

# TOWN OF HAMPDEN MASSACHUSETTS

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**Conservation Commission**  
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Tim Hanley  
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## HAMPDEN CONSERVATION COMMISSION Meeting Minutes November 20, 2018 Town House

Approved: December 19, 2018

Meeting called to order: at 7:00pm

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

Members Absent: None

Invited Guests: Theresa Portante, BSC Group, Steve Ecrement, Tighe & Bond, David Albrecht, Borrego Solar, Michael Kane, property owner

Also Present: Caroline Cabrini, Sherry Campbell, Michael Miodonka, Austin McKeon, David Margoless

Bills/Correspondence: No bills, correspondence from Altus presented and discussed

### Agenda Items:

**7:00pm** Lot 28-9 Grist Mill Lane Tree Discussion- Tim will work with Highway Superintendent Mark Langone on this. Mark will have to submit the RDA. If submitted by December 10<sup>th</sup> then it can be published for a special meeting on December 19<sup>th</sup> of this year.

### **7:07pm**

**November 17th minutes:** Phil suggested contacting AGO for an original set of bylaws. The only changes that were made were additions in regulations with two public hearings that were published as required.

Phil pointed out that changes were made to land moving from ¼ acre to 1/8 acre and that the \$25 filing fee for an RDA was increased to \$40. The original bylaws are from the 1990's

*Bonnie made a motion to approve the minutes as amended, Ted seconded, all in favor 5-0 with 1 abstention*

**November 16th minutes:** *Judy made a motion to accept as amended, Tim seconded, all in favor 5-0, with 1 abstention*

**7:15pm** Bond, Highland Circle Certificate of compliance: The Bonds attorney has not filed their deed restriction paperwork on both parcels. They are asking for a continuance. Judy made a motion to continue to 12/19/18 meeting, all in favor 6-0

**7:30pm** Tighe & Bond, RDA for removal of trees at 45 & 51 Old Orchard Road Andrew Netherwood recused himself from this agenda item and left the table.

Steve Ecrement presented the RDA for removal of trees at 45 and 51 Old Orchard road. They are proposing the removal of 13 trees, five of which are in the 100ft Buffer Zone. This is not an exempted activity and is part of a larger project; additional trees may need to be removed. The land owners at these two addresses requested that these trees be taken down as they feel they are a hazard and may fall on their homes. The homeowner at 51 spoke and recounted previous storm damage. David Margoless who resides at 39 Old Orchard spoke and stated they had taken 19 of his trees down and 22 years ago took down 45. He lives 122ft from the power lines and only has 20 feet of trees left in his backyard and he doesn't want them taken down. Steve informed him that his property was not part of this RDA. Judy asked that the homeowners concern be noted and Phil added that the homeowner should deal directly with Eversource in regards to his property. The commission has reviewed the paperwork submitted and the area online. *Bonnie made a motion to issue a negative determination, (category three, will not alter) with an NOI not required. Judy seconded, all in favor 5-0 and one recusal.*

**7:45pm** Public Hearing for BSC, NOI for MECO Pole installation on Lots 3 & 4 Mill Rd Theresa Portante presented this NOI on behalf of MECO, DBA National Grid. This is an upgrade to the existing distribution line to support interconnection for Eversources' new solar facility. The additional maintenance is part of the project to relocate the poles to off of the side of the road. An NOI was filed due to bordering lands subject to flooding and the River Front Area. The poles will be augered in six feet deep by bucket trucks parked on the street. These poles will be supported by guy wires tied to helix anchors that will offer little to no ground disturbance. Sediment controls will be in place during the operation. Andrew inquired as to how the two poles will be removed and Theresa explained that they will be cut and the butt will be left. These poles are in the upland area so they can use trucks to reach them and the excess soils will be removed. This project is expected to take one day.

*Phil made a motion to issue an Order of Conditions for the NOI, Judy seconded, all in favor 6-0*

*Bonnie made a motion to close the hearing for BSC, Andrew seconded, all in favor 6-0*

**8:00pm** Public Hearing for Borrego Solar NOI for Rear Somers Road Solar Installation David Albrecht presented the information on this NOI. This solar array project has already been approved by the planning board. It's a 93 acre parcel owned by M & M Realty. Judy informed David that the only RDA approval that has been obtained is the determination of the stream as intermittent; no wetland delineation has been approved. Phil added that the Commission had voted to grant a positive determination on the RDA and deemed the stream as intermittent. When Matt Swansburg arrived to the hearing, David informed him that R Levesque did not get wetlands approved, just the intermittent stream. Significant topography with 50 & 100ft buffer zone

Borrego looked at the 2011 orders and tried to incorporate them in this new plan

North & South 5.2 MWatts DC system of 18 acres will be surrounded by a 7' tall chain link fence with 6 inch wildlife gap below, (included on both man and vehicle gates).

