

Holyoke Conservation Commission Meeting Minutes 08/11/2022 (Remote via Zoom)

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

Conservation Commission Members Absent: Rosemary Arnold, Chelsea Gazillo

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

Members of the public present: Susan Blomquist (Payette), Chelsea Christenson (Nitsch Engineering), Amy Linsenmayer (Ground), Nate Russell (GZA GeoEnvironmental), Dan Nitzsche (GZA GeoEnvironmental), MARK JOHNSON (DCAMM), Daniel McColgan, Lauren Braastad

1. Call to Order

Chairperson Bowler called the public meeting to order, explained the protocols of remote meetings, and asked all present members of the public to check in via the chat.

2. Public Hearing – Notice of Intent WE 186-0294 (Continued from 7/28/22 Meeting)

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 another continuance has been requested to September 22, 2022. She indicated that Delorean Power informed Mr. Glogower that they are changing equipment suppliers, so they will need to modify the site layout, which Mr. Glogower recommended be done in advance.

Vice Chairperson Horan made a motion to continue September 22, 2022. Commissioner Dodge seconded the motion, and the Commission voted unanimously to approve the continuance.

3. Public Hearing - Notice of Intent DEP 186-0298 (Continued from 7/28/22 Meeting)

Applicant: Division of Capital Asset Management and Maintenance

Representative: Nitsch Engineering, Inc.

Location: 110 Cherry Street (MBP 150-00-010)

Description: Demolition of existing building and construction of new building, parking areas, and landscaping partially within Bordering Vegetated Wetlands.

Chairperson Bowler announced that the information requested at the last meeting was received that morning, although she had not had a chance to review it.

Susan Blomquist, representative from Payette, introduced herself and explained the contents of the documents provided to the Commission earlier that day: Updated planting plan; wetland restoration; construction phasing around the earth berm.

Chelsea Christenson, representative from Nitsch Engineering, stated that as requested, she sent over the erosion control plan and specifications following the last meeting.

Ms. Blomquist shared her screen, and Amy Linsenmayer, representative from Ground, began describing the new planting plan. Ms. Linsenmayer pointed out there are a lot more trees in the upper area of the stabilized slope. She indicated that the number of trees has increased from 70 to 131; 73 canopy species and 58 understory species. The number of shrubs has also increased from 210 to 286. She reminded the Commission that they can only plant herbaceous and shrub seed mix on the MSE berm. For the upper portion of the slope, they propose saplings, as they don't think anything bigger will succeed there. Closest to the wetland, they propose a 2 to 2.5 inch caliper tree for rapid achievement of a canopy. Ms. Linsenmayer indicated that all of the species they are suggesting are the same as in the previous plan, as shown on the screen being shared. She stated that they will be putting a plan in place to mitigate invasives.

Dan Nitzsche, representative from GZA GeoEnvironmental, stated that he recently dug some test pits in the wetland, and that the narrative provided talks about the findings. The water table was found to be between 10 and 12 inches. In the widest point of the replication area, he found it to be around 16 to 18 inches, so it will only need lowered 6 to 8 inches in order to achieve the same water table. In the narrow part of the replication area, he found it to be 28 inches down to the water table. In order to achieve a water table between 10 to 12 inches, they'll need to remove about 18 inches of material. Mr. Nitzsche stated that he has designed well over 60 of these kinds of wetlands, and that soil from the site cannot be used because of all of the invasive species. The soil from the upper part of the site can be used at a 1:1 ratio with an organic material that would be amended to make a wetland soil. Mr. Nitzsche explained how the topsoil will remain moist and keep the plants healthy. He is very confident that it will be a successful wetland, just like the current wetland.

Mr. Nitzsche explained that there is a 10 to 12 inch diameter red maple on the wetland side that he recommends be removed, as he doesn't think it can be saved appropriately. Field modifications will need done on site to try to save as much current vegetation as possible. On the steeper side where the grade is being lowered by at least 10 to 12 or 16 inches, a lot of vegetation will need to be removed.

