

**CITY OF CHICOPEE
CONSERVATION COMMISSION
Minutes of Meeting
July 21, 2021**

Pursuant to Mass. General Law Ch. 131, Section 40 and the Chicopee Wetland Ordinance Ch. 272, the Chicopee Conservation Commission held a public hearing on **Wednesday, July 21, 2021** at 6:15 PM in the Chambers Conference Room, City Hall Annex, 4th Floor, 274 Front St., Chicopee, MA 01013

Celeste Donovan opened the meeting at 6:15 PM and announced that the meeting was being recorded.

Conservation Commission attendance:

Member	Present	Absent	Excused
Celeste Donovan	X		
Charles Payne	X		
Sharon Balcom	X		
Meghan Balakier	X		
Richard Valcourt	X		
Brian Nunes	X		

Planning/Conservation Staff attendance:

Member	Present	Absent	Excused
Lee Pouliot, Director	X		
James Dawson, Development Manager	X		
Patrick McKenna, Assistant Planner			X
Nathan Moreau, Associate Planner			X

Item 1: (Cont. from July 1 and 15 and August 5 and 19 and October 7 and November 4, 2020 and June 2 and July 7, 2021) Request for Certificate of Compliance for Lot C-1 (NOI 19-003) The Applicant is requesting a Certificate of Compliance for Lot C-1 on Sheridan Street. The Commission issued an Order of Conditions on July 25, 2019.

Notes: Staff informed the Commission that they had completed a final site inspection on July 20, 2021. Staff noted that all of the outstanding conditions had been addressed and the site was stabilized; a Certificate of Compliance can be issued.

Motion to issue a Certificate of Compliance was made by Meghan Balakier and seconded by Sharon Balcom. Vote was 6-0 to issue a Certificate of Compliance.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Sharon Balcom	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			

Item 2: (Cont. from July 1 and 15 and August 5 and 19 and October 7 and November 4, 2020 and June 2 and July 7, 2021) Request for Certificate of Compliance for Lot C-2 (NOI 19-004) The Applicant is requesting a Certificate of Compliance for Lot C-2 on Sheridan Street. The Commission issued an Order of Conditions on July 25, 2019.

Notes: Staff informed the Commission that they had completed a final site inspection on July 20, 2021. Staff noted that all of the outstanding conditions had been addressed and the site was stabilized; a Certificate of Compliance can be issued.

Motion to issue a Certificate of Compliance was made by Sharon Balcom and seconded by Brian Nunes. Vote was 6-0 to issue a Certificate of Compliance.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Sharon Balcom	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			

Item 3: (Cont. from July 7, 2021) NOI for a building addition and parking expansion within buffer zone to an Isolated Vegetated Wetland. Location: 650 C Memorial Dr. (Assessor Map 396, Parcel 2), Chicopee, MA 01020. Applicant: L.N. Berneche, 665 Prospect St. Chicopee, MA 01020.

Notes: John Tomaszewski of R. Levesque Associates presented the project to the Commission. Mr. Tomaszewski explained the plans had been revised from the original concept in order to meet the regulations and accommodate the comments from the Commission. The Commission asked several questions of Mr. Tomaszewski to which he replied. Staff reminded the Commission of mitigation measures that were discussed at the July 7, 2021 meeting. The Commission discussed several conditions to be attached to the Order of Conditions. The conditions were as follows: 1. The Applicant and/or Owner to replace and maintain in perpetuity any unhealthy or damaged trees on the property. 2. Staff will work with Applicant and/or Owner on proper tree selection. 3. Cleaning of the wetland area of any trash and inappropriate debris. 4. Applicant and/or Owner shall install signage that prohibits snow from being plowed/deposited in the wetland or its buffer zone. 5. Erosion Control shall consist of straw wattles and silt fence. 6. Erosion Control to be inspected by the Conservation Commission or Staff prior to commencement of any site work. 7. Erosion Control shall remain in good condition and in place until the project is completed and any disturbed areas are stabilized and permission is given by the Commission or staff to remove. 8. In May of each year, the Applicant and/or Owner shall provide the Commission with an annual report of the condition of the wetland supported by photos.

Motion to issue an Order of Conditions with the noted conditions (above) was made by Charles Payne and seconded by Richard Valcourt. Vote was 6-0 to issue an Order of Conditions with the noted conditions.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Sharon Balcom	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			

Item 4: (New) RDA for an addition to a single-family house. Proposed work is 165-feet from a Bordering Vegetated Wetland (BVW) and within Terrace Escarpment Soils Buffer Zone - 80-feet from Upstream Drainage with the Potential for Altering Wetlands (UDPAW) (Terrace Escarpment Soils). Location: 89 Fedak Drive, Chicopee, MA 01013. Applicant: Leo & Carol Cartier, same address.

