

Southampton Conservation Commission
Meeting – October 21, 2019
Southampton Town Hall – First Floor Meeting Room

Present: Marla Hanc, Art Lawrence, Tony Zaharias, Brittany Taylor

Absent: Joy Piper

Public Present: Chris Fowles, Select Board

Janet Brown, Resident

Rick Paradis, Resident

Mark Reed, Heritage Surveys, Inc

Raymond Gagne, 269 College Hwy

Yolanda Hernandez-Madsen, 98 Fomer Rd

Alan Madsen, 98 Fomer Rd

John Kent, 5 Eastwoods Dr

Brian McConnell, 24 High St

Francine Di Lisio, 271 College Hwy

Mark Daviau, 75 Gilbert Rd

Nick Wildman, MA Department of Fish and Game/Division of Ecological Restoration

Kristopher Houle, MA Department of Fish and Game/Division of Ecological Restoration

Dan Buttrick, Tighe & Bond

Glenn West, 28 Katelyn Way

Amy Singler, American Rivers

Joseph Gould, MA Department of Fish and Game/Division of Ecological Restoration

Filipe Cravo, R. Levesque Associates

Tom Jenkins, Westhampton

6:02 Meeting called to order

Open Time to the Public

No one spoke.

New Business

6:02 RDA, 15 Center St; Applicant: Alan Madsen & Yolanda Hernandez-Madsen;
Representative: Mark Reed, Heritage Surveys, Inc

M. Hanc opened the public meeting and read the legal notice which had been printed in the September 27 edition of the Daily Hampshire Gazette. The proposed project involves the construction of a two-bedroom house with garage, driveway, patio, and deck. The work within the buffer zone involves grading for the driveway and sewage disposal system. Site visit on September 20 had been attended by M. Reed, A. Madsen, A. Lawrence, T Zaharias, B. Taylor, and M. Hanc. Site visit on September 28 had been attended by J. Piper and M. Hanc. A check for \$85.72 was received for payment of the legal notice. The RDA fee of \$75 had been received previously. Three trees in the 100' Buffer Zone will be removed. Two are in failing health and one is in the area to be graded. While there are no wetlands on the property, some of the buffer zone to wetlands on the adjacent property overlaps onto this parcel. The only work to be done within the Buffer Zone is grading. Work is planned to begin in the spring/summer of 2020

6:09 Motion to issue a Negative 3 with additional Southampton Special Conditions made by T. Zaharias, seconded by A. Lawrence. The motion passed unanimously with four (4) Yes votes.

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Two copies of the WPA Form2 were signed, one was handed to Mark Reed; a copy will be emailed to DEP

6:11 NOI, DEP#289-0219, 39 High St; Applicant: John Kent; Representative: Mark Reed, Heritage Surveys, Inc

M. Hanc opened the public hearing and read the legal notice which had been printed in the September 27 edition of the Daily Hampshire Gazette. The proposed project is for construction of a three-bedroom single-family dwelling with an attached garage, screen porch, and deck. A portion of the project will be located within the 100' buffer to a BVW. Site visit on September 20 had been attended by M. Reed, J. Kent, A. Lawrence, T Zaharias, B. Taylor, and M. Hanc. Site visit on September 28 had been attended by J. Piper and M. Hanc. A check for \$85.72 was received for payment of the legal notice. NOI fees of \$250 and \$262.50 had been received previously. M. Reed presented the certified list of abutters and proof of mailing notices. Any trees to be removed have been marked with orange paint. A crane will be used to remove the flagged trees from within the wetland buffer. Comments from Mark Stinson (DEP) regarding wetlands on adjoining property were addressed. Arrangements will be made with T. Zaharias for the pre-construction site visit.

