

**TOWN OF HAMPDEN  
MASSACHUSETTS**

Town House  
625 Main Street  
Hampden, MA 01036

Phone 413-566-2151 Ext. 110  
[conservation@hampden.org](mailto:conservation@hampden.org)  
Kelly McCormick, Clerk



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

Accepted: 5/30/2018

**HAMPDEN CONSERVATION COMMISSION**

**SPECIAL CONSERVATION MEETING**

**March 29, 2018**

Attendance: Chairman, Bonnie Geromini, and Conservation Board Members, Judy McKinley Brewer, Phil Grant, Ted Zebert, Andrew Netherwood, Tim Hanley and Branden Garvey were in attendance.

Chairman, Bonnie Geromini, opened the special meeting at 7:00 pm.

Acceptance of Minutes:

Minutes from the February 21, 2018 were reviewed. Bonnie made a motion to accept the minutes as amended. Ted seconded the motion. The board voted unanimously in favor of the motion.

Minutes from the March 21, 2017 were reviewed. Judy made a motion to accept the minutes as presented. Andrew seconded the motion. The board voted unanimously in favor of the motion.

New Business:

Rules for Hiring Outside Consultants under General Law, Chapter 44, Section 53G – Bonnie asked the Board to review General Law, Chapter 44, Section 53G regarding the Conservation Commission's authority to hire an outside consultant at the applicant's expense for expert service deemed necessary by the Commission.

Bonnie read General Law Ch. 44 Sec. 53G out loud for the members of the public who were present.

As provided by General Law, Chapter 44, Section 53G, the Hampden Conservation Commission may impose reasonable fees for the employment of outside consultants for specific expert services deemed necessary by the Commission to come to a final decision on an application submitted to the conservation commission pursuant to the requirement of the Wetlands Protection Act (GL, Ch. 131, Sec. 40), Conservation Commission Act (GL, Ch. 40, Sec. 8C) or any other state or municipal statute, bylaw Article or regulation, as they may be amended or enacted from time to time.

Funds received by the Conservation Commission pursuant to these rules shall be deposited with the den Treasurer who shall establish a special account for this purpose. Expenditures from this special account made be made at the direction of the Conservation commission without further appropriation as provided in General Law, Chapter 44, Section 53G. Expenditures from this account shall be made only in connection with the review of a specific project or projects for which a consultant fee has been collected from the applicant.

Specific consultant services may include but are not limited to resource area survey delineation, analysis of resource area values, hydrogeological and drainage analysis, impacts on municipal conservation lands, and environmental or land use law. The consultant shall be chosen by, and report only to, the Commission.

The Conservation Commission shall give written notice to the applicant of the selection of an outside consultant, which notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five (5) days of the date notice is given.

The fee must be received in its entirety prior to the initiation of consulting services. The Commission may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information required additional consultant services. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the request for payment shall be cause for the Commission to determine that the application is administratively incomplete (except in the case of an appeal). The Commission shall state such in a letter to the applicant, copied to the DEP. No additional review or action shall be taken on the permit request until the applicant has paid the requested fee.

The applicant may appeal the selection of the outside consultant to the Hampden Board of Selectmen, who may disqualify the outside consultant selected only on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Board of Selectmen and a copy received by the Conservation Commission, so as to be received within ten (10) days of the date consultant fees were requested by the Conservation Commission. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

Bonnie made a motion to incorporate the use of GL. Ch. 44, Sec. 53G with the Hampden Conservation Commission.

Phil seconded the motion. The board voted unanimously in favor of the motion.

Boulder Hill Construction, LLC (Lot #24 Ridge Rd.) – Notice of Intent for the construction of a single family home on Lot #24 Ridge Rd. Joseph Dasco of Boulder Hill Construction. LLC appeared before the Board on this matter.

