

CONSERVATION COMMISSION MEETING
JANUARY 18, 2006

Approved 2-15-06

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

Charlie Schmitt opened the meeting at 7:15 p.m.

The minutes of the December meeting were approved.

Mary Kurber from Mass. Audubon Commission appeared before the Commission with concerns regarding the Laughing Brook property. The Commission was aware of the erosion damage done along Glendale Road, but Ms. Kurber addressed additional areas of damage at Laughing Brook caused by the October storm. During the storm, the foot bridges supported by I-beams and set in concrete acted as a dam by catching the debris being carried down the river. The river was diverted and caused damage in the circular parking lot, along the trails and in the vicinity of the former education building. Ms. Kurber presented a map depicting the trails and placement of the foot bridges. She also provided a brief description of the correction Mass. Audubon wishes to make. Phil Grant suggested that the commission do a site visit to assess damages before any decisions on corrections are made. He also stated a determination could possibly be done at the time of the site visit on certain things such as the bridge where the wood has piled up as this could act as a dam in future storms and a lot of the work should be done expeditiously.

Bonnie Geromini stated some of the work might require a Notice of Intent due to its proximity to the brook and Charlie Schmitt suggested work such as ordinary repair might not need a Request for Determination or a Notice of Intent.

Phil Grant suggested that a determination could be done at the time of the site visit on certain things such as the bridge that has firewood piled up behind it that will act as a dam in future storms. He stated that a lot of the work should be done expeditiously to avoid further problems.

Bonnie Geromini stated that some of the work might require a Notice of Intent because of the proximity to the brook and Charlie Schmitt suggested work such as ordinary repair might not need a Request for Determination or a Notice of Intent.

Phil Grant suggested that the repair be broken down into segments, as all the repairs would not need the same kind of filing.

Charlie Schmitt said a decision as to the kind of filings to be done will be made after the site visit is completed. A site visit was planned for Saturday, January 21, 2006 at 9:30 am.

7:30 pm – Persauds- South Ridge Road – Charlie apologized for the incorrect date of letter sent requesting the Persauds to attend meeting. He provided a brief overview of the concerns the Conservation Commission has regarding the property.

Mr. Persaud read a letter to the Conservation Commission in response to the concerns. They have incurred unanticipated financial hardship as a result of major delays caused by unpredictable and destructive weather conditions. The unforeseeable conditions resulted in land erosion and many delays in the construction process. It was their understanding that the Order of Conditions had been upheld. They stated an excess of runoff from the road is entering their property. The road has very flat curbing, which allows water to flow across rather than draining along the street into the drainage system. The drainage system is also clogged with dirt due to the excavation and tree removal from the new construction site across the street. After the grading and tree removal took place, they experienced a tremendous amount of water coming from under the street into an area in the front yard. They have addressed the issue by installing a curtain drain where the excess runoff was gathering.

Charlie Schmitt stated he is sympathetic to their concerns but the Order of Conditions was noted before the October storm and some things that needed to be completed were quite specific such as grading.

Phil Grant suggests the Persauds look at the original Order of Conditions and comply with those requirements such as the grades, Geo netting, and maintaining the silt fencing.

Charlie Schmitt stated they have to talk to the Commission before doing any work within 100 feet of a wetland, such as the curtain drain they put in. This is a violation. Charlie also said this is an extremely

marginal lot and that dirt has piled up to the top of hay bales and erosion was not only noted in the front of the lot but also in the back. They needed to have the Conditions done in a timely manner.

Mr. Persaud stated they have tried but the contractor did not come back to do the work and they have since hired a new contractor.

Charlie Schmitt stated they should have called and said they were having a problem and were working on getting things completed. Charlie acknowledged the damage done to the curb but said his conversations with Dana Pixley were such that the construction machinery working on their lot had caused a lot of the damage. Charlie also said their experiencing significant flow from up above without destabilizing of the whole cul de sac is questionable.

Mrs. Peraud asked about the water causing the large sinkhole on their property.

Charlie Schmitt answered that it may be coming from high up above the slope but the quality of the fill they have on the property is suspect.

Mr. Persaud stated that in October there were three trailer trucks and some 200 square cubic yard trucks across the street hauling logs and wood chips away from the property.

Charlie Schmitt answered he was aware of the cutting and they had been given permission to do the work from the Woodland Cutting program which is outside the Conservation Commissions jurisdiction. Charlie also stated it is difficult to document the movement of water under the road without seeing destabilization of the road itself.

Charlie Schmitt stated the Commission has to protect the resource area and asked what the schedule is for completing the site work?

The Persauds stated they have tried to do work but the wet weather and muddy conditions have hindered them. They have finally been able to establish a stable path enabling a septic system to be installed.

