Whiting Reservoir Committee Meeting

January 19, 2021

Attending: Chair Sue Ellen Panitch, Vice Chair Marlene Connor, Jeff Horan, Harry Craven, Kip Foley, Dave Moore, (not present Theresa Sheppard, Marcos Marrero /Aaron Vega). Others present: Crystal Barnes, Scott MacPherson.

Agenda:

Chair brought the meeting to order at 5:05 pm.

**Minutes** from the 1/5/2021 meeting were approved.

**Legal Issues** related to Whiting Street Reservoir – Crystal Barnes – Acting City Solicitor

Crystal discussed briefly the **Massachusetts Wetland Protection Act (WPA):**

Included and highlighted in yellow below (but not discussed in detail during the meeting) is important information related to the WPA from the City’s website.

https://www.holyoke.org/conservation-commission-regulated-activities/

In Massachusetts, most of the regulatory authority for wetland protection is held by the Conservation Commission of each municipality. **The Massachusetts Wetlands Protection Act** (MWPA, 310 CMR 10.00) defines the different kinds of inland wetlands and the standards for their protection. These include:

**Bordering Vegetated Wetlands** (any swamp, wet meadow, bog, or marsh)

**Land Under Water Bodies** (any river, stream, pond, or lake, including canals)

**Banks** (any naturally occurring banks or beaches adjacent to the above water bodies)

**Land Subject to Flooding** (as defined by the National Flood Insurance Program)

The MWPA also includes Conservation Commission jurisdiction for work within the **100 foot Buffer Zone**, which extends in all directions from the boundaries of any of the above wetland types.

The Massachusetts Rivers Protection act of 1996 (and included in the updated MWPA, 310 CMR 10.58) extends protections to **Riverfront Areas**, defined as the land area measured from the mean annual high water line of any perennial stream or river 200 feet in either direction. Note that Riverfront Area can encompass other wetland resources and does not have a buffer zone. Rather, this entire land area is considered a wetland resource in its own right. Perennial streams in Holyoke include: Tannery Brook, Broad Brook, Green Brook, Paucatuck Brook, Bray Brook, Serendipity Brook, Barry Brook, and Whiting Brook. The CT River riverfront from the Holyoke Dam south to Berkshire Street has been designated as an Historic Mill District.

In addition to these state regulations, the Conservation Commission also enforces the provisions of the **Holyoke Wetlands Ordinance**(HWO), adopted in 2001. This provides additional regulations that include protections for isolated wetlands and vernal pools, and establishes a**No-Build Zone**within **50 feet** of any wetland resource.

Q: What protections does Article 97 afford to the Whiting Street Reservoir?

A: Article 97 protections can be reversed with City and State legislative approval.

Q: What is the relationship between the City of Holyoke and the Water Department? How are decisions made related to Lands managed by the Water Department?

A: Crystal Barnes will research this and get back to the committee.

**Brief Discussion on Properties in the Whiting Reservoir/Mt. Tom Area** (Jeff Horan added some information from: [Holyoke Map Geo Property View](https://holyokema.mapgeo.io/datasets/properties?abuttersDistance=300&latlng=42.224091%2C-72.640495))

**Whiting Street Reservoir** (Map-Lot 213-00-006) – owner – City of Holyoke – Water Department - 371.80 acres. Under Article 97 protections. Water Department wants to keep in reserve for future potential water use by Holyoke or surrounding communities. Construction on spillway expected in 2022. Water Department also wants to continue restricted passive recreation. Only current reservoir access is a very hazardous access from Route 141.

**Mountain Park** (Map/Lot 213-00-009) – 47.87 acres - owner Mountain Park LLC –l ast purchased 9/29/2006 for $1,600,000. Current land valuation is $710,360. Harry Craven researched and talked with Eric Suher, owner of Mountain Park LLC. Eric would like to develop this property in the future. He would like to come and talk to our committee.

**Holyoke Country Club** (Map/Lot 226-00-001)- 81.92 acres – owner Eshcc, LLC– Last sale 2/9/2012 for $850,000. Current valuation is $643,218. Property has some of the more obvious opportunities for development.

**US Fish and Wildlife Property** (Map/Lot 217-00-008) – owner US Fish and Wildlife - 140.82 acres/purchased 8/1/2002 for $1,100,000 with federal Land and Water Conservation Funds (LCWF). Current Valuation $3,141,700. Use – protection of fish and wildlife. Open dawn to dusk for passive recreation, hunting and fishing in season. Previously major portion of MT Tom Ski Area and including the B-17 Memorial. Currently nets the City of Holyoke an average of $5,800 annually in revenue sharing from paid from Fish and Wildlife Service.

**Boys and Girls Club** (Map/Lot 217-00-006) – 21.74 acres – owner was Boys and Girls Club of Greater Holyoke – previously purchased 1/7/2003 for $300,000, and valuation is $998,300. Recently sold to owners of Mt Tom Ski Area/Quarry property for a reported $100,000 in December 2020 after an attempted and failed exercise of purchase rights by State of Massachusetts DCR.

**Quarry Property** (Map/Lot 217-00-005) – 16.15 acres - owner Mt Tom Ski Area Inc. – purchase 12/301996 for $23,140. Current valuation $549,900. Currently subject of an ANRAD to determine location of wetlands on site under Mass WPA. Proposal under discussion for rubble fill. Estimate of 20 years of operation to fill quarry with ”clean” rubble/fill. Truck traffic would be extensive and may not be consistent with recreation. Due to wetlands located on site, wetland mitigation would be required if a rubble fill was permitted.

**Trustees of the Reservation** (Map/Lot 217-00-007) – 73.53 acres - owner Trustees of the Reservation –last purchased 8/1/2002 for $300,000. Current land valuation $1,930,500. Sue Ellen Panitch will contact Trustees for more information.

**Wycoff Golf Course Property** (Map/Lot139-00-003) – 81.91 acres - owner - ARMENT & VANZANDT REALTY, INC. Last purchased 12/13/2019 for $650,000. Current valuation $1,825,900. Kip Foley will reseearch in more detail and attempt to talk to new owners. The golf course itself is very close to the Whiting Reservoir property and close to the spillway work being done at the reservoir.

**For next meeting**: Invite Jennifer Howard from DCR to discuss DCR’s interest in purchasing the Boys and Girls Club, quarry properties and possible additional protections for Whiting Reservoir through a CR. Aslo invite Yoni Glogower – Director of Conservation and Sustainability to discuss existing protections in and around the reservoir. the next meeting

**Proposed Agenda for February 2, 2021 at 5:00**

Crystal Barnes – report on relationship between Water Department and decision

Jennifer Howard – DCR – DCR’s interest in properties surrounding the Whiting Reservoir/Mt. Tom area and potential for purchase/sale of development rights on the Whiting Reservoir property

Yoni Glogower – MA Wetlands Protection Act and Holyoke’s vision for protection around the reservoir

Discuss:

* What information do we want to provide to abutters?
* What information would we like from abutters?
* When should we meet with abutters?
* What information do we want to provide to the general public?
* What information would we like from the general public?
* When should we meet with the general public?