

Holyoke Conservation Commission Meeting Minutes 07/13/2023 (Remote via Zoom)

Conservation Commission Members Present: Bernice Bowler (Chairperson), Jeffrey Horan (Vice Chairperson), Mary Moriarty, Michael Dodge, John Perdrizet, Rosemary Arnold

Conservation Commission Members Absent: Chelsea Gazillo

Staff Present: Yoni Glogower (Holyoke Conservation and Sustainability Director)

Members of the public present: Nilsa Laboy (475 Northampton St.), Peter Van Dyke, Esq. (475 Northampton St.), Tim Hamel (35 Reservation Road), Frank DeMarinis (Northampton Street/MBP 223-00-019), Chris Chamberlin (Berkshire Design Group), Leon Szafran (ESG Clean Energy), Michael Shepard (542 Rock Valley Road)

1. Call to Order

Chairperson Bowler called the meeting to order, explained the protocols of remote meetings, and asked visitors to sign in via the chat.

2. Public Hearing – Notice of Intent WE 186-0299 (continued from 6/22/23)

Applicant: JSH Nominee Trust

Representative: R. Levesque Associates, Inc.

Location: Northampton Street (MBP 223-00-1, 5, 8)

Description: Residential development within the buffer zone of Bordering Vegetated Wetlands.

Commissioner Moriarty made a motion to continue to September 14, 2023, in an effort to allow the Applicant time to speak with the Planning Board. Commissioner Arnold seconded the motion, and the Commission voted unanimously to approve said continuance.

3. Administrative Hearing - 475 Northampton Street, MBP (223-00-012)

Description: Construction within the Buffer Zone of Bordering Vegetated Wetlands without permit.

Chairperson Bowler announced that she, Vice Chairperson Horan and Commissioners Moriarty and Arnold performed a site visit on June 29, 2023, and the 100-foot buffer flagging was in place. It was confirmed that about 1,400 of the 1,500 square feet structure is inside the buffer zone, and the surrounding soil had been hydroseeded earlier that week.

On August 29, 2023, the property owner will be before the Zoning Board to discuss an Appeal filed with regard to the Board's decision that the structure must be moved.

Chairperson Bowler informed Nilsa Laboy, the property owner, as well as her attorney, Peter Van Dyke, that if the Planning Board's final decision is that the structure must be moved, a filing with the Commission for work within the buffer zone will be required before any work is done.

Ms. Laboy shared pictures with the Commission showing that the hydroseeding is green and growing in nicely. She indicated that she is waiting for a response from Huntley and Associates to schedule an appointment and discuss possible planting across the 100-foot buffer. Commissioner Moriarty requested that no further work be done until a decision is made by the both the Zoning Board and the Commission. Vice Chairperson Horan agreed and also requested that the area be marked to prevent vehicle access. Ms. Laboy indicated that she did mark the area and she would send pictures to Director Glogower.

At Commissioner Dodge's request, Director Glogower confirmed that he is in contact with Jeff Berkott, the Assistant Director of Planning who also staffs the Zoning Board of Appeals, and they will discuss this matter as it develops.

Attorney Van Dyke reiterated that with the exception of staking and taping to mark the area, no further work will be done until further direction is received from the Commission.

Vice Chairperson Horan made a motion to continue to September 14, 2023, and that the Applicant stake and delineate the 100-foot buffer area. Commissioner Moriarty seconded the motion, and the Commission voted unanimously to approve said continuance.

4. Administrative Hearing - 542 Rock Valley Road, MBP (187-00-016)

Description: Construction within the Buffer Zone of Bordering Vegetated Wetlands without permit.

Chairperson Bowler announced that Director Glogower and Commissioner Arnold performed a site visit on June 20, 2023, with regard to a structure located within the 50-foot buffer.

Director Glogower shared his screen to show images of the shed structure and surrounding areas.

Michael Shepard, the property owner, explained that he was under the impression that he was able to use areas that were grass because it was being maintained. He indicated that the shed is 18 feet from the flagging located behind it, but he misunderstood what areas are available for use and what areas are not.

Mr. Shepard mentioned the possibility of returning an area of about 14 by 100 feet back to a vegetative state as a compromise. He explained that during the site visit they looked extensively for options to relocate the structure, but were unable to come up with an acceptable location as even part of the driveway is within the 50-foot buffer.