Bonnie informed Mr. Dasco that the Commission had received written testimony from Nick Fyntralakis, an abutter who was unable to attend tonight's meeting. Bonnie proceeded to read the letter submitted from Mr. Fyntralakis, which expressed his concerns with the proposed project at Lot #24 Ridge Rd. The Commission had completed a site visit on March 1, 2018. Bonnie informed the applicant that his neighbor had disagreed with the unnamed stream being designated as intermittent in the notice of Intent, when they believe it is a perennial stream. All correspondence received is available on file.

Mr. Dasco reminded the Commission that he had been here before on this same project 5 years ago. His consultant from Sherman & Frydryk was present at that meeting in addition to Mark Stinson from the Mass DEP. Mr. Dasco informed the Board that at that time, it was determined by the state that the stream in question was intermittent. Mr. Dasco stated that the Commission has issued him an Order of Conditions on the same project, but due to getting busy he had not pulled the building permit. He had drilled the hole for the well and was getting ready to pull the building permit when he realized the Order of Conditions had expired on the first Notice of Intent. He came in to the office hoping that the Commission could extend it for another 3 years and was told that he would have to start over again from the beginning and file a new Notice of Intent. Phil informed Mr. Dasco that the Orders are valid for 3 years and he would have had to request an extension before the orders expired. In this case, the Orders were issued 4 years ago and had been expired for approximately 1 year. Mr. Dasco informed the Commission that he has been paying taxes on this property as a building lot. He has also paid to have a new Notice of Intent drafted by the same consultant from Sherman & Frydryk due to a formality and missing the deadline to have Orders amended.

Bonnie stated that the Mass DEP has many concerns with the new Notice of Intent filing. She read the comments received from Mark Stinson at the Mass DEP out loud for the applicant. Mr. Dasco responded to the Board stating that he believes these were the same 3 comments the DEP had made when he filed the original Notice of Intent. He informed the Commission that these remarks were already discussed and that the proposed work in this Notice of Intent is exactly the same as the Commission approved 4 years ago. Judy informed him that does not hold them to their previous decision.

Mr. Dasco asked the Commission to put themselves in his shoes, stating he went through this process extensively when he filed the first time and had made an investment based on that decision. Phil stated that they still need to address the issues brought up by Mass DEP, because even if the Commission approved it, the state could still stop him from doing anything. Phil informed the applicant that he should get this cleared up with his consultant's help and put these issues to rest. The other members stated that they agreed with Phil. The Commission also discussed the question of whether the unnamed stream was intermittent or perennial.

Bob Kirchnor, an abutter to the property, came forward and introduced himself. He informed the Commission that he has issues with this project due to the wetlands on the property. Mr. Kirchnor brought forward a USGS map to show the Commission members, stating that the stream in question is a perennial stream. There is a resource area on the property and Mr. Kirchnor does not believe it has been accurately identified. He stated that the map submitted with the new Notice of Intent looks exactly the same as the map that had been submitted 4 years ago with the original filing. Mr. Kirchnor pointed out that on the map it states that the wetland delineations were completed in December of 2017. He asked how it would be possible to get accurate delineations in the month of December.

Bonnie stated that one of the Commission members, Branden, is an environmental science major. She asked Branden if he could give his opinion on this as he has reviewed the paperwork and has been to the property to complete a site visit. Branden informed the Commission that he agrees with the statement made by the DEP and feels that the applicant should have his consultant provide new wetland delineations, stating that they are likely not the same as before due to environmental changes.

Following some brief discussion, Bonnie informed the applicant that at this point the Commission would like to hire their own outside consultant to complete a peer review and go over everything. Bonnie made a motion that the Hampden Conservation Commission hires an outside consultant as provided in GL, Ch. 44 Sec. 53G. Ted seconded the motion. The Board voted unanimously in favor of the motion.

Bonnie made a motion to continue this matter to the April 18, 2018 meeting. Branden seconded the motion. Bonnie informed the applicant that their clerk will make calls on Monday to get prices on outside consultants for the peer review. Once the Commission chooses the consultant they would like to hire, their clerk will provide him with the information and send him a contract with the estimated cost. A deposit for the full amount will be required along with the signed contract prior to the any work being started by the Commission's consultant.