6:27 Motion to close public hearing made by A. Lawrence, seconded by B. Taylor. Motion passed unanimously with four (4) Yes votes

6:28 Motion to issue Order of Conditions with additional Southampton Special Conditions made by T. Zaharias, seconded by A. Lawrence. Motion passed unanimously with four (4) Yes votes

Two copies of the Order of Conditions were signed, one was handed to Mark Reed; a copy will be emailed to DEP

6:30 Emergency Certification, 24 High St; Owner: Brian McConnell

B. McConnell withdrew his RDA. M. Hanc issued an Emergency Certification on October 17. The four feet deep by five feet wide hole within two feet of the driveway is a safety hazard. Three vehicles have had to be towed out. B. McConnell will extend the existing 15 inch culvert an additional 10 feet and add a flared end to maintain water flow. He will backfill the culvert extension to create level topography. The work must be completed by November 16, 2019. A check for \$66.75 was received for payment of the legal notice

6:34 Motion to ratify issuing of Emergency Certification made by A. Lawrence, seconded by T. Zaharias. Motion passed unanimously with four (4) Yes votes.

Two copies of the Emergency Certification were signed, one was handed to Brian McConnell; a copy will be emailed to DEP

6:39 NOI DEP# 289-0220, 281 & 285 College Hwy, Applicant: Glenn West, Representative: Dan Buttrick, Tighe & Bond

M. Hanc opened the public hearing and read the legal notice which had been printed in the October 11 edition of the Daily Hampshire Gazette. The proposed ecological restoration project includes the removal of a Significant (Class II) Hazard dam in unsafe condition in order to address long term dam safety-

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related concerns and improve wildlife habitat. Site visit on October 12 had been attended by Dan Buttrick, Dan Rukakowski, Glenn West, A. Lawrence, T Zaharias, B. Taylor, and M. Hanc. A check for \$66.75 was received for payment of the legal notice. NOI fees of \$100.00 and \$95.00 had been received previously.

Glenn West, the owner of the dam, briefly introduced the project. Nick Wildman, the Division of Ecological Restoration representative, noted the various departments and organizations involved with the project including The Southampton Water Department, DER, American Rivers, The Nature Conservancy, and the U.S. Fish and Wildlife Service.

The Lyman Pond Dam currently serves no purpose and has no fish passage facilities. The goal of the project is to restore ecological processes and remove an unsafe dam. There would be an improvement in fish passage and sediment transport. Resource areas include Inland Bank, Land Under Water, Land Subject to Flooding, Riverfront Area, Bordering Vegetated Wetland downstream, and FEMA 100-year floodplain.

The abutment wall under Sheldon's is badly deteriorated. During the course of the dam removal, an additional support will be added to the deck at Sheldon's.

Relocating the Town water line to hang underneath the bridge on College Hwy must happen prior to removing the dam. The Commission has not yet received the NHESP review from the Division of Fisheries & Wildlife. D. Buttrick agreed to continue the hearing to November 4, 2019 at 6:00 PM.

7:09 Motion to continue public hearing to November 4, 2019 at 6:00 PM made by B. Taylor, seconded by T. Zaharias. The motion passed unanimously with four (4) Yes votes.

7:10 NOI DEP# 289-0221, 9 Quigley Rd, Applicant: Mark Daviau, Representative: Filipe Cravo, R. Levesque Assoc.

M. Hanc opened the public hearing and read the legal notice which had been printed in the October 11 edition of the Daily Hampshire Gazette. The proposed project involves the construction of a single-family home with associated site improvements within the buffer zone to a BVW. Site visit on October 12 had been attended by Ryan Nelson, A. Lawrence, T Zaharias, B. Taylor, and M. Hanc. A check of \$66.75 was received for the legal notice. Checks for \$262.50 and \$250.00 for local fees had been received previously,

A shed is proposed to be constructed behind the house. The perc tests were done at the time the Pellegrini Estates subdivision was permitted. There are two perc sites on the property. As a Permanent Condition: A line of 3'+ boulders must be placed along the limit of work line, with spacing no more than 10' apart.

7:23 Motion to close public hearing made by A. Lawrence, seconded by T. Zaharias. Motion passed unanimously with four (4) Yes votes.

7:26 Motion to issue Order of Conditions with additional Southampton Special Conditions made by T. Zaharias, seconded by A. Lawrence. Motion passed unanimously with four (4) Yes votes.

