

CONSERVATION COMMISSION MEETING  
DECEMBER 21, 2005

Members present: Charlie Schmitt, Bonnie Geromini, Jeff Liquori, Phil Grant, and Pat Cote.

Meeting was opened at 7:10 p.m. by Charlie Schmitt.

Minutes of the November meeting were approved as amended.

Bonnie Geromini questioned whether or not the Commission has been notified of work beginning at 412 Main Street. In the Order of Conditions, the Commission was to be notified 24 hours before work began on the septic system so the silt fences could be checked. A new well is also going in but this is within the buffer zone. Charlie Schmitt has not received notification of work beginning on the property. Charlie Schmitt to call Mr. Cafferelli and check on it.

7:18 p.m. Art Booth came in to inform Conservation Commission of proposed repair work on bridge at the VFW. They want to make sure everything is all set before they proceed. RFD will be filled out and the work is not slated to begin until spring of 2006. The bridge will be repaired with the same configuration and location as the previous bridge. The steel for the bridge repair has been ordered and they are looking into increasing the grade of the bridge by 8 inches due to the concrete covering.

7:22 p.m. REQUEST FOR DETERMINATION- HOWLETT HILL ROAD- Mr. Markham proposal is to improve an old logging road and repair bridge so he can log the property in the spring. He would like to put in a culvert or a bridge where the road goes over the brook. Mr. Markham wanted clarification on how far away from the brook he can cut down trees. Charlie Schmitt explained that our by-laws require no cutting of trees within 25 feet of a brook. The brook is a constant flowing brook. Mr. Markham has cut trees down along Howlett Hill Road in order for the Electric Company to put poles up. The Electric Company staked out where the poles were to go and Mr. Markham was told by the Electric Co. to cut 6 feet from each side of the poles. If the poles are within a resource area, the Electric Co. will have to come in to see the Commission. Mr. Markham will need to do a Notice of Intent and the Commission needs more information regarding the road, culverts and dimensions. Pat Cote suggested a bridge would be the better way to go because of the weight of the logging trucks. Meeting to be kept opened pending further information.

Polep-Thresher Road- approval has been given to the property owner to fix bridge damaged by storm in October in order to have access to his home.

7:50 CONTINUATION OF HEARING – NOTICE OF INTENT -TALL PINES- Charlie Schmitt made motion to continue the hearing, second by Bonnie Geromini. Approved.

Pete Levesque from Pioneer Environmental provided information on progress of project. The Planning Board passed the project with the revision of the plan with the change of the access road to Stony Hill Road. Mr. Levesque submitted revised plans marking the change of the access road. They have worked with Mass. Natural Heritage to accommodate their suggestions. They are taking all activity outside the 100 foot buffer zone including the drainage. Under the Wetland Protection Act, they will now be outside Conservation Commission's jurisdiction. The Town's Conservation By-laws regarding the wetland area will not be affected as they will be outside the 100 foot buffer zone.

Charlie Schmitt asked if Mass Natural Heritage will be putting something in writing.

Pete Levesque answered that Mass Natural Heritage has reviewed the new plan and a Conservation Permit will be filed with them. Mr. Levesque expects that the MNH will require them to do mitigation in the area off Allen Street where the trees have been cut.

Mr. Levesque reviewed the plan showing the grades, drainage, wetland and bog.

Bonnie Geromini asked if Natural Heritage was involved. Mr. Levesque stated they are and they feel that the bog is a more sensitive area to protect as it has four-toed salamanders and the worm snakes in it. Preserving this area will protect the forested area and migration routes.

Pat Cote asked if the mitigation has been finalized. Mr. Levesque answered that it has not.

Charles Schmitt asked if they are now modifying their request to the Commission to acknowledge flagging?

Pete Levesque answered they would like Commission to acknowledge flagging and to approve of the plan. Mass. Natural Heritage will require for mitigation, and this is in an area under Conservation jurisdiction. He suggested that these conditions could be put into an Order of Conditions and the Notice of Intent could be closed.

Bonnie Geromini and Pat Cote suggested that the Commission wait until we know what the Natural Heritage's requirements will be.

Mike Cimmini stated that Mass. Natural Heritage has given them permission to begin work in open areas where there will be no cutting of trees. If they receive approval from the Planning Board next week, they in what areas have they been given permission to work?

Mike Cimmini answered, anywhere where they do not have to cut trees. Pete Levesque stated they can use the road coming off Allen Street for construction equipment until March 15, 2006.

Pat Cote asked what would be going in and out of the road?

Pete Levesque answered nothing has been proposed yet.

At the close of the presentation, Charlie Schmitt stated that comments and questions from those in attendance would be limited to the areas of jurisdiction of the Commission.

Frank Watson asked about the road coming in off Greenleaf Drive.

