

SOUTHAMPTON CONSERVATION COMMISSION
Dec. 2, 1996

The meeting was called to order at 7:29 p.m. Members present: Young, Moore, Bernichs, Kingsley, Reed. Also present were associate members Gary and Gerry Swanton. Also Bob Bauer, Steve Howlett, and Edward and Helen Dobosz, and Paul Martinelli. Also, Pat Sheridan of Tighe & Bond, John Barrett of Holyoke Water Works, and Glenn Cairns of George R. Cairns & Sons.

CORRESPONDENCE

Board or Selectmen - cc. of 10/15 letter to Stephen R. Broyer of Tripple Brook Farm regarding renewal of agreement for collection of plants on town property

Tighe & Bond - 11/19/96 re removal of temporary erosion controls from certain stabilized areas (listed)

Tighe & Bond - 11/19/96 - weekly report

Tighe & Bond - 11/27/96 - weekly report

Northeast Utilities - 11/21/96 - bill for \$13.73

Southampton Historical Commission - 11/19/96 - re concern about proposed parking lot & driveway on the Miles estate

Mass. DEGR, Dept. of Food and Agriculture - 11/26/96 - official notice of properties permanently protected for agricultural use through APR (Agriculture Preservation Restriction)

Gazette - 11/25/96 copy of legal notice on 12/2 hearings

Crozier - rent check of \$100

Environmental League of Mass. 11/96 Solicitation

Franklin, Hampden, Hampshire Conservation Districts & USDA, Natural Resources Conservation Service - 11/29/96 - re Identifying Hydric Soils workshop on 12/18/96

Post Office green cards: 11/21/96 - Decker & Co., 11/23/96 - Flematti, Nick J., 11/21/96 - Kenyon Oil Co., 11/23/96 - Robert & Susan Smith.

Conservation Matters - Autumn 1996

Environmental League of Mass. Bulletin - Fall 1996

Environmental League of Mass. Bulletin - Fall/Winter 1996

Solicitations:
World Wildlife Fund, Jimmy Fund Annual Appeal.
MSBY 37

TREASURER'S REPORT

Current Balances:	10-80	\$3904.50
	General Expenses	\$2295.76

Also, Mr. Reed made a request for more envelopes.

HEARING

On the Request for Determination of Applicability from Paul Martinelli of 9 Birch Rd., Westfield, for site grading and construction of a house on lot #1 of Glendale Woods.

Drive, also present were the prospective buyers, Edward and Helen Dobosz.

Mr. Martinelli present a revised plan with a silt fence partially installed. He said one little corner of the house and some grading would be within the 100' buffer zone. There was some discussion of trees to be removed. The septic system would be outside the buffer zone. The plan was done by Rich Brazeau of Elmer Huntley & Associates. Mr. Martinelli said the necessary paperwork had been completed and he wanted to get started on the work as soon as possible. Mr. Reed explained the time involved for a finding on an RDA and the appeal period. Mr. Moore added that they should get the silt fence here before they begin work.

Mr. Reed moved to close the hearing, Mr. Young seconded, and the motion passed unanimously.

OLD BUSINESS

Mr. Young mentioned the Broyer cutting letter, cited in correspondence above.

Ms. Young said the Southampton "points of interest" map had not been updated since 1987. She wants to update it and get a new one printed. Members told her to go ahead.

Ms. Young brought up the Palmer & Palmer Dairy Farm. She said Terry L. Palmer wants to continue renting pasture on the Szczypta property for \$350. He has a small herd and wants a long-term contract. Members said ok, but with 90-day escape clauses.

Mr. Reed reported that the town to date has incurred \$3364.06 in legal expenses relating to the Holyoke Water Works pipeline project.

Ms. Young reported hearing from Pete Weber of Mass. EOEI regarding someone who was upset about a recent Board of Selectmen meeting.

Ms. Young mentioned Country magazine as a possibility for an ad for the removal of the barn on the Szczypta property. She said they have a "Can you help me?" column. Mr. Reed asked if she had put an ad in the Springfield paper, and suggested that Ms. Young give an ad one more shot.