Greathorse (Golf Course & Farms) – Two Notice of Intents for the proposal to initiate an aquatic management program for the ponds at the Greathorse Golf Course (128 Wilbraham Rd.) and the Greathorse Farms (231 Wilbraham Rd.) Matt Salem of Solitude Lake Management appeared before the Board on this matter.

Before beginning discussion on this matter, Bonnie informed the audience that she will first allow the applicant's representative to do a presentation, followed by questions from the Commission and then the public. The Commission members had completed site visits, a few of the members on 3/22/2018 and the others on 3/27/2018. They had also reviewed the DEP's booklet on Guidance for Aquatic Plant Management in Lakes and Ponds.

Matt Salem came forward and introduced himself as permit coordinator for Solitude Lake Management. He informed the Commission that their business has been around for 30 years and manages lakes and ponds all over New England. He provided the Board with one example, Lake Winnepesaukee in New Hampshire.

Mr. Salem stated that the owner of Greathorse, Guy Antonacci, had contacted their company looking to begin an integrated aquatic management program for 6 ponds located on the Golf Course at 128 Wilbraham Rd. and also 1 pond at the Greathorse Farms at 231 Wilbraham Rd. Mr. Salem had contacted the Conservation office before filing and was told that he should submit 2 Notice of Intents, one for each property. The Commission asked if he would like to begin by discussing the proposal for the ponds at the Golf Course. Mr. Salem explained that 1 pond is on a hill, 1 is on the way to the club house and the others can be seen from Wilbraham Rd. He explained that the ponds range in size from 2/10 of an acre to 1.89 acres. They are all pretty shallow with an average depth of 4 ft.

Mr. Salem informed Commission that they had observed sparse to moderate vegetation growth in the ponds. This is because the light wasn't getting in and the plants were not able to grow due to lack of sunlight. He explained the lack of sunlight was caused from dense microscopic algae growth. Mr. Salem stated that they would like to manage the ponds to control nuisance plant growth and get the dense algae under control. He informed the Commission that they would like to manage the ponds without mechanically harvesting the native nuisance vegetation or dredging, noting that type of disturbance is far greater than the program they would like to go with.

Their plan to manage the nuisance plant growth is by using naturally occurring bacteria which breaks down nutrients in the ponds, using an immersed aeration system. Mr. Salem stated that the combination of these two things will accelerate and increase water circulation. They are planning on utilizing less herbicides and algaecides by performing a nutrient activation treatment. The third element is aluminum, which combines with phosphorous. Mr. Salem explained that phosphorous generates a large amount of algae growth.

They are looking at the long term preventative action so that they are not using excessive amount of herbicides and algaecides. Mr. Salem informed the Commission that all of the herbicides and algaecides being used are registered with the EPA and Mass state registered resources. He noted that the EPA is constantly re-evaluating the applicable data on everything. They are hoping to get this started around

late April or May. The aeration system would be installed early in the process. There will be no digging or trenching to install the aeration systems. Instead, self-weighted rubber hoses are used and the diffuser stations create a bubble of water to create circulation.

Mr. Salem informed the Commission that as a company, Solitude Lake Management faces additional regulations from the Mass DEP office of Watershed Management.

The ponds are not located in a NHESP endangered habitat and all of their contractors are licensed in Massachusetts.

Ted asked where the chemicals would be stored in between applications. Mr. Salem informed him they would not be stored on site. The product would be brought out from their office in central Massachusetts and would be brought back to their office after each application. They would be applied in a low volume pump system via a hand held pump spray backpack. Mr. Salem stated that herbicides cannot be applied in a manner that it inconsistent with the label.

Phil informed Mr. Salem that the Commission has received several concerns from abutters that seem to be consistent with one another. The largest concern has to do with our wells and drinking water. Many of the abutters are worried that some of these chemicals will get into their wells. Phil informed Mr. Salem that the Commission had received written testimonies from a few abutters who are concerned with the proposed work, but were unable to attend tonight's meeting. Phil proceeded to read the written comments that were submitted to the Commission by the following: Donald Davenport, Jack Arute and Michelle Blain, and Judy Waldo and Robert Churchill.

