

CITY OF CHICOPEE
CONSERVATION COMMISSION
Minutes of Meeting
May 18, 2022

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, May 18, 2022 at 6:15 PM in the Chambers Conference Room, City Hall Annex, 4th Floor, 274 Front St., Chicopee, MA 01013**

Charles Payne opened the meeting at 6:40 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		
John Barre			X

Planning/Conservation Staff attendance:

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

Item 1: Request to Amend Order of Conditions (File NOI 21-002) to allow for the extension in length of a retaining wall being replaced. Work will occur within Riverfront Area of the Chicopee River. Location: 225 East Main St., Chicopee, MA. Applicant: Juan Almestica, 227 East Main St., Chicopee, MA

Notes: John Tomaszewski with R. Levesque Associates presented the Request to Amend an Order of Conditions to the Commission. John provided an overview of project that was originally approved in June of 2021. The original order allowed for the reconstruction of a retaining wall in Riverfront Area. When the contractor observed the condition of the wall he did not feel comfortable only reconstructing a portion of the retaining wall. His advice was to completely replace the retaining wall. As a result, the applicant is asking for permission to replace the entire retaining wall. Staff recommended that the conditions approved in the original Order of Conditions be applied to the Amended Order of Conditions. Staff read these conditions into the record of the meeting. Commissioner Payne confirmed that the erosion control ran along the entire length of the project. It was noted that an Amended Order does not extend the original expiration date; the Amended Order will expire on June 28, 2024.

Staff noted that this amended project adds 125 square feet of disturbance in the Riverfront Area, but the work insures future protection and stabilization of the Riverfront Area.

Motion to approve the Amended Order of Conditions was made by Richard Valcourt and seconded by Celeste Donovan. Vote was 4-0 to approve the Amended Order of Conditions with special conditions.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Richard Valcourt	X			
Bianca Thomas	X			

Item 2: NOI for 16' x 28' addition to a single-family house. Work to occur within Terrace Escarpment (TE) Soils. Location: 72 Swol St., Chicopee, MA. Applicant: Nick Riley, N. Riley Construction, 863 Montgomery St. Chicopee, MA 01013

Notes: Nick Riley (contractor) and Edward Chapdelaine (surveyor for the project) presented the NOI to the Commission. They provided an overview of the project. The project is within Terrace Escarpment (TE) soils and the 100-foot TE soils buffer zone. Existing house was built in the 1950s, topography is gentle but the work is straightforward. Site is stable; there are no signs of erosion around the site. No new utilities will be added. Commissioner Valcourt sought clarification on NOI, noting that nothing on the NOI form refers to local ordinances on TE soils; staff assured that it would be noted in the special conditions. Commissioner

Valcourt inquired about construction work and disturbance to TE soils and about roof ridgeline and stormwater routing away from TE soils.

Standard erosion control conditions will apply. Silt fence was proposed in NOI. The Commissioners agreed that due to the flat nature and stability of the property silt fence alone would be sufficient. A special condition that run-off stormwater shall be directed away from the TE soils on the property.

Motion to issue an Order of Conditions with special conditions was made by Richard Valcourt and seconded by Celeste Donovan. Vote was 4-0 to issue an Order of Conditions with special conditions.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Richard Valcourt	X			
Bianca Thomas	X			

Item 3: RDA for I-90 resurfacing, minor tree trimming, and incidental associated scope. Work will occur adjacent to streams and associated riverfront areas, wetlands, and intermittent streams, bordering land subject to flooding (BLSF), and Bank. Location: I-90. Applicant: MassDOT, 811 N. King St., Northampton, MA 01060

Notes: Paul Kelly of MassDOT presented the RDA to the Commission. Mr. Kelly described the scope of the maintenance project, to mill and resurface the section of I-90 running through Chicopee, repair guardrail, repair damaged signs, and clean catch basins. Work is within the limits of the City of Chicopee, and also extends into adjacent towns. Maintenance work includes cutting back trees. Mr. Kelly stated that the scope of MassDOT’s work was exempt from wetlands protection regulations. However, the Commission and Staff pointed out that our local ordinance does apply because the project runs through TE soils, which is jurisdictional under the local ordinance. Commissioner Valcourt asked that Mr. Kelly provide documentation that shows MassDOT’s exemption from our local regulations to complete work. Even if there is no expected disturbance to TE soils as MassDOT is not widening the road, our local Chicopee TE ordinance *does* apply, asserts the Commission, and the RDA filing should reflect this.

