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TOWN OF HAMPDEN MASSACHUSETTS



Conservation Commission
Jeffrey Liquori
Judy McKinley Brewer
Patricia Cote
Bonnie Geromini
Philip Grant

CONSERVATION COMMISSION MEETING AUGUST 19, 2009

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

Meeting called to order by Jeff Liquori at 7:00 pm.

NOI AMES ROAD (continued) – Heather Comee from Pioneer Environmental reviewed revised plan submitted to Commission at last meeting. Primarily due to the cost, the applicant has down sized the project purpose to consist of obtaining permits for the construction of two single-family homes along Ames Road in place of the three homes accessed via a shared driveway with three retaining walls and a stream crossing. The revised project does not result in a Bordering Vegetated Wetland alteration and has less overall disturbance and less Riverfront Alteration. Since the project does not result in fill of a BVW it will not require a 40I Water Quality Certification. Subsequent to the issuance of an Order of Conditions, The WQC application that was submitted on April 30, 2008 will be withdrawn.

Along with this plan they have resubmitted photographs taken of the dry stream and supporting information demonstrating that the stream is intermittent.

A site visit has been done to refresh everyone and a septic design has been approved by the Board of Health agent.

Bonnie Geromini asked whether the stream is currently dry. Heather Comee replied it was and that a study to determine whether a stream qualifies as perennial or intermittent has been completed. The study was completed in 2006 when the original NOI was submitted. The intermittent study is valid for three years. The study includes: (1) Reviewing the USGS topographical map and 2005 aerial photographs; (2) Walking the entire stream on-site and documenting whether the stream is flowing via photographs and field notes; (3) Researching the internet to determine if there are public water supply wells within the area; (4) Determining whether the Mass. Drought Management Task Force has designated a drought advisory or more severe condition; (5) Photographing multiple stretches of the stream during a non-drought time period on four (4) separate days; (6) Walking up stream to identify whether there are water withdrawals, impoundments, or other man made reductions or diversions. The stream was observed completely dry with the exception of a few small puddles upstream from MAHWL flag RA16. The dry area is the area that is documental as intermittent, with the area south of RA16 considered perennial.

Since the area downstream of RA16 contained puddles that were mostly connected it was depicted on plans as a perennial stream and therefore contains Riverfront Resource Area. The proposed layout has been designed with no BVW alteration and less impact to the resource areas. No proposed work is within the 100-foot Riparian Zone.

The work proposed within the Riverfront Area consists of grading associated with one of the dwellings and its septic system, however the proposed dwellings are situated outside of the Riverfront Area.

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

Jeff made motion to accept the NOI for Ames Road. Seconded by Phil Grant. Motion approved.

VOTE: YES: Jeff Liquori, Phil Grant. Bonnie Geromin, and Judy McKinley Brewer. Abstained: Pat Cote.

7:30 NOI 52 MAIN STREET, (continued) – Mr. Colantoni presented revised plan dated 08/12/09 showing details of the rip rapping, silt fencing, the underpinning of the wall, plantings, etc. The wall will not be totally repaired. Work will consist of filling in of areas where erosion has taken place. Bonnie Geromini asked Mr.

Colantoni who would be doing the work and if there were any plans and specifications written out for the Commission to review. Mr. Colantoni answered that he was not going to have this work done right away and Billy Bond would be doing the work and only using a bobcat and a dump truck to do what is necessary. Phil Grant suggested to Mr. Colantoni that he have Billy Bond do a schedule of the work to be done, what equipment will be used, how the silt will be dredged and what will be done with the silt afterwards. Mr. Colantoni was told he needs to notify the Conservation Commission 72 hours before work is to begin and the haybales and silt fences are in place so Commission members can inspect them.

Jeff Liquori made motion to close hearing. Judy McKinley Brewer seconded. Motion approved. Jeff Liquori made motion to accept the plan as shown dated Aug. 12, 2009. Phil Grant seconded. Motion approved.

VOTE: Yes- Jeff Liquori, Phil Grant, Pat Cote, Bonnie Geromini and Judy McKinley Brewer.

Order of Conditions will be issued within 21 days with a stipulation that a plan has to be presented and reviewed by the Conservation Commission.

8:00 COMMERCIAL DRIVE NOI APPEAL (cont.)- Phil Grant had a couple questions regarding the appeal filed by Camilla Desmarais. Number one in her appeal states "The purpose of the Conservation Commission as stated on the Town of Hampden web site is to "locally administer the provisions of the Town's Wetland Protection By-laws" Phil stated that the Town web site does not speak for the by-law. The Town By-law Section 1, page 1 has the Hampden Conservation Commission's charter clearly spelled out. The charter was reviewed by the Commission. Phil felt that this is a good plan and would enhance the wetland areas. Phil Grant also questioned Number 2 which states that other surrounding towns have a buffer zone more than twenty five feet. Phil Grant also did not feel that some of the other grounds stated in Ms. Desmarais appeal were ones to deny the NOI. Phil did check several towns by-laws and found they do not include a no disturb zone in their buffer zones. Bonnie Geromini stated that she strongly feels that the 25 foot no disturb zone should be upheld. The Commission has allowed an exception for driveway sections to access upland property but never to build in the 25 foot no disturb zone. Once you open the door there is no going back.

Bonnie Geromini also stated that the Title V septic design has not been approved and the Commission should not vote on the NOI.

Discussion followed as to whether or not the due date for the appeal was within the time limits of 10 days or 10 business days and it was recommended that Hampden consider being in line with the state as being 10 business days.

Jeff Liquori made motion to close the hearing of the Appeal. Motion seconded by Phil Grant. Motion approved. Jeff Liquori made motion to reject the Appeal. Motion seconded by Phil Grant. Motion approved.

VOTE: REJECT APPEAL- Jeff Liquori, Phil Grant, Pat Cote and Judy McKinly Brewer. VOTE: IN FAVOR OF THE APPEAL- Bonnie Geromini.

Minutes of the July 15, 2009 and the Special Meeting on July 27, 2009 were read and accepted.

Meeting adjourned.

Submitted by: Judy Mikkola