Charlie Schmitt explained the major priority is silt infiltration and the reconstitution of the silt fence. In order to gauge what damage has been done it is necessary to clean up and reconstitute these priorities. Phil Grant asked if they had considered terracing the property and suggested it probably will be what they will have to do.

The Persauds stated they had but that it was costly.

Charlie Schmitt stated the Commission would like to be as cooperative as possible but there is a question if the configuration of the driveway and placement of the house with respect to the information provided to the Commission? Charlie also stated the area is very tight down there, much tighter than the Commission was aware of and suggested they put boulders on the sides of the driveway in order to stabilize it. They need to submit a schedule with details as to what they propose to do and some progress needs to be made.

Phil Grant states it is a big project with a lot of sensitivities and they would be well served to keep an open line of communication with the Commission and the members of the Commission were available to assist them.

Charlie Schmitt stated this is a serious plan. If it is more proximate than noted, than it would be a steep slop and Geo-web alone might not be able to hold the driveway. He suggested again they need to look at using the boulders or the other alternative would be the Conservation Commission will have to hire someone to go out and survey the location of the house, where the borders are and charge them for the service. This might cause more conditions to be put into place.

Pete Levesque states the plan is to stabilize the driveway and left side with rip rap.

Charlie Schmitt stated that the characteristics of the fill looked poor and holding it by itself would seem difficult and it will depend on how big and jiggered the rip rap is, and what kind of an edge the side will have. He also said, if it is more proximate than shown, the Conditions will have to be refreshed, they will need to provide a sketch and schedule on what the plans are and submit them to the Commission. The plans will be monitored closely to ensure compliance.

Discussion followed regarding the curtain drain that has been installed. Charlie Schmitt explained they would need to provide documentation on the curtain drain as anything that happens within 100 feet of a wetland area needs to be monitored.

Charlie Schmitt stated the Commission would probably meet in two weeks and they will be on the schedule for 8:30 p.m.

Mrs. Persaud asked what they could do before the meeting? Charlie suggested they try to excavate the fill that has eroded along the driveway, pull the old hay bales out, throw them away and refresh with new

ones. Charlie also encouraged them to use the boulders along the driveway, as this will hold better than just the hay bales.

The Persauds asked about the runoff from the road coming onto their property after a heavy rain and the possible cause of the sinkhole?

Pat Cote stated there is a drain in front of their house and asked if the water was running past the drain area? Mr. Persaud answered yes it did and he felt much of the runoff is due to the clear cutting of trees across the street and the flat curbing. Bonnie Geromini suggested they contact the Planning Board regarding this issue of clear cutting.

Charlie Schmitt will ask Dana Pixley and a Planning Board member to attend meeting on Feb 1st. to help solve some of the problems. There will be a site visit at the Persauds on Saturday, January 21, 2006 at 9:00 am.

Meeting continued till Feb. 1, 2006.

Discussion followed as to best procedure for applicants wishing to build in Hampden. It was the unanimous of the members that the Conservation Commission should be the first stop. Phil Grant suggested that Mr. Flynn be asked to come in to discuss how best to set up procedures for applicants. Charlie will ask John Flynn to attend our next meeting.

Pat Cote made motion to close meeting, second by Phil Grant. Motion approved unanimously.

8:26 Meeting was reopened. A request from co-owners of the Hampden Country Club for Certificate of Compliance of the Order of Conditions dated in 1989, File #173-69.

The Notice of Intent purpose was to deal with the treatment of surface drainage on Country Club Lane. A site visit will be done on Saturday, January 21st at 8:30 am.

Request for Determination- VFW- Main Street- request is for replacement of bridge damaged by storm. Bridge replacement will be identical to one destroyed by Oct. 2005 flood using original abutments on both sides of river. No plans were submitted with the Request. Pat Cote suggested we should have some kind of note describing their plans. Charlie Schmitt said if the Commission states they are subject to staying off the banks and the water that should be adequate. The conditions for the determination will be:

1. Equipment will not be brought into waterway's banks of either side
2. If kept overnight equipment must be kept 100 feet away from edge of stream

Charlie Schmitt recommends Negative Determination subject to two conditions. Second by Pat Cote. Unanimously approved. Voting yes: Charlie Schmitt, Bonnie Geromini, Pat Cote, Jeff Liquori and Phil Grant. Voting no: None

Shadowoods- Pat Cote inquired on the status of this project. Commission has not had an update since August of 2005 at which time Pete Levesque asked for a continuation.

Bonnie Geromini will call Pete Levesque inquiring about status of project.

Phil Grant made motion to close meeting at 8:42 p.m. Approved unanimously

Respectfully submitted,

Judy Mikkola, Clerk

Minutes approved on 2/15/2006