



CITY OF EASTHAMPTON
Conservation Commission
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Meeting Minutes (6/13/2022)

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: Julie Busa, Chair
Dan Buttrick (Joined at 6:34)
Jay Ryan
Michael Whittemore
Deborah August
Hal Weeks
Sarah Carr

Agent: Cassie Tragert

Public/Others: Mark Reed
Tom Brown
Stephanie MacDonald
Sam Nelson
Dan Nitzsche
Pete Westover
Lucy Baruch
Barbara Walvoord
Holly Smith-Bove
Mary Alice Wilson
Sharon Grace
Kamala Bush
Lynn Howe
Dale LaBonte
Bucky Sparkle
Derpy Butter

1. Confirm Recording (Confirmed)

2. Call to Order (6:01 PM)

3. Public Concerns (None)

4. Public Hearings/Meetings

- a. Public Meeting: (Continued from May 23rd, 2022) Request for Determination of Applicability file by Heritage Land Surveying & Engineering, Inc. on behalf of Our Lady of the Valley at 109 Everett Street (Map: 146, Lot: 1) for expansion of the existing cemetery. Request Filed 5/9/2022. Mark Reed of Heritage Land Surveying and Engineering, Inc. presented the updated information on the project in light of Commissioner Buttrick's comments received via email after the last meeting. Commissioner Buttrick noted that the Massachusetts Stormwater Handbook Volume 2 Chapter 2 "Site Criteria for Infiltration Basins", Item 7 states that "the following setback requirements should apply to infiltration basin installations: Distance from any slope greater than 15% - Minimum of 50ft". Reed explained that Basin 1 is in compliance with that requirement, however Basin 2 is only 20ft from the slope and Basin 3 is only 15ft from it. As a result, a redesign would be needed to meet this requirement. He noted that the expected volume of runoff from the pavement of the driveway is a low amount and that there are also multiple swales in which some infiltration will occur but are not allowed to be included in stormwater calculations. Commissioner Busa explained that the concern is for atypical major rain events to be properly managed, not just the average expected volumes and thus she feels the basins should be redesigned to meet the aforementioned set back requirements. Reed agreed and explained that the redesign could be prepared for the next meeting. Commissioner Buttrick asked whether permeable pavement had been considered for the driveway. Reed explained that the driveway area is not a large enough area to make it work the extra cost to use permeable paving for the minimal stormwater improvements to the design. Commissioner Busa asked whether the swales had been designed specifically for infiltration or conveyance only. Reed explained that their capacity for infiltration is not allowed to be included in the stormwater calculations because they do not provide any treatment functions. Commissioner Whittemore asked whether there would be any issues with runoff from the cul-de-sac at the end of the driveway if the basins were re-configured. Reed explained that they will be able to change the grades in the area and add extra swales if need. Commissioner Ryan noted that they may lose space for plots from these changes and Reed agreed that that will be a consideration in the redesign. Commissioner Busa asked if Commissioners had any other concerns regarding the stability of the slopes. Commissioner Buttrick noted that there is not a lot of weight proposed to be added above the slopes and Reed added that the trees/vegetation along and down the slopes will remain. Commissioner Buttrick also noted that slopes are historically tricky around Easthampton, however the project proposes a relatively small amount of runoff and similarly designed basins in the area have been functioning well.

Commissioner Ryan motioned to continue the public meeting to the June 27th, 2022. Commissioner Buttrick second. Roll Call Vote: Commissioners Buttrick (Aye), Weeks (Aye), August (Aye), Carr (Aye), Ryan (Aye), and Whittemore (Aye). Motion Carries.

- b. Public Meeting: Request for Determination of Applicability filed by Conservation Works on behalf of Lathrop Communities at 100 Bassett Brook Drive (Map: 104, Lot: 2) for trail improvements including bridges. Request Filed 5/27/2022. Holly Smith-Bove and Lucy Baruch of Lathrop Community introduced Pete Westover of Conservation Works who presented the request to relocate 1540 linear feet of existing trail outside of jurisdictional areas (either from 100ft Buffer Zone to upland or from Bordering Vegetated Wetlands to 100ft Buffer Zone), closure of 1660 linear feet of trail, and the installation of 6 bog bridges which are 30 inches wide. The installation of the bridges involves rebar being driven into the ground and slight grading to level out the bridge if necessary. All the work will be completed by hand

and he noted that the bridges will help reduce impacts to wet areas from walkers widening the trail over time trying to go around wet spaces. The work will be completed in dry conditions ideally this summer.

