

Conservation Commission
Regular Meeting
Jan 12, 2004

Minutes

Members Present: Bonnie Geromini, Kim Desmarais, Sheila Thompson, Dick Gouvan, Mike Gerrard, and associate member Joe Savoie.

Guests: Doug Farmer/Wilbraham Hampden Times, Hampden Police Officer, Duane Mosier, Attorney Martel - Hampden Town Counsel.

7:05 pm Meeting called to order.

7:15 Minutes accepted with 2 amendments and typo corrections.

7:20 Russell Morton Hearing – Present: Russell Morton, Pete Levesque, Karen Jackson, attorney for Mr. Morton. Attorney Jackson brought up the matter of the police report which had been made by Mr. Gerrard concerning actions taken by Mr. Morton on Sunday, January 11. At Attorney Jackson’s request, certain newspaper articles concerning the Morton matter, in which Mr. Gerrard was quoted, were placed in the record for the meeting. Attorney Jackson requested that Chairman Gerrard recuse himself from further participation in the Morton matter on the basis that the police report and the newspaper articles showed a prejudice against Mr. Morton on Mr. Gerrard’s part. In response to questions by Mr. Martel, Mr. Gerrard stated that his decision in the Morton matter would be based only on the facts as they were presented at the hearing and that he would vote on the Morton matter only in accordance with the facts found by the Commission and by applying appropriate laws and regulations. Accordingly, Mr. Gerrard declined to recuse himself from the proceedings. In keeping with Attorney Jackson’s request, the Commission agreed to automatically forward to her within 48 hours any documents received by the Commission in the Morton matter. There was discussion, without any final resolution, of the fee to be charged by Tighe and Bond, the Commission’s consultant, which Mr. Morton would be required to pay under Massachusetts law. There was also discussion of Mr. Levesque’s need for a survey, with a surveyor’s stamp, showing benchmarks on the Tighe and Bond 1995 survey. Mr. Levesque explained that Tighe and Bond needed to have benchmark data placed on its 1995 survey so that Mr. Levesque could use this data in preparing his own survey of the area on Mr. Morton’s property from which fill needed to be removed. Mr. Levesque also stated that the Tighe and Bond survey needed to certify the scale which was used for drawing the survey. Finally, Mr. Levesque stated that he needed the topographical data as of June 28, 1995 when Tighe and Bond inspected the premises. There was discussion, without any resolution, concerning the placement of lally columns to mark the wetlands/floodplain boundary. Mr. Morton stated that he was unwilling to have the columns protrude three feet above the surface. Finally, there was discussion concerning the ongoing fines being imposed on Mr. Morton at the rate of \$300 per day. The Commission took the position that the imposition of fines was suspended as of December 8, 2003 assuming that suitable progress was made in resolving the matter. The Commission also took the position that it was not waiving its right to impose fines for the period after December 8, 2003

in the event that the matter was not resolved. Attorney Jackson took the position that, if the matter was not resolved through a satisfactory agreement with Mr. Morton, there would be no fines imposed for the period from December 9, 2003 until the date that the Commission determines that progress in resolving the matter had stopped. Kim Desmaris agreed to contact Tighe and Bond to obtain the survey which Mr. Levesque requested. Mr. Levesque explained that he needed two weeks after receiving the survey to adequately prepare for the next installment of the hearing. On motion made by Dick Gouvan, seconded by Sheila Thompson, the Commission voted unanimously to continue the Morton hearing until February 9, 2004 at 7:15 P. M.

- 8:30 Phil and Karla Grant Enforcement Order. Grants presented letter from neighbors testifying to continuing work over time at South Road site. Demand was made to nullify enforcement order and (grandfather site). Mr. And Mrs. departed the meeting without resolution of the issue. Kim Desmarais, made motion to write letter setting site visit for February 1, 2004. Motion seconded by Mrs. Thompson. Unanimous vote.
- 8:55 Thomas (Gino) Gianetti, continuation of violation for South Road. Bond update via Gary Wiener per fax 1/12/04. Communication with insurance company continuing, resolution expected soon. Motion made by Dick Gouvan to continue to 2/9/04. Seconded by Kim Desmarais. Unanimous vote.
- 8:57 Update for Edward Loiko, South Road. Submitted update on progress via fax. Motion to continue to March meeting, taking weather into consideration made by Sheila Thompson, seconded by Kim Desmarais. Unanimous vote.
- 9:05 Closing of hearing for Bedrock Company lot six Scantic Road. Site visit had been made in April following filing of NOI. Questions never responded too. Natural Heritage presented issues of wild life habitats and restrictions. Never addressed. Al Joyce seeking building permit. Issues of zoning as well as conservation. Letter to be sent to Mr. Joyce regarding above mentioned issues as well as possible zoning violations. Kim motioned to continue to February 9, seconded by Dick Gouvan. Unanimous vote.
- 9:40 Dick Gouvan motioned to adjourn. Seconded by Sheila Thompson. Unanimous approval.

Respectfully submitted:

Sheila Thompson, Co chairman