

**HADLEY CONSERVATION COMMISSION
MEETING MINUTES**

March 9, 2021

DRAFT 1

Meeting was conducted remotely using Zoom.

PRESENT: Paulette Kuzdeba, Chair; Gary Pelissier; Edwin Matuszko; Steve Szymkowicz; Jim Hafner; Toni Lyn Morelli; and Janice Stone, Conservation Staff. **Excused:** Gordon Smith.

Also present: Andrew Morehouse, Valerie Miller, Tory Chlanda, Rick & Mary Thayer, Wendy Desforges, Jerrold Trehey, Rob Baranowski, Mark Britton, Lionel Desforges, Kevin O'Brien, Edwina, Doug, Michael Hutchins, Joseph Gaboique...

1. 7:00 PM Notice of Intent Public Hearing # 170-275. The Food Bank of Western MA seeks to install up to 10 shallow wells on farm land at 32 *Shattuck Rd.* Andrew Morehouse, Director of the Food Bank, present to discuss project. He explained to the Commission how the project for the Notice of Intent (NOI) has changed. It started out with a request to install a new drainage ditch on the farm property, but after discussions with DEP, he learned the permitting will take more time than they have to put into it right now. They had added the shallow wells for irrigation of some of the fields, and still want to move forward with that as soon as possible. He explained the plan that showed up to 10 shallow wells in a circle near the northern barn. Not in or close to any wetland areas. He is also asking for permission/confirmation of the agricultural exemption to mow and maintain the present ditch on the property. The one he is looking at doing soon is the one he shares with the farmer (Dizek) to the south. They have already mowed and cleaned out their half of the ditch.

Paulette explained to the Commission that she had a conversation with DEP on this. They recommend issuing a Determination, even though this is a Notice of Intent, since his request is basically requesting a determination of agricultural exemption. It was decided to expedite his request for the shallow wells (not in buffer zone or wetland) and the ditch maintenance, he could change his project request but keep it in the NOI which already had a legal notice and abutters notices for this meeting. Paulette thinks we should still issue an Order of Conditions, since that is what he filed and what the public hearing is for.

Paulette discussed conditions, including to stake or otherwise mark the proposed locations of the wells, and to contact the office to come see it when they are done. Mr. Morehouse told the Commission he has two farmers contracted to farm the land for the Food Bank, and they are also doing a no-till section. The well site was identified by Charlie Pratt (well driller and farmer). Wells will be for drip and overhead irrigation. The wells will be about 20' apart. They may not do all 10.

No questions from the public. Edwin made the motion to close the hearing, and Steve seconded. Jim made the motion to issue the Order of Conditions, with the conditions as discussed (stake/mark well locations, one of CC members verify location, check to see done in correct place). Steve seconded, and all voted in favor. Janice will get signatures from Commissioners.

2. 7:15 PM Request for Determination of Applicability Public Meeting. T. Chlanda seeks to repave and expand driveway in Riverfront Area & 100-year floodplain at 49 *River Dr.* Valerie Miller from SWCA present to represent the owner/applicant. Ms. Miller explained this

was an after-the-fact filing. Mr. Chlanda did put in erosion and sediment control barriers between his driveway and the perennial stream immediately north of his house, but he repaved his driveway, and a new area that had been lawn, without permitting. She stated there were no impacts to the wetland or 35' buffer zone. The only impact to the Riverfront Area (and 100-year floodplain) is the new 256 sf paved area. House is not in the 100-year floodplain (letter from FEMA) but rest of property is. He is asking for permission to keep the newly paved area. Paulette asked how the work was done. Was dirt brought in? Mr. Chlanda stated that the pavement was brought down to the base grade and then back up with gravel and pavement. He stated there was no change in the elevation. Ms. Miller echoed that remark.

Toni Lyn asked why the owner is coming in after the work is done instead of before? Mr. Chlanda stated he didn't understand that there was a limitation on what he could do, he had been waiting until the construction on his house was completed, and then it was the end of the (paving) season and he needed to get it done fast. Toni Lyn stated that sometimes people make mistakes. Mr. Chlanda stated he wanted to make sure he did the filing right, so brought in SWCA to do the paperwork. He told the Commission he gets a lot of water flowing off Rt 47 onto his property, where it pools up at the end of his driveway, but now it is not muddy. Jim asked if he was still parking his company vehicles behind the pump station next door. No, that was only during construction on the house. Toni Lyn made the motion, seconded by Gary, to issue a Negative Determination # 2 & 6 (no further review under bylaw required). All voted in favor. Janice will get signatures from Commissioners.

3. 7:30 PM Other Business. Update on River Bylaw Committee. Paulette gave a summary of what was discussed at the last meeting of this group. The Planning Board & Building Inspector are putting together a checklist for all applicants to fill out. Will require review by the Board of Health, Conservation Commission, Fire Dept, & Building Inspector. Applicants will need to get approval from the Conservation Commission first, since the trailers are located within state-regulated wetland resource areas (200' Riverfront Area, 100-year floodplain, sometimes 100' buffer zone). The town permit will be good for 3 years and have a filing fee of \$100/trailer. Janice mentioned that there was discussion about whether the town would permit more than one trailer per lot. The Committee agreed there could be more than one per lot, but discussed that the owners would have to provide a plan that shows the trailers at least 15' from the property line and 25' away from each other and have at least 2500 sf of space for each trailer. They have not decided on the # of trailers and space requirements yet. If there are 3 or more trailers, the owners will have to file with the Board of Health for a campground permit. None of this will be allowed if the Town Meeting does not pass the changes to the Zoning Bylaw.

