



CITY OF EASTHAMPTON
Conservation Commission
50 Payson Avenue
Easthampton, MA 01027
conservation@easthamptonma.gov
(413) 529-1463

Meeting Minutes (6/27/2022)

This meeting of the Easthampton Conservation Commission will be conducted in-person and simultaneously via remote participation online to the greatest extent possible. 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
Jay Ryan (Absent with Notice)
Michael Whittemore
Deborah August
Hal Weeks
Sarah Carr

Agent: Cassie Tragert

Public/Others: Mark Reed
Tom Brown
Stephanie MacDonald
Dan Nitzsche

1. Confirm Recording (Confirmed)

2. Call to Order (6:02 PM)

3. Public Concerns (None)

4. Public Hearings/Meetings

- a. Public Meeting: (Continued from June 13th, 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 set of plans of the project to conform with the Massachusetts Stormwater Handbook Volume 2 Chapter 2 "Site Criteria for Infiltration Basins", Item 7 as discussed in the last meeting. Reed explained that the third basin located at the end of the access drive had been removed and the other basins enlarged to accommodate the original stormwater management needs while still maintaining the setback requirements from the slope. He also noted that the

project had added a water line from the existing house along the access drive so that visitors may water any plants. The line only crosses into the 100ft Buffer Zone in a few locations. They also added an electrical conduit from the existing garage to the location of the new chapel which will also only cross into the 100ft Buffer Zone in a few locations. Agent Tragert noted that an updated bond amount for the Stormwater Permit had not yet been received from the City Engineer. The Commission agreed that this was not a barrier to them issuing a Stormwater Permit and Agent Tragert will add that information to the permit when it is received. It was also noted that the Determination should include conditions requiring the use of erosion and sedimentation control best practices, 48-hour notice to the Commission before work begins, and that the Operations & Maintenance plan which exists for the original St. Brigid Cemetery area shall be extended to include this newly expanded area of the cemetery. The Commission also noted that the digging of individual plots for burials over time within the areas shown in the presented plan do not need additional permitting with the Commission.

Commissioner Buttrick motioned to issue a Negative Determination Type 3 with conditions as described and a City Stormwater Permit. Commissioner Weeks second. Roll Call Vote: Commissioners Buttrick (Aye), August (Aye), Weeks (Aye), Carr (Aye), and Whittemore (Aye). Motion Carries.

5. Requests for Certificate of Compliance

- a. 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 additional information requested at the last meeting which includes the correspondence with the Office of Dam Safety as well as stamped As-Built plans. Commissioner Buttrick noted that the Order included IN-Perpetuity conditions which Commissioner Busa read. These include conditions 63 through 68 and shall be included in the Certificate of Compliance as On-Going Conditions.

Commissioner Buttrick motioned to issue a Complete Certificate of Compliance with On-Going Conditions as described. Commissioner Whittemore second. Roll Call Vote: Commissioners Buttrick (Aye), August (Aye), Weeks (Aye), Carr (Aye), and Whittemore (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 informed the Commission that she had not yet completed getting the additional information requested at the last meeting.
- d. F. DeMarinis, 93 Northampton Street Rear, Map: 128, Lot: 113. (EO-2022-003). Dan Nitzsche of GZA represented the property owner and presented his findings. The pictures from the June 21st site visit were reviewed and it was noted that the crossing is not a steel plate, but a more substantial structure with timbers on either side and that fill was also added to both approaches to the crossing (likely stone dust/gravel) which is partially located within BVW. There is also a much older pipe below the approach fill which is obstructed at the inlet and it is unknown when it was installed, though likely well before the main crossing. The property owner has indicated to Nitzsche that he did not install the older pipe. It was also observed that there is no defined channel leading to the area of the older pipes inlet, though there is BVW at the outlet. Nitzsche explained that the pipe was not found during the original 2005 delineation and that he

