

## Holyoke Conservation Commission Meeting Minutes 08/25/2022 (Remote via Zoom)

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

Conservation Commission Members Absent: Chelsea Gazillo

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

Members of the public present: Nate Russell (GZA GeoEnvironmental), Joe Fazio (DCAMM), Dan Nitzsche (GZA GeoEnvironmental), Susan Blomquist (Payette), Marc Gabriel (Nitsch Engineering), Daniel McColgan (461 Mountain Rd.)

### 1. Call to Order

Chairperson Bowler called the public meeting to order at 6:16 p.m., 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 DEP 186-0298 (Continued from 8/11/22 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 questioned if any new information has been or will be submitted, and Ms. Blomquist indicated that DCAMM has discussed the state exemption with Director Glogower. Director Glogower stated that Carol Meeker from DCAMM called him yesterday and indicated that the state is exempt through sovereign immunity from applying for local permits for state projects, and that a brief email explaining such exemption would be provided, which had not yet been received. Chairperson Bowler asked if the Commission would be satisfied with the verbal statement from Carol Meeker, and Commissioner Moriarty expressed her concerns of not having anything in writing confirming the exemption. Mr. Fazio, representative from DCAMM, stated that he offered to be present at the meeting to represent the Commonwealth in the absence of Ms. Meeker, and reiterated that DCAMM is exempt from the local permitting process. Vice Chairperson Horan expressed his belief that the request for a written explanation of the exemption was reasonable, although he's satisfied with the verbal statement in order to move the project forward. Chairperson Bowler agreed and stated that she's also satisfied with the verbal statement.

Chairperson Bowler asked if the Commission or the public had any additional questions or comments, and there were none.

Director Glogower shared his screen and began reviewing the draft special conditions. There were no questions or comments on pages one through four. Condition No. 14 was revised to clarify that multiple extensions may be granted for three-year periods. Condition No. 21 was revised to remove a sentence

regarding erosion control materials. Condition No. 26 was revised to clarify "waste" products. A duplicate condition was removed. Condition No. 38 was revised to add a time frame of longer than 30 days, as well as erosion control protection.

After some discussion concerning continued monitoring and reporting to the Commission, Condition No. 40 was revised to add that a report shall be provided at the close of each growing season. After Vice Chairperson Horan expressed his concern that there is no mention of hydrology within Condition No. 40, it was further revised to include "depth to water table". Since Condition No. 40 is specific to the Bordering Vegetated Wetland replication area, a separate condition was added concerning the planting area above and below the MSE slope.

Commissioner Moriarty expressed her concerns with language in the Operation and Maintenance Plan that references a continuing condition in the certificate of compliance stating that maintenance can be performed without triggering further filings under the Wetlands Protection Act. Mr. Nitzsche explained their desire to be able to perform minor maintenance, such as tree trimming or moving a fence post, without having to go to the Commission every time. Ms. Blomquist and Mr. RUSSELL both agreed. Condition No. 42 was revised to state "routine maintenance".

With regard to Condition No. 43, Director Glogower explained that he added this condition after he learned from the city engineer that there was potential concern about groundwater discharge contributing to a combined sewer overflow event. Mr. Russell expressed his concern of jurisdictional issues. Ms. Blomquist mentioned the possibility of providing the peak discharge flow information to the city engineer as a courtesy, rather than as a special condition requirement. Director Glogower stated that this is the only place the city can put that request in writing as a condition. Mr. Russell reiterated the possibility of a jurisdictional issue. He briefly explained the geothermal well installation process and that some portions of the wellfield may be in the jurisdiction, although he believes that in the final layout the wells are all completely out of the jurisdiction. Ms. Blomquist agreed. Chairperson Bowler mentioned adding language to clarify peak discharge flow information be provided to the Commission and the city engineer only for geothermal wells in the buffer zone. It was confirmed that the wells are shown on the plan. Commissioner Moriarty asked if there is potential for the water influencing the buffer zone, the MSE wall or the wetland, as they don't know where the water will go. Mr. Russell again reiterated that a combined sewer overflow issue is independent of the wetland jurisdiction issue. Vice Chairperson Horan mentioned that the intent is that the applicant coordinate with the city engineer on this matter, and that the only mechanism that the Commission has are the conditions, as there is no stormwater permit. Upon agreement by Mr. Fazio, Condition No. 43 was revised to be less specific and reflect cooperation by the applicant to prevent a combined sewer overflow event.

With regard to the Certificate of Compliance, a requirement was added for a report on the restored buffer zone. Mr. Nitzsche indicated that their reports always include pictures, which the Commission was pleased with.