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Two copies of the Order of Conditions were signed, one was handed to P. Cravo; a copy will be emailed to DEP.

Chapter 61 - Request for waiver of option to purchase parcels shown on Assessors' Tax Map 27, Parcel 6, Lots #1, #2, and #3 Fomer Road, Owner: The Charles M. Fisher Living Trust

The property is near the corner of Fomer Road and Crooked Ledge Road. Lot #1 = 1.378 acres, Lot #2 = 1.536 acres, and Lot #3 = 1.491 acres.

7:35 Motion to recommend to the Select Board that the Town waive the right of first refusal for the parcels shown on Assessors' Tax Map 27, Parcel 6, Lots #1, #2, and #3 Fomer Road made by A. Lawrence, seconded by T. Zaharias. Motion passed with three (3) Yes votes and one (1) abstention (B. Taylor).

7:35 Enforcement Orders

Follow up EO RDA, 32 High St

The EO was recorded at the Hampshire County Registry of Deeds by J. Piper at Book/Page 13404/77 on 9/27/2019. There was considerable erosion at the site following a heavy rainstorm. M. Hanc will contact Mark Stinson, DEP, regarding what can be done since the property owner has indicated that he is often out of town on business and people to work on the EO for him are not yet available.

Stewardship Projects

7:41 Pomeroy Mt/Durell's Path

Hire Forester to create Forest Cutting Plan based upon Forest Management Plan
J. Hardy-McCauliff and M. Hanc had sent emails to a number of foresters requesting their costs of services. Only two foresters sent their costs: Tom Jenkins, Blue Dog Forestry and Michael Barry, Bay State Forestry Service. Additionally, T. Jenkins had offered to attend the Commission meeting to explain what a forester could do. He discussed the basic protocol/chain of events with the Commission members.

8:01 Motion to hire Tom Jenkins to create Forest Cutting Plan and put hiring of loggers out to bid made by A. Lawrence, seconded by B. Taylor. Motion passed unanimously with four (4) Yes votes.

8:05 Volunteers

Kate and Mark Raymond removed fallen trees from the trail at Clearwater Woodland Conservation Area. Cindy Palmer checked Clearwater Woodland Conservation Area following the October 17 storm, and noted a few small trees down which she will have removed. M. Hanc has passed along volunteer names to R. Groden but has not heard if there is another group workday planned.

8:06 Red Brook Estates CR annual monitoring

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M. Hanc spoke with Pete Westover on 9/19, emailed RBE HOA 9/19/19, regarding October 1 monitoring, permission to use was drone requested and received. P. Westover walked the CR site and created the report. The invasive black swallowwort has spread.

For future reference, P. Westover's charge for drone pictures is \$75/hour, for a single property the time involved is usually only about 20 minutes plus another 20 minutes for downloading and sending the photos.

8:11 Regular Business

OSRP Update

B. Gutermuth, representative. No meetings have been held yet.

MPIC Update

B. Taylor, representative. C. Fowles noted that the Master Plan Implementation Committee Chair M. Rosenberg plans to update the Select Board prior to yearend.

CPC Update

J. Piper, representative. C. Fowles suggested the Commission hold off on returning the \$20,925.26 as yet unused for the 111 Glendale Road acquisition until further discussion with the Community Preservation Committee.

Review minutes from September 16, 2019

8:14 Motion to accept September 16 minutes as presented made by A. Lawrence, seconded by B. Taylor. Motion passed unanimously with four (4) Yes votes.

8:15 Treasurer's Report

\$750.00 was approved at the September 16, 2019 meeting for a new Conservation Commission laptop and software. The cost was actually \$770.84, \$20.84 more than had been approved.

8:16 Motion to approve the \$770.84 cost of the computer and software made by T. Zaharias, seconded by B. Taylor. Motion passed unanimously with four (4) Yes votes.