After a brief discussion, Director Glogower agreed to send Mr. Shepard the variance request form and a site visit was scheduled for July 24, 2023 at 8:30 a.m.

5. Wetlands Violation - 35 Reservation Road (MBP 221-00-018)

Description: Chainsaw damage to trees along and within here Buffer Zone of Stream Banks.

Chairperson Bowler announced that she noticed the final tree was now down and most of the lumbar had been cut and neatly stacked. Tim Hamel, the property owner, indicated that there is still a lot of logs on the ground, which he hopes to have all stacked by the end of July, and welcomed a visit from the Commission once complete. He mentioned that he intends to seek guidance from someone more knowledgeable with regard to the plantings in an effort to ensure it is done properly.

After a brief discussion, it was agreed that Mr. Hamel will inform Director Glogower when the logs are all cleaned up and stacked. A site visit will then be scheduled to discuss the specifics of a planting plan. Prior to the site visit, Mr. Hamel will place stakes where he intends to place trees and bushes.

6. Request for Certificate of Compliance - Order of Conditions WE 186-0272
Location: Northampton Street (MBP 223-00-019)

Director Glogower announced that he and Commissioner Moriarty performed a site visit on June 13, 2023, where they walked the property with the owner, Frank DeMarinis, and Luke from Sage Engineering. He shared his screen to show a photo taken on the site visit, as well as the as-built plan. Director Glogower explained that there is a 200-foot riverfront area on the property, within which a fire pit area is located. During the site visit, it was requested that debris and materials used for kindling in a fire pit area be removed, which Mr. DeMarinis did and provided photos to Director Glogower.

Commissioner Moriarty noted that the drive shown on the as-built plan is in a different location than shown in the original plan the Commission permitted, but it is located outside of the buffer zone.

At Commissioner Moriarty's request, Director Glogower shared his screen to show the ongoing conditions and explained that they have already been filed and recorded at the Registry of Deeds and will also be listed on the Certificate of Compliance, which will also be filed and recorded. Within the ongoing conditions, the following were discussed:

- Condition 57 - Commissioner Moriarty questioned what maintenance is permitted as an exception, which Director Glogower confirmed would include maintenance of the wall that was permitted to be in the riverfront area.
- Condition 61 - Commissioner Moriarty indicated that "debris" includes the items that she and Director Glogower requested be removed.
- Condition 62 - Commissioner Moriarty confirmed that no grading or filling can be done without obtaining a permit.
- Condition 66 - The Commission confirmed that Mr. DeMarinis would need to come before the Commission again if he intends to have more than two cattle, as currently permitted.
 - In response to Commissioner Perdrizet's questioning, Mr. DeMarinis confirmed that there would be fencing and a barn structure for the cattle, which was drawn on the plans previously provided, although not currently built.
- It was confirmed that there is not an ongoing condition requiring that the riverfront flagging remain in place indefinitely.

In response to Commissioner Dodge's questioning, Mr. DeMarinis confirmed that the proposed area for a cattle structure is 500 feet from the river and is not within any bordering vegetated wetlands, so he would not need to come before the Commission again should he decide to build said structure in the proposed area.

Vice Chairperson Horan made a motion to approve the Certificate of Compliance. Commissioner Dodge seconded the motion, and the Commission voted unanimously to approve said Certificate of Compliance.

7. Public Hearing - Notice of Intent WE 186-0300

Applicant: ESG Clean Energy

Representative: Berkshire Design Group

Location: 28 Water Street (MBP 051-01-009)

Description: Redevelopment within Riverfront and buffer zone of Bordering Vegetated Wetlands.

Chris Chamberland of Berkshire Design Group introduced himself and shared his screen to show site plans. The property contained a mill in the 19th century and was acquired by ESG Clean Energy in 2018. He pointed out where surface water from the Connecticut River comes up to retaining walls on the property, creating a riverfront. There is a 2-story metal building, approximately 5,000 square feet, on the property that is currently used by ESG for electricity generation. ESG has a partnership with Holyoke Gas & Electric to receive an input of gas, produce electricity using generators, and then the facility recaptures carbon and waste heat to produce several products, including distilled water.