There are 15 acres of tree clearing, 2 ½ acres cut with stump left outside of fence, tree clearing will be kept at 50ft

Pervious pavement - to minimize water runoff, the Fire Chief has agreed to a 14ft road

Phil is concerned about the creation of a funnel on the other side of the bridge, he stated it is important we not increase flow.

Tim asked if we have peer review what will be used 50' or 25' and Bonnie replied that it would be 50ft as is shown

Ted asked what the distance of the road was, David Albrecht replied it is 1900ft; Ted is also concerned that such a large area of fencing will fence out the large animals.

There will be ground work to trench for underground utilities. There will be a series of poles, some for customers, some for utility, with the interconnect at Potash Hill Lane

First responders, (PD/FD Chiefs, AMR) will be trained on KNOX boxes

The seed mixes inside the fence will consist of both low and high grasses; outside of the fence there will be a pollinator mix. The seeding will be done after the screws are placed. The entire site will be York raked then hydro seeded.

Ted asked how high the slope is being raised and David responded 11% at the steepest

Phil asked what kind of pervious surface will be used and David replied that they prefer bricks as a pervious system to slow the water down. Phil asked if catch basins or infiltration chambers had been considered and David responded they had not been, the distance is only 200ft, and they prefer to use rock check dams during construction which may/may not stay 1ft deep x 2ft wide at the bottom to slow at a 2:1 slope down the water as well as level spreaders and swales on either side.

This project was previously conditioned to have an environmental monitor during construction and they, (Borrego) are in agreement with this.

Borrego would like a preconstruction meeting; they won't build in the wettest part of the year. The majority of the project will be built from the west/south, (agreements with neighbor). The only time they may use Potash Hill Lane would be to finish and make interconnection to pole and perhaps bring in the arched culvert, (20ft long and on a flat bed, with a crane to place on top of concrete foundation).

Utility company would have to leave jurisdiction in Massachusetts and go into Connecticut to access solar panels from west/south rather than access from Potash Hill Lane. Only purpose for Potash Hill Lane access is operations and maintenance post construction and utility access. Forestry gate will block access to property.

Remainder of road is 14ft gravel road, 3:1 slope. They are trying to stay 5 -120 feet off of the limit of grading. They propose to use bio matrix fabric and hydro seeding to prevent erosion. There will be a culvert to divert/disperse to avoid water pooling.

South system has no grading, but will still have erosion controls around it. They will maintain a 50ft forested buffer. Remainder of road has swales along south side of it, 50ft on center rock check dams, no grading in cornfield area. Excavating 8-12 inches and putting in gravel road.

Drainage designs presented, along with wood guardrail details that will along both sides of culvert over the stream. Impact details reviewed, tree cutting, stump retained or removed depending upon area

Two areas have impact within 25-50 feet and Judy asked if that pertained to the area with the intermittent stream.

David explained they will be crossing the stream and water ends in that area

Mike Miodonka from Martin Farms Road had wetlands questions is northern jagged boundary is along wetlands? (Yes) and are they 100ft or 50ft from the wetland? (Between 50-100ft)

Box culvert information presented. They will use either an H20 or HS25, which should hold up to 60,000 pounds for maintenance equipment, fire trucks, etc.

Austin McKeon, Potash Hill lane, 14ft wide driveway plus guard rails and a 22ft wide bridge, will culvert will be reconstructed? David explained it will include guardrails and then be 20ft wide. Austin questioned the strength of the culvert. He also questioned the open bottom bridge having salt and flotsam and jetsam piled up under it. Phil asked if Austin was questioning if the culvert on Potash is not to code.

Judy would like the consultant to verify that the new DEP policy, 17.1 is complied with, she also asked if it is possible to place barriers at end of Potash so that the snow is not pushed into river.

Ted – What is town going to do with snow/sand/salt when plowing the circle?

David - Our driveway is no different than anyone else's, we will have someone come and plow, we could create a berm around circle, except for our driveway, or create a hump in our driveway. But when snow/ice melts, where is it going to go?

Bonnie directed admin to invite Mark Langone in to next meeting in regards to snow removal in the cul-de-sac

Peer review will be done. Dave asked if the Commission had decided on a reviewer yet and Bonnie informed him the commission hadn't voted on anyone yet.

Discussion on consultant selection process, fee schedule and payment

Austin asked about road circumference for emergency services, have they signed off on it?

David Albrecht informed him that is was 20ft all around, and that the chief had no issue with that.

Bonnie asked that this be scheduled for the next meeting (12/19/18) The Commission will decide on and hire a consultant within the next week. A copy of the consultant agreement/contract was given to David Albrecht.

David asked who the commission had in mind, to see if there is a conflict of interest. When name was supplied, there is not a conflict. Matt Swansburg would like to connect with the peer reviewer prior to the next meeting.

Mike Miodonka asked why the system was enlarged from 4.6 vs 5.2 MWatt. David responded it was due to the determination of the stream as intermittent. The Commission explained how the stream was reclassified as an intermittent stream.

