

**CITY OF CHICOPEE
CONSERVATION COMMISSION
Minutes of Meeting
November 1, 2023**

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, November 1, 2023 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 6:17 PM and announced that the meeting was being recorded.

Conservation Commission attendance:

Member	Present	Absent	Excused
Celeste Donovan	X		
Charles Payne			X
Meghan Balakier	X		
Richard Valcourt	X		
Bianca Thomas			X
Barbara Chamberlain	X		
Sharon Balcom	X		

Planning/Conservation Staff attendance:

Member	Present	Absent	Excused
Lee Pouliot, Director	X		
James Dawson, Development Manager	X		
Nick Kiser, Associate Planner			X
Patrick Collins, Assistant Planner			X

Item 1: Response to and Ratification of Enforcement Order (Continued from October 18, 2023) – Western Massachusetts Food Bank to provide the Commission with a response to the requirements of the Enforcement Order issued on September 15, 2023 (23-E001)

Notes: Shaun Boughton of C.E. Floyd and representatives of the Food Bank of Western Massachusetts were in attendance to review the requirements of the Enforcement Order with the Commission. Mr. Boughton noted that work was ongoing on the site and that the exposed soil areas had the jute mesh installed and had been hydroseeded. The plan is to overseed again in the spring of 2024. Staff noted that since the initial enforcement Order was issued, C.E. Floyd has provided weekly reports of the inspections and status of the site. Weekly reports are to continue for the duration of the project until a Certificate of Compliance is issued by the Conservation Commission. At the request of the Conservation Commission, Staff met with C.E. Floyd on October 24, 2023 to review the Conditions of the Order of Conditions and how catch basins would be managed with future storms. Per the requirements of the Enforcement Order, City Engineer Doug Ellis, Shaun Boughton of C.E. Floyd, and a representative of WestMass Development Corp. met on site on October 24, 2023 to inspect the erosion controls, catch basin silt sacks, and the stormwater basin on the north side of East Main Street to which the Food Bank is connected. Mr. Ellis was satisfied with the inspection and noted there was no sediment in the Stormwater basin north of East Main Street. Conservation Commission Members requested an explanation of the herbicide use on site as it was a violation of the Order of Conditions. Mr. Boughton admitted it was an oversight and assured it would not occur in the future. The Commission stated that there was no way of recovering the herbicide that had been applied to the site and therefore decided to increase the fines as a punishment. The Commission voted to increase the original \$300 fine by \$600 for a total amount of \$900. The Commission also made C.E. Floyd and the Food Bank aware that any future violations would result in additional Enforcement Orders and fines of up to \$300 per day until the violation was remediated.

Motion to increase the original \$300 fine by \$600 for the use of herbicides was made by Barbara Chamberlain and seconded by Richard Valcourt. Vote was 5-0 to increase the original \$300 fine by \$600 for the use of herbicides for a total of \$900.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Meghan Balakier	X			
Richard Valcourt	X			
Barbara Chamberlain	X			
Sharon Balcom	X			

Item 2: RDA to allow for the continuation of PCB delineation of impacted soils in vicinity of former swimming pool with limited vegetation removal. Location: Szot Park, Abbey Memorial Dr., Chicopee, MA. Applicant: City of Chicopee Parks and Recreation Department c/o Ben Strepka, 687 Front St. Chicopee, MA 01020

Notes: Chris Nolan of Pare Corporation presented the RDA to the Commission. Mr. Nolan explained the sampling would be completed with hand tools and how the method by which soil sampling would occur via a grid system to satisfy EPA requirements. He noted the PCB contaminated soil had to be fully delineated to be able to file an NOI for the soil removal. Mr. Nolan noted any PCB contamination greater than 1 ppm must be removed from the site.

Motion to issue a Positive 5 and a Negative 5 Determination was made by Richard Valcourt and seconded by Sharon Balcom. Vote was 5-0 to issue a Positive 5 and a Negative 5 Determination.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Meghan Balakier	X			
Richard Valcourt	X			
Barbara Chamberlain	X			
Sharon Balcom	X			

Item 3: NOI for expansion of a contract construction services facility for use as a contractor's yard and associated site improvements. Work will occur within Buffer Zone to Bordering Vegetated Wetlands. Location: New Ludlow Rd. and Ludlow Rd. (Assessor Map 779, Parcels 5 and 6, Map 747, Parcel 1, and Map 762, Parcel 8) Applicant: Marion Excavating Co., Inc. c/o Todd B. Marion, 749 New Ludlow Rd., South Hadley, MA 01075

Notes: Rebecca Li of R. Levesque Associates, Inc. and Todd Marion, Property Owner and Applicant presented the NOI to the Commission. Ms. Li explained Mr. Marion was before the Commission earlier in the year with an RDA to delineate the wetlands on the property. The Commission attached several conditions to the Determination of Applicability at the time. In addition to the conditions from the Determination of Applicability, the Commission added two additional conditions to include a stormwater report and maintenance plan be attached to the OOC and that no snow be plowed or stored within the 50' wetland buffer zone. Staff noted that MassDEP had issued a file number but provided no specific comments. Several members of the public expressed concerns about tree removal and dust. It was noted that the Conservation Commission only has jurisdiction over work within the buffer zone.

Motion to issue an Order of Conditions with Special Conditions was made by Richard Valcourt and seconded by Meghan Balakier. Vote was 5-0 to issue an Order of Conditions with Special Conditions.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Meghan Balakier	X			
Richard Valcourt	X			
Barbara Chamberlain	X			
Sharon Balcom	X			

Item 4: Minutes from October 18, 2023

Motion to approve the minutes was made by Sharon Balcom and seconded by Barbara Chamberlain. Vote was 5-0 to approve.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Meghan Balakier	X			
Richard Valcourt	X			
Barbara Chamberlain	X			
Sharon Balcom	X			

Item 5: Sign Bills – Staff noted there were no bills to sign.

Item 6: Upcoming Projects/Discussion/Communications

- **Update** on responses to Enforcement Orders issued to property owners on McKinstry Ave.

Notes: The Commission discussed the issue and decided to issue a one-time \$300 fine and send a letter to the property owner requiring a delineation of any/ all wetlands on the site and an NOI by December 6, 2023. If no NOI is submitted by December 6, 2023, additional fines of \$25 per day will be charged until an NOI is submitted.

Update on erosion control at 129 Dejordy Lane – Erosion control to be installed by November 1, 2023.

Notes: Planning Staff has not received a request to inspect erosion control at the property. Staff to contact the Property Owner and his Wetland Specialist to remind them of the required erosion control measures.

Item 7: Adjournment – Next meeting is scheduled for November 15, 2023

Motion to adjourn was made by Sharon Balcom and seconded by Meghan Balakier. Vote was 5-0 to adjourn.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Meghan Balakier	X			
Richard Valcourt	X			
Barbara Chamberlain	X			
Sharon Balcom	X			

Meeting adjourned at 8:00 PM.