OLD BUSINESS

Regarding the Holyoke Water Works project, Mr. Sheridan brought up the matter of their request for a 1-year extension. He was informed of the legal expenses of \$3364.06 reported earlier by Mr. Reed. He asked for an estimate of future such expenses.

Mr. Reed reported on a conversation he had with town counsel on this matter. He said he was advised that SCC could not set an arbitrary fee unless we have set it prior to the start of the job in question. He was also advised to secure a performance bond to cover the mitigation plan (9/3/96 - DEP) and for upcoming wetland or brook crossings. Mr. Swanson added that it is appropriate to be reimbursed for expenses incurred, and said we have

already agreed in principle that Tighe & Bond would do most of the monitoring work.

Mr. Barrett mentioned three points: 1) the lawsuit brought by Southampton that Holyoke had won, 2) that Holyoke had also won the appeal, and 3) that Southampton residents wanted \$4400 reimbursement each to get off the old 20" pipeline. He said Holyoke would work with Southampton regarding the money, and that everyone wants to get this project done. He also referred to \$21,000 recovery charges from Southampton.

Mr. Reed said we were willing to grant an extension to get the work done, but we have expenses, and the permit is with the City of Holyoke. This has nothing to do with any other part of the town. \$3564.06 is the only SCC expenses so far. Mr. Swanson repeated that all we want to do is get the work done and not have it cost us anything. Ms. Swanson suggested calling it reimbursable expenses.

Mr. Reed suggested first stipulating the \$3564.06 to date, and then agreeing that Holyoke would reimburse anything more than \$300 in further expenses. Second, he proposed a performance bond from Holyoke Water Works. Mr. Sheridan said that he thinks the town of Southampton is co-insured on the current bond, and Mr. Reed thought that would be acceptable. Ms. Young said we would need a copy of it. Mr. Sheridan said SCC would have to establish the amount.

At this point Mr. Moore asked about mitigation costs and upcoming work. Mr. Reed said he hoped we were covered, and that he has had trouble coming up with a figure. Ms. Young suggested asking Sandy Dawson of MADEC. Mr. Sheridan said this would be more of an agreement than an order.

Mr. Reed further proposed that the extension be granted based on the '95 specs with all addendums and change orders to date, with 30' wide work area.

Mr. Swanson said all this involves amending an order, and that there are procedures for this from DEP. He mentioned particularly a public notice, hearing, copy of plans to DEP, etc. Then we need to schedule a Dec. 16 hearing to be in time for the Dec. 20 deadline, Mr. Reed said. Mr. Swanson added that abetter notification must be done as with the original Notice of Intent.

Mr. Reed said then that we need a letter asking for an amendment of the Order of Conditions, with a copy to MADEP Regional Office. He said we would have to issue an amended Order of Conditions and an extension.

Mr. Sheridan suggested a 30-60-day extension to put all this together, and then corrected himself to request a 45-day extension for said purposes. Ms. Young moved for a 45-day extension from the Dec. 20 deadline, Mr. Bernichte seconded, and the motion passed unanimously.

The next question to settle was the fees. Mr. Young said the law allows us to charge for our on-site expert. Mr.

Sheridan asked if SCC could put an upper limit on this expert, say \$5000, not to be exceeded without notifying Helyoke Water Works. He added that invoices should be provided to the city for verification of environmental expenses.

Mr. Sheridan reported no news from the Army Corps yet.

Mr. Reed then brought up the matter of a letter from Tighe & Bond regarding the removal of erosion controls from 3 areas. If we approve this, he asked, will it get done? Mr. Cairns said frost will be a problem soon. Mr. Moore asked if these areas are all stabilized, and Ms. Young said yes, they look good. Mr. Moore asked if they would destroy the hay bales in place, and Mr. Sheridan said yes. This can be done regardless of frost, though the other work couldn't be done in that event.

Mr. Reed moved to accept the Nov. 18 letter, specifically items 1-13, regarding removal of erosion controls. Mr. Young seconded, and the motion passed unanimously.

