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TOWN OF HAMPDEN MASSACHUSETTS



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

HAMPDEN CONSERVATION COMMISSION Meeting Minutes August 15, 2018 Town House

Approved: August 28, 2018

Meeting called to order: 8/15/2018 @ 7pm

Members Present: Phil Grant, Ted Zebert, Tim Hanley, Andrew Netherwood and Judy McKinley-Brewer
Members Absent: Bonnie Geromini, Chair
Invited Guests: Gail Lefebvre (River Park Drive), Matt Swensburg, Ryan Nelson (Borrego), Stan Tenerowicz, (Consultant Sweet Bay)
Donald Frydryk & Joseph Dasco, (lot 24 Ridge Rd)

Also Present: Nick Fyntrilakis, Bob Kirchherr, public
Bills/Correspondence:

Agenda Items:

Minutes Review:

7pm Tree on Mill Road – No one present, RDA not submitted. Tim Hanley viewed the trees on Mill road. The tree has to be removed but is located in river front area. There is a small stream that goes under road..
Vote to continue until August 28th meeting, Tim seconded, all in favor 5-0

Minutes Minutes from last meeting – not received yet.

7:15pm Boulder Hill Construction, Lot 24 Ridge Road Stan Tenerowicz, the consultant hired by the Conservation Commission, addressed the builder and the builders' consultant stating he had made comments and had asked that they be passed along. Based on some changes he noted that they must have received them but in return that he has recently only received partial information and there was not enough time given for him to check. There is still information that Stan suggested and needs. Stan agrees with DEP and also stated that flags #3 and 4 are in and the line has expanded, but these have not been checked

Phil stated that the DEP remarks seem confusing and Stan pointed out the Mean Annual High Water line on the most recent plan was taken from the original plan which was pre Rivers Protection Act and that the bordering vegetative wetlands flags on the west side of the lot were missing – Stan feels these flags are the most critical as the intermittent stream is within the BVW. Stan was not made aware of the revised plan until the day before the meeting.

Joe Dasco stated that the well on the plan was already in place and the no work zone had been staked, hence the wetland has grown. He stated his frustration with the process, which he had paid his fees for in 2014 and now feels he has missed the building season. He asked why the consultant had not review the plan.

Phil offered that the initial plan was from 2011 with a different Commission and that the current Commission was sympathetic. He informed Joe that he did not have an updated plan in March and that the Notice of Intent had expired. Judy added that delineation, by law, only lasts three years and that after that it is invalid and has to be redone.

The 2000 sq ft septic is within the Rivers Protection Area, (sketch presented). Placement of the septic, house, well and VBW shown on plan, noting that Title V restrictions were relieved due to the lot being approved prior to the RPA, and well is also already installed. Stan asked is alternatives analysis was looked at and if house was minimized as much as possible – the builder responded positively and Stan recommended that detail be put in writing as well as why the wetlands were defined as they were.

Documentation needed:

1. Clarification of Mean Annual High Water line, flagging updates to include flags #3 and 4
2. Expanded Narrative to include a response to alternatives analysis, i.e. supportive documentation, justification for BVW, MAHW
3. Justification/documentation and maps for bylaw/regulation variances for septic and well
4. Explanation of access to electrical power, (not under stream)
5. Proof of notice to abutters and affidavit of service

Decision – Continue to next regular meeting on September 19th, 2018 at 7:15pm. Documentation of items 1-5 (above), need to be received by Stan at least one week prior to meeting date for his review. Admin will schedule site visit for the week of September 9th, 2018 with Stan, builders' consultant and Conservation Commission members to review changes.

Ted commented that he is still bothered by having the septic system within the 100 and 200 ft wetland boundaries, and that a raised system will flow downhill toward the river. Stan explained that the Title V compliance will satisfy RPA and that with construction on a preexisting lot the restrictions are somewhat relieved. Tim added that he agreed with Ted and has seen standing water in the well area and is concerned that this will cause problems with the dwelling.

