

**TOWN OF HAMPDEN  
MASSACHUSETTS**

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HAMPDEN  
CONSERVATION COMMISSION  
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**CONSERVATION COMMISSION MEETING- MAY 16, 2007**

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

Charlie Schmitt opened meeting at 7:03 pm.

**Mass. Audubon Society- Order of Conditions**

Jeff Liquori presented the conditions for a vote of the Conservation Commission. Additional conditions to be added are as follows:

1. A sign bearing the DEP File No. 173-0180 will be placed in a visible spot near work area; 2. Conservation Commission to receive 24 hour notice of sediment control installation, to allow for inspection; 3. No crossing of resource areas will be allowed except for the use of bridges, paths and roads, that are already in existence; 4. Machinery will be inspected for any contamination sources or leaks prior to use in resource area and will be repaired or replaced before use; 5. Machinery used during project will not exceed the maximum width of trail system being used; a list of equipment being used on this project will be submitted to the Conservation Commission prior to the projects commencement; 6. Machinery will not be left in resource areas during non-work periods, they should be located outside the 100 foot buffer zone; Machinery employed during this project should not exceed 3 psi ground pressure; 8. Any requirements or suggestions set forth by Mass. Heritage are incorporated as part of this Order of Conditions; 9. Conservation Commission reserves the right to inspect work area during the life of this Order of Conditions.

Charlie Schmitt made motion to accept the Order of Conditions, second by Bonnie Geromini. Motion approved.

VOTING: Yes: Charlie Schmitt, Jeff Liquori, Phil Grant and Bonnie Geromini. No- none

Charlie Schmitt made motion to close Order of Conditions, second by Jeff Liquori. Motion approved.

**Charlie Schmitt** made motion to **approve minutes** from the April 18, 2007 meeting. Jeff Liquori second. Motion approved.

**7:15 pm – Continuation of Notice of Intent Hearing- Lot 4, Mountain Road**

Heather Comee representing David & Pollee Moore reviewed the comments from the DEP. Their comments were: (1 To review the plan to determine whether it is feasible to build a vertical wall at the BVW crossing instead of having a 2 to 1 slope;(2 The Commission may require the submittal of a BVW Replication Checklist be included in plans.

Heather reported the engineers have looked into the possibility of building the vertical wall but the saving of the slope is not great enough to warrant the extra cost and would require guardrails. Charlie Schmitt stated he was against the vertical wall requirement as there is a crossing on the next property that did not have this requirement.

Phil Grant stated upon his site visit he noticed a large patch of "climbing fern or princess pine" in the field and asked if this was something that should be saved? Heather responded she has done some research and has asked Tighe & Bond as well about this plant and the consensus is it is a common plant not subject to special precautions.

Phil Grant inquired if multiple culverts would be used? Heather Comee responded she had checked with Gary Weiner and he did not feel two culverts were necessary.

Bonnie Geromini suggested the Commission request a replication bond. The Moore's were in agreement to this. Heather Comee to obtain costs of replication. Mr. Moore inquired as to how long the bond would be held? Bonnie Geromini responded they have two years after all work is completed and replication is in place. They should then request a Certificate of Compliance.

Charlie Schmitt made motion to close the hearing. Bonnie Geromini second. Motion approved.  
VOTING: Yes- Charlie Schmitt, Bonnie Geromini, Phil Grant and Jeff Liquori. No- none

Mr. Moore inquired as to when work could begin. Bonnie Geromini stated the Commission has 21 days to issue the Order of Conditions once bond is received and 10 days for appeal once the Orders are received.

#### **7:45 pm- RFD- Schoolcraft, 57 Scantic Road-**

Allen Schoolcraft reviewed his plans for a proposed expansion of their kitchen by removing the deck and building an addition in that area. The addition will not exceed the size of the deck.

Charlie Schmitt explained to Mr. Schoolcraft the Commission usually requires the wetlands to be delineated on the plan; however, due to the previous degrading of the area, the information received is adequate. A site visit will be conducted on Sunday, May 20<sup>th</sup> at 8:30 pm. Meeting continued until June 20

#### **8:15 pm –RFD- Goldberg, 650 Main Street-**

Charlie Schmitt has spoken with Mr. McKenna, DEP regarding the proposed repair work on river bank. Mr. McKenna stated he did not have a problem with work to be done by Mr. Goldberg. Charlie Schmitt made motion for negative determination with the following conditions: (1) No excavation to be part of the work; (2) He abides by pledge to use only a winch or hoist; (3) No machinery in the river.