Mr. Howlett reported that he is still getting water in his cellar, and that something has got to get done. Ms. Young added that the water table is not now the highest it has been. Mr. Swanson said he took a ride out there with Ed Cauley this morning. Mr. Howlett asked if the water couldn't be diverted to the other side of the brook, and received no answer.

Hearing on the amendment of the Order of Conditions and Request for an Extension was set for 8:00 p.m. on Jan 6, 1977 in the Selectmen's room.

NEW BUSINESS

Ms. Young reported receiving a complaint about a garage and oil pipe in wetland on the northwest corner of Valley Rd. and College Highway. She noted that a previous request for this had been denied, and said someone should look into it. She said a permit was requested after the fact. Mr. Reed and Mr. Moore said they would have a look.

Mr. Kingsley moved to reimburse Mr. Reed \$37.40 for postage and supplies, Ms. Young seconded, and the motion passed unanimously, Mr. Reed abstaining.

Mr. Kingsley moved to spend \$37.90 for three boxes of U.S. Postal Service envelopes, Ms. Young seconded, and the motion passed unanimously.

Mr. Kingsley said he would like to look into purchasing three educational videos on wetlands for the school and the library. Members approved.

Mr. Kingsley said figures for future budget proposals were due Dec. 17. He proposed requesting \$3,000 for FY '98 and projecting \$3,250 for FY '99. Members approved.

Mr. Berniche moved to adjourn, Mr. Kingsley seconded, and the motion passed unanimously at 9:22 p.m.

SOUTHAMPTON CONSERVATION COMMISSION
Nov. 18, 1996

The meeting was called to order at 7:15 p.m. Members present: Moore, Young, Reed, Kingsley. Also: associate member Gary Swanson

CORRESPONDENCE

Fax Memorandum to Mr. Reed from Gary Swanson regarding Holyoke Pipeline wetlands issues and his Nov. 14 meeting with Ed Cauley and HWW personnel (i.e., David Conti, Mgr. and Henry Seidel, Supt.) (The Memorandum is attached.)

F.O. green cards: Elizabeth Howlett, Stanley Samuelson & Elinor Saltz, and Louis Keller

Mass. DEP - file #189-93 for Decker & Co., Inc. representing Konyon Oil

Groundwater & Environmental Services, Inc. - letter regarding background and progress at XTea Mart facility on College Highway

Tighe & Bond - 11/5/96 weekly report

Tighe & Bond - cc. of 11/6/96 letter to David Rowland (MADEP) re construction and location of as-built collars.

Baystate Environmental Consultants, Inc. - cc. of 11/6/96 letter to Robert McCallum (MADEP) re mitigation plan and lateness of season.

MADEM - announcement re 1997 Greenways and Trails Demonstration Grants Program

Tighe & Bond - 11/13/96 weekly report

Gazette - tearsheet

MACC Newsletter - Early Fall 1996

Mass. Forest Stewardship Program - Source Book Sanctuary - Nov/Dec 1996

Nature Conservancy, Mass. Chapter - Fall Appeal

World Wildlife Fund - calendar offer

National Wildlife Federation - appeal

Sierra Club Legal Defense Fund - appeal

MINUTES

Minutes of the October 21, 1996 meeting were read, amended, and approved as amended

HEARING

On a Notice of Intent filed by Susan W. Teece of 4 Buchanan Circle, for the repair of an existing septic system. Plans were prepared by James B. Gracia, PE.

Mr. Reed explained that Ms. Teece needs a new leach field. He said Mr. Gracia proposes that the system be in the lawn about 60-70' off wetland boundaries, and the plan is to clean and repair the system. Siltation barriers would be used.

Mr. Gentile asked about the time, and Mr. Reed said they wanted to do the work as soon as possible. He added that we gave emergency authorization. Mr. Swanson asked if the 5' of material to be taken out would be removed from the site, and Ms. Young said it should be cleaned and inspected every 2 years. Mr. Young and Mr. Reed saw no problems with the plan. Mr. Reed moved to close the hearing. Mr. Moore seconded and the motion passed unanimously.