The first item read was an email received from Donald Davenport. In his comments, Mr. Davenport expressed his concerns regarding the protection of the drinking water supply and the possible effects of contamination by pesticides, herbicides and excess phosphates and nitrates. Mr. Davenport stated the importance of insuring public health and safety, noting that there are alternatives used by some of the most famous golf courses that are environmentally responsible and neighbor friendly. Phil read a second email received from Mr. Davenport with a list of questions he asked the Commission to consider. Mr. Davenport also sent additional references for the Commission to review on Environmental Management practices used at other golf courses.

The next item read was written testimony from Jack Arute and Michele Blain, who also had concerns regarding chemical treatments to the ponds and the adverse effects on well water. They also questioned why an equestrian property, such as Greathorse Farm, would not try alternative agricultural treatments instead of using such an aggressive and environmentally hazardous approach. In their testimony, they also mentioned a medical condition and informed the Commission members that the Americans with Disabilities Act have guidelines that are very specific regarding pesticides and chemicals. They asked for a list of the specific chemicals including MSDS sheets. Judy asked Mr. Salem if he could provide the Commission with the MSDS sheets. He stated that he would email them to the clerk. Once received, the clerk will forward the information to Mr. Arute with the MSDS sheets.

The last item read was a handwritten letter with a list of questions from Judy Waldo and Robert Churchill. Attached to the letter were hazardous substance fact sheets from the New Jersey Department of Health and Senior Services for the Commission to review.

After reading each submission out loud, Phil mentioned that the Commission has not been involved in any of the projects at Greathorse. Everything has been handled by the Mass DEP and the Army Core of Engineers. The Commission has made repeated requests for copies of their reports but had not received anything. They have been completely out of the loop. Phil stated that he does not understand why all of

a sudden proposed work at Greathorse is coming back to the Commission. They have had experienced professionals dealing with this, not someone who is unlicensed.

Mr. Salem informed the Commission that Greathorse staff is not licensed to handle the materials used for the application. Everything will be handled by the contractor. All of the chemicals they would possibly use, if required, along with their benefits and detriments are listed in the Notice of Intent. The information listed for each herbicide was pulled word for word from the Department of Environmental Affairs. Tim asked Mr. Salem if the management program was 100% risk free. Mr. Salem replied that there are negligible risks to wildlife and even less to humans.

Mr. Salem informed the Commission and the audience from the public that all products being proposed are approved by the Mass DEP. They all bind with soil and there is no instance of transfer through soils. Mr. Salem reported that there is currently only 1 herbicide used in Massachusetts that transfers through soil, and that is 24D. This chemical will not be used in the ponds on either property and is not listed in the Notice of Intent.

Judy mentioned the possibility of testing the outflow which is just feet from priority habitat. Mr. Salem informed her that he doesn't think it is necessary as they are fast acting and bind with the soils. He explained that if they have to apply any herbicides or algaecides, they do not want any flowing conditions. Their main objective is to manage the algae in the pond. From a business stand point, they do not benefit from a significant rain event. It would waste the product that they're paying for as well as their time to send someone out there to apply it. Judy stated that a lot of the algae have increased by nutrient inflow. She asked if he has talked to the company about minimizing inflow. Mr. Salem informed Judy that he would be open to creating a 100' no fertilizer buffer around the ponds.

Bonnie stated that Thornton Burgess Middle School is right across the street from the Greathorse Golf Course. She mentioned that one of the abutters had asked if they had tested the well at the school to be certain that the herbicides are not transferring through the soil into the water supply. Mr. Salem informed the Commission that Solitude Lake Management had tested other locations and found no evidence of this happening. Mr. Salem stated that his company would be on site twice a month. They would have ongoing monitoring reports and submit monthly product reports to the state. They would apply the product in April (at the earliest) through September. The Commission asked if he has evaluated any alternatives to using the chemicals. Mr. Salem informed the Commission that the chemicals are only used if needed and all are currently approved by the state.