agrees that fill of BVW has occurred on the approach from the driving range side, but not on the approach from the agricultural field side. Commissioner Busa agreed with that assessment and asked for his plans for remediation/restoration of the area. Nitzsche explained that the property owner has requested that the crossing removal be delayed until the end of the agricultural season and begin restoration of the area in the fall once agricultural activities are completed. The restoration would then include the full removal of the crossing and all associated fill until the native soils are reached. That area would then be planted with appropriate native species and be managed to insure invasive plant species do not take over. He noted that a fully compliant crossing will likely be pursued through an NOI in the future, however it could be a year or two before the owner has secured funding for such a project. In the next season, the owner may either present a plan for a temporary crossing or will be ready to pursue a permit for a permanent crossing. Nitzsche added that the owner explained that there was a crossing made of timber logs previously and he just added the metal portion. Commissioner Busa noted that it was not there in 2016 at least when a site visit was conducted by the Commission. Commissioner Carr questioned whether there are any possible impacts from allowing the crossing to remain for the rest of the season. Commissioner Busa noted that the crossing will likely be less impactful in the next few months considering the likely low flow conditions in the last summer months. Commissioner August asked how long it will take to remove the crossing and fill material. Nitzsche explained that it will likely only take a day to complete and then they can begin to install the native plantings. He also suggested adding mulch to the looser areas of fill between now and the removal to help stabilize the area in the interim. Commissioner August expressed concern regarding invasive plants dominating the area. Commissioner Busa suggested requiring monitoring of the area for invasives to be included in the restoration plan within a certain distance of the crossing (not for the entire property). Commissioner Whittemore requested information regarding the plan for the older pipe. Commissioner Carr questioned whether its removal would result in additional unnecessary impacts. Nitzsche explained that it should be removed because it will not deteriorate on its own and it is not currently receiving any flow so it has no purpose there. He added that conditions should be right for its removal in October as well. Commissioner August asked whether any removed material will need to be stockpiled within the area and whether any additional disturbance will be required for removal equipment to access the area. Nitzsche explained that no stockpiling will be necessary so the material will be removed from the site and that the current amount of cleared area will be sufficient for the removal equipment so no additional disturbance will be required.

Commissioner Carr asked whether any fines needed to be issued by the Commission. Commissioner Busa explained that the Commission has a variety of options available to it when pursuing enforcement, however the focus of most enforcement efforts is to achieve restoration of any impacted areas and compliance with the Wetlands Protection Act and fines are not necessary. Commissioner Buttrick noted that the City also does not have its own Wetlands Ordinance and thus is empowered only to those options provided in the state Wetlands Protection Act. He also asked about consideration for impacts to the 100ft Buffer Zone resulting from this crossing. Commissioner Busa noted that the main concern relates to erosion and sedimentation of wetland areas, so the area must be stabilized after the restoration work is complete. Commissioner Buttrick noted that bare roadways are typically at greater risk for invasive species. Nitzsche offered that since the property owner would like to have a road in the same location in the future, a conservation seed mix could be planted over the road area to stabilize it until the new compliant crossing is ready to be pursued. The Commission determined that a restoration plan for the crossing area must be submitted for review at the July 11th meeting which must include immediate temporary stabilization of the area until the crossing is to be removed at the end of the agricultural season in the fall of this year. Additionally, the plan must include the full removal of the crossing and associated fill material with subsequent seeding with native plants and stabilization with mulch. Lastly, the plan will include monthly monitor reports with additional monitoring required after every 1-inch rain event.