TREASURER'S REPORT

Current balances:	40-80	\$3704.50
	General Expenses	\$2341.28

OLD BUSINESS

Mr. Reed said members should sign 2 Orders of Conditions from last meeting. One involved the Xtra Mart property. Mr. Reed said that testing was done and no contaminants were reported where the leach field is going. He said repair should begin soon, but that further test results won't be back in time. He said the following additional conditions:

13. Erosion controls during construction and for a minimum of one growing season.

14. No work between the hay bales and the wetland.

15. Certification in writing, along with as-builts, from Decker & Co. and Ms. Coresia (for Berkshire Environmental Services).

16. Test results must be submitted when ready, and new work may require a new Notice of Intent.

Mr. Reed wondered whether to issue the permit now or wait for 2 weeks. Mr. Moore and Ms. Young said let's get it done. Members signed the Order of Conditions.

Next was the matter of Susan & Robert Smith. Mr. Reed reported a change in the plan to eliminate the use of bio-clear, and proposed that the more recent plans (from the meeting of Nov. 4) should be followed. Members signed the Order of Conditions.

Mr. Gentile said that Eric Neale's boy scout eagle project work at the sanctuary was completed on the weekend of Oct. 27. They put in steps, repaired bridges, cleared the path, cut trees, and put in a new set of stairs.

Mr. Reed mentioned that there was still a credit of \$340 at Fleury Lumber Co., less whatever Eric Neale used.

Mr. Gentile suggested putting a laminated map on the back of the proposed sign for the Hazel Young Trail. Ms. Young said that was a good idea.

HEARING

On the Request for Determination of Applicability of Nick and Jamie Flematti for the construction of a house and

septic system on parcel D on Montgomery Rd. There is an intermittent stream within the 100' buffer zone.

Mr. Reed stepped down from his seat on the Commission, saying that while Heritage Surveys is not involved in this project, he did the original perk test.

Ms. Flematti was present and showed members the plan. Mr. Moore commented that it does need to be maintained and kept intact. Ms. Flematti said they were drilling the well today, and Mr. Kingsley said there was a perk rate of 5" per minute.

Mr. Moore asked if there was ground water in the test pits, and Mr. Reed said no, but there was mottling up high. Ground water was not evident at 32 and 40". The back of the lot did not pass the perk test.

Mr. Moore said the plan looks acceptable, but cautioned that the erosion control should be maintained so that there is no effect on the intermittent stream.

Mr. Gentile moved to close the hearing, Mr. Kingsley seconded, and the motion passed unanimously.

Mr. Reed resumed his seat on the Commission.

NEW BUSINESS

Mr. Kingsley moved to reimburse Mr. Reed \$16.77 for postage. Mr. Gentile seconded and the motion passed unanimously, Mr. Reed abstaining.

Mr. Kingsley moved to pay WMECO \$13.73, Mr. Gentile seconded, and the motion passed unanimously.

INFORMAL DISCUSSION

Edward and Helen Dobosz and Paul Martinelli, their builder, were present to ask about a house they are planning on Glendale Woods Drive. There is apparently a question of wetland with an intermittent stream on the property.

Mr. Moore said it is wetland; he knew that from previous applications from neighbors. He said a Request for Determination of Applicability would probably be needed, and that this would clarify procedures and precautions.

Mr. Reed asked to see the plan. He said that the intermittent stream needs to be protected because construction would be up the gradient from it. He added that the house would be within the 100' buffer zone and the gradient too. He said Mr. Brazeau will need to show the protection on the plan. He told the Dobosz's that it looks fine, but go through the procedure. Mr. Moore added that there should be erosion controls and no work outside of them.

Mr. Martinelli asked if he could start cutting trees down, and Mr. Reed said yes, but not if there would be stumping. Mr. Moore added that they should not be felled into the resource area. Mr. Reed got copies of Form #1 for the applicants.

