

**TOWN OF HAMPDEN
MASSACHUSETTS**

TOWN HOUSE
625 MAIN STREET
HAMPDEN, MA 01036



HAMPDEN
CONSERVATION COMMISSION
Tel. (413) 595-0004
Fax (413) 566-2010

MINUTES OF THE OCTOBER 17, 2007 MEETING

Present: Charlie Schmitt, Bonnie Germonini, Phil Grant, and Pat Cote

The next meeting of the Conservation Commission will be changed to Wednesday, November 28, 2007 due to the Thanksgiving holiday.

Charlie Schmitt stated that he has spoken to Phil Grant concerning Conflict of Interest laws and abstaining from projects. Phil has asked the Selectmen's office for an explanation from Town Counsel as to the proper procedures.

7:05 pm James Belmer- 26 Crestwood Drive – A Wetland Notice of Noncompliance has been received from Tim McKenna, from the DEP stating there has been clearing of vegetation within 35 feet of Bordering Vegetated Wetlands without first filing a Request for Determination or Notice of Intent. The Noncompliance Notice comments were that the site should be stabilized within 10 days of the date of the issuance of notice to avoid erosion and deposition of silt.

Charlie Schmitt stated that the DEP is pursuing this but Hampden has a 25 foot purview. However based on our site visit the Commission feels it is in your best interest to let DEP keep the lead.

Mr. Belmer has sent a letter dated October 12, 2007 to Mr. McKenna stating the area has been stabilized by placement of a barrier blanket of hay and that he awaits further instruction. Mr. Belmer has received a call from Mr. McKenna stating everything was fine.

Charlie Schmitt stated if further activity was to take place within 100 feet of wetlands, Mr. Belmer would need to file a Notice of Intent with the Conservation Commission. Mr. Belmer stated he only is planning on putting up an electric fence and it will be outside the 100 foot buffer.

7:20 pm – Russ Cable, Extension of Order of Conditions – South Road

Mr. Cable is requesting a three year extension on the Order of Conditions dated 10/27/05. Mr. Cable stated he suffered a stroke about a year ago causing a delay in his plans. After some discussion, Charlie Schmitt stated the Commission would grant him a one year extension.

Charlie Schmitt made a motion to propose a one year extension on the Order of Conditions for work to be done at the base of the driveway. Seconded by Phil Grant. Motion approved.

VOTING: Yes- Charlie Schmitt, Phil Grant, and Bonnie Geromini. Abstention: Pat Cote

Clerk to notify Mr. Cable as to how many extensions he can have as he has a great deal of money invested. All of the work has been completed except for the first 15 to 20 feet of improvements to the driveway. Charlie explained to Mr. Cable the Commission would take this matter up at the next meeting and review the Orders more closely as to exactly what compliance restrictions remain. Mr. Cable asked if the bond could be released. A site visit will have to be done to see about the plantings.

7:30 pm –Minnechaug Land Trust – South Road

As a preface to the Request for Determination, Sherry Himmelstein, representing Minnechaug Land Trust presented the plan for the Conservation land on South Road. The property consists of 76 acres which is proposed to be subdivided into two or three lots. The project to be presented tonight consists of a 10 acre parcel, 8 acres to be Restricted Conservation land.

There is a pre-existing home and barn on the other 2 acres which has already been sold. Sherry Himmelstein requested the Commission sign off on the Conservation Restriction for this piece. As the other parcels are sold, the Land Trust will come back to have these parcels Conservation Restrictions signed. A total of 70 acres will be Restricted Conservation land.

Charlie requested a copy of the plans and Sherry Himmelstein will provide us with one.

Charlie stated Conservation Restriction will result in restricting non development of frontage on South Road, protect at least 70% of the property it encompasses for Conservation purposes and will not make any claims on the remaining acreage.

Charlie Schmitt made motion to approve and sign the Conservation Restriction. Seconded by Pat Cote. Motion approved unanimously.

VOTING: Yes: Charlie Schmitt, Pat Cote, Bonnie Geromini, and Phil Grant. No: none

Request for Determination – The request was for the purpose of installing a new gravel driveway, on an old existing farm road. This driveway is to provide access to the remaining property.