Commissioner Carr asked whether there is concern regarding using pressure treated wood. Westover confirmed that pressure treated wood will be used as is typical for bog bridges and he explained that the toxicity of such wood has improved. He added that the amount of contact with the ground is about 7 ft of contact for a 16 ft bridge and that type of wood is used to prevent decay and reduce the need for maintenance. Alternative woods such as locust are hard to acquire and much more expensive. Commissioner August asked whether erosion controls would be necessary during installation. Westover explained that they would not be needed due to little to no ground disturbance. Commissioner Busa asked how high above the streams bridges will be. Westover explained that there are only a few bridges that will actually go over a defined channel. The points that touch the ground will be beyond the bankfull widths and will be about 18 inches above the surface of the water. Commissioner Busa asked if there is any washout concern or if any of the streams are flashy. She also asked how the materials would be brought to the sites. Westover explained that there is no floodplain in the areas and the streams are quite confined. He added that all materials would be carried in by hand without any dragging and installed by hand. The only equipment needed is a power drill, no other motorized equipment is necessary.

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

5. Requests for Certificate of Compliance

- a. 161-165 Northampton Street (MassDEP File #: 151-0189) for mixed use development with grading/drainage utilities including 3 buildings and a parking area. (Map: 114, Lot: 45). Exp. 5/22/2003. Request Filed 5/9/2022. Mark Reed of Heritage Land Surveying and Engineering, Inc. presented the updated information regarding the drainage in the basin. The Agent also shared images from her site visit as well conducted on May 25th. She noted the very lowest point of the basin did not have standing water but was quite muddy. Reed explained that the buildup of vegetation contributes to it being muddy there. Commissioner Busa asked whether an Operations and Maintenance Plan existed for the basin. Reed explained that there is not one citing that the standards were different when the original application was approved and that only the conditions in the Order speak to the basins maintenance. Commissioner Busa asked whether the buildup of debris is a concern for long term maintenance. Reed explained that the accumulation rate is quite slow and they have been mowing around the perimeter of the basin to prevent the growth of overhanging vegetation. Commissioner Busa noted conditions 39 and 40 from the Order as important for routine cleaning and maintenance of the basin to ensure long-term functionality.

Commissioner Ryan motioned to issue a Complete Certificate of Compliance with Ongoing Conditions 39 and 40. Commissioner Buttrick second. Roll Call Vote: Commissioners Buttrick (Aye), Weeks (Aye), August (Aye), Carr (Aye), Ryan (Aye), and Whittemore (Aye). Motion Carries.

- b. City of Easthampton (MassDEP File #151-303) for roadway improvements and maintenance of Ferry Street and Pleasant and Lovefield Streets Intersection. (Map: Lot: Intersection). Exp. 7/22/2022. Request File 6/6/2022. Stephanie MacDonald of McMahon Associates presented the request and reviewed the images from the June 9th site visit with Agent Tragert and Commissioner Weeks. Commissioner Ryan

asked why all erosion controls had not yet been removed despite the previous request to be allowed to do so? Agent Tragert said she would reach out to City Planner, Jeff Bagg for more information as to why the controls along the pond had been left. Commissioner August raised concern about whether the removal of the final controls may cause additional disturbance. MacDonald explained that it would not and Commissioner Ryan agreed. Commissioner Busa requested more information regarding the stormwater structures included in the project. MacDonald explained that the amount of increase to impervious surface resulting from the project was minimal due to the majority being located within the existing roadway. She added that new catch basins were added as well as new piping for the system. Commissioner Busa requested more information regarding the review by the Office of Dam Safety (ODS). MacDonald explained that they have been in communication with ODS discussing some minor changes from the original plan regarding the separate ODS permit with the project. The Commission requested that those communications be shared with the Commission. Commissioner Buttrick noted the previously approved invasive species management plan for the area along the pond. Agent Tragert confirmed that that management is part of this permit and will continue into the future. The plan is in place for a period of now until 2025. Commissioner Carr raised concerns about the accumulation of trash along the dam. Commissioner Busa noted that the City does not own the dam with MacDonald clarifying that the City co-owns the roadway, while the dam spillway and embankment is privately owned. Commissioner Busa requested confirmation that the provided as-builts had been stamped. MacDonald explained that they have not, but a stamped version can be obtained.

