

TOWN OF HAMPDEN MASSACHUSETTS

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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

April 18, 2018

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

Not in Attendance: Member, Branden Garvey
Chairman, Bonnie Geromini, opened the special meeting at 7:00 pm.

Acceptance of Minutes:
Due to the clerk being out sick, there are no minutes to approve.

New Business:

Discussion with Town Accountant –

Bonnie stated that the first matter of business scheduled tonight is a discussion with Cliff Bombard, the Town Accountant, regarding the contract used for hiring outside consultants. The Commission voted to adopt the rules for hiring an outside consultant under General Law, Chapter 44, Section 53G at their meeting on 3/29/2018. Mr. Bombard is not present tonight, but Bonnie has a copy of the contract to pass on to him.

Mount Vision Conservation Restrictions –

With time before the next scheduled agenda item, Judy reviewed the request from the Minnechaug Land Trust to approve Conservation Restrictions for preservation of a property (Parcel ID: -----). She informed the Commission that the town voted to purchase this property in April of 2016 using some CPA money. Subsequent to purchasing the property, the owner passed away. It has gone through two probates, one in Massachusetts and one in Connecticut). Judy explained that when they purchase it, they sign a Conservation Restriction. The town buys the land and the town grants a Conservation Restriction which needs to be held by an outside party. It is usually the Minnechaug Land Trust, but could be any outside party.

The new stated attorney has been going through all of the contracts and re-writing them. He has decided that the Selectmen should sign the Bill of Sale and the Conservation Commission should sign the

Conservation Restriction. This means that the Commission would take a formal vote and then sign off on it. The Conservation Restriction is essentially a contract with the state stating that certain things can and cannot happen on that particular piece of land. By approving this, the Commission would basically be saying that the land is worth the preservation.

Bonnie mentioned that it is really not any different than any other land in town, such as Minnechaug Mountain. Judy informed the Commission that the Conservation Restrictions are always under the management of the Commission the only difference is that the Commission now needs to sign the contract. Andrew asked where this piece of land was located. Judy stated that the land is right at the top of North Rd. as it goes into Wilbraham, right where the pipeline crosses. It backs up to farmland on Mount vision Rd. which a small private road. The upper portion has a right of way that goes out to Burleigh Rd.

Phil stated that he would like to ask Judy the same question he asked Sherry Himmelstein. He asked what enforcement mechanisms the Commission has under the Wetland Protection Act to take any kind of action to enforce any violations to a property that any of these restrictions on them. Judy explained that it's a two- step process; any violations would be referred to the DEP who would then refer to the states attorney. The town owns the land and Minnechaug Land Trust hold the Conservation Restrictions on the property. If the property is sold by the town to a private party, the buyer would purchase it knowing that they cannot do certain things on the property due to the restrictions.

Andrew asked what would happen if the town wanted to put a radio tower or wind turbines on the land. The Commission discussed how the current radio tower is on Walt black's property which is South of this property, but still in the same area. Judy informed the other members that the Conservation Restrictions can stop some things from being done on the property but not all. There is a minimum area that can be disturbed.

Phil expressed his concerns about the Commission getting caught up in something that they have no authority to enforce. Judy stated that was the whole point of the Town giving away the conservation Restrictions. The Commission will co-manage the land with Minnechaug Land Trust however the Land Trust are the ones who do most of that work. Phil asked if that meant the DEP, not the Commission, would not be the ones to issue a Cease and Desist Order if there were a violation to the restrictions. Judy stated that she was not sure due to the recent changes. Phil stated that he does not see how the Commission could issue an enforcement order on anything that is not defined in the Wetland Protection Act. Judy informed him that the Commission's Vision statement also says that the Commission manages Conservation Restrictions on land, not only what is defined in the WPA. It does not specifically have to be a wetland violation for the purpose of protecting town land. Phil stated that he does not believe they have the authority and that it would need to be under the Wetland Protection Act unless a new bylaw is voted at a Town Meeting. Jud stated that this is the way every other community is handling the Conservation Restrictions because this is what the stated attorney is telling them to do. They are doing their contracts exactly the same as the other towns and the only difference for the Commission is that the Commission is signing the Conservation Restrictions instead of the Select Board.

Bonnie asked if the new states attorney could send something in writing stating that the Commission has the authority to watch over and manage land with conservation Restrictions.

The meeting was adjourned at approximately 9:29pm.

Respectfully Submitted,
Kelly McCormick
Conservation Clerk