

**HADLEY CONSERVATION COMMISSION
MEETING MINUTES**

November 11, 2014

Approved at the 1/15/15 meeting

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

1. 7:00 PM Notice of Intent #170-236 filed by Amir Mikhchi, to construct a one-story office building with associated parking places in the buffer zone at *1 Mill Valley Road*. Mark Darnold from Berkshire Design was present with Mr. Mikhchi to present the project. Mr. Darnold explained that the 10,000 sf office building was a buffer zone only project, and that they were respecting the Hadley wetlands bylaw's 35-foot No-Disturb buffer zone. The retaining wall will be constructed just above most of the 35-foot buffer. The retaining wall varies in height but will be up to nine feet high. There is a lot of type C soil on the site, so there is only minimal infiltration. According to DEP stormwater standards for that type soil, the applicant has to only do recharge "to the maximum extent practicable". They have an underground detention system (pipe & stone) with some exfiltration expected but not claimed, and a rain garden type structure near Mill Valley Road, which should also provide some exfiltration but was not claimed in the stormwater management calculations. The discharge pipe from the stormwater system is a level lip spreader in the buffer zone. There are deep sump hooded catch basins before the underground system. The post-development peak discharge is less than pre-development for all storm events. He stated that Doucet Associates did a third-party stormwater review for the Planning Board and it was approved. Paulette asked about the discharge area, and whether there could be a backup in the system if the area is blocked by lots of snow. She suggested that it was located in an area that could receive a lot of snow piling from plowing. Mr. Darnold stated that it would work as it does in many similar places, and that the snow plows are not likely to push snow into this area. The headwall ranges in height from a few feet to nine feet high, and will have a guardrail on top, making it almost impossible for snow to be pushed over it. Paulette asked who would be responsible long term for the Operation and Maintenance of this stormwater system. Mr. Mikhchi replied that he would. Janice asked Mr. Darnold for a copy of the Doucet report that mentions the stormwater review. He replied that he had just submitted their final report to the Commission, and the stormwater was not mentioned because there were no problems. Janice replied that they would need some specific written response from Doucet that states the stormwater system is approved. The Commission discussed the Order of Conditions (OOC) for Mill Valley Estates (170-150), which expires today with some Special Conditions not completed. The eastern half of this project site includes one of the lots for Mill Valley Estates. According to the OOC, there is supposed to be permanent monumentation of the 35-foot No-Disturb buffer zone. Mr. Mikhchi replied that he is not responsible for that OOC. Commission discussed the need to request a Certificate of Compliance for at least that parcel (lot 1) before they can issue a new Order of Conditions on the same parcel. Mr. Darnold replied that they would submit that Request right away. He stated that the retaining wall should be considered permanent monumentation of the 35-foot buffer zone, since it is very close to that line most of the way. He also stated that the Commission can contact Doucet Associates about the stormwater report. Paul asked about the type of wall, and the process for building it (will the work be done from the wetland or upland side?). Mr. Darnold replied that it may be Versalot or

gabion, and they would work from the upland (parking lot) side. The limit of work is just below the wall. Paulette made a motion, seconded by Edwin, to continue the hearing to the next Conservation Commission meeting on 12/9 at 7 PM. All voted in favor. Mr. Mikhchi then requested the Commission to allow him to start the gabion wall immediately. Mr. Mikhchi stated that he has had discussions with a construction engineer about the wall, and they have to use gabion because of the relatively soft soils. He explained that the wall will need five months to settle, and he needs to do it now before freezing. If he does not get it in now it will delay construction of the rest of the site for two years. The Commission discussed how to deal with this request. The hearing has already been voted to continue to 12/9. What options do they have? Janice suggested immediately reopening the hearing (since the vote had just been made and everyone was still present), and approving just the wall construction if the applicant was willing to make a request now to amend the Notice of Intent to include only the wall at this point. The Commission discussed how it was not ready to close the hearing and issue an OOC without the stormwater review, and needed a Request for Certificate of Compliance on the old OOC first as well. The Commission discussed whether it would be willing to hold a special meeting next week, in order to get the information needed to be able to close the hearing and issue an OOC. Janice stated that the applicant just submitted the Notice of Intent on 10/28, so they are pushing the system a bit. Valerie Miller (New England Environmental), present for the next hearing, requested that they be allowed to be on the agenda for next week as well, since they had some missing information but should have it by next week. The Commission continued discussion about whether to do the unprecedented move of a second meeting the following week, considering the extenuating circumstances and the end of the season. Paulette said she would be more comfortable with having a meeting next week, so that things could be done properly. The Commissioners present agreed they could make it to a meeting next Tuesday 11/18. Paulette made a motion to amend the previous motion from continuing the hearing to 12/9 to 11/18 instead. Edwin agreed to amend his motion to second and seconded the amended motion. Three voted in favor, two opposed. Motion passed.