OLD BUSINESS

In the matter of the Holyoke Water Works Project, Present were David Conti, HWW manager; John Barrett, Chairman of HWW; Mark Hoey and Pat Sheridan of Tigh & Bond; Glenn Cairns, contractor; Joan Muse and Paul Cousineau, residents of College Highway; Reinhold Bauer and Stephen Howlett, residents of Madison Ave.

Mr. Swanson reported on a Nov. 11 meeting with Henry Seidel and David Conti of HWW and Ed Cauley. He said Holyoke Water Works had installed a French drain at the end of Madison Ave. It drains to the town catch basin.

Mr. Conti asked about the extension request, and Mr. Swanson thought it had a better chance with the '95 plans. Mr. Conti said Holyoke Water Works was amenable to this. Mr. Swanson said if the '95 plans were held to and the town could recover some costs, then he would favor the extension. Mr. Conti then reported on a Nov. 15 meeting with the Army Corps of Engineers and said he hope for an answer from them within two weeks.

Mr. Reed asked for an explanation of the 11/5 9-page letter from the Corps. Mr. Hoey explained that the contractor questioned the validity of the permit and addressed a Nov. 6 letter asking about modifying the permit. He said the Corps agrees with MADEF about the Cairns mitigation plan. MADEF said they agreed with Cairns to leave it (_____???) in, put the pipe in, and restore. There are potentially certifiable vernal pools and that the Holyoke Conservation Commission will try to certify them after construction.

Mr. Hoey continued, indicating that the Corps said some adjacent areas may be Federal wetlands. We gave the Corps more information, Mr. Hoey said. In response to a question he said the Southampton Conservation Commission will get copies of the letters to the Corps. Further, he said the Corps wanted them to get back to work but get the permit modified. Ms. Cairns responded that he could not go back to work until this Corps permit was modified.

Mr. Swanson asked if the Corps thought there was a valid permit. Mr. Hoey said there were no obstacles to continuing work, but there were to completing the work. The Corps promises a quick turnaround, he added.

Mr. Swanson said all this relates to Commission concerns. Mr. Hoey answered that there were no regulatory obstacles. Mr. Swanson then said to Mr. Cairns that you want answers, but we can't do just 200 . Wetlands issues need to be cleared up.

Mr. Reed then suggested conditions for an extension, and added that they shouldn't be an extension unless the pipe can go past Madison Ave. to alleviate the problems there. Mr. Hoey responded that Holyoke can't put the pipe in, they don't have that leverage. Mr. Reed said we don't control Cairns. Mr. Hoey added that Holyoke did install a drain to provide some relief. It was then that they discovered a broken drain apparently caused by the cable company. Mr. Reed answered that this was not related to

Cable TV operation. It is a 4-5' deep curtain drain. Mr. Conti said no, that it was only 2' deep. Mr. Reed said he saw it Friday & Saturday (i.e., 11/15 & 11/16), and Mr. Conti said their drain was 2-4' deep.

Mr. Reed said a new curtain drain would help the problem of icing on the road, but is not deep enough to intercept water coming down the hill. Mr. Hoey said they know it was stopgap, but "we were after the biggest piece we could grab." Mr. Swanson said you can't go much deeper than that.

Mr. Reed repeated that he wanted to see the pipeline down past the bottom of the hill and out of the area. Mr. Kingley said we're all frustrated, and we only have control over wetland.

Mr. Bauer said the problem of water over the road has been solved, but now there is a puddle starting 12' back from the storm drain and it seems to be growing. Mr. Sheridan said it might back up. Mr. Conti said he would check with Ed Cauley.

Mr. Swanson said he was glad to see that much work. He added that we can't put Mr. Reed's idea for a condition on an extension. Mr. Cairns said the '95 plans have a 30' corridor, and you've already allowed 30'. Mr. Swanson said we can leave that at 30'. Mr. Hoey said if the Army Corps goes for the 30', so much the better.

Mr. Reed agreed to strike the extending pipe condition. He then proposed these conditions: 1) that Holyoke Water Works reimburse Southampton for legal expenses, and 2) if Southampton requires an independent Environmental engineer, all such costs would be paid by Holyoke Water Works.

