

Holyoke Conservation Commission Meeting Minutes 12/14/2023 (Remote via Zoom)

Conservation Commission Members Present: Bernice Bowler (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: Melissa Coady (Tighe & Bond), Jennifer Gilbert (Tighe & Bond), Chris Chamberlin (Berkshire Design Group), Leon Szafran (ESG), Nilsa Laboy (475 Northampton Street)

1. Call to Order

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

2. Request for Determination of Applicability - Filed 11/28/23

Applicant: Holyoke Water Works

Representative: Tighe & Bond

Location: Water Street

Description: Construction of new water main within Buffer Zone of Banks.

Melissa Coady, of Tighe & Bond, introduced herself and explained the intent of Holyoke Water Works to build a 12-inch diameter water main within the buffer zone of the second level canal. She shared her screen to show the project location and pointed out that the current construction activity in the area is that of a private project/entity, not Holyoke Water Works. She indicated that Holyoke Water Works is seeking a negative determination finding that the project as proposed does not require the filing of a notice of intent.

Chairperson Bowler questioned the square footage of the section of disturbance within the 50-foot buffer zone. Jennifer Gilbert, of Tighe & Bond, explained that 6,800 square feet of disturbance is proposed in the area of 111 Mosher Street, as well as 13,400 square feet in the deteriorated traveled way of 14-28 Water Street.

Ms. Coady shared the Variance Request for work within the 50-foot buffer zone and explained the alternative design options and proposed mitigation.

Director Glogower announced that he and commissioners Perdrizet and Arnold performed a site visit on December 13th and noted that the site is as described.

Commissioner Moriarty questioned the potential of the area being inundated with water, and Ms. Coady indicated that the area is not mapped as being subject to 100-year flooding.

Chairperson Bowler welcomed public questions/comments, and there were none.

Commissioner Moriarty made a motion to approve the Variance Request. Commissioner Dodge seconded the motion, and the Commission voted unanimously to approve the Variance, noting that Vice Chairperson Horan abstained as he was not present for the entire discussion.

Commissioner Arnold made to motion to approve a Negative 3 and Negative 6 Determination. Commissioner Dodge seconded the motion, and the Commission voted unanimously to approve said determinations, noting that Vice Chairperson Horan abstained as he was not present for the entire discussion.

3. Public Hearing - Notice of Intent WE 186-0294 (Continued from 11/9/23)

Applicant: Delorean Power

Representative: BL Companies

Location: 361 Whitney Avenue (MBP 176-00-036)

Description: Construction of a battery energy storage system within the Buffer Zone of Bordering Vegetated Wetlands.

Chairperson Bowler announced that the Applicant has requested a continuance as they await information from the city.

Commissioner Moriarty made a motion for a continuance to January 25, 2024. Vice Chairperson Horan seconded the motion, and the Commission voted unanimously to approve said continuance.

4. Public Hearing - Notice of Intent WE 186-0303 (Continued from 11/9/23)

Applicant: ESG-H2, LLC

Representative: Berkshire Design Group

Location: 28 Water Street (MBP 051-00-009)

Description: Commercial redevelopment within Riverfront and Buffer Zone of Banks.

Chairperson Bowler announced that Commissioner Dodge will not be able to vote on this project as he missed the previous meeting and discussion. Commissioner Dodge agreed that if the project is continued, he will listen to the previous meeting in order to be able to vote going forward.

Chris Chamberlin, of Berkshire Design Group, introduced himself and shared his screen to show updated project plans. He explained that the fuel storage and associated infrastructure has been removed from the project as mechanical engineers determined it to be infeasible. The turnaround area has been enlarged slightly to allow easier access for larger, medium-sized vehicles, such as garbage trucks. The infiltration basin at the rear of the property increased slightly and the shape was changed. Mr. Chamberlin explained that the pre-treatment structure for infiltration has been eliminated. The proposed degraded area is now approximately 6,824 square feet.

At Chairperson Bowler's request, Mr. Chamberlin pointed out the buffer zones and explained that within the buffer zone, the pavement is being widened slightly to create parking spaces in the front of the site. He also indicated that ESG will likely desire to mill and resurface the pavement on Water Street, and it is unclear whether that work would be exempt.

With regard to mitigation, Mr. Chamberlin indicated that the entire back of the site, which is the riverfront of the Connecticut River, is proposed to be seeded with a conservation mix to be mowed once or twice a year. He also reiterated that the project plan results in a significant decrease in degraded area.

Mr. Chamberlin indicated that the updated plans were also sent to the Planning Board and the updated stormwater plan was sent to DPW, who provided the okay to schedule a public hearing.

Vice Chairperson Horan questioned if the stormwater runoff concerns of Marc Samwick have been resolved. Mr. Chamberlin explained the stormwater changes and addition of a 9 to 12-inch berm that will prevent water from running onto Mr. Samwick's property, satisfying his stormwater concern. Privacy screen slats are also proposed to be added along the property line fencing in an effort to satisfy another concern of Mr. Samwick. Mr. Chamberlin indicated that all offending items, such as lamppost fixtures and overhang, have been removed, with the exception of the vent work overhang that they are actively working to rectify. Mr. Samwick informed Mr. Chamberlin that he would not be at this meeting and mentioned possibly submitting a letter to Director Glogower, but a letter had not been received.

Chairperson Bowler questioned the status of pending litigation. Mr. Chamberlin explained that lease litigation has moved to a settlement negotiation phase, but the signing ability issue with regard to applications remains outstanding. He and Director Glogower reiterated that the law department determined that the Wetlands Protection Act clearly allows for ESG to sign the applications.