The Commission also discussed the possible violations associated with areas previously identified as Isolated Vegetated Wetlands (IVW) in the 2005 Order of Resource Area Delineation (ORAD, now expired). The Commission agreed that the areas originally labelled in that ORAD as Wetland #4, 5, and 7 are indeed IVW and are not jurisdictional to the Commission under the Wetlands Protection Act. Nitzsche explained that the area labelled as Wetland #6 has changed since the original delineation and the associated pool which previously was depicted as having BVW associated with it no longer does and thus the area disturbed by the property owner was also a non-jurisdictional IVW. He added that the flow that originally came from the field now disappears into the ground at the field edge and only reemerges about 15 ft later into the channel likely due to different soil types wearing at different rates over time and there was no evidence of any piping to convey the water that way. Thus, the pool area is up gradient of the bank of the BVW and is not hydraulically connected to it. He added that the change is likely incidental from continued farming activities in the area overtime which added top soils such that wetland soils cannot be found until 16 inches below the surface. This resulted in the loss of the previously identified BVWS in the field area over time such that currently the stream itself is non-jurisdictional until it meets BVW again farther down the existing channel. He does not believe any wetlands would reappear if the area was left undisturbed into the future either because the water table is not high enough. Agent Tragert shared aerial imagery which the Commission did not determine indicated change in agricultural area. Nitzsche added that the footprint of agricultural use does not appear to have changed since his original delineation in 2005. Commissioner Busa requested additional evidence be provided as to whether any activities along the field edge occurred that are not exempt within the Act for agricultural activities and to show in more detail how the areas described are not jurisdictional. Commissioner Carr questioned whether the IVWs functioned as vernal pools. Nitzsche explained that because they were never formally certified as vernal pools, they are not protected under the Act and added that they likely were not ever viable as productive breeding sites despite previous indication of evidence of wood frogs in the area. Commissioner August asked whether they ever may reform. Nitzsche explained that the pools are fully gone, though they may get wet again, but will not be as deep as they were before. Commissioner Whittemore asked why the property owner chose to fill the areas and Commissioner August asked whether he intends to farm there. Nitzsche explained that he does not intend to farm there and that the areas are non-jurisdictional. Commissioner Carr asked whether the expansion of farming areas is exempt under the Act. Commissioner Busa explained that routine management of the field edge is exempt, however the active expansion of farming area into jurisdictional areas to the Commission requires a permit and changes to the topography of the land resulting in loss of BVW down gradient is not exempt under the Act for agricultural activities. She added that more information should be provided to prove that that has not occurred at this location. Commissioner Busa questioned whether a peer review should be pursued by the Commission. Commissioners Carr, Whittemore, and August indicated that it should be pursued and Commissioner Buttrick agreed, but noted that he is not confident that different findings will be made and Commissioner Busa agreed. Agent Tragert will create a Request for Proposals and distribute to possible peer review consultants. The effort towards peer review and the restoration plan for the crossing area will be reviewed at the next meeting.

7. Open Space Updates

- a. Echodale West Orchard Area Improvements – Agent Tragert explained that she had not yet received the updated plan.
- b. Lathrop Community of Easthampton. Florence Road – No updates.

8. 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. 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. See above.
- 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. Agent Tragert informed the Commission that a new Building Permit application had been received for Units 2 and 3, which are not located within the 100ft Buffer Zone, but are still covered by the permit. She will conduct a site visit and examine all controls on site before signing off on the Building Permit.
- 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. Agent Tragert informed the Commission that Commissioner August had submitted images from June 25th showing that work appears to have started on the driveway with soil being stockpiled on site. She noted that the pre-construction requirements had been met in September 2021, but a Building Permit application had not yet come in. It was noted that the permittee is supposed to provide inspection reports after every 0.25-inch rain event, but that had not been occurring and the Agent had not realized this error until now. She will reach out to the property owner for an update and to reestablish compliance.
- 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.
- v. Moove In Storage, Main Street Rear (9 Coleman Road, Southamptton) (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 (June 13th, 2022) –

Commissioner Carr motioned to approve the June 13th, 2022 minutes as written. Commissioner Buttrick second. Roll Call Vote: Commissioners Buttrick (Aye), August (Aye), Weeks (Aye), Carr (Aye), and Whittemore (Aye). Motion Carries.

- b. Wetlands Ordinance Discussion – Agent Tragert reviewed what information she was able to compile thus far which includes ordinances from neighboring communities, guidance from the MACC handbook, past minutes from City Council on the repeal of the 1998 Bylaw and related correspondences, the original bylaw which was repealed, a model bylaw provided as a template by MACC, and a list of other communities in Massachusetts with ordinances. She will continue to search for past drafts of a new ordinance already created by the Commission. The process for getting a new ordinance passed was also discussed as well as possible goals. Agent Tragert will send the aforementioned materials to the Commissioners and Commissioners should come to the next meeting prepared to discuss goals for the new ordinance.
- c. Future Hybrid Meetings – No updates.

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

END OF MEETING at 7:45 PM.