



CITY OF EASTHAMPTON
Conservation Commission
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Meeting Minutes (5/9/2022)

This meeting of the Easthampton Conservation Commission will be conducted in-person and simultaneously via remote participation online 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 below. Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are 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. Should an interruption occur in which the online meeting ends abruptly, both the in-person and online meetings will not be restarted, and all agenda items will be automatically continued to the next scheduled meeting.

Commissioners: Jay Ryan, Acting Chair
Dan Buttrick
Julie Busa
Michael Whitemore
Deborah August

Agent: Cassie Tragert

Public/Others: John Losito
Daniel Russel
Emily Wright
Holly Smith-Bove
Barbara Walvoord
Lucy Baruch
Peter Westover
Joan Deely
Susan Boone
Kamala Brush
Sharon Grace

1. Call to Order (6:00 PM)

2. Public Concerns (None)

3. Public Hearings/Meetings

- a. Public Meeting: Request for Determination of Applicability filed by Wright Ostermier Landscape Architects, LLC on behalf of Daniel & Elizabeth Russel at 17 Reservation Road (Map: 149, Lot: 27.1) for landscape work. Request Filed 4/26/2022. Emily Wright of Wright Ostermier Landscape Architects, LLC and Daniel Russel presented

the plan to re-landscape the backyard area of the existing single family home. The 785 sq ft for existing lawn is to be removed and replaced with a 296 sq ft gravel area, 4 trees are to be replaced by 2 new native ornamental trees and 2 new evergreen trees, 12 shrubs are to be removed and 22 new shrubs will be planted, and the existing water feature will be removed and replaced by a smaller design, one staircase is to be removed and a new staircase (similarly sized) is to be installed to the new gravel area, and lastly, the existing stone path will be reset to improve grade. See full plans for further details.

Commissioner Busa requested additional information as to the size and species of trees to be removed. Wright explained the trees to be removed include one 3-inch crab apple, two 2-inch amelanchiers, and 2 dead elm trees. New amelanchiers will be installed in their place. Commissioner Buttrick requested information on the type of gravel to be used. Wright explained that it will be 3 to 4 inches deep of fine crushed stone to replace the lawn area. Commissioner Busa noted that the conversion of lawn to this gravel area is exempt under the Wetlands Protection Act. Commissioner Ryan asked what equipment will be used to complete the work, noting concern about loose soil during construction. Wright explained that that will be determined by the contractor, however it is likely that nothing larger than a bobcat would be able to access the area. Wright noted that erosion controls could be used during construction. Commissioner Busa noted that the stream on the plan is likely to be perennial and expressed concern about equipment accessing the site and impacting this area. Wright explained that there will be no need to clear any additional vegetation for the purposes of access, and only existing paths will be used. Commissioner August requested clarification as to whether materials will be stockpiled on site. Wright explained that they plan to reuse what they can on the site, otherwise the materials will be removed.

Commissioner Buttrick noted that erosion controls should be required and requested notification to the Commission 48 hours before work begins. Commissioner Busa added that the exemption in the Wetlands Protection Act requires that erosion controls be utilized.

Commissioner Buttrick motioned to issue a Negative Determination Type 2. Commissioner Busa second. Roll Call Vote: Commissioners Buttrick (Aye), Ryan (Aye), Busa (Aye), Whittemore (Aye), and August (Aye). Motion Carries.

- b. Public Meeting: Request for Determination of Applicability filed by John Losito at 63 Strong Street (Map:173, Lot:1) for installation of a new deck. Request Filed 4/29/2022. John Losito presented a request to install a new deck on helical piles. He explained that a 30-inch-wide machine will be used to install the deck by gaining access from above/the sides of the existing building. There will be six helical piles along the front and 2 on the sides.

Commissioner August asked whether any tree removal is required for the project. Losito explained that no trees will be removed and the project is located at least 6 feet from the nearest tree. Commissioner Busa requested the USGS StreamStats be reviewed for the portion of White Brook within 50ft of this project. Based off of that information, it is considered perennial due to drainage area and projected flow at 99 percent. The Wetlands Protection Act was reviewed and it was determined that the stream may be able to be determined to be intermittent if it is shown to run dry for four days. Losito said he will be able to produce that evidence as it usually is dry in

his experience. Agent Tragert noted that helical piles have been determined to not constitute fill by DEP due to their design. Commissioner Buttrick noted that though no ground disturbance or vegetation removal is proposed, the resulting shading of the area could constitute alteration.

Commissioner Buttrick motioned to continue the public meeting to the May 23rd, 2022. Commissioner Busa second. Roll Call Vote: Commissioners Buttrick (Aye), Ryan (Aye), Busa (Aye), Whittemore (Aye), and August (Aye). Motion Carries.

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) No updates.
- b. B. Gawle. 37 South Street (EO-2013-001). No updates.
- c. S. Taylor, 18 Pine Street, Map: 150, Lot: 259. Agent Tragert shared an email received on May 2nd, 2022 from the property owner which included images of the dock having been removed. There were no other remediation actions required by the Commission.

Commissioner Buttrick motioned to lift the Enforcement Order. Commissioner Busa second. Roll Call Vote: Commissioners Buttrick (Aye), Ryan (Aye), Busa (Aye), Whittemore (Aye), and August (Aye). Motion Carries.

- d. G & F. Fiodalice, 476 East Street, Map: 158, Lot: 9. (EO-2022-002). Agent Tragert informed the Commission that she issued the Enforcement Order to the property owners and sent a copy to DEP.