Notes: Heather Comee presented the RDA to the Commission. Ms. Comee explained the UDPAW and the Terrace Escarpment (TE) Soils with their associated buffer zone and how they affected the property. Staff provided a GIS printout of the TE soils and buffer zones to the Commission and the Commission asked Ms. Comee to explain what appeared to be a discrepancy between the plan provided and the GIS data. She explained the plan she provided illustrated the UDPAW based on the slopes and the printout provided by Staff was the TE soils delineation. Staff recommended the Commission issue a Positive 5 and Positive 6 Determination with standard erosion control conditions.

Motion to issue a Positive 5 and Positive 6 Determination with conditions was made by Richard Valcourt and seconded by Sharon Balcom. Vote was 6-0 to issue a Positive 5 and a Positive 6 Determination with the standard erosion control conditions.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Sharon Balcom	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			

Item 5: Minutes from July 7, 2021

Notes: The Commissioners noted that in Item 2 of the minutes, the boxes on the voting block were not checked. Staff noted the boxes would be checked prior to filing the minutes with the City Clerk.

Motion to approve with the noted correction was made by Meghan Balakier and seconded by Richard Valcourt. Vote was 6-0 to approve with the noted correction.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Sharon Balcom	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			

Item 6: Sign Bills – Staff reported there were no bills to sign.

Item 7: Upcoming Projects/Discussion

- **Enforcement Order** – 535 East Main Street – The recipient of the Enforcement Order or a representative to present plan illustrating the boundaries of protected resource areas as they existed prior to the disturbance and provide documentation on how those boundaries were established. (Next Steps are noted below)
 - *On or before July 7, 2021, the Recipient shall submit a draft written document prepared by the consultant, titled “Restoration Plan for 535 East Main Street, Assessor’s Map 152, Parcel 31 A, Chicopee, Massachusetts”, and prepared per the Massachusetts Inland Wetland Replication Guidelines (DEP March 2002).*

- *On or before July 21, 2021 of the acceptance or modification of this document by the Chicopee Conservation Commission, the Recipient shall cause the Plan to be enacted by installation of all erosion and sedimentation controls required by the Plan. If other resource areas were found to be impacted by the unpermitted work, this information shall also be documented in the report and the Commission reserves the right to require additional mitigation.*

Notes: Joe Rogers of GZA presented the Restoration Plan to the Commission. He explained this was a very difficult site and removal of the illegally deposited fill was going to be a challenge to remove. He explained most of the fill could be removed mechanically but about a third of it would have to be removed by hand. The Commission accepted the Restoration Plan with several conditions as follows: 1. Trunks of sawed-off trees to remain as habitat for wildlife. 2. Erosion Control in the form of silt sock is to be installed the entire length of the property, not just in the disturbed area. 3. The Property Owner shall monitor for and manage invasive species on the property for two growing seasons after the completion of the project. 4. The Property Owner shall submit a bi-annual report with photographs in April and September of each year for two years after the completion of the project. 5. Erosion Control measures must be inspected by the Commission or its Staff prior to the commencement of any site work for the Restoration Plan. 6. Erosion Control must remain in good condition and in place until the project is completed and slope stabilized and permission is granted by the Commission or Staff to remove. 7. Notification must be given to the Conservation Commission between August 15, 2021 and September 1, 2021 if an extension of the completion of work on the restoration will be needed. 8. Barriers in one of three options shall be installed at the top of the slope to prevent any further illegal dumping over the bank. Options are: Black chain link fence with gate to access bank for maintenance; bollards spaced no more than 3’ on center and at least 3’ tall; or guard rail with a minimum height of 24” and maximum height of 36”. 9. Chicopee Conservation Commission Approved Wetland Protection signs to be permanently installed every 30’ between the two side property lines along the top of the bank.

- **Sunflower Ave.** – The city had an order to fill it in. Once the Law Dept. gets the bill from Carl (Building Department), Law can file a lien in the registry, and work out foreclosing on it.
- **Commission Clerk** – Staff is requesting the Commission elect a Clerk for the purpose of taking minutes of the meetings. Sharon volunteered to take on the roll as Clerk.

Item 8: Adjournment – Next scheduled meeting is August 4, 2021

Notes: Richard Valcourt will be unavailable for the August 4, 2021 meeting.

Motion to adjourn was made by Meghan Balakier and seconded by Richard Valcourt. Vote was 6-0 to adjourn.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Sharon Balcom	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			

Meeting adjourned at 7:49 PM.