

HADLEY CONSERVATION COMMISSION

MEETING MINUTES

SEPTEMBER 14, 2021

DRAFT 1

Meeting conducted in person at the Hadley Senior Center

PRESENT: Gary Pelissier, Chair; Edwin Matuszko, Steve Szymkowicz, Ray Mieczkowski

Also Present: Jane Nevins-Smith of the Select Board, the Wonseys of 246 Bay Rd, Rob

1. 7 PM Gary Pelissier begins the meeting by introducing the new Conservation Commissioner, Ray Mieczkowski.

2. Request for Determination of Applicability Public Meeting, continued.

Nexamp seeks to modify solar array for energy storage by installing concrete pads and poles in buffer zone off *Westgate Center Dr.* (Map 10D Parcel 29).

- Nobody showed up for this project. Gary asked for a motion to continue to the next meeting, motion made by Commissioner Edwin Matuszko, all voted in favor.

Moving forward, meetings to begin at 6:30

3. Request for Determination of Applicability Public Meeting, continued.

L. Wonsey seeks to install above ground pool in buffer zone at *246 Bay Rd* (Map 8 Parcel 36-3).

- The property owners were present to answer question and confirmed the project would not occur within 35' of the brook on the property. Gary had questions regarding the sloping of the land and excavation methods to be implemented, expressing concern for erosion during the excavation. He recommended a silt fence or straw wattle 35' from the brook to ensure the wetlands would be protected.

- The pool is within the 100' buffer zone, but exempt under the WPA. Installation set to begin in Spring, 2022.

- Gary requested a copy of the legal ad and the \$25 Request for Determination fee to be submitted.

- Edwin inquired whether there would be a deck built to access the pool from the house, to which they answered yes, but said they hadn't thought it through yet

- Gary requested a motion to close the meeting, made by Edwin, seconded by Steve, all voted in favor. He also requested a motion for a negative determination, under B, #6 and #3, and the conditions being the 35' buffer zone be marked and erosion control be implemented. Edwin made the motion, seconded by Steve, all voted in favor.

4. Request for Determination of Applicability Public Meeting

G. Pelissier seeks to replace patio/entrance area surfaces at Residential Home at 1 Russell Steet (Map 4C Parcel 14B)

- Gary recused himself, Edwin led this part of the meeting.

- Gary's patio/entrance area was permitted before the River Protection Act of 1996. He seeks to replace the existing content with a slight extension across the front to get to his ATV and golf cart.
- Steve and Ray had been to the site, and Gary invited Edwin to visit the site as well.
- Edwin asked what distance this was from the river, which Gary answered 70', but again reminding the commission that this was established prior to the River Protection Act. Gary explained he'd implement erosion controls in the form of straw wattles.
- Steve reminded Gary to submit a copy of the legal ad for this meeting.
- Gary's suggestion was a negative determination #2 and/or #3.
- Edwin requested a motion to close the hearing, made by Steve, seconded by Ray, all voted in favor. Edwin then requested a motion for the determination, specifically a negative #2 and #3 with the condition of erosion control barriers to be implemented. This motion was made by Steve, seconded by Ray, all voted in favor.

5. Campers at South Branch Rd

- At South Branch Rd there are 2.5 acres of land used primarily for recreational campers by 8 different families who own subdivisions of the lot in question. There has been controversy around whether the campers are considered vehicles or dwellings, and concern for public safety such as emergency vehicle access/signage and public health concerns such as pumping frequency or presence of portable restrooms.
- This is part of a conversation addressed at the August 10th Meeting. The land was acquired in 1981. Many of the original owners are now deceased, posing a challenge when it comes to sourcing information about prior conditions/land use. Owners of the land represented by a lawyer at this meeting, along with Keith Sherwig. Gary requested additional information, such as permits and photos or other proof of historic conditions. There is a question of what is grandfathered in, before the adoption of the River Protection Act.
- Interjection from the audience regarding what DEP's stance on the issue was:
 - "campers are registered motor vehicles, not dwellings or structures, and conservation overstepped their boundaries by trying to regulate this" Steve explained that yes, DEP overruled the commission, but town bylaw must still be honored.
- Ultimately, the land owners are asking how many campers they can have, what permits they need, and what other measures must be taken to meet town laws for all depts. involved.
- A citizen named Rob was present to speak to the commissioners about a letter regarding RV regulations. Three RFDs and one NOI initially, ConCom advised doing NOI for all. Gary read the letter which explained the historical use of the land and the change in regulations/issuing body, and the actions of the land owners and commissioners alike.
- Gary requested a site visit for Friday, and the commission decided to put this conversation on pause until the commission was appropriately staffed.

6. Conservation Commission Representation to the CPA (Cultural Preservation Act)

- Gary makes a motion to recommend Edwin Matuszko for the position, all voted in favor
- Edwin wrote a letter to present to the Select Board

Adjournment. Motion made by Edwin seconded by Steve, all voted in favor.