2. 7:45 PM Request for Certificate of Compliance for # 170-223 (Solar project at Venture Way). Eric Nelson from Westmass Development explained that they have changed their plans for this property, and no work has been done on the solar project OOC. Paulette made a motion to issue a Certificate of Compliance under the option of Invalid Order, no work has been done. Jim seconded and all voted in favor and signed.

3. 7:46 PM Notice of Intent #170-237 filed by American River Nutrition, to construct a commercial building with associated parking and stormwater management in the buffer zone off *Venture Way*. Valerie Miller and Meredith Borenstein from New England Environmental, Eric Nelson from Westmass Development and Mark Reed from Heritage Surveys present to discuss project. This is the same parcel as the solar project that just received a Certificate of Compliance. American River Nutrition has been in Hadley for many years but is now consolidating its operation in one building and location. The project is buffer zone only, no wetland impact. They explained that as part of “Hadley Office Park” there was a stormwater management plan approved for full build-out (around 1991). The applicants have added their own stormwater basin, which eventually connects to the existing one across the road. Doucet Associates has been hired by the Planning Board to perform a third-party review of the stormwater management plan, and it should be done by the Planning Board meeting next week.

They want to get started on the work now with winter coming. Ms. Miller showed the Commission the location of the snow disposal areas on the plan, and briefly described the erosion and sediment control plan included with the Notice of Intent. Mr. Reed explained the stormwater management for the site. He stated that the original Office Park was planned for full build out with 80% impervious surface. In the meantime the wetland has grown, and they have not completed the build out yet. There will be only 16% impervious surface on this project site. They have designed a stormwater basin with a decrease in peak flow at the 2 and 20-year storms. There are deep sumps and hoods, three stormwater treatment units (probably Coltech, similar to Stormceptors). There are two forebays in the detention basin. They will exceed 80% TSS removal. He explained briefly the O&M for cleaning the structures. The basin should be mowed annually. These are type D soils, there is not much infiltration expected or required. The Commission asked how much water would be in the basin. The reply was the maximum amount of standing water would be six inches, since that is the level of the last opening on the control structure. Any more than that would be released through the control structure to the rest of the stormwater management system by pipe. Paulette stated that the 35' buffer is a no-disturb and should not be mowed. What kind of permanent monumentation will there be to make sure the mowing does not extend into the 35-foot zone? Ms. Miller stated they could include some permanent monumentation in their proposal for next meeting. The Commission discussed with her what kind, including birdhouses on poles. Paulette requested an explanation of the 5-foot wide riprap drip edge behind the building. Mr. Reed explained that the back of the roof tilts in this direction, and the drip edge will prevent erosion from the roof runoff. They will be using larger stone so it will not be washed away during heavy storms. The building will be a pre-engineered metal building. Mr. Reed mentioned that they will be installing a new storm drain manhole in the street to connect the basin to the existing system. A 36" pipe currently drains the wetland from the site and goes into the large detention basin across the road. The Commission discussed with the applicant's consultants the status of the Natural Heritage & Endangered Species Program (NHESP) review. Ms. Miller and Mr. Nelson told the Commission that the original Office Park went through the MEPA process with the original permitting, it was approved and they are exempt from needing further approval from NHESP. Janice stated that a conversation with DEP circuit rider reminded her that they may be exempt from MESA, but there is still the Estimated Habitat under the Notice of Intent process to be considered, and for that the Commission needs a letter from NHESP. Ms. Miller stated that she would be willing to get a letter from NHESP in time for the meeting next week. Paulette asked how much of the site was permitted for construction, and how much has been done so far. Mr. Nelson stated that there is much less than the permitted 400,000 sf of development. He reiterated that the Office Park received MEPA approval and they are still working under the same plan so they are exempt. Mr. Nelson asked the Commission to also approve the removal of two debris piles found on the property, one next to a wetland and the other in upland. He showed photos of the two piles. They will use a small machine to pick up the wood, glass and metal debris and remove from site. They will then seed with a conservation mix and mulch. The Applicant will provide the Commission with a copy of the completed stormwater review and a letter of exemption or no adverse impact from NHESP for the next meeting. Paulette made a motion to continue the hearing to next Tuesday 11/18 at 7 PM. Jim seconded. All voted in favor.

4. 8:24 PM Notice of Intent #170-235, continued. Filed by Patrick Leighton, to demolish an old barn and build a new one in the Connecticut River Riverfront Area and 100-year floodplain

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at *105 Honey Pot Road*. The Applicant has requested an automatic continuance to the next regularly scheduled Conservation Commission meeting. Paulette made a motion to continue the hearing to Tuesday 12/9. Jim seconded and all voted in favor.

