

Holyoke Conservation Commission Meeting Minutes 11/18/2021 (Remote via Zoom)

Conservation Commission Members Present: Michael Dodge (Chairperson), Bernice Bowler (Vice Chairperson), Jeffery Horan, Mary Moriarty, John Perdrizet, Chelsea Gazillo

Conservation Commission Members Absent: Rosemary Arnold

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

Members of the public present: John Furman (VHB), Jeffrey Dannenberg (attorney), and Eddie Fernandez (developer)

1. Call to Order

Chairperson Dodge called the public meeting to order at 6:18 PM. He explained the protocols for remote public hearings.

2. Public Hearing – Notice of Intent (DEP 186-0291)

Applicant: EMB Natural Ventures, LLC

Representative: VHB

Location: 140 and 160 Middle Water Street

Description: Redevelopment of existing buildings and parking lot repaving within riverfront and 100-foot buffer zone of banks

Chairperson Dodge invited John Furman, Director of Land Development for VHB, to provide an update on the project. John Furman shared his screen for a presentation on the history of 140 and 160 Middle Water Street and the proposed plans for the property. He explained that 140 Middle Water Street was being redeveloped as a marijuana manufacturing establishment, but the building was found to be unfit and was demolished. A new building has been proposed for that parcel. John Furman also described the property lines, abutting properties, and easements. For 160 Middle Water Street, he explained the plans for the proposed parking lot. He described communications with the Planning Board and the Stormwater Authority. John Furman then provided the details of an Existing Conditions Survey, as well as potential issues with debris on the property.

Commissioner Horan asked about the plans for the debris pile, and John Furman deferred to the landowner for an answer. Chairperson Dodge asked John Furman if he had anything to add about the project. John Furman replied that, if the Commission were to require any changes, they could update the plans and resubmit them before completing any work. He then invited Attorney Jeffrey Dannenberg and Eddie Fernandez, the developer, to give additional comments about the project.

Attorney Jeffrey Dannenberg gave an update as to the building schedule. Chairperson Dodge asked the Commissioners if they had any questions about the project. Commissioner Moriarty asked John Furman if VHB would be with the project for the entire process. John Furman replied that they do not have a

contract with EMB, but it is their intention to remain on the project. Commissioner Moriarty then asked if, prior to the start of any work, the contractor could confer with a conservation agent. John Furman replied in the affirmative. Vice Chair Bowler asked if John Furman could give more detail on the 50-foot buffer zone and requirement for a variance. John Furman shared his screen and spoke to these points. Vice Chair Bowler then asked John Furman to further describe the utility pole that was to be relocated, and Furman complied. Chairperson Dodge requested that the developers discuss other options or alternatives before finalizing their plans. Chairperson Dodge asked if Commissioners had any other questions. Vice Chair Bowler asked about the conditions of the land in 2017, which led to a discussion of the recent history of the land and a possible fire that had occurred.

3. Item No. 2 - Mark Ellis' Letter

Chairperson Dodge asked who currently owns 160 Middle Water Street. John Furman confirmed that he believed the owners from September 2017 to June 2018 to be Western Massachusetts Demolition. Aerial photographs were shown by John Furman depicting changes in the land and the possible location of a fire. Chairperson Dodge asked how to resolve the issue of work having been done on the property without proper permits or the Commission's input. Developer Eddie Fernandez responded by giving a recent history of the ownership of the property, how it came into the current landowner's possession, and issues that need to be resolved before building.

Commissioner Moriarty asked if there may be demolition debris hidden under the blacktop. John Furman responded by explaining that test pits were done onsite, and it appeared as if the underground debris had been removed. Commissioner Horan then pointed out that, in order for development to occur within the buffer zone, there must be a disturbed area. John Furman asked what the Commission might consider a fair mitigation; however, upon considering Pioneer Valley Railroad's neighboring property, he decided that the landowner should be a part of the discussion.

Vice Chair Bowler voiced her concerns about the current owner of 160 (Western Massachusetts Demolition) continuing to add material to the riverfront. John Furman stated that the debris pile is already in the riverfront and that additional materials would probably be dumped outside of that jurisdiction. Chairperson Dodge considered the possible need of an enforcement order for the removal of the debris. Attorney Jeffrey Dannenberg stated that, regardless of whether they carry out an enforcement order, their application could be accepted. Chairperson Dodge disagreed, saying that they do not typically allow for building to occur at the same time as a mandated clean-up. Vice Chair Bowler agreed with this assessment.

