



Conservation Commission  
20 Korean Veterans' Plaza  
4<sup>th</sup> Floor Conference Room  
December 11, 2014  
6:30 pm

**1. New Commission Business**

- a) Regulatory Revisions
  - 1. Distribution of Revised 310 CMR 10.00 Effective 10/24/14
- b) Land Conservation Activities
  - 1. Proposed Trail Easement through Burgee Parcel Located on Mountain Road (MBP 199-00-004)
- c) Summary of Presentation to City Council

**2. Continued Commission Business**

- a) Notice of Intent – DEP 186-0251
  - i. Name: Holyoke Gas & Electric Downstream Fish Passage
  - ii. Representative: Tighe & Bond
  - iii. Address: Hadley Falls Dam and Upstream Portions of Connecticut River

Description: Notice of Intent filed construction of a downstream fish passage at the Hadley Falls Station and associated access infrastructure located off of St. Kolbe Avenue. Notice of Intent has been filed because proposed work will occur within the following jurisdictional resource areas Bank, Bordering Vegetated Wetlands, Land Under Water, Bordering Land Subject to Flooding, Riverfront Resource Area, and the inner and outer 50' Buffer Zone and the 100' Buffer Zone.

**3. Other Business**

- a) Approval of Minutes for 9/11/14
- b) Tree Planting Progress
- c) Budget for FY2016
- d) Updates on Permitted Activities
- e) Attendance for Next Meeting/Site Visit (\*\*\*)Calendars Required(\*\*\*)
- f) Distribution of new projects

**4. Adjourn**

THE LISTING OF MATTERS ARE THOSE REASONABLY ANTICIPATED BY THE CHAIR WHICH MAY BE DISCUSSED AT THE MEETING.  
NOT ALL ITEMS LISTED MAY IN FACT BE DISCUSSED AND OTHER ITEMS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

①

Item 1.6

Locus: Mountain Road, Holyoke

### TRAIL EASEMENT

Be it known that the Connecticut River Watershed Council, Inc. [hereinafter the "CRWC"] a nonprofit Massachusetts corporation located at 15 Bank Row, Greenfield, MA 01301, does hereby grant and release to the Inhabitants of the City of Holyoke located at 536 Dwight Street, Holyoke, MA 01040, for No Consideration as this Easement is being conveyed as a Gift, a **Trail Easement** over and across that parcel of land [hereinafter the "Locus"] comprising 26.3 +/- acres more or less, lying easterly of Mountain Road and as more fully described in the deed from Marcelle M. Burgee to the CRWC dated December 29, 1982 and recorded in the Hampden County Registry of Deeds at Book 5365, Page 203, and as partially described in a survey dated December 29, 1982 and recorded in the same Registry at Plan Book 207, Page 17 – according to the foregoing Terms and Conditions:

- 1.) The Easement shall be held under the jurisdiction, custody and control of the Holyoke Conservation Commission, under the authority granted it by Chapter 40, section 8C, to be managed for passive recreation only, under the rights and responsibilities of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts.
- 2.) A single pedestrian trail, also known as a walking trail or foot-path, shall be laid out and constructed according to the Best Management Practices as recommended and/or followed by the MA Executive Office of Energy and Environmental Affairs, and shall be constructed under any and all permits, reviews and conditions required under the Natural Heritage and Endangered Species Program and the Wetlands Act, so-called.

Once said trail is established, it shall remain in that location and shall not be relocated, moved or otherwise have its route changed without the written permission of the then fee owner of the Locus, the only exception being for emergencies and/or major natural disasters or occurrences.

- 3.) Said trail shall be: a) used to pass and repass solely for walking and hiking by the general public, without fee or charge for use, and shall not be used by any mechanical or motorized devices (for example, no bicycles, all terrain vehicles and the like); b) made no wider than what would be convenient for people walking single file; c) constructed from materials found solely upon the Locus and only within ten feet of the centerline of the trail; d) able to be repaired, maintained and improved (if necessary) by the Holyoke Conservation Commission or its agents or assigns; e) used and maintained in a manner which would not materially impair significant conservation and wildlife interests of the Locus.
- 4.) This Easement does not grant any rights to build parking area(s) off the frontage on the Locus itself; any such effort to build parking area(s) on the Locus would require the written permission of the then fee owner.
- 5.) This Easement shall not be transferable to any entity except the then fee owner of the Locus, while still maintaining the obligations of Article 97 referred to above.
- 6.) This Easement shall not otherwise interfere with or infringe upon the purposes or mission established by the then fee owner for the Locus.