6. Open Space Updates

- a. Echodale West Orchard Area Improvements – Agent Tragert informed the Commission that Land Stewardship reviewed the site and are ready to complete the prep-cut and cut stem treatments as well as clear around the apple trees. They are working to re-draft the proposal with all these updates as well. They asked whether it would be alright to leave the cut material around the shrub islands to save costs. They can provide extra wildlife cover as they break down over time and Jay could possibly mow the material again if he is willing/able and the Commission wants the piles gone faster. Commissioner Busa requested confirmation the cut material to be left on site is not invasive material. Commissioner Ryan noted that he did not think Russell of the abutting orchard was concerned about possible contamination to his apple trees from any material left behind. He added that Russell had inquired as to whether he could expand his art walk installation into the area in the fall. Concerns were raised about possible liability, Agent Tragert will ask the City Planner about this.
- b. Lathrop Community of Easthampton. Florence Road – No updates.

7. Compliance Updates – Active Projects / Open Permits

- 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. Barbara Walvoord presented a request to review a change to the original methods listed for this Order to include brush hogging/mowing of the existing fields. She explained that the fields have been mowed since at least the 1960s and they were farmed commercially in 1996, however the commercial element ended at least 5 years ago while the same mowing/brush hogging continued. There is concern that if mowing/brush hogging is not allowed to continue, it will be taken over by invasive species and the meadow habitat will be lost. The current Order only mentions the use of hand tools and targeted herbicides

for invasive species management, however mowing has also been a part of this management since the Order was obtained in 2014. Joan Deely of Land Stewardship, Inc. agreed that the fields would be overcome by invasives if mowing were to cease. Peter Westover of Conservation Works concurred and added that mowing will be and has been conducted in a targeted way each year to benefit wildlife species which utilize the areas. Walvoord confirmed that they have and will continue to only mow when conditions are dry and at strategic times of year to benefit wildlife. Commissioner Ryan requested confirmation that they are only mowing in areas that have been historically mowed. Walvoord confirmed that to be the case and noted that no expansion of the existing field areas is proposed. The Order is requested to be changed to reflect this mowing action since the agricultural exemption no longer applies. Commissioner Buttrick noted previous discussion of the mowing activities in 2021 and asked whether they have been mowing since then. Walvoord confirmed that they have not mowed outside of any upland field areas since that time though it was not requested. Commissioner Buttrick agreed that the complete cessation of mowing would at this point be an alteration. Commissioner Busa confirmed that the existing Order is for the management of invasives throughout the entire property. Commissioner Buttrick noted that it is likely that there was an assumption that mowing would continue when the Notice of Intent for this project was originally reviewed.

Commissioner Buttrick motioned to determine that the proposed change is minor and to issue Administrative Approval. Commissioner Busa second. Roll Call Vote: Commissioners Buttrick (Aye), Ryan (Aye), Busa (Aye), Whittemore (Aye), and August (Aye). Motion Carries.

- 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. It was noted that the expiration date is approaching. Agent Tragert informed the Commission that she has been in communication with Michael Owens at the City and he will be pursuing a Certificate of Compliance.
- 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 presented the submitted label and MSDS sheet for the proposal of an additional herbicide to be used on site to treat new low-growing bittersweet that is forming a mat. The Commission was not familiar with this type of herbicide and requested that proof of its approval for use be submitted to the Agent. Once obtained, the Agent may allow its use. Agent Tragert also presented a request to remove the remaining erosion controls as the site is sufficiently stable. The Commission determined that the erosion controls could be removed.
- 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. No updates.

- 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. No updates.
- 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. No updates.
- 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. No updates.
- 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

- a. Meeting Minutes (April 11th, 2022 and April 25th, 2022) –

Commissioner Buttrick motioned to approve both the April 11th and 25th 2022 minutes as written. Commissioner Busa second. Roll Call Vote: Commissioners Buttrick (Aye), Ryan (Aye), Busa (Aye), Whittemore (Aye), and August (Aye). Motion Carries.

- b. 40 Chapin Street Possible Violation – The Commission determined that though the area of the trench maintenance work may be within the 100ft Buffer Zone, an Enforcement Order will not be issued because the work has been completed and no remediation is requested.
- c. New Commission Chair – Commissioner Busa volunteered to become the new chair.

Commissioner Buttrick motioned to appoint Commissioner Busa as the new Chair of the Conservation Commission. Commissioner Whittemore second. Roll Call Vote: Commissioners Buttrick (Aye), Ryan (Aye), Busa (Abstain), Whittemore (Aye), and August (Aye). Motion Carries.

- d. Stormwater Permit Reviews – Agent Tragert spoke with City Engineer, Dan Murphy, about the review process for stormwater bonds and he was wondering if it would be possible to require them to submit their own cost estimate for him to then confirm instead of calculating it himself. It would save time and puts the responsibility on the applicant. The Commission determined that the Stormwater Ordinance must be reviewed to determine whether this is possible.
- e. Future Hybrid Meetings – No updates.
- f. New Commissioner Appointments – Agent Tragert received notification the that City Council subcommittee will be meeting on May 11th and requested any comments from the Commission if they would like to do so. The Commission noted that they are in favor of the appointment of the two proposed candidates.

Motion to Adjourn: Buttrick; Second: Whittemore. Roll Call Vote: Commissioners Ryan (Aye), August (Aye), Whittemore (Aye), Buttrick (Aye), and Busa (Aye). Motion Carries.

END OF MEETING at 8:05 PM.