Balances after today's receipts and expenses:

Conservation Revolving Fund (Act #245200.021) = \$5,878.41

Clearwater Woodland Conservation Area (Act #285100.865) = \$20,925.26

Red Brook Estates CR = \$13,709.00

Signatures

- Red Brook Estates CR (Act 892624.000, SCC-FY20-P3)
 - Payable to Conservation Works LLC for monitoring report, \$350.00
- Conservation Revolving Fund (Act #245200.021, SCC-FY20-P4)
 - Payable to PufferSign for 2, 28"x12" aluminum signs, \$79.12
 - Payable to Daily Hampshire Gazette for 15 Center St & 39 High St Public Notices, \$171.44
 - Payable to Amazon Business for HP laptop, \$623.48

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- Payable to Connection for Microsoft Office, \$147.36
- Payable to Joy Piper for recording Geeleher & Felton Enforcement Orders at Hampshire County Registry of Deeds, \$150.00
- Payable to Joy Piper for MACC Fall Conference, \$115.00

8:20 Motion to accept Treasurer's Report made by T. Zaharias, seconded by B. Taylor. Motion passed unanimously with four (4) Yes votes.

8:21 Correspondence

Email

- September 12, 2019, from John Root – regarding Attracting Birds, Butterflies, Bees, and Other Beneficials
 - On October 7, M. Hanc emailed letter recommending support of the project to J. Root for him to include in his grant application
- September 17, 2019, to Ed Gibson, Town Administrator – regarding New door on Szczypta barn
- September 17, 2019, from Matt Fletcher – regarding Signs & Kestrel House
- September 17, 2019, from Carol Barcomb – regarding Certificate of Compliance for 107 Valley Rd, DEP#289-0131
- September 17, 2019, from MassTrails Conference – regarding Registration is now open for the 2019 MassTrails Conference! Check out the keynote address by Charles Thomas, Jr.
- September 17, 2019, from Paul Catanzaro, UMass – regarding Mass Woods: UMass-Kittredge Receive Award, New "Protecting Your Legacy" publication, Neighborhood Outreach Grant, Stumpage Report
- September 17, 2019, from Mark Reed, Heritage Surveys, Inc – regarding Madsen, 15 Center Street, Southampton - RDA filing
- September 17, 2019, from Mark Reed, Heritage Surveys, Inc – regarding Kent, 39 High Street, Southampton - Notice of Intent filing
- September 18, 2019, from Mary Zawatski, Tighe & Bond - regarding Notice of Intent - Lyman Pond
- September 18, 2019, from Michele Grzenda, regarding MSMCP next week's event, more events, more resources, so much good conservation stuff here :)
- September 18, 2019, to Mark Stinson (DEP) – regarding COC for 9 Coleman Rd, DEP# 289-0141
- September 19, 2019, to Evelyn Radowicz – regarding 2019 Annual Monitoring of Red Brook Estates CR
- September 20, 2019, from Mark Kasinskas, Burns & McDonnell - regarding Eversource solar array - 9/12/19 SWPPP inspection report
- September 21, 2019, to Ed Gibson, Town Administrator – regarding Property Boundary with Holyoke Club
- September 23, 2019, from Cori Garrett-Goodyear (DCR) regarding Extension on cutting plan for Breyer
- September 23, 2019, to/from Evelyn Radowicz – regarding 2019 Annual Monitoring of Red Brook Estates CR

