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## TOWN OF HAMPDEN MASSACHUSETTS



**Conservation Commission**  
Bonnie Geromini, Chair  
Judy McKinley Brewer  
Ted Zebert  
Andrew Netherwood  
John Cushman  
Tim Hanley Assoc. Member

### HAMPDEN CONSERVATION COMMISSION Regular & Public Hearing Meeting Minutes January 15, 2020 Town House

Approved: 02/19/2020

Meeting called to order: 1/15/2020 @ 7:00pm

Members Present: Bonnie Geromini, Chair, Ted Zebert, Judy McKinley-Brewer, Andrew Netherwood and John Cushman

Members Absent: Tim Hanley

Invited Guests: Xan Riddle and Katerina Korolov from ATC, Ryan Nelson, R Levesque & Associates, Kirt Mayland, Charles Caron, Caron Environmental Consulting

Also Present: Thom Page, Nancy Zebert, Melissa & Charles Balicki, Thad Clavette, Robert & Krista Bouchard, Cindi Connors

#### **Agenda Items:**

**Minutes:** The regular minutes from the December 10<sup>th</sup> meeting were reviewed, amended and accepted via a *motion by Bonnie and seconded by Judy. All Commissioners in favor, 5-0*

**Public Comment:** Nancy Zebert suggested that the Conservation Commission send an email to the Interim Town Administrator requesting a written reply as to the location of the first Conservation Commission recorder. That was the Conservation Commission will have a written record of what happened to that first recorder.

**7:15pm PUBLIC HEARING 500 Main Street Property ATC Group Services:** A notice of intent, (NOI) has been received for soil remediation on the front parcel of land at this address. The proponent wants to excavate the contaminated soil, and dewater it to remove the petroleum and contaminated material. They would like to stage the excavated material on the developed portion of the property. Bonnie asked how far down they plan on excavating, (eight feet) Ted asked where the soil will be brought to, (Ondrick for processing) Judy pointed out that West Brook riverfront area is not marked on the paperwork submitted and that it is a perennial stream and part of the work area looks to be within the 200ft riverfront area. Katerina stated she had looked at the vegetation within a 15ft diameter and found no indication of flora/fauna on the property and no hydric soils.

Concern was raised with soil 'sitting' there after removal and erosion control and containment will be required. There is also a well in the same area and a manhole and storm drain. Bonnie asked for a start date and was told that ATC would like to start the project as soon as possible. It was noted that there is just one section on the NOI for the removal of contaminated earth and that the developer will have to come back with another NOI for any other work. The consultants were also told that they would have to update the map with the 200ft riverfront area with West Brook marked and add erosion control and resubmit the mapping. Xan will email updated plan to Commission before the start of the project.

Orders of conditions discussed and approved for: **DEP project # 173-0227**

- 1 A berm will need to be placed around the work area and stockpile on the paved area and the pile covered with poly.
- 2 Block flow access across lot with sufficient silt barrier(s)
- 3 200ft West Brook resource area needs to be added to the map
- 4 This is not an approval of delineation
- 5 48 hour notice after silt fence installation so that Conservation Commission can view and comment
- 6 ATC will email a revised plan and map with West Brook indicated to the Hampden Conservation Commission before starting work

### **Special Order of Condition, Finding of Fact:**

The resource area boundaries are not being approved as no information was included in the NOI in regards to the delineation of the Mean Annual High Water Line, (MAHWL), of the Scantic River and West Brook, and the proponent failed to indicate the 200ft Riverfront area on the plan submitted.

*Judy made a motion to approve the soil removal element of the project with the preceding 6 conditions and special order of condition. Ted seconded, all in favor 5-0.*

*Bonnie made a motion to close the public hearing on the property located at 500 Main Street at 7:30pm.*

Andrew advised the ATC consultants to contact the Building Inspector for storm water information.

### **7:15pm PUBLIC HEARING (continued from December 18th meeting) ANRAD submitted by R Levesque:**

Ryan Nelson reviewed the perennial streams on the property as well as the one stream that they are trying to have reclassified from perennial to intermittent. He reviewed the buffer and riverfront areas. He reviewed the upland pockets that are within the wetland, and informed the commission that the entire property is within National Heritage and Endangered Species Program (NHESP), and will need project review. Bonnie asked if the photo were taken during the drought and Ryan supplied the dates that the photos were taken: 09/20/19, 09/23/19, 09/25/19 and 09/27/19, with the drought retroactively declared on October 15, 2019, back to September 1, 2019. Ryan reiterated that after speaking with Dave Foulis from DEP he feels it is unfair to hold the project to drought status when it wasn't made public until October.

Bonnie explained that the Commission had received a proposal from the consultant and will be reviewing tonight. The process was explained to abutters that were attending the meeting. It was decided to have the consultant resubmit a proposal adding a site walk visit with the Commission and an additional two meetings along with the specification of perennial and intermittent streams, based on this, *Bonnie made a motion to accept the pending contract from Emily Stockman to review the Bennett Road ANRAD, (Abbreviated Notice of Resource Area Delineation) with the addition of a site walk visit, two additional meetings and perennial and intermittent stream identification. Andrew seconded, all in favor 5-0.*

*Andrew made a motion to continue this public hearing to the next Commission meeting on February 19, 2020. Ted seconded, all in favor 5-0. With that motion the Public Hearing was closed and the regular meeting resumed*

**7:45pm PUBLIC HEARING for 220 Mill Road Solar Project** Charles Caron and Kirt Mayland had submitted and RDA, (Request for Determination of Applicability) for the property located at 220 Mill Road. They are looking for confirmation of delineation. Ted informed them that everything in the project is outside of the 200ft buffer. Judy asked if the storm water looked at and was told by Kirt that the Building inspector had signed off on the project as did the planning board.

*Andrew made a motion to accept the RDA and issue a negative determination. Ted seconded, all in favor 5-0. This public hearing was closed at 8:10pm. With that motion the Public Hearing was closed and the regular meeting resumed*

### **General Discussion:**

Kirt Mayland inquired about his Somers Road project. He is looking for form 8A so that he can record the Orders of Condition from that project. He will complete his part of the form and send to Commission.

Forest cutting on Howlett Hill by Sweitzer, the parcel has wetlands and NHESP. Does property need to be walked with forester? November 1 through April 15 is the only time for motorized vehicle access. Thom will call Doug Hutcheson, State Forester, for follow up.

Krista Bouchard, 505 Main Street would like the commissions help in completing the required paperwork. The commission reviewed the paperwork with her.

Ted asked if there were any Hampden Conservation Commission vests left, (yes). Vests were given to John and Thom.

*Andrew made a motion to close the meeting at approximately 8:34pm, Bonnie seconded the motion which was then approved by a unanimous vote of 5-0*

/clc