

**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

June 21, 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 5/17/17 Conservation meeting were reviewed and accepted as presented. (Judy made a motion to accept the minutes as presented. Andrew seconded the motion. All members were in favor.)

New Business:

- Will & Joanne D'Angelo (10 Riverside Dr.) – Notice of Intent to extend porch/ deck area and Request for Determination of Applicability for a prefab shed

Will and Joanne D'Angelo of 10 Riverside Dr. appeared before the board regarding the NOI they filed to extend their porch/ deck area. Mr. and Mrs. D'Angelo also filed a RDA for a prefabricated shed on their property. Bonnie informed Mr. & Mrs. D'Angelo that the board is unable to act on the NOI for the porch/ deck area until a determination letter is received from NHESP. Judy informed the applicants that NHESP only has 30 days to respond from the time the paperwork is received. Once our office receives the determination letter from NHESP, the clerk will contact Mr. and Mrs. D'Angelo and get them in quickly for a meeting.

Bonnie stated that the RDA for the shed was filed after the fact and that it is already located on the property. The Commission noticed it when completing a site visit for the porch/deck area. After reviewing the RDA, the board did not have any further questions. Judy made a motion to issue a negative determination, stating that there is no substantial change although it is within the buffer zone. Phil seconded the motion. The board unanimously agreed to issue a negative determination.

Judy informed the applicants that the DEP would almost certainly require that vegetation be planted in the compensatory space to keep it natural. She informed them they could plant something native such as blueberries or shadbush. Judy offered to email the applicants some suggestions. She also informed them that it would be better to do it along the long side, with the main purpose being to restore a piece of land equal to the piece that they are using.

- Hampden Highway Department (#192 - #249 South Rd.) – Discussion of an upcoming project to upgrade the drainage and sub drainage system on South Rd.

Mark Langone appeared before the Commission regarding his plans to install a new drainage and sub drainage system on a portion of South Rd. He informed the board that he plans to begin this project in the summer of 2017 and wanted to discuss it with them to make sure they did not have any questions or concerns before he began. Mr. Langone provided the Commission with some rough drawings he created on GIS for them to look at. He explained that it would be a short catch basin storm drain system, similar to the one they installed on Bennett Rd. He explained that it will start at #192 (Caldon's property) and stop at #249 (Kibbe's driveway). They will install a storm drain berm and new surface. The top part will discharge towards the stream through the existing storm drain systems. The basins will go to the existing culvert under the road and into the stream near their outlet by lot #6. Mr. Langone explained that the 15" steel corrugated pipe takes the runoff from the hill and road, then shoots it off out to the stream. The top part will discharge into the existing storm drain system. The blue lines on the drawing he provided the Commission represents the sub drainage. Mr. Langone informed the Commission that he would like to discuss plans of installing sub drainage to preserve the roadway. There will be a perforated pipe installed under the ground to catch the excess water, a layer of stone, then another 6 inch perforated pipe, followed by more stone. He stated that it stays within the town's right of way.

They will use existing roadway ditches as a starting point. Mr. Langone informed the Commission that he has met with the Board of Selectmen and they would like him to start eliminating some of the roadside ditches as it is a public safety issue. However in doing this, they will not be changing direction of the flow. Andrew asked if it would be considered a town taking or an easement. He mentioned that Mark Stinson from the DEP had once said that any road work would be confined to the town's right of way. The Commission members briefly discussed this topic. Judy asked Mr. Langone if all of the proposed work would fall under the new storm water rules. Mr. Langone asked if she was referring to the MS4 regulations, stating that the MS4 covers catch basins, street sweeping, etc. He informed the board that the proposed new drainage system would be maintained and cleaned out. Phil mentioned that he noticed an issue with drains being added to the road by Michela's property. Mr. Langone informed the board that after catch basins and drainage were installed, the curbing stops coming up South Road. He would like to re-plane the road up to Kibbe's driveway this year and install a culvert under the road to catch water and replace sub drainage that is failing. He is planning to do this next season before the completion of South Road.

Judy asked if the work was close enough to reach the turtle polygon. There was some discussion and the board does not believe the proposed work would interfere with that area. Judy explained to Mr. Langone that the turtles traverse across the open road to mate and then return back to the other side.

Bonnie asked Mr. Langone if he was going to file a RDA. He informed the Commission that his reason for coming in to the meeting to discuss the work was to ask their suggestion on what he needs to do in order to begin the process. After some discussion between the members, they all agreed that it was better to file the RDA paperwork to have the plans for the proposed work on file. Mr. Langone told the board he will submit RDA paperwork to the clerk in the Conservation office quickly to get the process moving. He informed the Commission that he was hoping to begin this work by the end of July.