The proposed project will expand the current operation by constructing a slightly larger building attached to the current building, as well as an enclosed area for additional generators and an enclosure to hold ionized water. All building access will be paved, including between the building and Water Street. A gravel pad is proposed at the back of building for the purpose of occasional parking of natural gas trailers as a form of alternative/backup fuel source during HG&E's curtailment period.

Mr. Chamberland explained that there is a stormwater system in place consisting of two underground infiltration chambers which they intend to repurpose. The piping will be rerouted so that the northern half of the buildings roof stormwater go into the chambers. A storm ceptor structure is also proposed in the northeastern corner of the paved driveway. The southern half of the roofs and the gravel area will direct stormwater to a shallow surface infiltration basin containing a horizontal flat curbing to allow for overflow into a regraded area and eventually into a pair of catch basins that have a stormwater drainage system. Mr. Chamberland indicated that since there is no underground storage or way to try to capture stormwater at the west side of the property, they propose to replicate the existing condition which allows stormwater to runoff to the west.

With the exception of the building, driveway and gravel areas, everything else is proposed to be re-vegetated with a native seed mix to be mowed at least once a year in an effort to keep invasives down.

Mr. Chamberland pointed out that the proposal meets both the Holyoke and state stormwater standards for redevelopment and they will be submitting to DPW within the next week or so for a stormwater permit. He then reviewed the riverfront redevelopment standards and explained how the proposed project meets all required criteria.

Chairperson Bowler questioned how the natural gas trailers will be moved to and from the property. Mr. Chamberland pointed out that there has historically been access to the property near the proposed gravel pad by way of a gate and a paved easement.

Commissioner Moriarty questioned possible standards with regard to the natural gas trailers, and Mr. Chamberland indicated that they are subject to Federal DOT regulations. Leon Szafran reiterated that the natural gas trailers will only be present on the property for the length of HG&E's curtailment period, which could range from one day to two weeks, and they are preparing a two-week worst case scenario.

Mr. Chamberland indicated that the pre-application meeting with the Planning Board has already taken place and the fire department did not identify any concerns at that time with regard to the natural gas trailers.

Chairperson Bowler questioned what activity would be taking place within the 50-foot buffer requiring a variance, and Mr. Chamberland explained that it is necessary in order to connect the pavement between Water Street and the site. The 50-foot buffer falls just beyond the edge of Water Street. At Vice Chairperson Horan's request, it was confirmed that the amount of disturbance within the 50-foot buffer is 765 square feet.

Director Glogower pointed out that DEP noted that the Commission should carefully review whether or not Stormwater Standard 5 applies. Mr. Chamberland shared his screen to show a list of potential concerning activities that could qualify as a land use with a higher potential for pollutant loads, and explained that it is his understanding that they are not governed by any NPDES permits and would not qualify for any other land uses listed. He reiterated that all potentially problematic materials will be stored indoors and protected from rain, snow, snow melt and stormwater runoff. At Chairperson Bowler's request, Mr. Chamberland agreed to email Director Glogower the list displayed on the screen containing land uses with a higher potential for pollutant loads, as well a summary of his beliefs as to why the site in question would be excluded.

A site visit was scheduled for July 24, 2023 at 2:00 p.m., and Mr. Chamberland agreed to ensure that the buffer zones are marked.

8. Formal Vote - Minutes from 6/22/23 Meeting

Commissioner Arnold made a motion to approve the meeting Minutes from June 22, 2023. Commissioner Dodge seconded the motion, and the Commission voted unanimously to approve said Minutes.

9. Discussion - Upcoming Items for 7/27/23 Meeting

Director Glogower announced that there are two new RDAs: A temporary UMass project testing a hydro power concept and a PhD student wishing to do an herbicide application near the soldiers home. Director Glogower will coordinate site visits.

10. Mail/other items not reasonably anticipated by the Chair

Chairperson Bowler announced that Commissioner Gazillo has requested to resign from the Commission as her current work and personal obligations do not allow for her to be a contributing member.

Director Glogower announced that there were mixed results at the DGR meeting with regard to the Edna Williams property. He indicated that the goal is to sell the property to Massachusetts Fish and Game, who has put in a good preliminary offer. He will be working with OPED on a presentation with regard to the possibility of redevelopment of the property and also with Kestrel on obtaining a full narrative appraisal.

11. Adjourn

Chairperson Bowler adjourned the meeting at 8:44 p.m.