

TOWN OF HAMPDEN MASSACHUSETTS

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Conservation Commission
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Philip Grant
Ted Zebert
Andrew Netherwood
Tim Hanley
Cindi Connors, Coordinator

HAMPDEN CONSERVATION COMMISSION Public Hearing and Meeting Minutes January 23, 2019 Town House

Approved: March 6, 2019

Meeting called to order: at 7:01pm

Members Present: Bonnie Geromini, Chair, Phil Grant, Judy McKinley-Brewer, Ted Zebert, Andrew Netherwood & Tim Hanley

Members Absent: None

Invited Guests: George Costa, Sammy Anderson, and Theresa Portante

Also Present: Mark Stinson, Melissa Anderson and Nancy R. Zebert

Bills/Correspondence: No bills or correspondence

Agenda Items:

7:00pm General Discussion Andrew gave a brief overview of the Storm Water Committee project. The committee meets the first Thursday of the month and the is looking at what surrounding town are using for programs. The committee may be looking for an intern to train with Mark Langone if they opt for a software program.

Mark Stinson recommended reviewing the Town of Agawam's GIS website. He also informed the commission that he has been receiving an increased amount of ANRAD's (Abbreviated Notice of Resource Area Delineation), for solar farms and he has been recommending to Conservation Commissions that they use out of county/Pioneer Valley resources for peer reviews. He briefly reviewed new versus existing agriculture exemptions letting the commission know that while existing agricultural properties have many, properties new to agriculture have few and that a Farm and Business plan is needed for agricultural properties. He also stated ANRAD's would be necessary for these types of projects if requests were received to lock in boundaries. Solar bylaws, tree cutting, and DEP 17.1 policy discussed. Mark recommended MACC, (Massachusetts Association of Conservation Commissions) for reference to solar in Conservation Commission Wetlands bylaws.

7:15pm PUBLIC HEARING 252 Scantic Road, Accessory Building Bonnie motioned to open the hearing. Judy asked Mr. Anderson if he sold the hay he grew and if he had a commercial operation; Mr. Anderson replied yes to both. Phil informed Mr. Anderson that the commission had met with his engineer on site and recommended that the building be moved east 25ft from where it is currently located. Phil asked if they planned to level it and Mr. Anderson replied they would be. Ted informed him that since it would be on the edge of the wetland with a slight slope, they could be filling the wetland when they built up the entrance which would be a violation. He informed Mr. Anderson that they cannot grade out into the wetland. Mark Stinson added that they can only grade within the footprint of the structure outside of the wetland. Bonnie asked if the building would be within the flood plain and the consultant was not yet in attendance to answer but a relative of Mr. Anderson's did reply that they were not aware. Mark Stinson added that he had sent maps for review. The consultant, George Costa arrived and stated that the applicant wanted to erect a storage building. He reviewed the RDA locating the building adjacent to the wetlands, falling within the buffer zone. Mr. Costa explained his interpretation that according to "Hampden County" (State) regulations he felt that this would be excluded because the bylaws don't apply to land actively devoted to agricultural use and that MA DEP allows for agricultural work within the buffer, referencing 310 CMR 10.04 c. *the construction of farm structures, not including habitable dwellings, provided that the footprint of the farm structure does not exceed 4,000 square feet and no filling of Bordering Land Subject to Flooding occurs beyond the footprint of the building*; Mr. Costa informed the commission

that the building is 4,032 square feet with the majority of the building being outside of the 100ft buffer zone and Bordering Land Subject to Flooding. Mark Stinson read the regulation and pointed out that no filling of the wetlands was allowed. Mr. Costa questioned the intent of the bylaw and state regulation with regard to the square footage inside versus outside of the buffer zone since he feels that only 20% of this proposed building is within the buffer zone.

Judy asked Mr. Costa how he had delineated, and he replied that they had not had a wetlands scientist in the field but had delineated based on aerial images. Ted pointed out that there were no markers or flagging by an environmental engineer and Mr. Costa replied that they had used the online images. He stated that two to three feet of fill will be needed for the ramp.

Phil informed him that it will be easier to move the building and Mark Stinson added that while Mr. Anderson could not build a ramp in a resource area, he could do so in the buffer zone. Mr. Costa was directed to delineate the flood plain and have the boundaries professionally defined. He said he would return with a new drawing showing the flood plain with the building moved. Andrew requested that the elevations of the flood plain be included on the map. It was suggested the Mr. Costa use the FEMA map and add the building to it. *Judy made a motion to continue the public hearing to February 20th at 7:30pm, Phil seconded, all in favor 6-0.* George was instructed to include the flood plain, elevations, building placement, ramp, grading and wetlands on his revised submission.

7:30pm Change Letter for Notice of Intent, BSC Group/MECO Theresa Portante explained that a Genevieve Drive landowner raised concerns over trees being removed and an anchor that was proposed to be installed on his property. The pole alignment was redesigned, and the concerns were brought to the Selectboard. The four elms are no longer being removed, the maple will be limbed but if too much limbing must be done it may jeopardize the health of the tree and it will have to be removed. She added that MECO's forestry had not completed their review. Since the pole will now be placed on town property, there may be a need to go to Town Meeting with proposal, a legal ruling is in process. The previous order has not been recorded. *Bonnie made a motion to continue to February 20th meeting at 7:30pm, Judy seconded, all in favor, 6-0*

7:45pm Request for Certificate of Compliance, BSC Group/MECO Theresa came before the commission with a request for a Certificate of Compliance for the project located at 159 North Monson Road. New poles were installed along driveway, photos of finished project from all directions were provided. *Bonnie made a motion to issue a complete Certificate of Compliance for the DEP # 173-0217 project located at 159 North Monson road, Andrew seconded, all in favor, 6-0.* Mark Stinson asked that a copy of the certificate be emailed to him as well.

General Discussion:

FY2020 Budget Letter to Advisory reviewed and signed by Commissioners. Reminder email to be sent to Commissioners for meeting with Advisory Committee.

Mark Stinson was asked where to find information on other towns with solar bylaws and replied the MACC website. When asked about whether a stream could revert to a perennial if currently an intermittent as a result of deforestation due to a large solar project, Mark explained the watershed area and the USGS quad maps which locate the perennial streams. Mark suggested to push solar farms back to avoid alterations to streams. He went on to say that DEP has been successful on appeals to push the solar out of jurisdictional, riverfront and buffer zone areas. Phil asked where the responsibility for storm water compliance lay and Mark reviewed soil coefficients, and the imprecision of NRCS. When application box is checked the proponent should bring documentation so that commission can have peer review completed. Peer review by an erosion and sedimentation control specialist is recommended for projects over 30 acres and monitoring can be required during construction. Mark recommended imposing conditions to protect the natural vegetation adjacent to the resource areas and the concern for negative alternations with changes in both shading and hydrology

8:42pm With no other business, *Bonnie made a motion to close the meeting, Phil seconded, all in favor 6-0*

Respectfully submitted,

Cindi Connors,
Conservation Commission Coordinator