Mr. Nitzsche further explained the narrative that was provided to the Commission and shown on the screen, pointing out the plan to control invasives.

Vice Chairperson Horan questioned how the existing wetland is protected during the grading in the adjacent area, and what equipment would be used. Mr. Nitzsche indicated that a sediment control barrier would be put up, and he assumes an excavator would be used.

Commissioner Moriarty questioned if the wetland replication work would be done at the same as the MSE wall, to which Mr. Nitzsche confirmed that it would be. He stated that once the MSE wall is up, they won't be able to get equipment down to that area. Nate Russell, also from GZE GeoEnvironmental, added that the intent is to complete the wetland replication area very early on, and that the equipment used may be smaller than what is used in constructing the larger slope and berm.

Chairperson Bowler requested clarification concerning the invasives percentage, which Mr. Nitzsche confirmed to be 5%.

Chairperson Bowler expressed her concern that monitoring won't be done initially. Mr. Nitzsche explained that they monitor the construction and then come back once a year in July, as recommended by DEP, and report their findings to the Commission. He mentioned that they could do monitoring more often if the Commission wanted. Mr. Russell added that during construction and as the vegetation is becoming established, the contractor is required to maintain and protect the wetland replication area and ensure that it is growing. Chairperson Bowler questioned if the contractor is required to report to someone how the wetland is growing, to which Mr. Nitzsche stated that he'd guess not. Mr. Nitzsche explained that an interim report could be provided to the Commission after the plantings, if preferred. Ms. Blomquist indicated that as the architects, progress of work observations would be included and documented in their regular field visits and reports, which Chairperson Bowler was satisfied with.

MARK JOHNSON, representative from DCAMM, indicated that the landscape contractor will own 60 days of full maintenance of all plantings, and the landscape architect will then come out and provide a field report. After that, the landscape contractor will own one year, and then the landscape architect will review again. Generally, there are a minimal of three reviews done by the landscape architect.

Vice Chairperson Horan mentioned the need to ensure that the replanting sites remain as planned after two growing seasons, as this is a five year project. Mr. JOHNSON stated that within the Wetlands Protection Act, the Commission has the right to add or change conditions in order to protect resources in the future.

Director Glogower questioned where an as-built plan, as requested by Chairperson Bowler, for the wetland replication area would fit in with any monitoring. Mr. Russell indicated that in this case, an as-built plan and photographs may be more useful than a survey. Mr. NITZSCHE mentioned that an as-built soon after the construction makes sense since the shape will not change after that point.

At Chairperson Bowler's request, the new planting plan was shown on the screen again, and Vice Chairperson Horan stated that he's more comfortable with the new planting plan, which includes additional trees. Director Glogower pointed out that the upland seed mix includes tree species. Mr. JOHNSON reiterated that the landscape company will take care of the planting and maintenance, the architect will visit multiple times to review the plantings, and there is a one-year warranty on every planting -- tree, shrub, or grass. He also indicated that during the project, the construction management company will own protection of anything that is in place.

Commission Moriarty questioned when the trees would be put in. Ms. Linsenmayer stated that she presumes all work on the stabilized slope would be done within the first year. Mr. Russell added that there could be a lag between the bottom two-thirds and the upper third of the slope being completed and planted, but plantings would occur as soon as an area is completed and protected. He explained the possibility of a lag to bring the ground improvement contractor in to improve the existing fill (up to 30 feet) underneath the slope, in order to support the access road, utilities, etc.

Mr. Russell explained that as an additional measure to help slow water down on the slope, biodegradable straw wattles will be installed horizontally on the surface.

Ms. Blomquist explained the sequencing of the work and pointed out the integration of erosion control. The sequence documentation provided did not mention planting installation, but she indicated that it will be added and updated documentation could be provided to the Commission.

