had been chosen for the deadline for the Commission to submit their comments to the Board. Weimann explained that this is the existing transmittal requirement deadline.

Commissioner Buttrick requested confirmation that the goal of this ordinance is to solicit the Commission's opinion of solar projects beyond their compliance with the Wetlands Protection Act. Weimann confirmed that is the goal, however he reiterated that the Planning Board would not be bound to the Commission's comments. Commissioner Buttrick requested clarification as to what is disallowed in the solar overlay. Weimann explained that the overlay only disallows Use Group III designated projects within it, all Use Group III designated projects occurring can only occur outside the overlay area and would receive the Commission's review. Commissioner Buttrick asked if the existing Stormwater Ordinance would be impacted by this ordinance. Weimann explained that it would not be impacted and that the Planning Board would still issue/review Stormwater Permits. Commissioner Buttrick asked if more ecological options could be considered for Dual-Use options. Curtis explained that Dual-Use already will require certification by both DOER and MDAR periodically for the life of the dual-use. He added that all Use Group III projects must get certified as pollinator friendly through the UMass program as well. He recognized that agricultural usage through Dual-Use is not the most productive agriculture, but the group that developed this ordinance felt it was important to keep the option available for local farmers. Commissioner Buttrick remarked that he generally dislikes large conversion of area to solar fields, but recognizes the need for renewable energy on a large scale and likelihood for other communities to be restrictive of it. Weimann explained that the goal of the ordinance is to remove barriers to solar on a small scale (for individuals, etc) as well as on brownfield and greyfield sites (landfills and contaminated areas), while discouraging the conversion of greenfields (farms and forests) to large scale solar and also noted that things could also change at the state level at any time that would preempt this ordinance. Commissioner Buttrick noted existing difficulties with roof top solar installation and asked if this new ordinance would also remove the section disallowing solar on the Loudville Road landfill. Weimann confirmed that this ordinance would allow solar installation on Loudville landfill and would encourage it despite being within the 200ft Riverfront Area, it is not included in the overlay as it is a brownfield.

Commissioner Whittemore asked if parcels could be partially inside and outside of

the overlay. Weimann confirmed that that could be the case for some parcels and that the overlay only disallows solar where it is displayed. Commissioner Coady noted that the DEP wetlands GIS layer is not field verified and often inaccurate. Weimann agreed and noted that any Use Group III project would need to show any wetlands through their own delineation for the Commission's review. Commissioner Coady requested the rationale behind using 200ft as the extension of the overlay. Weimann explained that that seemed a conservative option. Commissioner Coady noted that NHESP certifies vernal pools, not DEP and asked if potential vernal pools were included in the overlay. Weimann noted that error and confirmed that both certified and potential vernal pools were included. Commissioner Busa noted that the overlay expanded outward from its source GIS layers and did not make reductions based on them. Commissioner Coady asked if the overlay would be static or subject to change as the source GIS layers change. Weiman explained that it is intended to be static but could consider updating it over time. Commissioner Busa noted that it would be better for the overlay to be static so that it would not be subject to possible reductions decided on by other agencies. Weimann explained that the legitimacy of the overlay is not beholden to the accuracy of the source GIS layers, so future developers will not be able to ask that the overlay be changed to reflect current data layers.

Commissioner Whittemore asked if the City would provide legal review of the ordinance. Weimann explained that it will, but had not yet as other boards/committees are still going to review it including the City Council and the Commission will have the opportunity to provide input again. As for next steps, he encouraged the Commissioners to send him any additional feedback they may have going forward and the City Council will request comments from the Commission during their review. He will implement the changes discussed here and otherwise no other action required by the Commission at this time. He asked if the Commission generally accept the increased review as described in the draft. Commissioner Coady noted that though the Planning Board will not be bound by their comments, she believes it is unlikely they would be totally ignored and overall sees this as a good thing for the Commission to take on. The rest of the Commission agreed that it is overall worthwhile and agree with the proposed ordinance.

4. Requests for Certificate of Compliance (None)

5. Enforcement Actions

- a. CFN Properties LLC, Complete Automotive Repair, 10 O'Neil Street, Map 114, Lot 31. (EO-2020-001) Agent Tragert presented a response from Christopher Falls or CFN properties dated January 7th, 2022 which was received within the deadline included in the Commission's last letter. The letter explained that permitting to expand the parking area was not pursued due to Covid-19 and that previous communication attempts may have been lost during the transition from affiliation of the business with former business partner Robert Cole who is no longer associated with the property. The letter states that they will no longer park vehicles within the area and it will be allowed to revegetate. The Commission decided that considering this information, no further enforcement would be pursued at this time as long as the area is indeed allowed to revegetate, and no more cars are seen parked there. The Commission did not vote to lift the Enforcement Order and will continue to monitor the area.
- b. B. Gawle. 37 South Street (EO-2013-001). No updates.

6. Open Space Updates

- a. Echodale West Orchard Area Improvements – No updates.

b. Lathrop Community of Easthampton. Florence Road – No updates.

