

**HADLEY CONSERVATION COMMISSION  
MEETING MINUTES**

September 9, 2014

*Approved at the 12/9/14 meeting*

PRESENT: Paul Alexanderson, Chair; Paulette Kuzdeba, Vice-Chair; Edwin Matuszko; Gordon Smith; Gary Pelissier; Jim Habana Hafner; Matt Burak Associate Member; and Janice Stone, Conservation Staff.

**1. 7:00 PM Notice of Intent #170-234** filed by Kestrel Land Trust, to construct a breeding pool for Eastern Spadefoot Toads and control phragmites on their property off *North Maple Street*. Chris Volonte (Stewardship Director) and Scott Jackson (Board Member) present for Kestrel Trust to explain project. They explained how they would like to create a shallow pool in order to provide breeding habitat for possible remnant populations of the Eastern Spadefoot Toad. There used to be a population in the area, but the breeding pool was destroyed several years ago. The pool would be in the northwest corner, near the tree line. It is listed on the state's Threatened Species list. Populations had been found in Hadley, Sunderland and on Cape Cod in the past. The whole Kestrel property off North Maple is wet meadow. All they need to do to create a shallow pool of the kind the toads like is to scoop out the soil to about 12 inches deep. It will be an oval shape, approximately 60' by 40'. The excavated material will be removed from the site by truck. Since it is a shallow excavation the area will remain vegetated wetland (and therefore not be a permanent alteration). Since the toads prefer open fields, Kestrel is also asking permission to mow the wet meadow at least annually. It would be done later after August 1 for any nesting birds that may be present. They may keep some patches of shrubs for the toad habitat as well. The Notice also includes a request for permission to control a patch of phragmites along the roadside by hand application of herbicides. Edwin asked if they could get rid of the old spoil pile in the NE corner of the property, and they replied they could. Mr. Jackson stated that this will be a long-term commitment by Kestrel to maintain this habitat. Paulette made a motion to close the hearing and issue an Order of Conditions permitting the described work including mowing at least once annually and phragmites control. Gary seconded. A neighbor, Mr. Kerchliss, questioned whether this project would have any negative impact on his property. Mr. Jackson replied no, and that they will be managing their property better now that Ms. Volonte is on staff. Paulette added that there are already these toads around her house and area but they don't have a regular breeding cycle. All commissioners voted in favor of the motion.

**2. 7:15 PM Request for Determination of Applicability** by The Trustees of Reservations (TTOR) to construct a small bridge across an intermittent stream and wetland for use by pedestrians and mountain bikes, on their property off *Mt. Warner Road*. Joshua Knox from the TTOR present to explain project. He told the Commission that the TTOR has been working with neighbors on the trail system for their property off Mt. Warner Road. He showed photos of the proposed footbridge area. It is wetland and presently has some branches across it, put there by previous owners. He showed sample plans for the bridge, made of two 6x6 or 8x8 boards with stringers about 2x12 across, and then decking on top. They want it wide enough to be usable for people and mountain bikes. The abutments will be out of the wetland on the banks. Edwin asked him if they were able to keep out the ATVs and 4-wheelers. Mr. Knox said most ATV traffic comes from the area of the Boisvert property, and goes up to Lou's Rock and the top. The TTOR are using a combination of

old woods roads and new trails for their network of yellow-blazed trails. Commissioners asked what they would use for wood. Mr. Knox replied probably pressure-treated lumber or old RR ties. Paulette told him not to cut the pressure treated lumber near the wetland. The Water Dept asked if they will be able to maintain access to the water tanks. Mr. Knox replied that the trail to the tanks would be five feet wide. Paulette suggested that someone go out to check the bridge after a heavy rain, to make sure it did not wash out into the wetland. Paulette made the motion to issue a Negative Determination #2. Ed seconded, all voted in favor.