Bonnie informed Mr. Salem that she knows his company has tested wells in other areas, but she would like to have the well at Thornton Burgess Middle School to be tested prior to any chemicals being applied in the ponds and then tested the water again after a certain amount of time. Mr. Salem stated that he thinks her request is reasonable and that the Commission could add that requirement in the Order of Conditions. Bonnie informed everyone that she would like to have a baseline before they start doing this for the school and other abutters. Phil stated that concerns regarding the well and ground water was at the top of the list of all the comments they received.

Barbara Minor introduced herself as an abutter on Oak Knoll Dr. and informed the Commission that her main concern is their well water. She stated that in the Notice of Intent, it says they are planning to use Diaquot as one of the chemicals. Mrs. Minor informed the Commission that she has looked into this product and there are a lot of side effects. Mr. Salem stated it would only be harmful if you consume enough of an active ingredient. The amount they would be using is magnitudes lower than the amount the EPA has determined lethal. He explained that Diaquot is highly definitive to soil particles and doesn't transfer through ground water. Mr. Salem stated that in the person applying the product are licensed and trained. Neil Minor stated that he was also concerned that any chemical applied in the pond could be transferred to their well water.

Rita Vail stated that even if only a large amount is lethal, it doesn't mean they want to have the minimum or less than in their water supply. She asked about the well testing at the school that Bonnie mentioned earlier. She asked if the Commission would state what chemicals are found in the sampling. The Commission informed her that they would. Bonnie informed the public that the purpose of the sampling would be to look specifically test for the chemicals listed in the Notice of Intent. They would test before the application and likely pre-test around the end of the summer and they would not want to see any difference.

Phil asked about the geese and if they would be ok if they landed in the treated pond. Mr. Salem replied that they would. Mr. Salem stated that was exactly one of the reasons they wanted to manage this resource. There is historical use of these ponds as this land has been a golf course since the 1950's or early 1960's. He stated that high phosphorous fertilizers are really bad. There is no dissolved oxygen, phosphorous releases off and stimulates algae growth. This can be helped by using the aeration system.

Carol Goodrich from Raymond Dr. asked when they were planning to do the aeration system. Mr. Salem stated as soon as it comes in, noting the aeration is a large part of managing the algae. Judy explained to the abutters that they are planning to use an aeration system that goes under the water and you won't see

Paul Bouchard of Wilbraham Rd. stated that a lot of the ponds are interconnected and they used to all flow into a smaller pond next to the school. Mr. Bouchard informed the Commission that the ponds were pretty clear. He stated that seemed to change when Greathorse decided to turn the 4 ponds into 3. Mr. Bouchard stated that they dug between two of the ponds to make it one and all the silt seemed to make them cloudier. He pointed out that it's been a few years since then and he's finally starting to see frogs and fish again. Mr. Bouchard asked why they were so concerned with clearing up the algae when it is not a swimming hole.

Mr. Salem informed the Commission that Solitude Lake Management was brought in only 6 months ago and have been looking at every management program option available. Mr. Salem stated they are trying to enhance the aquatic habitat, and shift to a more environmentally balanced system. There will be green algae species for the fish to eat. Mr. Bouchard asked if there was a natural way to keep the ponds clean like they used to. He mentioned that they used to use a water spray in that pond and asked if that option could be tried again prior too using any chemicals. Mr. Salem stated that they will not be going straight to using chemicals. Herbicides and algaecides would only be used if needed after evaluating all of the other management options to shift the water chemistry to something more favorable.

Mr. Bouchard asked the Commission if the Mass DEP would be getting reports regarding the types and amounts of herbicides used. Mr. Salem stated that the state will be receiving reports regularly. Bonnie stated that she would like the Commission to receive reports as well. Mr. Salem informed the Commission that he could provide them with a detailed year-end report like he does for Mass DEP.

