

**TOWN OF HAMPDEN
MASSACHUSETTS**

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Conservation Commission
Bonnie Geromini
Judy McKinley Brewer
Philip Grant
Ted Zebert
Andrew Netherwood
Tim Hanley
Branden Garvey

HAMPDEN CONSERVATION COMMISSION

CONSERVATION COMMISSION MEETING

May 17, 2017

Attendance: Chairman, Bonnie Geromini, and Conservation Board Members Judy McKinley Brewer, Phil Grant, Ted Zebert, Andrew Netherwood and Branden Garvey were in attendance.

Not in attendance: Board member Tim Hanley was not in attendance.

Bonnie Geromini made a motion to open the meeting at 7:00p.m. Phil Grant seconded the motion. All were in favor.

Minutes from the 4/15/17 special meeting were reviewed and accepted with amendments.

New Business:

- Haskins (Carmody Rd.) – Request for Determination of Applicability
Stephen and Suzanne Haskins of 43 Rock A Dundee Rd. appeared before the board regarding the RDA they filed for the two vacant lots they own on Carmody Rd. (known on the Assessor's map as Parcel ID 11-66-0 and 11-56-0). Mr. and Mrs. Haskins had requested a determination from the Commission to let them know if either of the lots could be built on. They explained that they are trying to sell the property and would like to tell interested buyers if they can build on it or not. The Commission reviewed the GIS mapping on the town website and completed a site inspection on 5/11/2017 to look at the property and the resource areas involved.

Bonnie informed Mr. and Mrs. Haskins that due to the regulations of the Wetland Protection Act, the Commission must issue a positive determination. A Notice of Intent would have to be filed by anyone looking to build on the property, which involves hiring an environmental engineer to draw up specific plans for the proposed structure. The notice of Intent and plans must then be submitted to the Conservation commission, the DEP and NHESP. Phil informed the applicants that if they decide to file a Notice of Intent, it's possible the DEP may not let them build there due to the resource areas seen on the mapping. Judy mentioned that there is a possibility the GIS mapping could be wrong and there could possibly be an area somewhere on the property where a structure could be built. However based on the resource areas shown in the mapping, they must issue a positive determination on both lots. Mr. Haskins informed the Commission that in the

past, they had spent the money to have a professional come out and have the wetlands delineated and post flags all over both lots, which combined are 13.89 acres.

Mr. Haskins stated that there was a structure located on the property (Parcel ID 11-66-0) which had burnt down many years ago. He asked if a house could be built in the same location on the existing foundation if it was the same footprint. Bonnie informed him that could not be done due to the Wetland Protection Act which began in 1972. The previous structure had been built prior to 1972, but with the new rules and regulations a house could not be built there unless a Notice of Intent was filed and permission was granted by the Commission, the DEP and NHESP.

Mrs. Haskins informed the board that they are paying higher taxes due to both lots being classified as building lots. She asked the Commission what their recommendation would be if they are unable to sell the vacant land because the lots are not buildable. She stated that people immediately lose interest in purchasing the property once they are told they are unable to build on them. She informed the board that back in 2013, the Board of Assessors had granted them an abatement on these parcels, but feels that they should be changed to unbuildable lots if they are unable to sell them as building lots.

The Commission advised Mr. and Mrs. Haskins to bring the determination to the Assessor's office so that it could be presented to the board at their next meeting to see if anything could be done. Bonnie explained that the only other option would be to hire a professional to come back out to the property to redo the wetland delineations.

Phil made a motion to issue a positive determination on the RDA for Lot #66 (25 Carmody Rd.) and Lot #56 (Carmody Rd.). Ted seconded the motion. The Commission unanimously agreed to issue a positive determination.

- Kibbe Lane (Custom Homes Development Group) – Request for Determination of Applicability Ann Marie Alexander, Esq., representative for Joseph Fusco of Custom Homes Development Group, appeared before the board on behalf of her client. She explained that her clients have already purchased Lots #4, #12 & #20. She stated that they were currently in the process of purchasing Lots #15 & #16 and they are planning to close on them next week.

