

**TOWN OF HAMPDEN
MASSACHUSETTS**



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HAMPDEN
CONSERVATION COMMISSION
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Minutes approved 10/17/07

**HAMPDEN CONSERVATION COMMISSION MEETING
SEPTEMBER 19, 2007**

Present: Charlie Schmitt, Phil Grant, Bonnie Geromini, Pat Cote, & Jeff Liquori

Meeting was opened at 7:03 by Charlie Schmitt.

7:15 pm- Selectmen had requested a meeting regarding Fernwood Drive to discuss possible clearance of obstructions in the drainage system. However, a copy of the Tighe & Bond report to Highway Superintendent, Dana Pixley regarding this issue was received prior to meeting and reviewed by Commission members. The report does not mention any drainage impediment other than the minimal slope of wetland topography. There is also the matter of the submission of many applications in order to do the work, the success of negotiating the permit to at least four separate agencies and the costs related to them. A letter has been sent to the Selectmen with these comments.

7:30 pm- Jeff O'Connor, 73 Bennett Road – Request for Determination

A site visit was conducted by Commission members on September 15th. A motion was made by Charlie Schmitt for a Negative Determination on property that has been previously degraded with the following conditions: (1) Silt fence to be installed; (2) construction equipment to access property from the rear of the property as proposed by the applicant. Motion second by Phil Grant. Motion approved. **VOTING: Yes-** Charlie Schmitt, Phil Grant, Bonnie Geromini, Pat Cote, and Jeff Liquori. **NO:** none

7:45 pm Crestwood Drive, James Belmer- Discussion and history of the complaints that had been referred to Mark Stinson of the Department of Environmental Protection was held. Past and present photos of the area were reviewed. A site visit will be done on September 25, 2007 at 5:00 pm. Clerk to call Mr. Belmer and notify him of complaint and possible wetland violation and to cease and desist any further activity on property and to advise of site visit.

Russ Morton- Genevieve Drive- Charlie has spoken with Mr. Morton's attorney Karen Jackson regarding the current enforcement order. Mr. Morton has not responded to conditions of the Enforcement Order dated, 7/23/07. Charlie suggested that a meeting between Town Counsel, a representative from the DEP and Conservation Commission members be set to discuss and resolve the issues. Clerk to call Mark Stinson, DEP to report that we have not received a response from Mr. Morton, and to inquire if DEP has looked at the Enforcement Order, if they have received a response from Natural Heritage and what his availability would be for a meeting.

8:00 pm Notice of Intent - 42 North Monson Road- Lomascola File # 173-0182

Heather Comee, Pioneer Environmental presented a revised plan for the restoration area. Revised plan was prepared to address recommendation from Natural Heritage. Revised plan revisions include reconfiguration of the restoration area, elimination of the majority of proposed new work and depicting the on-site stream as intermittent instead of perennial and thereby eliminating Riverfront Area from the site. No agricultural work is being proposed. Mr. Lomascola would like to erect a barn which would be in a small part of the buffer zone.

Natural Heritage has requested that the restoration areas be maintained as an "old field" through a single cutting once every three-four years for protection of the wood turtle.

Pat Cote questioned the impact of the earthen berm on the hydrology of the wetlands and river? Heather answered that Natural Heritage suggested using another mechanism which would allow water to pass through the berm.

Mr. Lomascola has suggested using boulders as a demarcation of the accepted reduced wetland and buffer zone line.

Bonnie Geromini asked who would monitor the area. Heather replied monitoring would only need to be for a couple of weeks to see if seed mix has germinated and would be done by Pioneer Environmental.

Phil Grant suggested that the mowing of the meadow be included in the plans.

Mr. Jack Matthews, an abutter to the property, questioned why the stream has been termed intermittent?

Heather Comee explained that a stream shown as perennial on the current USGS map is perennial unless there is documented field observation that the stream is not flowing. The USGS map depicts the stream on-site as having a perennial flow, but photos proposing the stream is intermittent because it was observed and photographed dry on four non-drought days. Mr. Matthews suggested that the stream was perennial as it has always had year round water in it. Mr. Matthews also wanted assurances that hazardous materials would not be going into the stream. Mr. Lomascola reported that the DEP found no liability with hazardous materials in the area. Charlie Schmitt stated the Commission would check with the DEP and Mr. McKenna. Phil Grant stated that he wanted it on the record that the river was bone dry upon the site visit of September 25th.

Hearing to be continued until October 17th until a further response is received from Natural Heritage and further clarification of the stream is obtained.

8:30 pm Notice of Intent- Lori Beth Sterling, Chapin Road, File # 173-0183

Heather Comee presented proposal for construction of a single-family home and improvements to an existing driveway with no resource areas to be altered. The Commission's jurisdiction is for the improvement of an existing gravel driveway and lawn area within the 100-foot buffer zone of a Bordering Vegetated Wetland. Driveway will consist of pavement at house location and with the turnoff from Chapin road being paved about 25 feet and then gravel. Improvements to the existing driveway include top dressing it with gravel and installing a 12-inch ADS pipe.

Bonnie Geromini stated that in their NOI, they would not be opposed to moving the driveway to keep within the 25' buffer. Bonnie stated she would be more comfortable if driveway was moved so that it would be more consistent with Hampden by-laws. Heather Comee replied they would like to utilize the existing driveway and not disturb the down gradient undeveloped land.

Pat Cote asked if driveway would be widened to make it accessible for fire trucks and other emergency vehicles? Heather Comee replied the plans have been done and submitted. Pat asked to see them at the site visit.

Charlie Schmitt made motion to close hearing. Second by Bonnie Geromini. Vote on NOI to take place at site visit on September 25th at 4:30 pm.

9:00 pm Continuation of Request for Determination- Frangie, 38 Thresher Road

Heather Comee asked for a continuance of the Public Meeting until the October 19th meeting. She reported that a revised plan has been submitted to Natural Heritage. Meeting to be continued until response from Natural Heritage is received.

Kibbe Lane- Ed Speight - Request for Extension for Order of Conditions was approved and signed by Commission.

Minutes of the August meeting were read and accepted.
Clerical hours and expenses were approved.

Respectfully submitted, Judith Mikkola, Clerk