*Judy made a motion to continue to 12/19/18 at 7:30pm Andrew seconded, all in favor 6-0*

Enforcement order reviewed- *Bonnie made a motion to issue the enforcement order to Stephen Carabetta for the property located at 308 Somers Road, Judy seconded, all in favor 6-0*

*Phil made a motion to approve Stan Tenerowicz as the consultant for the solar project located at the rear of Somers Rd, Ted seconded, all in favor 6-0*

*Bonnie motioned to close the November 20<sup>th</sup> Conservation hearing and meeting at 9:30pm, Phil seconded, all in favor 6-0*

## MA DEP Technical Comments/Borrego Responses for 0 Rear Somers Rd, Hampden, MA

- [1]. The submitted fee is incorrect. The stream crossing, reviewable under 310 CMR 10.53(3)(e) is a Category 4.a. fee. The rest is correct, it would all fall under Category 3.b. Please remit the additional filing fee to MassDEP and the Hampden CC as soon as possible. Response: *We have calculated that another \$737.50 for the Town of Hampden and another \$ 712.50 for MA DEP. Checks #2732 and #2733, respectively, have been submitted.*
- [2]. There appear to be Riverfront area violations on the property that must be discussed prior to any issuance of an Order of Conditions. Please compare the 2009 aerals with later views and the unpermitted Riverfront clearing can easily be seen southwest of the Potash Hill Lane cul-de-sac. Riverfront area should be restored as much as possible. Response: *There was an approved Notice of Intent (173-0194) on 12-02-2010 that allowed the work as part of a sand-gravel operation. Refer to Order of Conditions dated 8-10-2011 and recorded in Book 19009 Page 177-196. Plans approved as part of this OOC reflect the limit of work shown in the attached aerals. Please review the attached aerial photographs provided to us through our Phase I environmental assessment. The 2010 aerial and the 2014 aerial photos are essentially the same. Attached is an overlay plan depicting the approved 2011 sand/gravel operation, the actual limits (aerial and yellow line) and what is proposed as part of the solar project.*

- [3]. Insufficient information has been submitted about the stream crossing. Please show on a plan where the bank full measurements were taken and explain how the average bank full width was derived. Please confirm the openness ratio and stream crossing width complies with the stream crossing standards. Please provide a profile view showing the location of the footings in relation to the resource areas. All constructed banks should have a height to width ratio of no greater than 1:1.5 (vertical : horizontal) unless the stream is naturally incised. They should be tied into the up and downstream banks and configured to be stable during a 100-year storm event. The banks should be designed and constructed so as not to hinder riverine wildlife use of the streambed and banks for passage. During dewatering, aquatic organisms (fish, salamanders, crayfish, mussels) that may be stranded during dewatering should be preserved. Response: *This proposal is based on the previously approved stream crossing. The stream's maximum mean annual flood level/bankfull width of 14 feet was multiplied by 1.2 to determine the minimum span allowed for the proposed stream crossing. The minimum required span is 16.8 feet. The Contech aluminum arch culvert is open bottomed and will be 8.83 foot high, 21.2 foot wide and 20± feet long. The openness ratio was calculated by dividing the area of the culvert opening by the length of the culvert. The resulting openness ratio is 1.0, greater than the minimum of 0.25.*
- [4]. The commission should review the submitted alternatives analysis as required by 310 CMR 10.53(3)(e) for the crossing/access roadway in Riverfront. Response: *Understood.*
- [5]. Please provide more information on the improved stream crossing of the intermittent stream. It appears there is an existing culvert but not much information was in the NOI about it. Was it ever permitted by the Commission or had it been there as land in agricultural use? Response: *There is no culvert in that location. This was confirmed during the June 22, 2018 Request for Determination conservation commission site walk. Refer to the attached photographs of the area. It is a low-lying area that collects rainfall.*
- [6]. One cannot model stormwater accurately based only on NRCS data. Per Volume 3 Chapter 1 of the stormwater handbook, a Competent Soils Professional must conduct a site visit to verify soil conditions on the site. Please see Table 2.3.1. Response: *David Albrecht, P.E. has visited the site and confirmed that the soils are*
- [7]. The Commission should note the provisions of 310 CMR 10.53(1) which in part states "... Conditions may include limitations on the scope and location of work in the Buffer Zone as necessary to avoid alteration of Resource Areas. The Issuing Authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the Resource Area and/or other measures commensurate with the scope and location of the work within the Buffer Zone to protect the interests of M.G.L. c. 131, § 40." Response: *Understood.*
- [8]. To help ensure that conservation commissions have sufficient expertise available to address specific issues regarding an applicant's filing, M.G.L. c. 44, section 53g gives Commissions authority to charge a fee for the employment of outside consultants that allow for the use of the fee to ensure that they have the necessary information for them to make a decision pursuant to the Wetlands Protection Act, M.G.L. c. 131, sec. 40 and 310 CMR 10.00. Response: *Understood.*