Bonnie informed her that a site inspection was completed on 5/11/2017. She informed Ms. Alexander that the commission can only make a determination on the properties he already owns today, the other 2 lots will have to be continued until the next meeting after he closes on them. Judy mentioned that during the inspection, they noticed that Lot #4 still had the silt barrier up. The Commission informed Mr. Fusco's attorney to make sure her client takes the barrier down.

The Commission took a few moments to look at the GIS mapping and discussed the location of all 5 lots. Ms. Alexander informed the board that her client is interested in purchasing more lots from Mr. Speight. Bonnie informed her that according to the mapping, it appears that Lots #5, #6, #7 & #8 of the subdivision are affected by the pond.

Judy made a motion to continue the RDA for Lots #15 & #16 to the next meeting, once the applicant owns the property. Phil seconded the motion. The board unanimously voted to continue Lots #15 & #16 to the next meeting.

Judy made a motion to issue a negative determination for Lots #4, #12 & #20. Phil seconded the motion. The board unanimously voted to issue a negative determination on Lots #4, #12 & #20.

Ann & Vincent Murphy (Bennett Rd.) - Request for Determination of Applicability

Phil and Andrew have abstained from this matter.

Ann Murphy appeared before the board regarding the vacant land parcel that she and her husband own on Bennett Rd. Bonnie stated that the Commission had completed a site inspection on the property on 5/16/2017, at which time Branden measured the area where the applicants were hoping to build their house to document the distance between the resource areas. The Commission explained that the distance was less than 200 feet and in order to build in that location, a Notice of Intent would need to be filed. Bonnie explained that their land is under Natural Heritage as well, if they file they would have to file with NHESP as well. Judy informed Mrs. Murphy that that when filing with NHESP they should include really good maps to show exactly where they are planning on building. Judy stated that this was due to NHESP knowing where the house would be located in comparison to the estimated or priority habitat of endangered species. She informed the applicant that both wood turtles and box turtles are considered endangered. There are others endangered species in our area as well that they look for, such as climbing fern.

Bonnie stated that Branden saw some turtles and salamanders on the property during the site visit. The applicant stated that she and her husband have also seen snapping turtles on the property.

Judy informed the applicant that the next step would be to file with NHESP for them to make a determination on the proposed structure. She told Mrs. Murphy that all of the paperwork needed is available online. The applicant asked stated that she and her husband were not rushing into anything and they were just trying to get an idea if that location would be a possibility. She asked the Commission how long the determination was valid for. Bonnie informed her that the determination issued by the Conservation Commission is good for 3 years. If they file the paperwork and are issued a determination through NHESP, that determination would be good for 5 years. Mrs. Murphy told the board that at this point they are still unsure of what they want to do and where they want to build on the property. She explained that at this point they only wanted to have the Commission come out to look at the land and let them know if that area they filed the determination for would be a possibility or not,

Bonnie informed Mrs. Murphy that based on the location they specified, a positive determination must be made. Bonnie made a motion to issue a positive determination for the proposed building area on Bennett Rd. known as Parcel ID #25-42-0. She informed the applicant that a Notice of Intent must be filed if she and her husband want to build a home in that location. She explained they would need to file another RDA (WPA Form #1) through the Conservation Commission if they would like to build in another location on the property. Ted seconded the motion. The board unanimously voted to issue a positive determination.

Joseph Mascaro dba Northeast Auto (203 North Monson Rd.):
Request for Determination of Applicability

Judy and Andrew abstained from discussing this matter.

Joseph and Anna Mascaro appeared before the board along with their attorney Mark Beglane speaking on their behalf. Attorney Beglane informed the board that his clients business has recently moved from Main St. in Hampden to Boston Rd. in Wilbraham. At the prior location, his client was able to store a few used cars to sell each year, however Wilbraham does not allow

the sale of used cars. Mr. Mascaro would like to use the property at 203 North Monson Rd. to store these cars now. He informed the board that this location would be used only to store the vehicles and not to display them. He stated there would only be up to 6 cars at a time and they would be at the property for a short period of time. They have filed the RDA with the Conservation Commission and will be going to the Zoning Board of Appeals requesting a special zoning permit.