IN WITNESS WHEREOF: on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Authorized Officer, CRWC

\_\_\_\_\_  
Witness

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ then personally appeared \_\_\_\_\_, known to me by personal knowledge, and acknowledged to me that he executed this instrument for its stated purpose and did so as his free act and deed, before me

\_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

**AGREEMENT OF ASSENT**

The City of Holyoke hereby acknowledges that this Trail Easement contains certain duties and obligations which the City of Holyoke, by and through the Holyoke Conservation Commission which shall hold custody and control of the Trail Easement herein, is required to comply with and carry out.

I, \_\_\_\_\_, acting on behalf of the City of Holyoke, hereby expressly agrees to the Terms and Conditions of this Trail Easement, and agrees to fully and completely comply with and carry out the duties and obligations contained herein.

Signed as a sealed instrument under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_:

City of Holyoke

By: \_\_\_\_\_

Title: \_\_\_\_\_

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ then personally appeared \_\_\_\_\_, known to me by *personal knowledge*, and acknowledged to me he executed this Agreement of Assent for its stated purpose and did so as his free act and deed, before me \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

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Re: Fw: RE: CMP Update, HG&E Fish Rack, Permit review status

Sarah LaRose

to:

Andrew Smith

12/09/2014 03:41 PM

Cc:

mmoriarty

Hide Details

From: Sarah LaRose <SLaRose@hged.com>

To: "Andrew Smith" <SmithA@holyoke.org>

Cc: mmoriarty@crocker.com

Andrew,

Can we please continue the hearing until the meeting immediately after the CMP has been issued?  
Thank you,

**Sarah LaRose**

Project Engineer

Holyoke Gas & Electric

99 Suffolk Street

Holyoke, MA 01040

Phone: (413) 322-1522

Email: [slarose@hged.com](mailto:slarose@hged.com)

Continue  
Item 2.a

-----Andrew Smith <SmithA@holyoke.org> wrote:-----

To: Sarah LaRose <SLaRose@hged.com>

From: Andrew Smith <SmithA@holyoke.org>

Date: 12/09/2014 03:38PM

Cc: mmoriarty@crocker.com

Subject: Re: Fw: RE: CMP Update, HG&E Fish Rack, Permit review status

Sarah:

Could you request to continue the hearing until the meeting immediately after the CMP has been issued?

Andrew Smith

City of Holyoke

Conservation Director

413/322-5615

[www.holyoke.org](http://www.holyoke.org)

Please note that as of July 25, 2013 my email address has switched to smitha@holyoke.org. Please update your records.

From: Sarah LaRose <SLaRose@hged.com>

To: "Andrew Smith" <SmithA@holyoke.org>

Date: 12/08/2014 04:42 PM

Subject: Re: Fw: RE: CMP Update, HG&E Fish Rack, Permit review status

Ok thank you Andrew - January 8th then!

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**Holyoke Conservation Commission**  
**Minutes for September 11, 2014**  
**Full audio recording available at the Conservation Commission Office**

Attendees:

Bowler	Moriarty	Panitch	Sugrue	Dahlin	Horan	Ryan
<input checked="" type="checkbox"/>						

Item 3.a

Staff: Andrew Smith

Public: Gary Rome, Jerry Rome

Site Visit occurrence confirmed for 1010 Main Street. City Engineer Confirmed at the site visit that the site is not subject to Stormwater Ordinance. During site visit, observed the location of an existing fence and the presence of invasive bittersweet. Jerry Rome stated that his project would create overflow parking at 1010 Main Street through allowing the clean-up of the site and placing down gravel on top of the site and adding landscaping close to the Connecticut River. He presented a plan that summarized the total area of disturbance and stated that the sixty feet from the fence line marks the area where the Riverfront Resource Area ended and identified that everything had been removed that had been deposited onsite by the former owner. Mr. Rome (the senior) stated that he had consulted with his landscaper and indicated that he would select a mixed species planting and that his landscaper also recommended that bittersweet be removed. Mr. Rome (the senior) indicated that he would like a flowering variety. Commissioner Bowler stated that the plan currently proposed arbor vitae and she was seeking clarification that variety would be increased along the fence area, closest to the Riverfront Resource Area. He clarified that the fence was 257 feet long. Chairperson Moriarty asked if they had plans to pave the site. Mr. Rome (the senior) stated that they had no plans to pave the site in the future. Mr. Smith clarified that in the future, if paving occurs, it would be necessary for the property owner to come back for review. Mr. Rome asked for some guidance on tree plantings. Mr. Smith stated that service berry would be a good flowering tree and that a hornbeam would be a good tree with the classic "Christmas Tree" shape. With that, the Chairperson called for a motion.