Following the discussion of South Road, Mr. Langone mentioned that they have come across some areas where the storm drain system will eventually flow into the wetlands and marshes. He explained that over the years, marshes and retention areas can be built up with sediment. There are some areas where they will need to remove some of the sediment to make room for the water to flow out. He told the board that there is a retention pond built up with sediment at the end of Eastbrook Drive. He also mentioned that there are a set of catch basins on Raymond Drive that go under the fence to the Kibbe's property. He stated that if you walk the stream behind it, it fizzles out but is not going far enough to drain that system. Mr. Langone asked the Commission about the clearing of brooks, streams and retention basins. He stated that he was just wondering for the future. After brief discussion, it was agreed that they would have to see if a Notice of Intent would be required or if something is grandfathered into the Wetlands Protection Act. The Commission informed him that if it was a permanent stream it is considered land under water, and he would have to deal with the Army Core of Engineers.

Bonnie informed him that if there was a blockage issue, they could always remove it by hand to get the water to move. She also informed Mr. Langone that in the case of an emergency, such as a road being flooded or a tree is blocking the road they would be able to write an emergency order to have it cleared. Ted mentioned the email received regarding a state grant for culverts that Kelly had passed on to the Commission earlier today. A copy of the grant information was provided to him so that he could look into it if needed.

- Custom Homes Development Group/ Joseph Fusco (Lot #15 and #16 Kibbe Lane) - Request for Determination of Applicability
This matter was continued from the last Conservation meeting as the applicant was in the process of purchasing the properties but had not yet closed on them. The board had informed the applicant that they could not take a vote until he was the legal owner of the property.

After a quick review from the last meeting, the board was ready to vote on the matter. Judy made a motion to issue a negative determination for Lot #15 Kibbe Lane as it is not in an area subject to protection. Phil seconded the motion. The board unanimously agreed to issue a negative determination. Judy made a motion to issue a negative determination for Lot #16 Kibbe Lane as it is not in an area subject to protection. Phil seconded the motion. The board unanimously agreed to issue a negative determination.

- Ed Speight & Company, Inc. – Scantic Meadows (Kibbe Lane Subdivision) – Certificate of Compliance

Tom Speight, the son of owner Ed Speight, appeared before the board on this matter. Mr. Speight requested a Certificate of Compliance for Lots #4, #12, #17, #18, #19, #20 and #21. He also requested an extension on the original Order of Conditions from 2005 that had expired on 2/18/2017. Mr. Speight informed the board that they are planning on paving the roads in the next couple of weeks.

Bonnie informed Mr. Speight that they cannot extend the Order of Conditions because it has expired making it no longer in effect. Mr. Speight informed the board that at the time the Order of Conditions should have been extended, his mother had passed away. Bonnie explained that it is a state law, and because the previous Order of Conditions is no longer valid, they would have to file a new Notice of Intent if they want to continue the project. Phil informed him that the hard part has been done as all of the wetland delineations are the same as they were in the original NOI, They could review the old NOI to get most of the information and not have to do much besides change the dates. Mr. Speight said he could contact the engineer.

Mr. Speight reviewed their plans which consisted of finish paving (applying the top coat) to Kibbe Lane, and the construction of Pine Hill Road and Field Rd. He explained that at this point, the goal is to sell the remaining lots off so that construction of further dwellings can begin. He asked the Commission if they would be able to continue paving the road before a new NOI is done. He explained that they have a legal obligation to the town to have the road paved by July 31st. They are planning to have it on the agenda at the Fall Town Meeting to have the road accepted as a public way. Mr. Speight stated that all of the lots have been approved by the Planning Board and that all actual roadways are outside of jurisdictional areas.

Mr. Speight and the board members discussed the option of not doing the paperwork over for all of the lots. He informed the Commission that his main concern is completing the roads. The board informed him that once the roads were done, he could always sell all of the remaining lots in the subdivision and have someone else file a new Notice of Intent. A RDA could be filed for all of the lots outside of jurisdiction.

Bonnie informed Mr. Speight that a Certificate of Compliance cannot be issued before the work is complete and houses are built. She informed him that they cannot issue a Certificate of Compliance on specific lots, since all of the lots in the entire subdivision were included in the original Notice of Intent. The Commission reviewed the information and discussed what the applicant would need to do in order to complete the work on the roadways.

Bonnie made a motion that an RDA be filed requested that Mr. Speight file a RDA for each street he is planning to work on so the Commission can determine if they are outside of their jurisdiction. Phil seconded the motion. The board unanimously agreed that a RDA be filed for each street to determine if they are within their jurisdiction. Bonnie informed Mr. Speight to attach a decent map with each request.

The meeting was adjourned at approximately 8:55pm.

Respectfully Submitted,
Kelly McCormick
Conservation Clerk