Holyoke Conservation and Sustainability Director Glogower and Commissioner Horan discussed a possible order of condition that the material be removed before approval of the project. Attorney Dannenberg said that they would comply if the Commission so ordered. Vice Chair Bowler added that members of the Commission would need to conduct a site visit before approving the application. She then stated that it may be better to change the Notice of Intent to only include 140 Middle Water Street. However, after Commissioner Horan stated it would be easier to simply make it a condition that the debris be removed prior to approval, John Furman agreed that they would not delink the properties. Eddie Fernandez added that he has already spoken with the owner of Western Mass. Demolition (Dale

Unserfer) and, if needed, can convince him to remove the material. Vice Chair Bowler stated that the owner should attend the next Conservation Commission Meeting. After some discussion, Commissioner Moriarty, Director Glogower, and Jeff Horan agreed that nothing could be decided definitively until after the site visit, which was scheduled for Monday, November 22, 2021 at 11:30 a.m.

Chairperson Dodge opened up the floor for any other questions from Commissioners. Commissioner Perdrizet asked if John Furman had any documentation of the tests that were performed on the property. John Furman affirmed that the Stormwater Authority had a copy of the geotechnical work performed as well as pictures of the test pits.

Chairperson Dodge asked if there was any comment from the public on this matter, and there was none.

4. Motion to Continue

A roll-call vote was taken, and the Commission voted unanimously with one absent to continue the issue to the next Conservation Commission Meeting.

5. Item No. 3 - Formal Vote - Approve Minutes from 9/2, 9/23, and 10/14

The minutes were not ready for a formal vote, so it was agreed that they would be voted on at the next Conservation Commission Meeting.

6. Item No. 4 - Discussion Update on Open Space Projects

Locations: Gloutak Woods and Anniversary Hill Park/Scott Tower

Director Glogower updates the Commission that Holyoke Conservation are requesting funds for two projects: trail work at Gloutak Woods and planning and construction improvements at Anniversary Hill Park/Scott Tower. There is a work proposal from Greenagers, but there would probably be an RDA required from the Commission before work could take place. For Scott Tower, they are partway through the preliminary site design process with GZA GeoEnvironmental, which is being funded by a previous CPA award. They plan on requesting CPA funding to match other grants: PARC, Land and Water Conservation Fund, and MassTrails. Commissioner Gazillo asked when the money would need to be raised, and Glogower stated that the grant applications are due. Commissioner Moriarty voiced her concerns about the language in the contract which states that the money must be “committed” before it is granted. Director Glogower stated that Commissioners Gazillo and Moriarty could attend the meeting on November 19, 2021. However, since Commissioner Gazillo could not make it, Director Glogower offered to send her a copy of any materials shared during the meeting.

7. Item No. 5 - Upcoming Items/Dates for Commission Meetings

Chairperson Dodge checked with Commissioners to see whether they wanted to have two meetings in December 2021 in order to fully address all outstanding issues. They decided on the 2nd/9th and the 16th

for possible dates. Director Glogower said that he would have the finalized minutes by the next meeting date.

8. Item No. 6 - Harvest Cutting Plan

Director Glogower shared an unapproved copy of a Harvest Cutting Plan for work around the Holyoke Water Works McLean Reservoir. Commissioner Moriarty asked for clarification on the cutting plan, which Director Glogower provided. She expressed concerns about the wetness/bogginess of the land in question and the presence of many protected species. She then suggested that the landowners communicate with MESA before carrying out the cutting plan. Vice Chair Bowler pointed out that the land is exempt from the Wetlands Act, but Commissioner Horan and Director Glogower agreed that a site visit would still be helpful.

9. Mail/Other Items Not Reasonably Anticipated by Chair

Director Glogower presented a Notice of Intent to Sell a lot on Mountain Road in Holyoke that was read at the City Council Meeting on November 16, 2021. Because the land is protected under MGL Chapter 61A, which is a protection for agricultural lands, landowners need to send a Notice of Intent to Sell to the municipality. The municipality then has a 120-day right of first refusal on the property. Commissioner Horan asks what the Commission's role is in this matter. Director Glogower responded that the Commission can write a letter of support for either purchasing the land or transferring the right to a land conservation organization. Director Glogower stated that the next Planning Board Meeting is on the November 23, 2021. Because he believed the Planning Board might vote on the matter at their December 7, 2021 meeting, he proposed another Conservation Commission meeting on December 2, 2021.

Commissioners Moriarty and Gazillo discussed ways in which the city could benefit from the conservation of that land, information which could be used to sway the Development & Government Relations Committee. They also discussed the Agricultural Preservation Restriction Program and whether Holyoke had a Food Action Plan in place. Commissioner Horan asserted that a letter should be sent to DGR as soon as possible encouraging them to consider protections on the land. Director Glogower added that they would make a stronger case if they included public opinion on the matter.

10. Adjourn

The Commission voted unanimously with one absent to adjourn the meeting at 8:54 PM.