Stormwater Committee
Regular Meeting Minutes
October 17, 2019

Approved on 2/20/20
Members Present: Gary Weiner, Mark Langone, John Plaster, Karl Sternberg

Guests: Nancy Zebert

Gary called the meeting called to order at 5:07pm. The meeting is being recorded.

There are four sets of minutes that have been completed. Gary made a motion to approve March 7th minutes as submitted, all in favor 4-0. Gary made a motion to approve March 25th minutes, all in favor 4-0. Gary made a motion to approve April 4th minutes, all in favor 4-0. Gary made a motion to approve minutes from May 2nd, all in favor 4-0. Mark will write that they are approved and then post on the website.

Gary submitted the draft stormwater permit to the selectmen for their review. Mark, John Plaster and Gary Weiner all attended the meeting where it was discussed. They told the board that the building inspector should be the delegated authority for issuing stormwater permits. A few questions came up that the bylaw already had a permitting process in place and that it had not been implemented. The Stormwater Committee responded that they are now at the point where they can start issuing permits. The Selectboard had the interim Town Administrator set up a meeting with the building inspector to discuss it further. At this time, the Selectboard has not approved the stormwater permit as they will wait until after the meeting with the building inspector.

On October 1st Gary and Mark met with Bob Markel and Wendel Hulbert to discuss delegating the authority of issuing permits. The inspector was in favor of accepting that responsibility. The inspector had been doing the stormwater management on a limited basis anyway, so he saw this as a natural extension. The planning board and conservation will really be the oversight people for the larger projects and his involvement will be issuing the permits and collecting the fees for the smaller projects. The Stormwater permit was approved at the last selectmen’s meeting.

The inspector recommended that the Stormwater Committee should have a joint meeting with Planning and Conservation to get input about implementing the bylaw as it pertains to each board once the Stormwater bylaw is revised.
The Inspector also mentioned that there is a ticketing ability in the town of Hampden and that he can issue a ticket in accordance to what he finds at each project.

An invoice from T&B from FY19 wasn’t paid. Cliff will pay it out of a separate account, not the 2020 budget. Mark agrees that it shouldn’t be paid for from the 2020 budget, however, he wants to make sure that it’s not the restitution fund. The bill was for $4,903 which includes purchasing the iPad and the subscription to EZRY.

Cliff Bombard joined the meeting at 6:21. The Committee asked Cliff about the unpaid invoice. Mark explained that he uses the restitution account for highway expenses and wouldn’t want it depleted to pay this bill. Cliff said the account has $23,000. Everyone agreed to use that account. Cliff left the meeting at 6:27pm.

Gary did look at the most recent T&B invoice and it seems reasonable. T&B might be in Hampden in the next week or two to start sampling. Mark spoke to Tracy and she said they are in the beginning stages to begin the process. Mark said that he will call Tracy tomorrow to discuss setting up a laboratory account. It was decided that the lab should just bill the Stormwater Committee.

The Committee talked about the bylaw. Gary thinks that the section that mentions stormwater enforcement is very comprehensive and outlines how the inspector would go about enforcing a violation. His only concern in the wording references penalty’s. For a homeowner, the bylaw is straightforward about a fine potential of $300 a day for a violation and a possible lean on the property. For violations for major projects, Gary said that it is almost superfluous as the owner would have filed an NPES permit with the feds as well as having a stormwater pollution plan. These violations are enforced by MASS DEP in conjunction with the EPA. These penalties rise to over $1,000 a day.

There should be consistency amongst the boards and no conflict in enforcing permits.

The committee is waiting for the final version. T&B did some editing and are waiting for the committee to say if any additional changes need to be made. The committee will then have to schedule a public hearing before town meeting to discuss the new bylaw.

Nancy Zebert questioned putting the phrase “town engineer” in the bylaw as there isn’t one. Gary clarified that this is the wording that still needs to be finalized.

The Building inspector can “waive” a stormwater sketch. Gary added lines to the permit to allow the inspector the ability to make notes about the permit application. Nothing formally written about what constitutes a small project; its discretionary. It can be anything under an acre and disturbs land. Projects including a new fence post, mailbox post or a new garden can get a permit, but it’s not required.

The next meeting will be on November 7.

Gary made a motion to adjourn at 5:51pm. Karl 2nd, all in favor 4-0.

Submitted by Kristen Gumlaw