There was a brief discussion concerning the stormwater permit and plan, and it was confirmed that an operation and maintenance plan was included in the stormwater report.

Commissioner Perdrizet questioned the purpose of the fencing on the eastern side of the property, and Mr. Chamberlin indicated it is to prevent people from accessing the site from that gravel road. The Commission agreed that the area is already disturbed due to the railroad tracks, so the fencing is not a concern.

Vice Chairperson Horan made a motion to continue to January 11, 2024. Commissioner Moriarty seconded the motion, and the Commission voted unanimously to approve said continuance, noting that Commissioner Dodge abstained as he was not present for previous discussion.

5. Administrative Hearing - 475 Northampton Street, MBP (223-00-012) (Continued from 10/12/23)
Description: Construction within the Buffer Zone of Bordering Vegetated Wetlands without permit.

Chairperson Bowler announced that Director Glogower performed a site visit to confirm that the requests of the Commission were completed. Photos were shown demonstrating that the boulder, stakes and rope were appropriately placed where the Commission requested.

With regard to the structure location, Ms. Laboy indicated that she has filed for a variance and is currently awaiting a date. She also mentioned that she obtained an estimate on the cost to have the structure removed, and the estimate was double the cost to build the structure.

Following a brief discussion, it was decided to continue the hearing pending a response to the Variance Request. If Ms. Laboy will not have a response before the next meeting, she agreed to inform Director Glogower and request another continuance.

Commissioner Perdrizet pointed out that the stakes in between the arborvitaes were not in the middle, but rather next to the arborvitaes, as shown in the photo. Ms. Laboy agreed to have three additional stakes placed in the middle of the arborvitaes, next to the stumps, by the end of the year. Once complete, Ms. Laboy will send pictures to Director Glogower. Commissioner Perdrizet reiterated that he initially made such a request in an effort to prevent easy vehicle access behind the arborvitaes.

Commissioner Moriarty made a motion to continue to January 25, 2024. Commissioner Dodge seconded the motion, and the Commission voted unanimously to approve said continuance.

6. Enforcement Order - Issued 12/26/2020

Location: Mountain Road (MBP 190-00-011)

Description: Electric box pole installation within the 100 foot buffer zone without a permit.

Director Glogower explained that an Enforcement Order was issued in 2020 requiring that the electric box pole be removed within 60 days, with him performing a site visit and approving the removal process beforehand. In May of 2020, Director Glogower performed a site visit and continued communication with the property owner concerning the removal. Director Glogower explained that the Commission informed him that the electric box pole is still there, and he reached out to the property owner who promised to have it removed. Director Glogower provided the property owner a deadline of December 14, 2023 to have the pole removed.

Following a brief discussion, the Commission agreed to impose a \$300 fine for failure to comply with an Enforcement Order, followed by additional fines going forward if the pole is not removed. Director Glogower determined that the order to remove the pole was from the January 28, 2021 Conservation Commission meeting, and he followed up on December 1, 2023, after learning that the pole was still standing.

Commissioner Arnold made a motion to impose a \$300 on December 15, 2023, if the pole has not been removed, for failure to comply with Enforcement Order of December 26, 2020, despite follow-up directive from Director Glogower on December 1, 2023. Commissioner Dodge seconded the motion, and the Commission voted unanimously to approve said motion.

7. Formal Vote - Minutes from 12/9/23 Meeting

Commissioner Moriarty made motion to approve the meeting Minutes from December 9, 2023.

Commissioner Arnold seconded the motion, and the Commission voted unanimously to approve said Minutes.

8. Discussion - Pending Sale of Edna Williams Parcel (MBP 212-00-001)

Chairperson Bowler announced that Director Glogower provided the Commission a lengthy discussion that will be before the DGR Committee next week.

Following a brief discussion, the Commission agreed that it is appropriate for the Commission to send a letter identifying its stance. Director Glogower shared a letter drafted by Commissioner Moriarty, which the Commission agreed to have sent to Jeffery Anderson-Burgos.

9. Discussion: Upcoming Items for 1/11/24 Meeting

Director Glogower announced that there are no new items for the January 11, 2024 meeting.

Chairperson Bowler announced that voting for chair and vice chair will take place at 6:15 p.m., prior to the regularly scheduled meeting. Both Chairperson Bowler and Vice Chairperson Horan expressed their willingness to continue in their respective roles.

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

Commissioner Arnold reminded the Commission of their previous requests concerning 542 Rock Valley Road. Director Glogower indicated that the \$50 fine was paid and he will email the property owner in an effort to maintain contact concerning a spring planting plan.

Commissioner Moriarty announced that Patricia Normand expressed interest in joining the Conservation Commission and is present for the meeting. Ms. Normand introduced herself and indicated that she received a letter which stated that the mayor would like to nominate her as a commissioner. Chairperson Bowler briefly explained the process that will likely take place in order to nominate Ms. Normand as a member of the Conservation Commission.

Commissioner Perdrizet expressed his desire to see the fines that are imposed by the Commission be increased. Chairperson Bowler briefly explained the process associated with changing the bylaws which dictate the imposition of fines. Commissioner Moriarty mentioned that it has been ten years since the bylaws were changed with regard to fines and agreed that they should be updated. Following a brief discussion, Commissioner Perdrizet agreed to research the bylaw language and fines that are implemented in other towns in an effort to begin the process of updating the bylaws and fines.

11. Adjourn

Chairperson Bowler adjourned the meeting at 8:10 p.m.