5. 8:25 PM Discussion with Charles McQueeney from Gator Pearson, about moving or regrading fill at Hadley Corner, *350 Russell Street*. Mr. McQueeney explained that the material was used to “surcharge” the Home Depot footprint before it was built, then used on the Aldi site and is now on the footprint for Building B. Mr. Gene Crowley has purchased that building site, and part of the purchase agreement is that the mountain of dirt will be removed from the building footprint. Mr. McQueeney explained that it would be expensive to truck it away. He is proposing they spread the dirt in the undeveloped open areas west of Building B and not in the wetlands or 35-foot buffer zone. They estimate that the 10-15’ high mound is about 3,000-4,000 cubic yards of material. Initial calculations suggest that would result in raising the upland areas about 2-3 feet overall. They would just level the material on top of what is there. Paulette asked how the contractor would know where the 35-foot buffer zone line is. Mr. McQueeney replied that they would have to reflagged. The discussion continued about whether this action could be considered work approved under the present Order of Conditions, or require an Amendment. Janice mentioned that when she met with Mr. McQueeney and his team today she reminded them of the DEP federal wetland delineation for the site, which includes a fair amount of wetland under Building B (approved for fill by DEP under 401 Water Quality Certification (WQC) in an unusual set of circumstances), and continuing immediately behind the footprint, as well as nearby. The wetland boundaries approved by the Order of Conditions for Hadley Corner (#170-160) are smaller than those determined under the WQC. Part of that is because of the difference between federal and state wetland laws, and part because the wetland under Building B was not discovered until the wood chip mountain was removed and the pond and marsh were uncovered. She suggested that even if the Conservation Commission approved the work under their Order of Conditions, the applicant (Gator Pearson) needed to check with DEP to make sure they were approved under the WQC. An important part of that would be that no further wetland was altered in the process of moving this material, or placement of it. Edwin asked if there would be an impact on the nearby wetlands by the raising of the upland areas a few feet. During flooding times the water would not be able to spread, and the wetlands may become wetter. Mr. McQueeney told the Commission he would speak with geotech and site engineers to address this question. Mr. Crowley introduced himself to the Commission and explained to them that he does not know how long it will take to find a buyer for this site, but he wanted to have it cleaned and ready to go. Edwin suggested that there might be contractors willing to pay to remove and use it. Mr. McQueeney explained that although it was clean, it was mostly the varved clay found at the site, and therefore not very valuable. He mentioned that the actual build out of the site has been half or less than originally approved, and they may not need the small detention basin to the west of Building B, and that would increase the possible amount of land to put the material on. They are planning to have an analysis done of the present site to determine whether all the detention basins are needed or not. The Commission asked to see a plan for the proposed work, on a map that shows contours. The Commission and Mr. McQueeney agreed to continue the discussion to the next regularly scheduled meeting on 12/9. This will give him a chance to do some more work on impacts and a plan.

6. 8:55 PM Request for Certificate of Compliance for # 170-194 (Walnut Grove Estates subdivision off *Mill Valley Road* and *South Maple Street*). Mr. Thomas Reidy, lawyer for Wayne Goulet and Mr. Goulet were present to discuss with Commission. They explained that although a 64-unit subdivision was approved for this land, Mr. Goulet decided to put it into an APR (Agricultural Preservation Restriction) instead. They are requesting a Certificate of Compliance (option Invalid Order, no work begun on site) in order to clear the title for the APR process. Mr. Goulet is asking for a Partial Certificate of Compliance, leaving the two parcels in the northeast and northwest corners under the Order of Conditions. The Commission discussed with them whether this made sense or not, but the original lawyer, Mr. Peter MacConnell, was not available for consult to determine the reason why these should be kept in. Mr. Reidy asked the Commission to issue the Partial Certificate for Parcel C only, and the situation with the other two parcels could be figured out later. The Commission decided the best way to handle it was to issue a full Certificate of Compliance on Parcel C (the majority of the property, which is going into APR), and then write in "Partial for Parcel C only" above the choice of Invalid Order, no work done. Parcel A in the NW corner is a preferred house lot for one of the Goulet family members, and Parcel B in the NE corner already has several buildings on it and is a different shape from the subdivision plan. Paulette made the motion to issue a Certificate of Compliance for Parcel C only, with the notations on the form. Edwin seconded it, and all voted in favor. Mr. Reidy told the Commission to send the completed original document to him (at Bacon & Monsein) and he will get it recorded.

7. 9:00 PM Request for Certificate of Compliance under Hadley Wetlands Bylaw only for the Montgomery Company property at *328 Russell Street*. This property was shown as Parcel C on the Hadley Corner plans, but was retained by the Johnson family. The DEP had issued a Superceding Order on this property, so the applicants are requesting a Certificate of Compliance from them too. Janice recommended that the Commission wait until after the DEP site visit on November 21st, to make sure there are no remaining issues to be completed before the Certificates can be issued. Commission agreed to continue the consideration of the Request to their meeting on 12/9.

8. 9:09 PM Other Business.

Minutes. September and October not done yet.

9. 9:10 PM Adjournment. Jim made the motion to adjourn. Paulette 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.