Judy stated that each the Notice of Intents were filed as ecological restoration projects. She explained that this means the filings can only be approved if they enhance one of three things: the water quality, fisheries or wildlife. If the proposed work does not restore one of those three things, they cannot be approved because of the type of project they filed it under.

Barry Goodrich of Raymond Dr. introduced himself as an abutter to the property. Mr. Goodrich stated that everyone in town has a well and the well pipes get coated with iron inside and out. Carole Goodrich asked if the herbicides could hurt the deer. She informed the Commission that she sees about a dozen deer each day. Mr. Salem informed her that even if the deer drank directly out of the pond after treatment it would definitely not kill the deer and would have a minimal if any effect on it.

Mr. Salem informed the audience that they are planning to manage the Greathorse Farm Pond similar to the way they are managing the ponds at the golf course. Again they will use aeration, bacterial augmentation and nutrient. Herbicides may also be used if warranted on the invasive wetland species they observed.

Bonnie reported that a few of the Commission members had met the caretaker of the Greathorse Farm when they went to complete the site visit. He had informed the Commission that the pond on that property has a lot of bass in it. Bonnie asked how the chemicals could affect the fish. Mr. Salem informed her that there would still be enough forage for the bass, stating that they are not trying to remove all of the vegetation, just manage it. He reported that they are trying to enhance the aquatic habitat which would benefit the fish.

Bonnie mentioned Forest Park in Springfield, stating that she remembers when they had treated their ponds which were taken over by lily pads. Once they were treated, all of the frogs died and it took quite some time before she started seeing them there again. Mr. Salem informed her that the Greathorse ponds will have a diverse habitat of forage fish, including bigger fish to eat the smaller fish. He does not believe that anything they have mentioned using would hurt the wildlife. The Commission briefly discussed livestock irrigation restrictions. Mr. Salem stated that there would be no impact with chronic exposure. That was something to be considered if the water being treated is the only water source for the livestock.

Andrew asked about the blue algae in the ponds. He asked if the algae stays if it could actually aerosol itself so you can breathe it in if it. Mr. Salem stated that the algae could aerosol if not treated. Mr. Bouchard stated that before the ponds were being used for irrigation, chemicals would be sprayed into the air. Mr. Salem informed him that the herbicides cannot become aerosolized, but the blue algae can.

Tim asked how the water is managed is decided specifically. Mr. Salem stated that there are no hard and fast ways to manage them. There are many different factors including the time of the year, the vegetation growing in each pond, etc. He informed the Commission that Massachusetts is a highly regulated state. The licensed person from their company would go out each time to evaluate the ponds and will only treat them if they need to be treated. They will not use any herbicides or algacides if they have evaluated the ponds and they do not have to be treated.

After some discussion between the Commission members, Bonnie informed Mr. Salem that they would like to hire an outside consultant to review the filings and also perform the well water sampling. They would like to have the well tested at Thornton Burgess Middle School, as well as a few residential properties. They will require testing prior to any products being applied to the ponds and then re-testing to make sure that none of the chemicals being used are transferring through the soil into the abutters' well water.

Bonnie made a motion that the Hampden Conservation Commission hires an outside consultant as provided in GL, Ch. 44 Sec. 53G. Judy seconded the motion. The Board voted unanimously in favor of the motion.

Bonnie informed Mr. Salem that the applicant will be responsible for the cost of the outside consultant.

The audience was informed by Bonnie that any abutters interested in having their wells tested could contact the Conservation Clerk.

Mrs. Goodrich asked for the specific date of aeration. Judy informed her that more detailed requests can be included in the Order of Conditions. Phil stated that he could also see that being permitted separately and they could also ask them to try using the aeration first.



Bonnie made a motion to continue this matter to the April 18, 2018 meeting. Ted seconded the motion.

The meeting was adjourned at approximately 9:29pm.

Respectfully Submitted,  
Kelly McCormick  
Conservation Clerk