

**TOWN OF HAMPDEN
MASSACHUSETTS**



TOWN HOUSE
625 MAIN STREET
HAMPDEN, MA 01036

HAMPDEN
CONSERVATION COMMISSION
Tel. (413) 566-2151
Fax (413) 566-3513

Minutes approved on 3/19/08

**CONSERVATION COMMISSION MEETING
FEBRUARY 20, 2008**

Present: Jeff Liquori, Phil Grant, Bonnie Geromini and Pat Cote

6:45 PM An addition to the Hampden Wetland By-laws regulations was proposed by Bonnie Geromini. The proposed addition reads as follows: "Independent Peer Review – In the event the Commission finds it necessary to request more than three reviews on a single filing, the Commission may consider allowing the proponent to apply the initial Town filing fee towards the cost of the independent review. This will be determined on an individual basis." Discussion followed and proposed addition will be brought forward at the next Commission meeting on March 19, 2008 at 6:45 pm.

7:00 PM Meeting opened by Jeff Liquori. Bonnie made motion to nominate Jeff Liquori as Chairman. Second by Pat Cote. Motion approved unanimously.

The minutes of the previous meeting were reviewed. Motion made by Pat Cote to accept minutes with corrections. Second by Bonnie Geromini. Motion approved.

The Conservation Restrictions for the Neil Kibbe property were reviewed and signed.

7:20 PM Request for Determination, Lot 14 South Monson Road

Mr. Joseph Petronino, Environmental Services presented information regarding the 60,019 square feet lot with frontage on South Monson Road. The wetlands are contained on the south end of the property. The request is for determination of delineation of the wetland line. NOI has been sent to Natural Heritage. Site visit to be done on March 1 at 8:20 am. Meeting continued until March 19th at 7:15PM.

7:45 PM Notice of Intent, Lot 15 South Monson Road

Mr. Joseph Petronino, Environmental Services presented information regarding proposed building of a single family home with amenities to be built in the buffer zone of an intermittent flow. Suggestions such as large boulders or hemlocks for delineating the lot lines was discussed. The well and septic system placements and the permanent boundary mark along the 25' buffer need to be included in the plan. Mr. Petronino said this would be ready for the site visit on March 1st. Site visit to be done on March 1. Hearing continued until March 19th at 7:30PM.

8:00PM Notice of Intent, Lot 301 South Monson Road

Hearing moved to 8:00 pm by written agreement of Mr. Joseph Petronino. Mr. Joseph Petronino, Environmental Services presented information regarding proposed building of a single family home with amenities to be built in the buffer of a vegetated wetland. Boundaries, well and septic system design

need to be included in plans. Site visit to be done on March 1. Hearing continued until March 19th at 7:45PM.

8:15PM Request for Determination, 52 Main Street

Mr. Frank Colantoni came before the Commission for the purpose of obtaining approval of cutting down trees in front and side of home. He also would like to do other maintenance on property such as cleaning mote. Following discussion, Bonnie Geromini made motion to issue a positive determination for Frank Colantoni. Second by Phil Grant. Motion approved. **VOTING: Yes- Jeff Liquori, Phil Grant, Bonnie Geromini and Pat Cote.** Mr. Colantoni will submit a Notice of Intent. Meeting closed.

Forest Cutting plan for Hampden Realty Partners, LLC, 128 Wilbraham Road was reviewed.

9:00 PM Lot 0 Ames Road (continuation of NOI)

Wildlife Habitat Evaluation prepared by Baystate Environmental Consultants was distributed by Heather Comee. Heather asked if the Commission was inclined to approve project and if the Order of Conditions could be ready for the next meeting. Bonnie Geromini stated the Commission needs to read and study the evaluation in order to ask questions and then make decisions on Order of Conditions. The Summary of the Evaluation was read and discussed.

Comments prepared by Tighe and Bond regarding the stream flow velocity and abutting wetlands was reviewed.

Pat Cote requested that the plans be stamped by Gary Weiner and also labels for permanent monumentation should be shown on signed plans. Heather Comee said Mr. Weiner will get them to the Commission by Friday.

Everyone to bring in their suggestions for the Order of Conditions to the next meeting. Bonnie Geromini made motion to continue hearing until March 19th at 8:00.

9:25 PM Lot 1 & 2 Glendale Road (continuation of NOI)

Septic plans have not been submitted to Board of Health. If plan is changed from what has been submitted to Commission, they will have to come back to the Commission. Pat Cote asked that the plans be signed. Heather Comee to take care of this.

Pat Cote said she is voting no on this plan for the following reasons and would like them included in the minutes:

I don't believe the disturbance of the stream banks and the BVW would protect the wetlands values sited in 310 CMR 10.54 (4) (a) and 10.55, which are prevention of pollution, protection of wildlife habitat, protection of ground water, prevention of storm damage and flood control. There is an unusually designed septic system that not only runs directly through these areas, requiring deep trenches be dug out to accommodate it, but it is a system that is likely to need maintenance which could cause further disturbance to this area and degradation of the resource areas in the future (clean outs for the system are in the resource areas). Any shifting of soils due to heavy rains, freezing weather and the initial disturbance of the soils and inland stream banks, could further contribute to possible pollution, degradation of ground water and degrading of wildlife habitat in the future, and possible failure of the piping system carrying untreated sewage to the septic system. I don't believe this project meets 310 CMR 10:55 (4) (c) 3. I think it is reasonable to scale down and redesign this new development to avoid this kind of disturbance to both a stream and BVW. Alternatives have not been adequately explored. This is a new development on ledge, with steep slopes and wetlands below the house sites. This is not an improvement of an existing system and is being done by a developer for profit. To not consider alternative and creative designs to develop this challenging site, because they are more costly than a design that could pollute the stream and wetlands is not an acceptable alternative.

But most conclusively this application does not meet Hampden's Bylaw 10.02 1) a) - No one shall remove, dredge, build upon, or alter land within 25 feet of a resource area except in those cases where

the Commission determines that a hardship will occur and subject to those conditions imposed by the Commission to protect the wetland values of this By-Law.

No hardship was ever demonstrated on the part of the applicant. I repeatedly asked for exploration of alternatives in the hearing and was told that no alternatives could be considered because they were too expensive. There is no mandate to put houses on this lot, nor is there a hardship involved. This lot was recently purchased. The owner could see the conditions on the parcel and that it would be difficult to put houses on it, but decided to buy it anyhow and try to develop it for a profit.

Lastly, I have yet to see documented field notes from the Environmental Consultant walking the stream submitted to reclassify the perennial stream to an intermittent stream, and the plans remained unsigned and unstamped. For all of these reasons, I vote no to granting a permit for this project.

The Commission had a question in regards to their being able to issue an Order of Conditions if Mr. Ford owed the Town taxes. The Selectmen have contacted Attorney Martel and his opinion was the Commission could assemble an Order subject to the Treasurer's signature stating that all Ford taxes are current.

Jeff Liquori made motion to close hearing. Phil Grant second. Motion approved.

Bonnie Geromini made motion to issue tentative Order of Conditions based upon septic plan approval is based on current plan and Treasurer has signed that all taxes are current.

Heather Comee granted permission to waive the 21 days for Order to be issued and to meet on March 19th.

Mr. Jeffrey O'Connor did not appear at the meeting as he would be out of town. A letter will be sent to Mr. O'Connor stating it is important he appear at the next meeting as replication must take place as soon as possible.

Meeting closed at 10:03 PM.

Respectfully submitted,

Judith Mikkola, Clerk