Bonnie notified the applicants that the land is protected under NHESP. The applicants stated that the vehicles would only be parked in the small area the Commission looked at during the site visit which is already cleared. Ted asked the applicants how they would prevent any fluid leaking from the vehicles while they were on the property. Attorney Beglane informed the board that they did not anticipate having any fluid leaks as Mr. Mascaro is selling newer model used cars, not older damaged cars. He also mentioned that there is currently a gravel driveway on the property.

The board briefly discussed their site inspection of the property on 5/16/2017. Bonnie informed the applicant that any future buildings would have to stay within the current existing footprint. Anna Mascaro mentioned that the garage will need to be repaired or replaced within the next year. She informed the Commission members that the garage is very long and narrow, stating it was approximately 40 – 50 ft. deep. Bonnie informed the applicant that it was critical for it to stay within the existing footprint as all of the buildings on the property are located within the buffer zone. The applicant was told that if any chemicals were to spill within the buffer zone the DEP would become very involved.

Based on the information received, the applicant's testimony and reviewing what was seen during the site visit, the Commission does not find that the proposed work requires a Notice of Action. Bonnie made a motion to issue a negative determination with the stipulation that any future buildings would have to be the same footprint that currently exists. Phil seconded the motion. The board unanimously voted to issue a negative determination.

Eversource (Proposed Solar Site @ 227 Mill Rd.): Request for Determination of Applicability

Andrew and Branden abstained from discussing this matter.

This RDA had been continued from 5/17/2017, as the applicant was still waiting for a determination letter from NHESP. Steve Wiehe from Weston & Sampson and Mark Kasinskas from Burns & McDonnell appeared before the Commission. Mr. Wiehe presented the determination letter they received from NHESP. Mr. Wiehe informed the board there was a possibility of the project site becoming slightly smaller than the original plans they submitted. He stated the change may be made due to the location of the transmission lines and wanting to have the same right of way down each side. It would take 10 ft. off of the lines for transmission purposes. This would make it 250 ft. smaller down the corridor.

Judy informed Mr. Wiehe that as long as it was within the limit of work that was discussed and approved that would not create a problem. Mr. Wiehe stated that Eversource will be sticking to their proposal and not making any additional changes. The Commission asked Mr. Wiehe when they were going to go in front of the Planning Board. He stated that the public hearing had been rescheduled to 6/7/2017.

Bonnie made a motion to issue a negative determination for the proposed solar site @ 227 Mill Rd. Phil seconded the motion. The board unanimously voted to issue a negative determination.

Bonnie made a second motion to permanently close the hearing for Eversource. Phil seconded the motion.

Gallant (Lot #4 Glendale Rd.): Amendment to Order of Conditions

Mr. Gallant had the new plans for his driveway adding the 2 culverts sent to the Commission for approval. The Commission reviewed the site plan completed by R. Levesque Associates, which was amended on 5/12/2017 to add the 2 culverts to the driveway for drainage. There will be a culvert added to each side of the driveway. The board briefly discussed the size of the culverts, one is 20' x 12" and the other is 36' x 12". The surveyor had gone back to make sure larger ones were not needed. He found these to be sufficient for proper drainage.

Bonnie made a motion to accept the amended plans. Phil seconded the motion. The board voted unanimously to accept the amended plans.

Weinberg (43 Carmody Rd.): Request for Determination of Applicability

The Commission reviewed the site plans received to repair the existing leach field at 43 Carmody Rd. The board determined that nothing would be altered or added to the current septic, they are only proposing to replace the existing footprint. The Board of Health had informed the Commission that this was the 4th time the septic system has failed in the past 16 years. The board agreed that this would be a routine septic repair.

Bonnie made a motion to issue a negative determination for 43 Carmody Rd. Andrew seconded the motion. The board unanimously voted to issue a negative determination.

The meeting was adjourned at approximately 8:55pm.

Respectfully Submitted,
Kelly McCormick
Conservation Clerk