Commissioner Ryan motioned to continue the public meeting to the June 27th, 2022. Commissioner Carr second. Roll Call Vote: Commissioners Buttrick (Aye), Weeks (Aye), Carr (Aye), August (Aye), Whittemore (Aye), and Ryan (Aye). Motion Carries.

Commissioner Ryan motioned to take item 9(c) out of agenda order. Commissioner Buttrick second. Roll Call Vote: Commissioners Buttrick (Aye), Weeks (Aye), Carr (Aye), August (Aye), Whittemore (Aye), and Ryan (Aye). Motion Carries.

9. General Business

- c. 93 Northampton Street Rear Possible Violation – Agent Tragert presented the details of her investigation thus far and Dan Nitzsche attended on behalf of the property owner via Google Meet, however due to technological issues was not able to be in attendance for the entirety of the meeting. Agent Tragert explained that she received a call from a resident Sam Nelson, about concern that some wetland areas had been filled within the property. A site visit was conducted with the property owner, Frank DeMarinis and his consultants Dan Nitzsche and Mark Stinson on June 7th. Three areas identified as Isolated Wetlands in 2005 as part of an ORAD, appeared to have been recently filled by the property owner. Nelson anecdotally noted wildlife usage of the areas and believes they were vernal pools. Wildlife activity was noted in the original peer review in 2005 of the delineation, but the pools were never certified, nor listed as potential vernal pools by the State. The area of the pools is within the 100ft Buffer Zone of an intermittent stream as shown on the original ORAD, however the property owner/consultant noted that the stream may no longer be jurisdictional as well due to changed conditions since the ORAD was completed. Though jurisdiction is not yet clear, the Agent asked that erosion controls be installed down slope of the new loose soil which was completed that same day by the property owner. There is also an existing crossing to which a steel plate was placed over for better access to the rest of the property and no record of any permitting for this crossing was found in the files. Nitzsche aided Agent Tragert's explanation of the site visit and noted that the isolated

wetland areas had not received any new material as fill, but rather the existing soil had been turned over to dissipate the water and explained that area of disturbance is about 300ft from the Manhan at it's closest point. Commissioner Busa noted that a similar investigation was completed in 2016/2017 and the crossing appears to have been added after that time. Commissioner Ryan indicated he may have photos from that time and will provide them to the Commission if found. Commissioner Buttrick noted that during the review of the ANRAD in 2005 the installation of a crossing was discussed and a main point of focus in that further permitting would be required. Abutter Nelson added that he does not remember the crossing being there in December of last year. Commissioner Buttrick asked how the agricultural fields had been previously accessed, however at this point Nitzsche connection had been lost despite best efforts.

The Commission determined that an Enforcement Order should be issued for the unpermitted installation of the crossing as well as possible violations associated with the work within the isolated wetland areas. It was noted that isolated wetlands are not protected by the Wetlands Protection Act, however some of the ground disturbance may have occurred within the 100ft Buffer Zone to other wetland areas. A Cease and Desist letter will be sent with the Enforcement Order and the property owner/representatives attendance will be requested at the next Commission meeting on June 27th and a remediation plan required to be submitted by the July 11th meeting.

Commissioner Ryan motioned to issue an Enforcement Order to the property owner. Commissioner Buttrick second. Roll Call Vote: Commissioners Buttrick (Aye), Weeks (Aye), Carr (Aye), August (Aye), Whittemore (Aye), and Ryan (Aye). Motion Carries.

Commissioner Ryan motioned to take item 8(s) out of agenda order. Commissioner Buttrick second. Roll Call Vote: Commissioners Buttrick (Aye), Weeks (Aye), Carr (Aye), August (Aye), Whittemore (Aye), and Ryan (Aye). Motion Carries.

8. Compliance Updates – Active Projects / Open Permits

- 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. Bucky Sparkle, The Zengineer, presented the request to install a 256 square foot concrete equipment pad which would increase the change in the amount of impervious surface resulting from the project. He highlighted that the change in stormwater calculations for the site was negligible with the resulting calculations showing that the project is still within the requirements. Commissioner Buttrick agreed with this assessment and noted that he had no concerns with the change being approved as minor.