The proposed driveway is out of the Conservation Commission's jurisdiction and a motion was made by Bonnie Geromini to issue a Negative Determination on the Request for Determination by Minnechaug Land Trust for the gravel road as it does not impact any resource areas. Seconded by Charlie Schmitt. Motion approved. **VOTING:** Yes: Charlie Schmitt, Pat Cote, Bonnie Geromini and Phil Grant. No: none

7:45 pm Larry Kardynal, 52 Main Street

The Conservation Commission had requested Mr. Kardynal to come in and provide information regarding the new septic system that has been installed at their home. Mr. Kardynal explained they are in the process of selling their home and the leach failed the Title 5 test. Mr. Caparelli prepared the plan and Billy Bond installed the new system.

Phil Grant stated that Mr. Kardynal should have been told by Mr. Caparelli or the Health Agent that a letter was to be sent to the Conservation Commission stating what was to be done.

Charlie Schmitt requests the clerk to notify Mr. Caparelli, Billy Bond and Health Agent that anything within wetland sensitive areas need to be passed by the Conservation Commission. Charlie Schmitt thanked Mr. Kardynal for taking the time to come in and providing the information.

Minutes of the September 19, 2007 minutes were reviewed. Charlie Schmitt made motion to accept minutes with corrections. Motion approved.

Discussion followed as to what software is needed to enable us to have accurate mapping information regarding Natural Heritage and other delineations. Clerk to follow up on this.

8:30 pm – NOI Continuance- Lomascola- 42 North Monson Road

Charlie Schmitt stated the Commission has received communications from Mark Stinson, DEP regarding the determination of a perennial or intermittent stream. Mr. Stinson states a field observation shall be made by a competent source and shall be based upon an observation made a least once per day, over four days in any consecutive 12 month period, during a non-drought period on a stream not significantly affected by drawdown from withdrawals of water supply wells, direct withdrawals, impoundments, or other man-made flow reductions or diversions. Heather Comee, from Pioneer Environmental stated since receiving the information from Mr. Stinson, she has walked the stream on site and performed the field study. She did not observe any significant reason for the stream not to be flowing. Mr. Jack Matthews an abutter, said he has walked the stream for 13 years and it has always had water. Heather Comee has also contacted Mr. Stinson in regard to when the official date for the drought was. Mr. Stinson replied it was October 1, 2007.

Bonnie Geromini stated the stream has had water flowing in it in previous years and that other ponds and streams are dry because of the lack of rain. Bonnie questioned what will happen when there is the normal amount of rain and snow and the stream is flowing again. Heather Comee stated the declaration as an intermittent stream is good only for the length of the Order of Conditions and after that goes back to perennial. Heather explained the regulations also require photos of the area showing the stream dry and photos are only good for that section of the stream and for that specific project.

Bonnie stated her concern that if this is approved and it is perennial than Mr. Lomascola will be within the 100 foot undisturbed buffer zone. Charlie Schmitt stated the Commission would have to grant an infringement into the 100 foot but can still protect it. Heather Comee stated the Commission could include this protection in the Order of Conditions as there is an enforcement order in place and the 100 buffer zone has to be restored.

Charlie inquired as to response from Natural Heritage. Heather reviewed the comments on the revised plan from Natural Heritage. Their comments were: (1) They would like the restoration plan to be altered to maintain the areas as an "old field" through a single cutting once a every three or four years. (2) Reduce the number of trees and shrubs to allow for more of an open canopy. (3) Mowing shall be done only in fall. (4) They would like a different seed mix to include Mass. ecotypes.

Hearing to be continued until next month meeting.

9:00 pm Gino Gianetti- 292 South Road

Mr. & Mrs. Gianetti appeared before the Commission to discuss the mowing of the replication area. The area was cut by Russell Morton as he was cutting the adjoining field owned by Mr. Gregory O'Connor. Following discussion it was decided to request Mr. O'Connor and Mr. Gianetti to come to the next meeting to discuss the replacement of the replication area.

Respectfully submitted,

Judith Mikkola, Clerk