Commissioner Payne inquired whether there would be any stockpiling of materials, Mr. Kelly responded that this would be up to the contractor to decide. The Commission and Mr. Kelly agreed that the contractor must determine areas for stockpiling and would advise that the contractor review those plans with MassDOT so that stockpiling does not occur within any resource areas including Terrace Escarpment soil areas. Commissioner Payne requested that the plan be reviewed with Planning Staff. Staff provided the Commission and Mr. Kelly with a map of the TE soil areas pertinent to this project. Commissioners Payne and Valcourt also expressed concerns about tree trimming and clearing, particularly as it pertains to TE soil areas.

Staff provided the Commission with a recommendation of a Negative 5 Determination, as well as a Positive 5 regarding our local ordinance, but noted that the RDA needed to be amended to allow for addition of our Positive 5 determination. The Commission wished to add a condition regarding the location of stockpiles. Mr. Kelly preferred to review the recommended amendment of the RDA with his office and discuss the related TE soils and local ordinance.

The Commission offered Mr. Kelly the option to amend the RDA that evening and move on to Determination; or, table until June 1, 2022. Mr. Kelly opted to table to discuss with his office.

Motion to table to June 1, 2022 was made by Richard Valcourt and seconded by Celeste Donovan. Vote was 4-0 to table to June 1, 2022.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan			X	
Charles Payne			X	
Richard Valcourt			X	
Bianca Thomas			X	

Item 4: RDA for a 12' x 14' bedroom addition to a single-family house. Work will occur in Terrace Escarpment (TE) Soils buffer. Location: 60 Swol St., Chicopee, MA. Applicant: Robert Todd, 60 Swol St., Chicopee, MA 01013

Notes: Jared Laravee, representing property owner Robert Todd, presented the RDA to the Commission. He provided an overview of the project. This addition is phase two of work on a single-family house for which the Commission issued a Determination in 2021. In 2021, silt fence and straw wattles were used for this project, the applicant is requesting to use only straw wattles (some of them remaining from the previous project) for this project. Commissioner Payne deemed that the property is a flat lot and he was agreeable to the use of straw wattles only. The Commission's standard conditions will apply. Staff reminded applicant to keep erosion controls in place until any disturbed areas of the property is stabilized and Staff makes a final site visit. The commission also requested that stormwater be directed toward street rather than toward the TE soils.

Staff provided the Commission with a recommendation of a Positive 5 Determination regarding the local ordinance, as well as a Negative 1 regarding Wetlands Protection Act. A condition was made that stormwater runoff be directed in south-westerly direction, away from TE soils. Standard erosion control conditions also apply.

Motion to issue a Negative 1 and Positive 5 Determination with conditions was made by Richard Valcourt and seconded by Celeste Donovan. Vote was approved 4-0 to issue a Negative 1 and Positive 5 Determination with conditions.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	X			
Charles Payne	X			
Richard Valcourt	X			
Bianca Thomas	X			

Item 5: Minutes from May 4, 2022

Notes: Celeste Donovan and Bianca Thomas abstained as they were not present at the May 4, 2022 meeting.

Motion to approve the minutes was made by Richard Valcourt and seconded by Charles Payne. Vote was 2 in favor, 0 opposed and 2 abstentions.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan				x
Charles Payne	x			
Richard Valcourt	x			
Bianca Thomas				x

Item 6: Sign Bills - Staff noted there were no bills to sign.

Item 7: Upcoming Projects/Discussion

Notes: Staff provided the following to the Commission:

- Noncompliance of Enforcement Order 22-E002 - 616 Broadway Street – The Commission made the decision to implement fines for noncompliance of the Enforcement Order (The property owner did not submit a Restoration Plan by the required April 1, 2022 deadline. (Staff mailed a certified citation letter on April 22, 2022.) No response as of May 17, 2022.

Item 8: Adjournment – Next scheduled meeting is June 1, 2022.

Motion to adjourn was made by Celeste Donovan and seconded by Richard Valcourt. Vote was 4-0 to adjourn.

Member	Approve	Deny	Continue	Abstain
Celeste Donovan	x			
Charles Payne	x			
Richard Valcourt	x			
Bianca Thomas	x			

Meeting adjourned at 7:32 PM.