7. Compliance Updates – Active Projects / Open Permits (Continued)

- a. Pleasant Street Mills (MassDEP File #151-0273). Exp. 11/23/2023. No updates.
- b. Lathrop Community of Easthampton / 100 Bassett Brook Drive (MassDEP File #151-0283). Invasive Plant Management. Exp. 07/13/2023. No updates.
- c. City of Easthampton / Nashawannuck Pond (MassDEP File #151-0288). Aquatic Vegetation Management via herbicide/algaecide. Exp. 4/25/2024. No updates.
- d. Loven Properties, Inc. / Off O’Neill Street (MassDEP File #151-0287). Construction of new commercial facility with BVW impacts and restoration. Exp. 06/16/2024. No updates.
- e. One Industrial Lofts, LLC / 1 Ferry Street – Tract 1 (MassDEP File #151-0298). Ferry Street Mill Redevelopment Project. Exp. 12/11/2024. No updates.
- f. One Industrial Lofts, LLC / 1 Ferry Street – Tract 2 (MassDEP File #151-0299). Ferry Street Mill Redevelopment Project. Exp. 12/11/2024. No updates.
- g. Easthampton Park Solar 1, LLC / 232 Park Street (MassDEP File #151-0293). Large-scale solar project. Exp. 11/27/2024. No updates.
- h. City of Easthampton (MassDEP File #151-0302) for pump house demolition activities adjacent to Lower Millpond (Map 136, Lots 97, 98 & 99). Exp. 6/13/2022. Agent Tragert will reach out to the project representatives to notify them of the approaching permit expiration.
- i. City of Easthampton (MassDEP File #151-0303) for roadway improvements and maintenance of Ferry Street and Pleasant and Lovefield Streets Intersections. Exp 7/22/2022. Agent Tragert will reach out to the project representatives to notify them of the approaching permit expiration.
- j. Easthampton School Committee (MassDEP File #151-0305) for construction of a new school building with associated parking, driveway, utilities, stormwater system, track and field facilities, site amenities, and landscaping at 200 Park Street (Map 157, Lot 83). Exp. 8/26/2022. Agent Tragert will reach out to the project representatives to notify them of the approaching permit expiration.
- k. City of Easthampton (MassDEP File #151-0306) for maintenance activities, including spreading of gravel millings in potholed areas within the existing road footprint and then the use of a grader to level the road to existing grades on River Street. Exp. 8/26/2022. Agent Tragert will reach out to the project representatives to notify them of the approaching permit expiration.
- l. R. Levesque Associates, Inc., 69 and 73 Loudville Road (MassDEP File #151-0309) for construction of a new condominium housing development and associated roadway and stormwater system. Exp. 10/6/2023. See above.
- m. C. Rogers/Penguins Unlimited, 105 Pleasant Street (MassDEP File #151-0310) for new billiards hall. Exp. 1/5/2024. No updates.
- n. W. Chicoine property, 108 Oliver Street (MassDEP File #151-0311) for new single-family home with one crossing. Exp 1/5/2024. No updates.
- o. City of Easthampton, DPW, Various Locations (MassDEP File #151-0307) for routine maintenance activities. Exp. 3/1/2024. No updates.
- p. D. Lepine, Duda Drive/Ferry Street (MassDEP File #151-0312) for new single-family home. Exp 6/15/2024. No updates.

- q. City of Easthampton, 99 Mt. Tom Avenue (MassDEP File #151-0313) for outfall restoration and stormwater system. Exp 6/15/2024. No updates.
- r. Beacon Solar, LLC, 50 Florence Road (MassDEP File # 151-314) for the large-scale solar project. (Map 115, Lots 2 and 5). Exp. 7/7/2024. Agent Tragert noted that the Invasive Species Management Plan has not yet been approved by the Commission and will provide access to it for the next meeting.
- s. Easthampton Animal Hospital, 410 Main Street (Stormwater Permit Only) for stormwater management system associated with animal hospital remodel. (Map: 154, Lot: 8). Exp. 3/8/2024. No updates.
- t. City of Easthampton, 96 East Street (Stormwater Permit Only) for stormwater management system associated with new accessible trail. (Map: 111, Lot: 32). Exp. 6/29/2024. No updates.
- u. City of Easthampton/One Industrial Lofts, 1 Ferry Street (MassDEP File #151-0317) for slope grading, vegetation management, and stormwater basin. (Map: 131/135, Lot: 1/2 & 250) Exp. 11/16/2024. No updates.

8. General Business (Continued)

- a. CPA Representative – Commissioner Ryan informed the Commission that a representative must be appointed to the CPA board. Commissioner Ryan is the current representative.

Commissioner Whittemore motioned to reappoint Commissioner Ryan as the Commission’s representative on the CPA Board. Commissioner Buttrick second. Unanimous.

- b. Meeting Minutes (December 13th, 2021) –

Commissioner Ryan motioned to approve the December 13th, 2021 minutes as written. Commissioner Whittemore second. Commissioner Coady abstained. Motion carries.

- c. Draft Solar Ordinance Review – See above.

- d. Tree Removal Policy – Continued review to next meeting. No comments made.

- e. 20 Pine Street Possible Violation – Agent Tragert presented the Commission with images from a recent real estate listing which advertises a new dock installation as well as includes photos of the dock as well as other property changes as part of a remodel. She also shared images from a site visit from across the pond on January 10th, 2022 where she confirmed the existence of the dock for which the Commission has no recorded permits issued for. Commissioner Coady requested that Agent Tragert reach out to DEP for guidance. Commissioner Busa noted that the images provided also seem to indicate that there is a dock at 18 Pine Street as well. It was determined that an Enforcement Order is necessary and Agent Tragert will issue letters to both properties.

Motion to Adjourn: Ryan; Second: Busa. Unanimous.

END OF MEETING at 8:17 PM.