

TOWN OF HAMPDEN MASSACHUSETTS

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Conservation Commission
Bonnie Geromini
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Philip Grant
Ted Zebert
Andrew Netherwood
Tim Hanley
Cindi Connors, Admin. Asst

HAMPDEN CONSERVATION COMMISSION Meeting Minutes December 19, 2018 Town House

Approved: January 16, 2019

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: Mark Langone, Highway Superintendent, Linda Bond, Ryan Nelson, R Levesque & Associates, David Albrecht & Matt Swanson, Borrego Solar, Michael Kane, property owner

Also Present: None

Bills/Correspondence: No bills or correspondence

Agenda Items:

7:00pm November 20, 2018 Minutes *Judy made a motion to approve with attachment, Andrew seconded, all in favor 6-0*

7:15pm Special Meeting Lot 28-9 Grist Mill Lane Highway Superintendent Mark Langone has submitted an RDA for tree and brush work at this address. The tree has since fallen but there are still one to two others that are threatening the power lines. The request includes cleaning up the drainage area on the corner of Fox Run and Mill Road where it runs into the detention basin. He would like to remove saplings and fallen dead wood that may restrict the flow of water. This is an overflow relief for both Mill Pond and the Scantic River. He needs to look at the condition of the basin culvert under Grist Mill Lane that returns water back to the Scantic River. Tim asked if Mark could start the work as soon as he receives the determination and Judy reminded him of the ten-day appeal process. *Bonnie made a motion to issue a negative (#5) determination, Phil seconded all in favor 6-0.* No Notice of Intent will be required for this municipal maintenance. Mark asked if he comes across this on more town owned property could he come in with a 'blanket' request and Judy explained that he could come in with one RDA that listed all of the parcels separately.

Mark commented that there is no precedent of the Highway department cleaning the ditches. Residents in the past have paid privately to do so. Tim asked how much of detention basin clean-up is within ConCom jurisdiction and what we should be doing to monitor the detention basin (network). Bonnie responded that they should be maintained every few years. Andrew asked if each parcel could be labeled with both Tim and Ted adding that the owner could then apply. Mark said he would have to look into working on private property.

Judy asked Mark how they can try and keep the plowed snow and sand at the end of Potash Hill Lane from getting into the river and Mark responded that whether the snow is on or off the pavement, there is a direct pipe from the basin that runs right to the stream. He went on to explain that the EPA and Mass DEP are encouraging the use of less sand and that he must show a decrease in sand usage to them. The sand entering the streams is more environmentally damaging than the salt.

7:30pm Linda & William Bond, Lots 40 & 48 Highland Circle: The Bonds attorney has filed their deed restriction paperwork on both parcels. They are asking for a Certificate of Compliance. *Judy moved to issue a Certificate of Compliance for the Bond property on 40 & 48 Highland Circle, Phil seconded, all in favor 6-0*

7:45pm Altus, Request on behalf of 229 Somers Road existing Solar Array. Kirt Mayland requested a new signed order as the documents they have they were unable to register it. An amended order needs to be reissued. There is

no obvious stream crossing, and the aerials do not show the access road crossing the stream. The storm water box is checked on all three versions. This project has been completed and the OOC needs to be registered. The stormwater does need to be address and Phil requested the SWPP and other EPA documents. Phil would like two originals, one for our files and one for them. Once they register, we will have the same consultant who did the initial review inspect for compliance then we will issue the Certificate of Compliance. Judy relayed that it was held originally because DEP had fined them for oil spills along the riverfront area. There will be an inspection for compliance with the OOC, a consultant contract to do so, and then a Certificate of Compliance can be issued. *Phil made a motion to issue an amended Order of Conditions, Ted seconded, all in favor 6-0*

Mt Vision - Judy asked the members to review the conservation restriction for Mt Vision, it is still not final as the property had been through three probates. She asked that if any changes are wanted, they let her know within the next week.

8:00pm Public Hearing (Continued from 11/20/18) for Borrego Solar NOI for Rear Somers Road Solar Installation
David Albrecht reviewed the past six-month timeline of the project. The RDA that was submitted asked for a wetlands delineation approval and a reclassification of a stream from perennial to intermittent. The RDA was approved by the commission – Phil informed David that the commission concluded a positive determination and that an NOI would need to be filed. The acceptance of the stream as intermittent was to enable the applicant to go back and generate a more complete plan layout. The applicant did not leave with a blanket approval on their flagging. David contented that the RDA that was submitted included approximately 500 flags and asked how the RDA is different when they included two resource areas for the commissions review, asking why the commission hadn't reviewed both resource areas. He was informed that it was a determination and David interjected that the stream was added but not the wetlands. Judy explained that what they were moving to do was continue to the next month to have a consultant review but during this Judy had been interrupted while trying to make that motion by one of the applicants' designees requesting the intermittent stream approval. She informed him that by moving to an NOI the commission hadn't changed the process, they just moved the project to an NOI sooner. Dave stated that they had been relying on the RDA as an approval of the intermittent stream, bank and wetlands. He went on to say that he has spoken multiple times with the firm that has been contracted with for the peer review, but in conversations with the reviewer, Dave feels he is not comfortable with the stormwater review. Dave explained the immediacy of moving forward and would like to contract with an additional consultant for a stormwater review as soon as possible. Phil questioned if David was going to be submitting a SWPP because the project is disturbing over an acre, Andrew asked who would be reviewing the crossing and structure?
Dave returned to the SMART program for this years' solar incentive. Matt interjected that the program was only three weeks old and already almost full. Dave went on to say that several things were required, an agreement with the utility, non-ministerial permits, planning and ZBA approval along with a building permit. Borrego solar is proposing special conditions until the peer review and OOC can be completed. Phil informed David that the commission wouldn't be voting on this tonight. David went on to say that Borrego Solar has anticipated that the 2010 OOC would be in the new OOC and went on to read and review their proposed OOC. He added that if they don't get into block seven or eight that the project would not be feasible. Andrew stated he feels that the commission had given the applicant courtesy once, but he will be a no vote on the OOC that Borrego is proposing. Phil doesn't like this and is not going to sign off on any apart and separate from the commissions' normal OOC. He is looking for the most expeditious way to do this. David replied that he respected everyone's thoughts and that he sensed that the commission is not ready for an OOC this evening. *Judy moved to continue the public hearing until January 2, 2019, Andrew seconded, all in favor 6-0.*

General Discussion:

Borrego: Can the current consultant complete a review of the NOI with an OOC and the following four specifics 17-1 policy rules, delineations, stormwater/drainage rules and an OOC by the second week of January. If not, then the commission will have to move expeditiously.

New Life Church: They have purchased the lot next door from the power company and are not in violation of any order with their grading.

Rockwell Property: After MEPA approval they will send an NOI

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