Charlie Schmitt answered the driveway is 100 feet outside the buffer zone and out of Conservation Commission's jurisdiction.

Frank Watson stated they were concerned about the level of pitch of the road.

Charlie Schmitt acknowledged this but stated it was outside the jurisdiction of the Conservation Commission.

Frank Watson inquired as to why a State vehicle was parked at the end of Greenleaf Drive.

Pete Levesque replied an abutter of the project had filed a complaint with the DEP of work being done on the project. Mr. Timothy McKenna from the DEP came out and did a site inspection, delineating the wetland areas and found no work had been done on the site.

Frank Watson stated that he is concerned about the discharge of water and what impact it will have on his property.

James Morini is also concerned with this issue.

Charlie Schmitt answered the Conservation Commission does have concerns but only has jurisdiction if there is a source inside of the buffer area which in this case there seems not to be or if there is a detriment to property by the developers, called an "after the facts" law.

Charlie said we have to wait until something happens before we can do anything.

James Morini is concerned as he would like to sell his property and some of the land will be inaccessible if the land fills with water.

Bonnie Geromini stated because of the certified vernal pool, there is a 100 foot buffer around a vernal pool, they would not be able to build within that buffer area.

Pat Cote asked where is the water drainage going?

Pete Levesque answered it will be going to infiltrators first. This will spread the water all out rather than going into one place.

Phil Grant asked what property along the road and how much encroachment from the 100 foot buffer will there be.

Pete Levesque answered approximately 15 feet. However, they have been given permission to use the pre-existing road only, which is outside the 100 foot buffer.

Phil Grant states the Commission interests are the mitigation within the crescent shape of property along the road and the Natural Heritage issue.

Pat Cote states the Commission needs to be working with Mass. Natural Heritage and needs to know what their recommendations are before we approve any plans.  
Bonnie Geromini asked if Natural Heritage has been on the property.  
Pete Levesque answered no. They very seldom go on site. They had to hire a biologist the Mass. Natural Heritage recognizes and respects.  
Charlie Schmitt states the Commission needs to have information from Mass. Natural Heritage.  
Pete Levesque said they will work on a mitigation and wetland delineation plan and submit it to the Conservation Commission at the next meeting.  
Pat Cote stated she has concerns with the migration routes of the endangered species and the runoff.  
Charlie Schmitt answered it outside our jurisdiction and we cannot do anything about it.  
Pete Levesque stated that no endangered species were found on this piece of property and the only species were found on the other side of Allen Street and on Stony Hill Road. They are calling this piece of property a potential habitat.  
Pat Cote asked if the old road was delineated from the new?  
Pete Levesque provided letter from the Mass. Natural Heritage giving permission to use dirt road off Allen Street until March 15<sup>th</sup>. Charlie Schmitt read letter to those present.  
Pete Levesque stated they would refresh the delineation markers for the 100-foot buffer zone.  
Bonnie Geromini suggested the Commission go out and check the delineation and make sure of the 100 foot buffer zone along the road. She also suggested staking the 100 foot buffer of vernal pool and bog.  
Pete Levesque suggested this be done when activity begins in these areas.  
Pete Levesque will take the 100 foot buffer zone associated with the bog, show the slice where the cutting has occurred and bring back a mitigation plan for that area.  
Charlie Schmitt made motion to continue hearing until the next regular meeting, Jan. 18, 2006.  
Bonnie Geromini second the motion. All approved.

Persauds- South Ridge Road- A letter will be written by Charlie Schmitt explaining what the Commission's intentions are and that they are expected to execute the conditions of the letter sent. They will be asked to come in on Wednesday, Jan. 4, 2006 and no activity is to take place on site until they have met with the Commission.

Smart Growth- Pat Cote is the Conservation Committee's representative to this committee. Pat reported the committee has met. The Pioneer Valley Planning Commission has outlined the areas the committee will be working on. There is a small amount of monies available to work on things such as improving zoning by-laws, open space cluster zoning, etc. One of the areas the Committee has been asked to work on is to develop a by-law and policy package to enhance agriculture land. This work will help to get points so that when grants are available the Town will be higher on the list. These things are part of the State of Massachusetts Smart Growth Tool Kit. These are techniques the State wants the Committee to look at. The Planning Board and Selectmen have already taken a look at what areas they think would be appropriate to look at and worked on. Bonnie Geromini suggested the Committee take a look at the Open Space plan that has recently been redone.

Conservation Budget- Advisory Board requests all budgets be submitted. Clerk requested to submit budget with an increase to 10 hours a week and monies for the purchase of a computer.

Town Report- request for Town reports has been made. Charlie Schmitt will do this and submit to Selectmen.

Meeting adjourned at 9:30 p.m.

Minutes approved on 1/18/06

Respectfully submitted, Judy Mikkola, Clerk