

# TOWN OF HAMPDEN MASSACHUSETTS

## Town House

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## Conservation Commission

Judy McKinley Brewer, Chair  
Ted Zebert, Co-Chair  
Andrew Netherwood  
John Cushman  
Thom Page  
Cindi Connors, Assoc. Member  
Greg D'Agostino, Assoc. Member

## HAMPDEN CONSERVATION COMMISSION Regular Meeting and Public Hearing Minutes May 19, 2021

Approved: July 21, 2021

Meeting called to order: 05/19/2021 @ 6:00pm

Members Present: Judy McKinley-Brewer Chair, Ted Zebert, Andrew Netherwood, Thom Page, Cindi Connors

Members Absent: John Cushman and Greg D'Agostino

Invited Guests: Jason Barroso, Jacob Strange

Also Present: Bonnie Geromini, Randy Rivest

**Public Comment:** None prior to start of meeting

### **Agenda Items:**

**Request for Determination from Hampden Public Library:** The library has submitted a request for a 'Little Library' to be installed at Memorial Park. This will be installed by the fence and pavilion. This will be installed on a post into a hole that is dug by hand and any excess soil will be removed. The Commission voted 4-0 to issue an advisory since the project will have negligible impact.

**Jason Barroso, Lots 3 & 4 Ames Rd, DEP File Number 173-184:** Mr. Barroso came before the Commission to present his plan for the modification of grading on his property. He reviewed the progression of his project for the commissioners. He presented a modification which included reducing the project to one home to be built on lot three and moving bounds 4, 5, 6 and 7 closer to the 25ft no disturb zone. Judy requested he also move #13. Andrew asked if the area/bounds were accessible by foot and asked that the GPS coordinates be provided to the Commission. The commission reviewed the following in deciding whether or not the revisions required an amendment: Would there be a greater impact? No, the revisions will have less of an impact. Do any of the new changes require new Orders of Condition(s)? No. Based on this information, the new proposal was approved by Commission vote of 4-0

**Public Hearing for a Pool Shed, Patio and Pavilion for Jacob Strange, 224 Scantic Road:** The Commission had visited the site to review this request. Based upon observations at that visit, the Commission voted 4-0 to issue a *Negative determination #3 The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions, (all work and fencing will be within the previously approved work area,).* With no further discussion ensuing, the Public Hearing was closed.

### **88 Scantic Road, Invalid Order of Conditions:**

Multiple actions and ongoing orders dating back to 1985. The Commission voted to approve the certificate of compliance as presented 4-0. The certificate of compliance was sent to the closing attorney for the property owners.

### **Certificate of Compliance for 88 Scantic Road DEP 173-49**

#### **B. Invalid Order of Conditions:**

*It is hereby certified that the commencement or adequacy of the work regulated by the above-referenced Order of Conditions, is impossible to determine. This Order of Conditions was issued in 1985, the current owner bought the house 6/17/2019; there were several intervening owners.*

*In addition, some work that has commenced on a portion of this parcel may be in non-compliance with current wetland regulations.*

*As compliance or non-compliance with the current Order of Conditions cannot be resolved for Wetlands file # 173-49 issued for this Project Locus on April 2, 1985, and as the Order of Conditions has expired/lapsed, the issuing authority,*

*Hampden Conservation Commission, declares it no longer valid. No future work subject to regulation under the Wetlands Protection Act \*\* may commence without filing a new Notice of Intent and receiving a new Order of Conditions.*

*\*\*To assist in future considerations, the Commission has noted the following observations of current status:*

*There are approximately 2.8 acres of protection for Forested Marsh bordering the Scantic River.*

*Approximately 6 acres of Priority and Estimated Habitat has been designated by NHESP.*

*At least 2 actively-flowing streams, including an under-road culvert at the northeast front street being particularly active.*

*The site-visit review team noticed a distinctive, but un-locatable, odor on the northwest side of the property; it did not appear to be arising from the recently-reviewed leach field, or the adjacent skunk cabbage swamp.*

*A very large quantity of wood chips had been recently dumped on the north side of the driveway, possibly covering water flow, creating an approximately 1800 square foot area raised to the driveway level.*

**Ongoing Conditions from previous Orders of Condition:**

*No further action shall be taken which will remove, fill, dredge or alter a wetland area without prior approval of the Conservation Commission.*

*The "Disturbed Area" located on the above-referenced Plan of Land shall not be altered any further and shall be allowed to return to its natural state.*

*The stream bed located on Lots 1 and 2 on the above referenced Plan of Land shall not be altered in any manner. In particular, the channel of the stream shall not be extended beyond its present point of termination, thereby permitting the wetlands to act as a natural buffer for the removal of pollutants from the stream.*

**General Discussion:**

**S. Gore, 95 Martin Farms:** No response from homeowner. The building inspector visited the property. There have been several sheds erected and three curbs cuts. The Commission has been advised to hire a wetlands scientist to view the marsh area. Andrew advised that the building inspector can bring the commission on the property to view violations.

**Evergreen Design Build, 0 Glendale Road lots** Highway department letter received. Evergreen has been granted an easement for access to drainage ditch area to correct. Evergreen still needs a turtle protection plan

**Ameresco:** Andrew made a motion to continue the public hearing for the unresolved Notice of Intent, (NOI), Thom seconded, all in favor 5-0. Andrew made a motion that Commission will contact SWCA for storm water review, Thom seconded, all in favor 4-0

**Discussion regarding Conservation Commission Responsibilities:**

- 1 Certificate of Compliance registration and tracking
- 2 Checking silt fencing and monumentation
- 3 Forestry permits
- 4 Monitoring conservation restrictions on land trust parcels

**Thresher Rd/Stafford Rd Lot Inquiry:** Jared Laravee is looking at purchasing a lot listed for sale. The entire lot is under Natural Heritage and Endangered Species Program, (NHESP). Bonnie will relay that a Notice of Intent, (NOI) should be filed to start the process.

**Possible June Agenda Items:**

Thresher/Stafford lot  
Matt Sweitzer, Howlett Hill Road  
Ameresco

With no further business, Andrew made a motion to adjourn the meeting at 7:25pm, Ted seconded, all in favor 4-0