**3. 7:30 PM Discussion** with Andrew French (USFWS, Conte Refuge) and decision about repair/replacement of failed water control structure under Army Corps of Engineers Nationwide Permit, off *Moody Bridge Rd.* Mr. French referenced Nationwide Permit #3, for the repair, replacement and rehabilitation of water control structures. Last Tuesday some the Chair and Janice did a site visit with him to look at the problem and nearby wetland. He wants to put in a stop lock structure, and showed the Commission some photos. He would like to see this area become vernal pool habitat for amphibians in the spring. The present situation, with an eroded gully under the riprap sill is draining the wetland, this structure will restore the wetland. This structure is commonly used on USFWS refuges. Janice read aloud the section about work on Federal land from the MACC handbook, where it states that the Federal work does not have to go through local and state permitting as long as it meets the Army Corps requirements. Gordon made a motion to support the project. Gary seconded, and all voted in favor. Mr. French intends to get it installed this fall. He will send photos when done. He also invited the Commissioners to attend the Grand Opening of the new ADA trail system on Saturday October 25<sup>th</sup>.

**4. 7:40 PM Request for Determination of Applicability** by Sound Development LLC, for construction of a commercial building (Texas Roadhouse) with associated development including parking and stormwater management in the front parcel of Lowe's at *272 Russell Street*. Steven Powers present to discuss project. He explained that Lowe's was constructed a few years ago, and it included grading and utility stubs in the front parcel at that time. There is a small wetland in the SE corner that has developed since Lowe's was constructed. There is a large wetland and wetland replication in the SW corner. New England Environmental re-flagged the wetland resource areas including a small portion of Riverfront, which extends into this parcel. They noted that the wetland replication area has expanded towards the driveway in, as well as the wetland in the SE corner. They are planning on a 7100 sf building, slightly larger than the approved 6000 sf footprint, which requires additional parking. Lowe's is selling this parcel, so they have to provide all their parking within this parcel and not extend into the large Lowe's parking lot. They have also designed additional underground infiltration system, and a Stormceptor before the infiltration system. On the SE side they will keep 35-feet from the wetland. There will be a silt fence around the construction site, and a diversion ditch to trap sediment in front. The rough grading was already done before. They had a stormwater review done and they are meeting all the stormwater standards. Snow disposal locations are shown as hatched areas on the plan. Paulette asked about the Operation & Maintenance Plan for the stormwater. Mr. Powers replied that it is on the plan. Deep sump catch basins will be cleaned once a year in spring. Stormceptor inspections twice in first year. Sediment in catch basins will be pulled out when it reaches 12", 6" for Stormceptors and 2" for oil. Paulette asked about markers for sediment removal, and the agreement for maintenance of the wetland in the SE corner that is also stormwater management. The Conservation Commission needs to get a copy of the stormwater agreement between Lowe's and the owners of this parcel before the start of

construction on site. Mr. Powers told the Commission that if the snow gets too much, they will truck it off site or somewhere else on the Lowe's property. Jim asked when they expect to start construction. Mr. Powers replied perhaps November 1. Gary made the motion, seconded by Gordon, to issue a Negative Determination #3 (buffer zone but won't alter wetland), with the conditions that the Commission receive a copy of the Stormwater O&M agreement and the SWPPP before the start of construction, and inclusion of markers in the structures to show when the sediment is at a level that it needs to be removed. All voted in favor.