Jeff Liquori second. Motion approved.

VOTING: Yes: Charlie Schmitt, Jeff Liquori, Bonnie Geromini, and Phil Grant. No: none

A hold will be placed on the proposal for removal of tree along the bank until a site visit can be done. Site visit to be done on Sunday, May 20<sup>th</sup> at 8:45 am.

#### **PEPIN- South Road- RFD, continued**

Plans and comments from Natural Heritage were reviewed. Site visit to view wetland delineations, house, septic and well placements scheduled for Sunday, May 20th at 9:30 am.

#### **Clerical hours and expenses were approved.**

#### **Russ Morton, Genevieve Dr.**

Charlie Schmitt stated that before Jeff Liquori recused himself, he wanted to clarify the issue of whether or not permission had been granted to Mr. Morton to remove trees along the river bank during a site visit to Mr. Stan Witkop's property. Mr. Morton stated he had been given permission to remove the trees during this site visit to Mr. Witkop. Mr. Schmitt and Mr. Liquori stated they have no recollection of granting permission to take down trees and never would have given one without going over to see the property.

**8:35 Russ Morton, representing Eric Weichselbaumer, River Park Drive**

Jeff Liquori recused himself from meeting.

Several complaints regarding dumping and the relocation of a green house formerly on Mr. Morton's property being constructed on River Park Drive property. Mr. Morton spoke for Mr. Weichselbaumer and stated they wish to use the land for agricultural purposes.

Charlie Schmitt stated former owners have stated they used the property for agricultural purposes and Mr. Morton has used it as agricultural within a year of purchasing the property. Charlie also stated that they need approval for areas within 100 feet of wetland which have not been used for agricultural and except for passage cannot be used.

Phil Grant asked Mr. Morton if the greenhouse can be put in the field? Mr. Morton responded the greenhouse was to store equipment and it could be moved to the field.

Charlie Schmitt explained this would be the easiest way to solve the problem as the greenhouse cannot be placed where it is now without a Notice of Intent being filed.

Mr. Morton said he would move it within the week. Mr. Morton also stated he would like to see complaints to be made public rather than anonymous. Phil Grant stated he has questioned this in the past but it is in the wetland by-laws that complaints remain anonymous.

**Russ Morton, Genevieve Dr.**

Complaints have been received regarding dumping of fill in an area within the buffer zone of the river. Charlie Schmitt reviewed file and zoning violations of the past on this property. Russ Morton explained where the fill was dumped and stated nothing has been dumped in the flood plain area.

Charlie stated elevations were done in 1997 and he would like to see benchmarks. There is suppose to be 3' grade level concrete lolly columns and 5 permanent markers. Mr. Morton stated some of the concrete lolly columns have been knocked down. Mr. Schmitt also stated that in the past Order of Conditions required the area to be stabilized and flood plain laws require no activity allowed within the flood plain area.

Mr. Morton said his intention is not to till all the time but to perhaps have wildflowers in that area. Site visit to be done on Sunday, May 20<sup>th</sup>. Mr. Morton requested Bonnie Geromini not be on site visit. Charlie Schmitt stated that Mr. Morton had the right to request Bonnie not be present at site visit.

Mr. Morton stated there were many families in Town having gardens in areas near streams, wetlands, etc. and asked if this rule will apply to them as well? Charlie Schmitt responded if the area was always a lawn then it can stay a lawn but it cannot be altered. Charlie said they would take pictures during the site visit so there will not be questions in the future.

Mr. Morton also stated that according to Eddie Caldon, the Geromini's filled in a vernal pool on the property while building their house. Bonnie Geromini stated there never was a pond on property. Mr. Morton said there was and that he had taken pictures of it. Bonnie Geromini asked when he took the pictures and Mr. Morton responded he came on property and took them. Bonnie Geromini asked, "You came onto my property without permission?" Mr. Morton, replied, "Yes".

Decision on Genevieve Drive complaint will be delayed until site visit is completed.

Meeting adjourned at 9:30 am.

Respectfully submitted,

Judith Mikkola  
Clerk

Minutes approved on June 20, 2007