Judy moved to continue to next month's meeting based on the five issues being provided to Stan in writing at least a week prior. Phil seconded, all in favor

Nick Fyntrilakis questioned the original determination of the intermittent versus perennial stream how/who defines it? Don answered that a perennial stream would be shown on the USGS map under the WPA and that the one being referred to as intermittent is not shown there, it would also have to have a drainage area of less than .5 square miles. Nick stated that he has seen the intermittent stream on a wetlands GIS and he again asked how it was changed and when it had changed and who had the authority to do so. Judy informed him that there had been three different updates of regulations since the development was designed. Ted also pointed out that access to power is actually a Planning Board issues since utility connects are shown on the plan.

Nick stated that he would like to review the data as an abutter.

7:45 (7:58)pm Gail Lefebvre – 37 River Park Drive: RDA submitted for removal of trees in the riverfront area.

Judy, Tim, Phil, Ted all went on a site visit. The applicant was informed that she has to send a copy of the RDA to NHESP. The preferred method of tree removal would be limbing and lowering each section to the ground rather than taking a bucket truck into the resource area. Judy explained to the homeowner that the NHESP would ask that she walk the area immediately prior to work starting so that any turtles could be temporarily relocated while work was being done and that it would be much better to have the work done in the winter. Tim asked homeowner if she had consulted an arborist and she stated she hadn't. Tim explained that he didn't see any damaged or unhealthy trees. Judy let the homeowner know that 'vista pruning' and general maintenance are allowed. The fifth tree is within the 25ft no disturb zone, so during work on that tree, any part of the tree taken down would have to 'land' outside of the 25' zone and that the stump would have to be left. The vote is within the jurisdiction of the Conservation Commission, discussion whether a negative determination with #2 or #3.

Judy motioned to approve the cutting of the five tree, including and OOC which will designate the 25' no cut zone and the preferred method of cutting to avoid compaction of the soil. Phil seconded the motion, all in favor.

Tim said the logs should be removed.

Homeowner was informed this determination would be good for three years. Question raised if the abutters within 300ft would have to be notified and Ted asked if this would have to be continued - Judy replied yes.

Phil added that they would issue the determination and if contacted by NHESP to contrary that the Commission will contact homeowner.

Negative determination issued.

8pm Borrego Solar: Matt Sweenburg wants the records for the Planning Board hearing next week. He is looking for the Orders of Conditions on logging the forest from the Kane property dated October 2009. He states the plan references a small bridge over the wetlands and logs being taken out via CT.

Borrego Solar: Ryan Nelson RDA for the determination of wetland boundary of the perennial stream on the Potash Hill Lane side BVW with a partial delineation. John Mack walked and showed the intermittent stream at the south side of the property. The area is claimed to be dry, photographs have been submitted, site walk done. Information is needed on how the project will superimpose - Ryan informed the commission that this is for the stream only. They

will submit an NOI for the solar project. Phil stated there is a positive determination for wetlands and the need for an NOI pursuant to such

Judy added that the little bridge was the only access to be used. Now they are presenting new information. Ryan asked if the OOC is still active from eight years ago. He was informed that the NOI has expired and the OOC are no longer valid.

Judy responded that there is not issue with the intermittent stream – Phil asked how it would be redesignated and

Ryan responded that it could be overturned by the Conservation Commission.

Public question in regards to snapping turtles on property and Judy informed them that snapping turtles don't fall un NHESP, only wood and box turtles, climbing fern and a certain mussel do.

Ryan informed the Commission that they have confirmation of no NHESP areas – the Commission asked for a copy of that documentation. Phil informed Ryan that the Commission wants to see the plan. *Phil then went on to motion that based on what they saw delineated as of June 22, 2018, they accept the intermittent stream, all members in favor.* It was asked that there be flagging for the 25' no disturb zone indicated on the plan.

Phil motioned that a positive determination for wetland and resource areas be issued. An NOI will need to be submitted and prepared based on the lower stream due south of the perennial stream be designated as an intermittent stream.

Phil informed Ryan to prepare an NOI based on that and to go to the Planning Board. After that they can come back to Conservation with the NOI and the solar array location.

8:30pm William & Linda Bond: Petitioners asked that this be continued. *Andrew made a motion to continue to the September 19th, 2018 meeting at 7:30pm, Judy seconded, all in favor.*

Todd & Dana-Lee Luzi: Appointment cancelled by applicants.

Phil made a motion to close the meeting at 8:30pm, multiple seconds, all in favor.