Ms. Christenson shared her screen to show "Sheet C000," a list of erosion and sediment control notes, and explained it's contents. She pointed out that silt fence and straw wattles will be used for erosion control, and crushed stone will be used for construction entrances. She explained the installation options for silt fence and straw wattles.

Vice Chairperson Horan questioned where stockpiles will be, and Ms. Christenson indicated that they would be on the construction phasing, but they say that they have to be out of the buffer zone. Mr. RUSSELL indicated that they have a good idea on where soils can be reused, so that they don't have to stockpile onsite, as there isn't room to do so. There will be stockpiles for construction, but they would be outside the area of the slope.

Chairperson Bowler questioned if an invasive management plan has been or will be submitted, to which Ms. Blomquist and Mr. Nitzsche indicated that they did not recall discussing such a plan. Director Glogower later indicated that there was a discussion at the last meeting about the possibility of invasive species coming in on the open areas of the stabilized slope, but he did not think it was a requirement for an invasive species plan.

Chairperson Bowler questioned the temporary cover of the service road, prior to it being paved, to which Ms. Blomquist confirmed that it will be gravel with erosion control.

Chairperson Bowler questioned if there was additional information available concerning a state exemption for the requirement of a written variance for doing work in the 50-foot buffer zone. Ms. Blomquist indicated that they would provide some sort of documentation on that.

Commissioner Moriarty questioned if the ONM plan was a commitment or a proposal. Ms. Blomquist indicated that the documents submitted are intended to be included in the contract documents, and they don't foresee any revisions being made, except for anything requested by the Commission.

In response to Commissioner Moriarty's request for clarification on a maintenance provision, Ms. Christenson explained that most maintenance occurs outside the buffer zone, concerning the permanent stormwater controls, spills and snow removal, and wouldn't affect the wetlands. In response to Vice Chairperson Horan's question as to how the ONM plans are made evergreen, Director Glogower indicated that a special, continuing condition is typically included.

Ms. Blomquist informed the Commission that unless the Commission has any additional specific requests, they don't have anything else planned to present or prepare.

Chairperson Bowler stated that the Commission needs confirmation concerning the state exemption before closing the public hearing. Ms. Blomquist stated that they will expedite and provide that information.

Commissioner Moriarty questioned if the draft Stormwater Pollution Prevention Plan was something that the Commission would want to review. Ms. Christenson stated that they have drafted and turned it over to the contractor for them to put in their contact information and proposed phasing. The contractor will then need to upload it to the EPA website, and it will change over the course of construction, which is why it remains a draft until the construction is complete. Ms. Christenson stated that there is monitoring associated with it that the EPA tracks, which she believes to be available on the EPA's website.

In regard to the next steps, Chairperson Bowler indicated that she'd like to review the sequencing plan in detail, as well as the new information that was submitted, and obtain the information concerning the variance. Assuming no complications arise, the Commission may be ready to close at the next meeting. Chairperson Bowler informed the Commission that it's important to think of any special conditions that may need to be included, and Director Glogower stated that he could have a draft special conditions ready for the next meeting.

Director Glogower informed Ms. Christenson that the Commission typically keeps the public hearing open so that the draft conditions can be reviewed with the representatives. Ms. Christenson questioned if the draft conditions could be sent to them ahead of time so that they can review prior to the meeting, to which Director Glogower agreed.

Commissioner Dodge made a motion to continue the public hearing. Commissioner Moriarty seconded the motion, and the Commission voted unanimously to continue the public hearing to August 25, 2022. All present Commissioners indicated that they will be available and present for the August 25th meeting, but Commissioner Moriarty stated that she would not be available for the September 8th meeting.

4. Administrative Hearing - Enforcement Order (Issued 8/9/2022)

Location: 461 Mountain Road (MBP 190-00-031)

Description: Earth moving and paving within the Buffer Zone of Bordering Vegetated Wetlands

Chairperson Bowler announced that Director Glogower got information about work being done on the property, and wasn't able to catch somebody to speak with them, so he sent out an Enforcement Order. Chairperson Bowler and Director Glogower initially visited the site, but remained on the edge of the property, as no one was there. Access to the property was later provided to Chairperson Bowler and Director Glogower by the homeowner. The Enforcement Order asked the property owner to cease and desist, submit a restoration plan, and make sure that erosion control was erected along the backside of the property within 48 hours. As of August 10, 2022, when Chairperson Bowler and Director Glogower visited the property, the homeowner had already taken care of the erosion control.

