

**TOWN OF HAMPDEN
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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

August 16, 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.

Tighe & Bond Invoices - Bonnie informed the Commission that unpaid invoices had been received from Tighe & Bond for their review of the Notice of Intent filed by Mr. and Mrs. Bongiorno for Lots #2 and #3 Scantic Rd. The Commission had required they be hired as a consultant however the applicants were responsible for payment. Bonnie stated that the state and Town of Hampden bylaws states the owner should be responsible for payment of any consultants. Bonnie had contacted Pete Levesque of Wetland Consultants, Inc. who had been working with the Bongiorno's on this project. He stated that he would contact them regarding the outstanding balance of \$2,500. The clerk emailed copies of the invoices to Pete Levesque.

The Commission briefly discussed ways of preventing this from happening in the future. Judy mentioned having it added as an order in their Order of Conditions that is recorded at the Hampden County Registry of Deeds. Judy stated that if it was included in the Order of Conditions, it would require a Certificate of Compliance form the Commission. It could be included in the orders stating that the consultant fee must be paid prior to any work being started. The Commission agreed that would be a good way of handling that situation in the future.

Update on DEP Enforcement Order for 284 Glendale Rd. – Kelly informed the Commission was informed that Branden went back to take more pictures at 284 Glendale Rd due to a Town Hall employee stating that it appeared more had been cleared on the property. This was after 2 Cease & Desist letters had already been sent by the DEP. Although the entire area by the pond had already been cleared, Branden informed the other members that it appeared to have been cleared more near the barn. More pictures were taken and will be sent to the DEP by the Clerk.

Discussion on 312 Main St. – Bonnie reminded the Commission that she had contacted the DEP regarding 312 Main St. after she saw it had been cleared by the river and advertised as riverfront property. The commission had reviewed photos online showing the area cleared. Bonnie stated that she clearly remembers that it was all vegetated the last time she was there for a site visit in 2012. However the Commission had never been notified of any of this work. Bonnie informed the other members that she has reviewed the paperwork sent by Mark Stinson from the DEP. A letter is going to be written to the current owner informing him that paperwork must be filed with the Commission before any work is done.

Andrew mentioned the idea of bringing a digital camera to all site visits to take pictures and keep them in the file. That way if there is ever a question of someone clearing, the Commission can look back at the pictures in the file to see the extent of what has been done.

New Business:

- Ryan Morton (Lot 8 Parcel 2-A South Rd.) – Discussion regarding the steps that have been taken to correct the problems listed in the violation requirements. They are looking to get approval that everything has been done correctly so they can move forward to get approval for an ANRAD.

Brian Butler appeared before the Board on behalf of Ron Strohosal who was unable to present tonight due to an emergency. Mr. Butler reviewed that the site had been flagged back in October of 2016 and a site visit had been scheduled with the Commission on January 18, 2017. When they arrived, everyone was surprised to see fill and a new culvert in jurisdictional areas. The Commission had issued a violation notice and required the removal of all exogenous fill and removal of the 20” – 24” corrugated culvert. Mr. Butler explained that the process of correcting these issues has taken several months longer than planned due to all the rain, causing it to be too wet to do the work. They have removed all of the materials in the farther side, and a small portion of the area extends into the buffer zone. He stated that it is more of a swale than it is a defined tree bed. Phil has been going to the site regularly to monitor the progress. He explained to the other members that the area had been filled to create a road and the culvert was installed to facilitate the road. The fill and the culvert have now been removed from the area however the flow patten of that area has been blocked from the machinery. Phil stated that the area has been kind of chopped up. The far side, or the uphill grade, seemed to be cut a little deeper than it needed to be. He believes it is a few inches to deep. Phil stated that the other side has been done better, except for the flow and agitation to that area.

Mr. Butler stated that he went to walk the area and find the stream channel. He found that it was saturated but not flowing near the brush. It runs along towards the depression near the manmade pond. Once the area is groomed and the Commission completes a site visit, they are hoping to get approval of the ANRAD that was filed. Phil stated that from his visits to the site, he feels that they are moving in the right direction. Phil offered to go back and walk the site with the applicant to go over exactly what should be done to finish grooming the area. Once that is complete, they can determine the wetland area. Bonnie informed Mr. Butler that the area contains estimated and priority habitat for endangered species. Mr. Butler stated that the applicant will be filing a Request for Determination from NHESP. He stated that he believes most of the habitat is located behind the westerly ditch up the hill which will remain in its current natural state. They do not expect to have conflict with NHESP in regards to the estimated habitat area.

Judy informed Mr. Butler that the Commission will not issue a determination before NHESP responds. Once the applicant submits the request, NHESP has 30 days to issue a determination. Judy explained that the Commission waits to see if NHESP has any additional conditions to make sure the Commission includes them in their decision. NHESP determines the special conditions that should be put in place to protect the endangered species in our area. The Commission enforces NHESP conditions by including them in their determination.

Bonnie made a motion to continue this matter to the next meeting on September 20, 2017. Andrew seconded the motion. The Board unanimously voted in favor of continuing to the next meeting.

- Ed Speight & Company, Inc. (Scantic Meadows/ Kibbe Lane Subdivision) – Request for a Determination of Applicability on the completion of Kibbe Lane, and the Construction of Field Rd. and Pine Hill Rd.

Tom Speight appeared before the Board regarding the 3 RDAs filed for the completion of 3 roads in the Kibbe Lane subdivision: Kibbe Lane, Field Rd. and Pine Hill Rd. Mr. Speight informed the Commission that tonight he is hoping to resolve any questions that the Commission may have. He stated that the structures themselves are outside of the buffer zone.

Mr. Speight informed the Commission that he spoke to Gary Weiner who has been their engineer for years, who stated that the current drainage accommodated for the 100 year storms. Mr. Speight explained that the gooseneck is basically an air vent, not an overflow. So far three of these systems have been constructed on Kibbe Lane and two more will be constructed for Pine Hill Rd. and Field Rd.

Andrew asked Mr. Speight how long it is from the catch basin back to the vent and how much will need to be constructed in length. Mr. Speight responded stating that they are approximately 50 ft. in length. Mr. Speight stated that the road is outside of the buffer zone and the drain pipe will fall right outside of the buffer zone. He informed the Board that they are basically modular units and can be placed all in one longer line or in a short double line. The Commission reviewed the maps and discussed the use of straw bales and wattles at the 100' buffer mark. They informed Mr. Speight that storm drains 1 and 4 require silt barriers.

Bonnie made a motion to issue a negative determination on the 3 RDAs for the completion of Kibbe Lane, and the construction and completion of Pine Hill Rd. and Field Rd. She stated that the area in request is not subject to the area in the buffer zone according to paperwork received from Pete Levesque of Environmental Consultants, Inc. Judy seconded the motion. The Board voted unanimously in favor to issue a negative determination on the 3 RDAs. The Commission reminded Mr. Speight that there are still several lots in the subdivision that require paperwork be filed with Conservation prior to any construction being started.

Bonnie made a second motion to close the meeting on this portion of Scantic Meadows/Kibbe Lane subdivision for the completion of Kibbe Lane, Pine Hill Rd. and Field Rd. Judy seconded the motion. The Board voted unanimously in favor.

The meeting was adjourned at approximately 8:16pm.

Respectfully Submitted,

Kelly McCormick
Conservation Clerk