**5. 8:00 PM Notice of Intent # 170-235** filed by P. Leighton to demolish an old barn and build a new one in the Riverfront Area and 100-year floodplain of the Connecticut River at *105 Honey Pot Road*. Patrick Leighton present to explain project to Commission. He described the present "barn" on the edge of his property, which he wants to tear down and rebuild in time for his daughter's wedding next summer. It is basically two sheds. He proposes to increase the footprint by about 245 sf maximum. The new barn will be a two-story structure, with a ground floor within the floodplain elevation, and the second floor for storage. Commissioners discussed the square footage numbers for existing structures, and stated that the old van (17 cu ft) did not count as a structure. The Commission told Mr. Leighton that they were told a person could not add onto a non-conforming structure without ZBA approval. The present "barn" is not set back enough from the property line, and is therefore non-conforming. There was a discussion about the project being subject to the Building Inspector's and ZBA's approval. Mr. Leighton explained that there would be breakaway panels on the ground floor, that he calculated 89 cubic feet of new construction compensatory storage. The floor will remain dirt. The 100-year floodplain elevation is about 5'8" high at the present shed. The Commission asked Tim Neyhart, the Building Inspector, in to answer some questions and clarify the issues with the proposal. Mr. Neyhart explained that the barn could only be grandfathered if it was legal, and it is not. Mr. Leighton explained that it was there before he bought the place. Does not matter. If Mr. Leighton wants to increase the size, then it needs to be set back 15 feet from the property line. Mr. Leighton suggested that he could ask for a finding from the ZBA that the difference was minor and he did not have to move the structure. Mr. Neyhart told him the increase in size is probably too much for a finding from ZBA for non-conforming. Increasing the size significantly will increase the non-conformance. If he just maintains the footprint, then probably it will be okay. Mr. Neyhart confirmed that the van did not count towards existing compensatory storage. Mr. Leighton explained that he could not move the structure footprint further away from the property boundary because he had to keep the building 10 feet from the leach field, which is marked by the circle of stones. Mr. Neyhart told him that if he demolished the "barn" then it would be unlikely he would get a ZBA finding for the setback. Mr. Leighton wondered if it would be considered a hardship since it would have to be on top of the leach field. Mr. Leighton was asked why the new structure had to be so big, or can't it be built elsewhere on the property? Mr. Leighton's neighbor stated that 30 years ago there was no fence or shed against the fence along the boundary, only the van. He expressed concern about drainage off the new structure being directed towards his property. Will there be a way to guarantee that the drainage won't be directed towards the neighbor's yard? He also expressed concern about whether some of the trees along the boundary would have to be cut down for the new structure. Mr. Leighton had stated that no trees would need to be cut down for the new structure. The neighbor was concerned that that would not be the case, with the new structure two stories high. They want to keep the trees and the visual barrier. Mr. Leighton stated he could show the original lot description about the "barn". Paulette commented that in order to save the Commission's time, this hearing should be continued

to next month, and Mr. Leighton can communicate some more with the Building Inspector and ZBA in the meantime. Paulette made the motion to continue the hearing to October 14<sup>th</sup>. Jim seconded, and all voted in favor.

**6 8:50 Other Business.** Neighbors to Ted Mieczkowski, *Lawrence Plain Road*, came in to ask what was happening with the Town's taking of the tax title land near them. Mr. Neyhart suggested a memo to the Town Administrator asking what was happening on the subject. He and the Commission also discussed more trailers down on Aqua Vitae Road, and Mr. Mieczkowski is not supposed to have any on his property now, but he does.

Gary Pelissier asked to step aside as Commissioner and speak to the Commission about an issue he is having with his boat ramp at Sportsman's Marina, *One Russell Street*. The Request for Determination for the resurfacing of the ramp is already done, but there is a gap between the concrete below the asphalt and the trap rock, where he needs to fill with trap rock. He is asking to add about 6 inches more of trap rock in this gap area. He is hoping to do all the work this fall, after Columbus Day, when the water is low, clear and no hurricanes are expected. The elevation and footprint will remain the same. Commission agreed to include it in the approved work on the ramp. Paulette made a motion to approve the minutes of August 12, 2014. Edwin seconded, and all voted in favor.

**7. 9:00 PM Adjournment.** Paulette made the motion to adjourn. Edwin seconded, all voted in favor.

Respectfully submitted by

*Janice Stone*

Janice Stone

Materials used in review and deliberation of agenda items will be found in corresponding project folder in Conservation Commission office.