Chairperson Bowler confirmed that both the Commission and the project representative were satisfied with the draft conditions.

Commissioner Moriarty moved to close the public hearing. Commissioner Arnold seconded the motion, and the Commission voted unanimously to close the public hearing.

Commissioner Moriarty moved to approve Notice of Intent 186-0298 with conditions as amended. Vice Chairperson Horan seconded the motion, and the Commission voted unanimously to approve the Notice of Intent and conditions as amended.

3. 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

Director Glogower shared his screen to show the restoration project plan submitted by Mr. McColgan. Mr. McColgan began by explaining the drawing he prepared, pointing out the wetlands flag, existing trees and the proposed tree line 25 feet from the wetlands flag. He described that he intends to plant the following: New England wetlands grass mix as a filler between the existing tree line and the proposed new tree line; pollination garden in the left corner; eight river birch trees and eight witch hazel bushes in the proposed new tree line (indicated on his drawn map as circles and triangles); two balsam fir trees and two bleeding hearts around the patio; and a couple red maple trees on each side of the backyard. Mr. McColgan explained that in the photo of the left side of the patio, he laid his hose across to show how much of the patio is over the 50-foot buffer. He pointed out that where the silt fence is currently located, is about where the new tree line will be put in. He explained and pointed out in the pictures, all of the debris that he has been cleaning up and removing. With regards a timeline, Mr. McColgan indicated that he plans to plant the grass and the wetlands mix this fall, and begin planting the trees by next spring.

Chairperson Bowler opened the floor for questions or comments from the Commission. Commissioner Arnold stated that she thinks it is a great plan, but noted that bleeding hearts come out very early in the spring.

Mr. McColgan questioned if he's able to do additional planting as long as they are included on the list that Director Glogower provided him, without having to come back before the Commission. The Commission confirmed he could do so. Vice Chairperson Horan pointed out that he saw burning bush on the list, and advised Mr. McColgan to avoid it as it is an invasive exotic. Mr. McColgan indicated that Director Glogower brought that up to him and he has replaced that with the witch hazel. The Commission provided Mr. McColgan with additional ideas for plantings.

Chairperson Bowler asked Director Glogower if they were prepared to close the enforcement order, and he indicated that it should remain open until they've seen the restoration. Director Glogower informed Mr. McColgan that if he waters the trees and shrubs, he should be able to complete all of the plantings this fall, provided he has the time and resources. Mr. McColgan stated that he plans to get as much done as possible this year, but he didn't want to commit to that prematurely. By next winter, he indicated that he plans to have it completely finished. The commission mentioned visiting next fall to take a look, and Mr. McColgan stated that he could email the Commission with updates to let them know if he gets it all done this year and/or once he meets the 360 square footage coverage. Director Glogower suggested a site visit next summer, a year from now, which the Commission and Mr. McColgan agreed to.

4. Formal Vote – Minutes from 7/28/22 and 8/11/22 Meetings

Commissioner Arnold motioned to approve the Minutes from 7/28/22 and 8/11/22 meetings. Vice Chairperson Horan seconded the motion, and the Commission voted unanimously to approve the Minutes.

5. Upcoming Items

Director Glogower indicated that there are no new filings.

Chairperson Bowler stated that there would be one meeting in September, and questioned if the Commission would be available for a meeting on September 15<sup>th</sup>. Commissioners Perdrizet and Dodge indicated that they will not be available on September 15<sup>th</sup>. Vice Chairperson Horan indicated that he will not be available on September 15<sup>th</sup> or 22<sup>nd</sup>. Commissioner Arnold indicated she would not be around in September, but could possibly make a meeting on the 22<sup>nd</sup>.

Chairperson Bowler announced that the first meeting in September is canceled and the meeting will be September 22<sup>nd</sup>. Director Glogower agreed to send out an email the week before to confirm who will be available.

6. Mail/Other items

Director Glogower announced that he has been in contact with Holyoke Heritage State Park DCR about putting a team together for the Connecticut River Conservancy's Source to Sea cleanup event. Commissioner Moriarty indicated that they participated in the event years ago. Director Glogower mentioned doing Slim Shad Point on Saturday, the 24<sup>th</sup>, and will send out contact information to the Commission. Commissioner Arnold indicated that although she may not be available for the event, she could coordinate participation from others.

Chairperson Bowler thanked the Commission for their efforts on the project located at 110 Cherry Street, as well as Director Glogower for his hard work on the Order of Conditions.

7. Adjourn

The Commission adjourned the meeting at 8:02 p.m.