Chairperson Bowler requested to amend the Enforcement Order to remove the requirement of an NOI, as there won't be building on the premises.

Commissioner Moriarty moved to ratify an Amended Enforcement Order. Vice Chairperson Horan seconded the motion, and the Commission voted unanimously to ratify the Enforcement Order.

Daniel, the homeowner, introduced himself, as well as his girlfriend, Lauren. He was unable to share his screen, and instead agreed to send the photographs to Director Glogower via email. He showed the Commission a map containing his property, pointing out where his patio falls into the 50-foot buffer, which

he was unaware of. Daniel explained that when they purchased the house in February, nothing was mentioned concerning wetlands and/or no-build zones. They have done work to flatten out the backyard, including removal of bricks, metal, wood, and other debris. Daniel indicated that about 120 square feet of the patio falls over the 50-foot buffer zone. He indicated that Director Glogower mentioned ripping the patio out, back to the 50-foot line, or potentially re-vegetating the wetlands area. Daniel stated that no trees or shrubs were removed, and they intended to make a garden back there with trees, shrubs, bushes and grass.

Chairperson Bowler indicated that the wetland flags next door were behind the property, which is great. A flag was located behind the patio area that was furthest into the wetland, which Chairperson Bowler believed to be 44 feet, meaning the patio begins 44 feet from the wetlands. Chairperson Bowler reiterated that all of the debris is being cleared from the 50-foot buffer.

Daniel explained his original plan to vegetate the area with trees, shrubs, and potentially a flower garden. He indicated that a silt fence has already been put up, and that he'd like to discuss with the Commission, options to get back into compliance. Daniel explained that they'd be willing to rebuild the remainder of the buffer and keep it an un-touched part of the wetlands. Chairperson Bowler mentioned debris in the right-hand corner, which Daniel indicated he plans to remove. Director Glogower asked Daniel to denote on his planting plan, which areas he intends to return back to native vegetation. Daniel pointed out the corners where he intended to plant trees, shrubs and natural vegetation, and expressed his willingness to make those areas bigger.

Vice Chairperson Horan mentioned creating a natural buffer somewhere around 25 feet wide. Chairperson Bowler mentioned plantings 25 feet from the blue flag that was located, toward the front of the patio, which Daniel agreed with. Director Glogower agreed to share a list of species with Daniel for him to choose from, and then map out planting locations, which should be ready for the next meeting.

Daniel questioned if anything else needs done, in addition to the already placed silt fence, for erosion control, to which Chairperson Bowler indicated that there was not. Chairperson Bowler pointed out that the property has an incline before reaching the wetlands, which is good.

Vice Chairperson Horan requested that Daniel also provide a list of debris that he intends to remove from the area, as well as anything that will remain, and Daniel agreed to do so.

5. Upcoming Items

Director Glogower announced that there were no new filings.

Vice Chairperson Horan announced that he will not be present for the September 22, 2022 meeting, the date that the Baystate matter was continued to. Commissioner Perdrizet indicated that he also may not be present for that meeting. Director Glogower stated that he'd go back and determine who remains eligible to vote in the Baystate matter.

Chairperson Bowler indicated that the Meeting Minutes from the last meeting will be addressed at the next meeting.

Director Glogower announced that Greenagers were hired to do improvements at the Gloutak Woods property over the summer. He asked the Commission if anyone was interested in joining him out there next week to meet and perhaps assist the Greenagers crew, and stated that he'd follow up with the Commission via email.

6. Adjourn

The Commission adjourned the meeting at 8:21 p.m.