Commissioner Horan moved for a Negative 2 and a Positive 2b with conditions that the surface must be permeable, or come back for future filings, and that the planting plan include a minimum of three tree species, and that invasive species be managed to prevent loss of plantings. Commissioner Bowler seconded. The Motion passed unanimously. Mr. Rome thanked the Commission for their collaborative approach to the permitting process and stated that it went more smoothly than in it does in other towns.

Chairperson Moriarty took up a request for an emergency certification filed by Mike Burke, of United Water, for repair work on a sewer pipe that runs through the Pleasant Street Dingle. Mr. Burke could not attend and submitted a description of the project and

the nature of the problem at the Pleasant Street Dingle. Mr. Smith stated that a leak in the sewer pipe caused the bank to subside beneath a tree, the tree then toppled over and yanked the pipe out of the ground, causing flow to go into the dingle, rather, than downpipe. Mr. Smith stated that he has reviewed the site in the past and observed no wetlands vegetation or soils. He stated that the site was a former dump and that borings have turned up coal ash and bottles and debris within the first 36". That being said, it is prudent to assume that some sort of wetlands filing would be necessary. He stated that a site visit did occur, that the Emergency Cert was issued, pending ratification by the Commission, and the following conditions were applied: 1) Trees must be marked and approved, prior to removal; 2) coarse woody debris removed from trees (slash) shall be placed on-site to enhance wildlife habitat; 3) mulch shall be broadcast, rather than stockpiled, when not removed from the site; 4) trees shall be replaced at a 1:1 ratio; 5) equipment must be clean and in good working order, free of hydraulic leaks and free of viable invasive species plant or animal fragments; 6) actions must be taken to control erosion during the emergency work permitted, including but not limited to silt socks, straw bales, woven mats and hydroseeding to promote stability after work is complete; 7) access to site must be restricted and posted to limit possible injury to public. He stated that these are good for a maximum of 30 days. Commissioner Bowler moved to Ratify, Commissioner Horan seconded. The Motion passed unanimously.

Regarding the revolver club, Mr. Smith stated that a Comprehensive Management Plan from Natural Heritage was pending and, as such, the Applicant had requested a continuation until the next meeting. Mr. Smith stated that the City Engineer had determined that a stormwater permit was not necessary for the site. Commissioner Bowler moved to continue to October 9, 2014. Commissioner Horan seconded. The motion passed unanimously.

Mr. Rome (the junior) arrived with Jack, the Vizsla, to show the Commission Jack's abilities, which were warmly received.

The Commission then continued DEP 186-0251 to October 9, 2014.

Mr. Smith stated that HG&E had submitted an RDA for a pilot project to determine whether or not the canals have enough flow to generate electricity. Mr. Smith stated that the work is in a resource area but that the scope of the work would not alter any resources. He likened it to placing a canoe in the water for a few hours in terms of impacts.

With that, the Commission brought up the minutes for August 14, 2014. Mr. Smith clarified that an unidentified member of the public was Richard Mareau. Commissioner Horan wanted to note that a quote attributed to him on page 13 should be attributed to Mr. Knapik of the Revolver Club. Mr. Horan moved to approve the minutes, as amended, the motion passed unanimously.

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The Commission then moved to discuss the retreat. The Commission agreed that the agenda for the retreat was adequate. It was agreed that the Commission would order enough sandwiches and sides for eight people and cookies for the public. Drinks and water would be provided. Commissioner Horan stated that he hoped people would come with their priorities.

Commissioner Moriarty asked for update on tree planting. Mr. Smith stated that a planting event was being scheduled at Pina Park to publicize the program and pay tribute to Julia Rivera, a community advocate returning home to Puerto Rico.

It was agreed that the Commission did not want to schedule a site visit for G&E's pilot project.

Commissioner Dahlin noted that the Massachusetts Clean Energy Center and the City's Citizens' Advisory Group were about to hire the consulting team that will be tasked with developing a re-use plan for the Mt. Tom Coal Generating Facility.

Chairperson Moriarty stated that she did have some concerns about the permitting process and stated that she wants to make sure the burden to revise the permitting process is not placed on the Commission's shoulders. Commissioner Bowler stated that South Hadley has a cover sheet that every department has to use to confirm that any person who expresses interest in developing a project is complying with all appropriate regulations.