The general public asked questions about this process, and the process with the Conservation Commission. Paulette explained about the River Rules sent to all property owners along the River last year, and the DEP & Wetlands Protection Act (WPA) and regulations. She told people that if trailers were located in the first 100' of the Mean Annual High Water (MAHW) line (the inner Riverfront Area), and there is room on the property to move them back, then people will have to move back. The Inner Riverfront Area has extra protective restrictions on it under the WPA, and the Conservation Commission's job is to do the permitting but also see that people comply with the WPA and regulations. There was a discussion on whether the trailers would be considered a "minor exempt activity" under the WPA regulations. No, they are not listed and therefore do not qualify. Paulette also explained to people that some people may have to file

with the Natural Heritage & Endangered Species Program (NHESP), if where they want to put their trailers is within the NHESP rare species habitat areas. Discussion about whether putting a trailer on a site from May to October would alter the site. Yes. Paulette explained what the definition of “alter” is under the WPA. It is very broad, and any alteration has to be permitted through the Conservation Commission. She also explained that the DEP can supersede any decision the Commission makes, if they feel the Commission was not correct in the way they did the permitting. She explained that the Commission would rather work with people than do enforcement.

A person asked what are the actual steps for getting a permit from the Commission? Paulette explained that the Commission needed a plot plan showing where the trailers were going to be in relation to the MAHW line and Riverfront Area, and what is there now? If you are 100’ or more back from the MAHW, you can file a Request for Determination. If close to the water, will need to do a Notice of Intent. If people want to clear trees in the Riverfront Area, it is probably not going to be allowed. Jim suggested the steps for filing a permit could be put on the Conservation Commission website, along with the forms, to make it easier for people to find. Paulette said she and Janice would put together a checklist to use for an example for people. People can start filing with the Conservation Commission now. The zoning won’t change until the vote at Annual Town Meeting, but people can start the process now. Jim mentioned that the start of the camping season was starting soon. Paulette stated if it got busy the Commission might have to hold more than one meeting a month.

Dock information. Some people are requesting help on how to file for a dock permit. Complicated, but one step is with the Conservation Commission, then DEP, NHESP and HG&E. Janice is trying to put it into a clear set of steps, but has not been able to yet. The DEP is requiring a PE stamped plan for all docks on the Connecticut River now. People who have been checking on costs have found it could be very expensive.

MACC Annual Environmental Conference. Coming up in April. All by zoom, with some workshops during the weekdays and some on Saturdays for 2 weeks.

47 Bay Rd. There is discussion about whether this house could be legally rebuilt or improved or not. It is in poor condition, has no front yard and back yard is mostly wetland. It is a pre-existing, non-conforming use. Should there be a taking, to keep it from being rebuilt on such a unconfirming site? Any conservation value? No place to park, all in 100-year floodplain.

RT 9 -DOT update. No new information. Mill River Watershed Plan. They will be proposing some nutrient management improvements at a horse farm along the Mill River in Hadley. Ask Dave Reckhow for annual report on water quality. Colony Estates & NHESP. There have been a lot of questions for people who have purchased lots or are considering doing so, as to what the turtle protection plan is and how does it affect them. Janice has been contacting NHESP to get the info. Connections have been restored between owner/developer and NHESP, which should clarify their requirements for turtle protection during construction. New sign needed for Dawson Wildlife Refuge off Rocky Hill Rd. Other sign seems to have disappeared. Check to see if DPW makes any signs. Edwin willing to install it when we get it. Janice will check with Kestrel Trust on the design they used before. Pollinator signs for North Lane meadow. Toni Lyn has some designs. She will send pdfs.

4. 8:25 PM Bills & Correspondence. Bills for Janice's hours in February 2021. Gary made the motion to approve, Edwin seconded, all in favor. Paulette will sign. Payment of bill from Staples for 2 copier ink cartridges. Edwin made the motion to approve, Gary seconded, and all in favor. Paulette will sign.

5. 8:27 PM Minutes for February 9, 2021. Edwin made a motion to approve the minutes, seconded by Gary. All voted in favor.

6. 8:29 PM Other topics. *Hadley Corner*, land donation possibility. Janice explained that the representative for the owner of the Hadley Corner condominium property (the commonly owned land, including the stormwater basins, roads, and the large wetland replication and undeveloped land in the NW corner) has contacted the Commission to see if they are interested in accepting the NW corner of their property. Janice has asked a few people in town hall and Selectboard if there are any concerns about the town acquiring this property. There are minimal taxes on it now, since it is considered undevelopable, so that is not an issue. There used to be a homeless encampment in there, not sure if still. The Police Chief says there is a lot of trash, including old propane tanks, in there, so it needs to be cleaned up. Apparently, some people hunt in there (for bear?). Does it have wildlife habitat/conservation value? Would it be possible to create some public access (and a couple parking spots?) Janice noted that the property presently includes a little bit of roadway, some stormwater management features and the overflow parking area for the hotel, and these would have to be removed from the property donated to the town. She will tell them the Commission is interested. Toni Lyn will see if she can get more information on wildlife value.

7. 8:38 PM Adjournment. Toni Lyn made the motion, seconded by Steve, to adjourn the meeting. All voted in favor.

Respectfully submitted by
Janice Stone