

Hampden Conservation Commission
October 12, 2004
Regular Meeting

MINUTES

Members present: Richard Gouvan, Mike Gerrard, Bonnie Geromini,
Kim Desmarais, and Phil Grant

Members absent: Assoc. Member Joe Savoie,

7:03pm Meeting called to order.

7:04 Continuation of Kevin Blain (logger) who had performed an illegal cutting through wetlands on Chapin Road. Reviewed letter from Jim Soper/Carmine Angeloni from the Division of Conservation and recreation, discussion of our site visit on Sunday, 10/1/04 and how the site was repaired as ordered and all appeared acceptable. Advised Mr. Blain to be more cognizant of state and town regulations. Motion by Bonnie Geromini to issue a certificate of compliance and to close the hearing at 7:06, motion seconded by Dick Gouvan, all in favor.

7:06 Open hearing for Mr. and Mrs. Santos of 42 Mill Road regarding their Request for Determination (RFD). Site visit to be done prior to our next regular meeting in November, motion by Bonnie Geromini to continue the hearing to November 8th and schedule at 7:15PM (if possible) motion seconded by Dick Gouvan, all in favor 7:15PM.

7:15PM discussions regarding invoices: Tighe and Bond invoice for \$90.00 is actually Russ Morton's responsibility, Mike Gerrard advised T & B and requested for the third time to them that they bill Morton directly.

Chairman Mike Gerrard questions whether or not anyone was interested in attending the upcoming MACC Enforcement Seminar (to be paid for by the Commission). Phil Grant stated that he had absolutely no interest in attending this. Other members have had prior training and this would have been a refresher course to them. Mike Gerrard will be attending as well as possibly Joe Savoie (waiting to hear).

Selectmen Jim was present and presented the board with a \$600.00 invoice for legal services from town counsel David Martel for services pertaining to Enforcement Order on Russ Morton. Motion by Bonnie Geromini to pay the invoice in full out of the revolving account, seconded by Dick Gouvan, all in favor.

7:35 Continuation of the Enforcement Order for Phil and Karla Grant for their property on 123 South Road. Phil Grant was still seated at the boards table as prior and failed to recuse himself from the board. Chairman Mike Gerrard recommended to Phil that he recuse himself immediately and to leave his current seat and move to the proponents side of the table prior to discussing the issues. Again, Phil adamantly refused to recuse himself and stated that he didn't need to, wasn't required to, and had no intention to recuse himself. Additional members of the of board advised him of the proper procedure and again he stated he would not recuse himself. Selectmen Jim Smith who witnessed this also advised Phil to recuse himself, to no avail. The board felt it was in the best interest of to table this hearing for now because of Phil's lack of cooperation and refusing to recuse

himself. Motion by Kim Desmarais to table hearing until next meeting in November, seconded by Bonnie Geromini, all in favor (including Phil Grant) **the latter to be verified at the December meeting by all members present at the October meeting.**

7:45 Scantic Grill (Mr. Daniel Burack and Mike Ford) were both present to discuss Enforcement Order. Septic system plans were not submitted to the Conservation Commission for review prior to the start of the work. Work area was within the 200' riverfront area of the Scantic River. Selectmen Jim stated that the Towns bylaws stated that there was no authority on the Conservation Commission's part and that we had no right to issue the order. We explained to Mr. Smith that the board was also responsible to enforce the State wetland laws as well and cited the appropriate sections of CMR 310. Selectmen Jim Smith also stated that the Board of Health/Selectmen did not have to, were not required to and would not provide any prior notice to the Conservation Commission regarding the installation of septic systems, even if they were proposed to be installed in a regulated area. Chair Mike Gerrard then read aloud a letter to the Board of Health/Selectmen stating that these types of construction in a regulated area were under our jurisdiction and needed to be reviewed by us. Also read was a response from Selectmen, Chairman Mark Barba that septic plans would be sent to the Conservation Commission for review. Jim Smith then stated that he would advise ALL septic applicants not to contact the Conservation Commission until 48 hours prior to the start of construction.

After continued discussions with Mr. Burack and Mr. Ford it was determined that the system is currently leaking and Kim Desmarais made a motion to issue an Emergency order of Conditions for the repairs, issue a certificate of compliance for the Enforcement Order (as they did stop work in the regulated area) and close the hearing, Bonnie Geromini seconded, all in favor.

8:30 Continuation of Mr. Russ Cable, Lot 5 South Road, Chair Mike Gerrard recused himself from the hearing and designated Kim Desmarais as acting Chair for this hearing as he is an abutter to the project and left the table during the hearing.
Meeting minutes to be provided by Kim.

8:50 Mike Gerrard resumed the Chair from Kim Desmarais after all discussions regarding Russ cable were done and the hearing closed.

8:55 Review of draft meeting minutes of 10/13/04 meeting, motion by Kim Desmarais to correct the typos as noted and approve, seconded by Bonnie Geromini, All in favor.

Review of draft meeting minutes of 10/04/04 meeting, motion by Dick Gouvan to approve as written, seconded by Bonnie Geromini, All in favor with the exception of Phil Grant (not present at that meeting).

Review of draft meeting minutes of 8/09/04 meeting, motion by Dick Gouvan to approve as written, seconded by Bonnie Geromini, All in favor with the exception of Mike Gerrard (not present at that meeting).

9:29 Motion by Dick Gouvan to close the meeting, seconded by Phil Grant, All in favor.