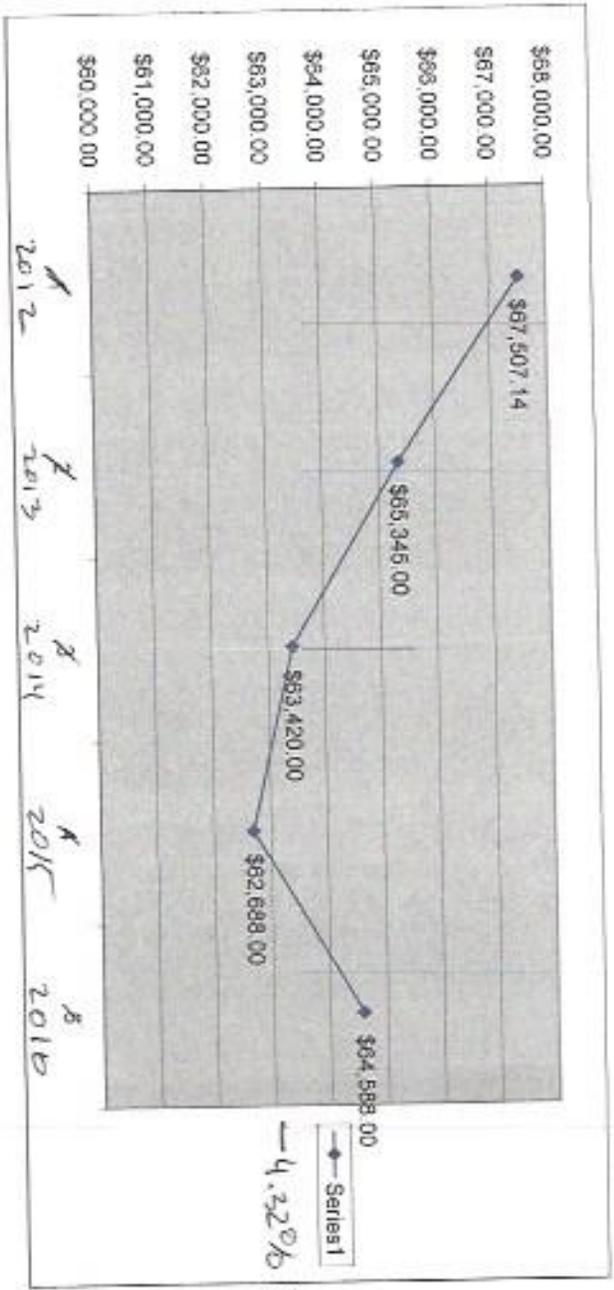
Commissioner Horan moved to adjourn. Commissioner Bowler seconded. The Motion passed unanimously at 7:30 PM.

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Item 3.C

	2012	2013	2014	2015	2016 % CHANGE
<b>Personal Svcs</b>					
51101 - Conservation Pay	\$ 51,873.61	\$ 52,250.00	\$ 62,250.00	\$ 53,818.00	\$ 53,818.00
51250 - Pay Clerical Help	\$ 5,880.14	-	-	-	-
51400 - Longevity Pay	-	-	-	-	-
51450 - Settlement Pay	\$ 500.00	-	-	-	-
51500 - Vacation Buyback	-	-	-	-	-
51510 - Sick Leave Buyback	-	-	-	-	-
51550 - Auto	\$ 470.00	\$ 2,820.00	\$ 2,820.00	\$ 2,820.00	\$ 2,820.00
<b>Total</b>	<b>\$ 58,723.75</b>	<b>\$ 55,070.00</b>	<b>\$ 65,070.00</b>	<b>\$ 56,638.00</b>	<b>\$ 56,638.00</b>
<b>Expenses</b>					
62400 - Office Equip	\$ -	\$ -	\$ -	\$ -	\$ -
63010 - Prof Svcs	\$ -	\$ -	\$ -	\$ -	\$ -
5020 - CTRIV Channel Markin	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00
53030 - Print	-	\$ 75.00	-	-	-
53100 - CR Costs	-	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00
63190 - Edu Training	\$ 639.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
63420 - Postage	\$ 25.01	\$ 700.00	\$ 200.00	-	-
53430 - Advertising	\$ 110.53	\$ 300.00	\$ 200.00	\$ 100.00	\$ -
54200 - Supplies	\$ 1,435.06	\$ 1,000.00	\$ 750.00	\$ 750.00	\$ 750.00
57100 - Travel	\$ 918.79	\$ 1,000.00	-	-	-
57300 - Dues	\$ 2,155.00	\$ 2,600.00	\$ 2,600.00	\$ 600.00	\$ 2,600.00
<b>Total</b>	<b>\$ 8,763.39</b>	<b>\$ 10,275.00</b>	<b>\$ 6,350.00</b>	<b>\$ 6,050.00</b>	<b>\$ 7,950.00</b>
<b>Total</b>	<b>\$ 67,507.14</b>	<b>\$ 65,345.00</b>	<b>\$ 63,420.00</b>	<b>\$ 62,688.00</b>	<b>\$ 64,588.00</b>
					-4.32%

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