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- September 24, 2019, from Mark Stinson (DEP) – regarding Southampton - DEP File Number - 39 HIGH STREET
- September 24, 2019, from Matthew Doyon, Comprehensive Environmental Inc. – regarding Glendale Well Precon Meeting / Turtle Protection
- September 24, 2019, from Kestrel Land Trust – regarding Watery World Photo Exhibit, River Festival, & Beyond the 5K for Farmland
- September 25, 2019, from Joey Wigglesworth, MACC – regarding MACC's Fall Conference 2019 - Only 3 Weeks Away. Register Today!
- September 27, 2019. From Matt Doyon, Comprehensive Environmental Inc. – regarding Preconstruction meeting for Glendale Well
- September 27, 2019, from Pat Beaudry, PVPC – regarding Just over a week out from our Municipal Conference doubleheader!
- October 1, 2019, from Mark Kasinskas, Burns & McDonnell - regarding Eversource solar array - 9/20/19 and 9/26/19 SWPPP inspection reports
- October 2, 2019, from MassWildlife – regarding Trout and pheasant stocking, public hearings
- October 2, 2019, from Greg Felton – regarding 32 High St, EO
- October 2, 2019, from Mary Zawatski, Tighe&Bond – regarding Lyman Pond Dam Removal Project NOI
- October 3, 2019, from Ryan Nelson, R. Levesque Assoc – regarding NOI - 9 Quigley Rd, Southampton
- October 3, 2019, from Cori Garrett-Goodyear (DCR) regarding Cutting plan final report for 276-9165-18
- October 3, 2019, from Joy Duperrault (DCR) – regarding FOR IMMEDIATE RELEASE: Baker-Polito Administration Announces Availability of \$8 Million in Climate Change Funding for Cities and Towns
- October 3, 2019, from Joy Duperrault (DCR) – regarding FEMA Daily Digest Bulletin-- NFIP Program changes as of 10/1/19
- October 3, 2019, from Michele Grzenda – regarding MSMCP: Oct Brown Bag, other events, Envirosapes, Nature in the news..
- October 3, 2019, from Joey Wigglesworth, MACC – regarding MACC Fall Conference - 2 Weeks Away! Register Today!
- October 3, 2019, from Mark Wamsley, Kestrel Land Trust – regarding Riggs CR Donation
- October 4, 2019, from Joey Wigglesworth, MACC – regarding FREE: MACC Lunch & Learn: This Tuesday, Oct. 8th at Noon. Topic: MESA & WPA Working Together
- October 5, 2019, from Kestrel Land Trust – regarding From Solitude to Adventure: Get Outdoors This Month
- October 6, 2019, from Pete Westover, Conservation Works LLC – regarding Invoice for Monitoring Red Brook Estates CR
- October 7, 2019, to John Root regarding letter of support for presentation of “Attracting Birds, Butterflies, Bees, and Other Beneficials” in Southampton
- October 7, 2019, from Lori Cebula – regarding Land
- October 8, 2019, from MassTrails – regarding Program announced for the 2019 MassTrails Conference! Workshops, field trips, and more!

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- October 9, 2019, from Lisa Narkiewicz, Heritage Surveys, Inc – regarding NOI Huntley-151 East Street
- October 9, 2019, from Mark Stinson (DEP) – regarding Circuit Rider News Update - Stream Crossings
- October 10, 2019, from Joey Wigglesworth, MACC – regarding MACC's Fall Conference 2019 - Don't miss out!
- October 10, 2019, from MassTrails – regarding Exhibitor registration is OPEN for the 2019 MassTrails Conference!
- October 10, 2019, from Mark Kasinskis, Burns & McDonnell - regarding Eversource solar array - 10/04/19 and 10/08/19 SWPPP inspection reports
- October 11, 2019, from Kestrel Land Trust – regarding The Secrets of Saw-Whet Owls & How Kestrels and Eagles Work Together
- October 11, 2019, from Michele Grzenda – regarding MSMCP Event next week, other cool env. events, resources, etc.
- October 11, 2019, from Andrew Howard – regarding Land on Clark Street
- October 14, 2019, from Michael Barry, Bay State Forestry Service – regarding Southampton Conservation Commission looking for rates
- October 15, 2019, from Luci Dalton, Town Clerk – regarding Open Meeting law training
- October 15, 2019, from Mark Stinson (DEP) – regarding Mild Drought Conditions in the CT River Valley Effective 9/1/19
- October 16, 2019, from Mark Stinson (DEP) – regarding Southampton - DEP File Number 289-0220 – 281 & 285 College Hwy
- October 16, 2019, from Mark Stinson (DEP) – regarding Southampton - DEP File Number 289-0221 – 9 Quigley Rd
- October 16, 2019, from Mark Stinson (DEP) – regarding Southampton - DEP File Number 289-0222 - 151 East Street
- October 16, 2019, from Mark Stinson (DEP) – regarding 2008 Aerial Picture of 151 East Street
- October 16, 2019, from Robin Richard, Assistant Treasurer – regarding Turnover Template & Turnover Policy
- October 16, 2019, from Joy Duperault (DCR) – regarding L273 NFIP class Dec 9-12 New London, CT
- October 16, 2019, from Joy Duperault (DCR) – regarding SAVE THE DATE: Creating Resilient Communities - Nov 7 meeting
- October 17, 2019, from Joey Wigglesworth, MACC – regarding MACC Fall Conference - LAST CALL for Online Registration! Register Today!
- October 17, 2019, from Mass Trails – regarding Review the schedule for the 2019 MassTrails Conference!
- October 17, 2019, from Brian McConnell – regarding Retract WPA form 1
- October 18, 2019, from Association of Massachusetts Wetland Scientists – regarding AMWS Annual Meeting: Special Offer!
- October 21, 2019, from Mark Reed, Heritage Surveys, Inc – regarding Kent, 39 High Street, Southampton - Notice of Intent filing ~ DEP file #289-0219