Commissioner Ryan motioned to issue Administrative Approval for the change as minor. Commissioner Whittemore second. Roll Call Vote: Commissioners Buttrick (Aye), Weeks (Aye), Carr (Aye), August (Aye), Whittemore (Aye), and Ryan (Aye). Motion Carries.

6. 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. G & F. Fiordalice, 476 East Street, Map: 158, Lot: 9. (EO-2022-002). Agent Tragert updated the Commission that the property owner had planted five maples, two oaks, and two pussy willows. The owner noted that due to inventory, and prohibitive costs,

the size of the trees aren't as large as the Enforcement Order requires, despite best efforts to meet that standard. Their hope is that in combination with the pines that were planted last fall, the area is on track to return to a naturalized state. The Commission requested the Agent get clarification as to what diameter trees were obtained and to conduct a site visit.

7. Open Space Updates

- a. Echodale West Orchard Area Improvements – Jessica Applin of Land Stewardship, Inc. presented the updated management plan for the removal of invasives. Commissioner Busa noted that the original plan included a percent guaranteed or success rate/criteria. Applin explained that that should have been included and can update the plan with that information. Typically, they guarantee 85-95% percent success in removal within 3 years, then shift the focus to stewardship by the land owners. Applin also elaborated on the proposal to leave the recently cut invasive material on site around the native shrubs. In response to concerns around the spread of the invasives if allowed to remain on site, Applin explained that their best practice is to actually leave invasive material in place where cut as much as is feasible to prevent excessive spreading of the material through the site from the process of hauling it out. This also removes the cost of removing the material from the site. Leaving it on site is typically better for preventing dispersal for invasives like bittersweet which dominate the site. Applin explained that the next step is to provide the updated proposal after this meetings review, then conduct a foliar treatment in July at the latest (an additional mowing may be required depending on how much growth the site has experienced thus far), then they will complete a cut stem treatment before the fall. The Commission authorized Agent Tragert to approve the updated proposal once received if all discussed changes have been implemented.
- b. Lathrop Community of Easthampton. Florence Road – Agent Tragert explained that she had been informed that the Conservation Restriction had been approved and recorded at the Registry of Deeds a few weeks ago. Agent Tragert will seek clarity regarding that approval process.

8. 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/algacide. 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. No updates.
- 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. No updates.

- 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. Commissioner Busa recused herself for this discussion. Agent Tragert presented a proposed change to the plans for consideration for Administrative Approval as a minor change. Additional water and sewer line replacement work that was not shown on the permitting plans is required. The work will occur in the 100 ft Buffer Zone within the City's easement on 67 Cherry Street and within the existing Limit of Disturbance. This effort includes lining the sewer trunk line that runs northward, through the 200ft Riverfront Area, to Mt Tom Avenue. The sewer pipe will be accessed only within the existing LOD for the lining work, and there will be no additional ground disturbance in the 200ft Riverfront Area and there is no proposed change to impacts.

Commissioner August motioned to issue Administrative Approval for the change as minor. Commissioner Buttrick second. Roll Call Vote: Commissioners Buttrick (Aye), Weeks (Aye), Carr (Aye), August (Aye), Whittmore (Aye), and Ryan (Aye). Commissioner Busa Recused. Motion Carries.

- 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. See above.
- 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.
- v. Moove In Storage, Main Street Rear (9 Coleman Road, Southampton) (MassDEP File

#151-0319) for expansion of self-storage facility. (Map: 164, Lot: 8) Exp. 5/16/2025.
No updates.

9. General Business

a. Meeting Minutes (May 23rd, 2022) –

Commissioner Whittemore motioned to approve the May 23rd, 2022 minutes as written. Commissioner Busa second. Roll Call Vote: Commissioners Weeks (Aye), Carr (Aye), August (Aye), Whittemore (Aye), and Ryan (Aye). Motion Carries.

b. Lower Mill Pond Possible Violation – Agent Tragert informed the Commission that two fountains were installed on the pond which are anchored by removable moorings with no ground disturbance associated with them (to be removed each winter). The installation process also did not require any ground disturbance, however vegetation was impacted where the boats launched into the pond off Ferry Street. She received this information from Mike Michon and he installed straw and erosion controls at the bottom of the slope the same day. The Commission requested that alternative means of access be explored in the future to avoid future vegetation disturbance and otherwise no further action is required at this time.

c. 93 Northampton Street Rear Possible Violation – See above.

d. Future Hybrid Meetings – No updates.

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

END OF MEETING at 8:26 PM.