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- October 21, 2019, from Christopher Rawson – regarding Szczypta Conservation Farm – Glendale Road

Hard Copy

- Letter from MACC postmarked Sep 30, 2019 regarding receipt of annual membership payment
- Notice to abutters postmarked 10/01/2019 from Tighe&Bond for NOI for the removal of the Lyman Pond Dam
- Noticed of Intent of Withdrawal of Land from Chapter Classification received October 1, 2019 from Charles M. Fisher. Parcels shown on Assessors’ Tax Map 27, Parcel 6, Lots #1, #2, and #3 Fomer Road
- ANR signed October 16, 2019 from Planning Board, Plan of Land in Southampton, Massachusetts surveyed for the Charles M. Fisher Living Trust, Date: September 30, 2019; depicting Lot 1 (#75), Lot 2 (#77), and Lot 3 (# 79) Fomer Road
- ANR signed October 16, 2019 from Planning Board, Plan of Land in Southampton, Massachusetts surveyed for Eugene & Lorraine Living Trust, Date: October 9, 2019; depicting Parcel B-1 (#29), Parcel B-2 (#33), and Parcel B-3 (# 35) Glendale Road
- Certified mail postmarked October 16, 2019, from the Law Office of Alan Seewald – Notice of Intent, Withdrawal of Land from Chapter Classification, Chapter 61, Location of Property: College Highway, Assessors’ Tax Maps 19-141 and 19-144, Owner: Eugene Labrie
- Received October 21, 2019, A Refresher on the Technical Requirements under the OML for Public Meetings

Any other necessary business that cannot await the November 4, 2019 regular Conservation Commission meeting.

None.

Other Site Visits

8:25 September 20, 2019, 128 Middle Rd, Check area proposed for replacement of failed leach field to determine if RDA is required. Attended by Eileen Pooler, Edmund Pooler, Barry Searle, T. Zaharias, B. Taylor, A. Lawrence, and M. Hanc

8:26 October 1, 2019, 52-62 College Hwy, NOI, DEP#289-0218 Preconstruction meeting attended by Tom Gaughn, Bob Watson, Emily Stockman, A. Lawrence, and M. Hanc. Conservation Commission’s OOC specified erosion control of “Compost filter tubes a minimum 12 inches in diameter”. NHESP required double silt fence to protect turtles. The change of erosion control will be noted in the project file.

8:28 October 1, 2019, 111 Glendale Rd – to check out trail conditions attended by P. Westover, D. O’Brien, and M. Hanc. Conservation Works LLC will send an estimate for relocating the trail in some sections, clearing dangerous tree near the trail, and stream crossing replacements.

8:29 Upcoming Meeting Dates (subject to change)

11/4/19, 11/18/19, 12/2/19, 12/16/19, 01/06/2020, 02/03/2020

Adjournment

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8:29 Motion to adjourn made by A. Lawrence, seconded by T. Zaharias. Motion passed unanimously with four (4) Yes votes.