Mr. Hoey said, you have us over a barrel. Mr. Swanson said it is not that bad. Tiche & bond can go on with strict the reporting requirements. We may only need interpretation and recommendations now and then. Mr. Hoey said it is still open-ended. Mr. Swanson agreed, and said maybe we can come up with a number as a fee. Mr. Moore said SCC would need assurances, and Mr. Swanson said let's come up with an estimate for a wetland specialist for next meeting.

Mr. Moore then asked that Holyoke give these people (i.e., the residents of Madison Ave.) some help. Ms. Young then said there is a new complaint off Boulanger Rd. Mrs. Tony Farquini has several problems.

Mr. Reed began proposing a third condition. He asked if there was ever a fee with the original Notice of Intent. The answer was no, and so he wondered about a fee for a permit extension. Mr. Conti said he was on a tight budget, and that Holyoke is not a rich city. Mr. Swanson said Southampton is only trying to break even, and we are within our rights to try to do so.

Mr. Reed then proposed three more conditions: 4) the extension would be based on the '95 plan with all addendums and change orders to date, with a 30' work

corridor allowed. 5) The extension would be subject to any and all SCC, DEP or other regulatory agency's conditions. 6) SCC shall interview any new contractor should GRC default. Mr. Moore agreed that such a new contractor should come before SCC, and Mr. Swanson said this would usually be done at a pre-construction conference. Mr. Conti said he had no problem with that.

Ms. Young emphasized that she saw this as a final extension permit, and Mr. Reed said that was on the heading of his proposal. Mr. Kingsley said this should be a condition itself, that this is the final extension that will be considered. Mr. Conti said they are just as frustrated, and when they get the relevant permits modified, they will ask the contractor to resume construction. Mr. Swanson reminded Mr. Conti that this affects the Southampton Water Works future too.

Mr. Sheridan asked if the Commission would project cost amounts regarding conditions 1-3 before the next meeting. Mr. Reed said yes.

Mr. Barrett commented that Holyoke didn't cause this problem, and that they should be out of it by now. He said we are going to finish this project, and you will have Holyoke Water Works' cooperation. He said they don't want more problems with Southampton, but everyone could have water if the two old 20" pipes give out. Mr. Swanson said it was good they came tonight. It was helpful.

Mr. Bauer brought up another short-term problem. He said the swales coming down the hill force water toward his property and dumps to Steve Howlett's property. He said they dump not only underground water, but surface water, and asked why those swales can't be filled in. Mr. Reed said in the areas he's seen the vegetation is stable. Most of the erosion controls could be removed.

Another resident worried about the water track even after the pipeline is in and through. Mr. Hoey said the water there is clear. It may be making a hole or fissure or track. Mr. Howlett asked for assurances, and Mr. Hoey said he didn't know if there were any guarantees, but he re-emphasized that Holyoke Water Works had made a commitment to try and make things good.

Mr. Moore asked Mr. Sheridan to please address the Boulanger Rd. complaint. Mr. Sheridan said the new access road has doubled the drainage. There are hay bales and no silt is getting through. When the work is done it will be fixed. Ms. Mace of 332 College Highway said since the pipe is in he's got all the water. Mr. Sheridan said this is part of the stabilization area. When the hay bales get out it will level off. Mr. Cairns said it is back to original grade now, and Mr. Moore said then pull the hay bales. Mr. Sheridan said they needed SCC's permission. Can we remove hay bales and start evening out? Mr. Cairns said tomorrow morning. At this point Mr. Reed moved to

approve the start of gradual removal of the hay bales, Mr. Kingsley seconded, and the motion passed unanimously.

There was some further talk about some of the work that had been done well, and comments that it has been a very wet year. Mr. Muse asked about some tree stumps and debris, and that he was worried about snowmobiles in the cleared area. Mr. Conti said there would be a 4' fence off every road crossing, and the Mass. Environmental police would be watching the area.

The next meeting of the Commission was scheduled for Dec. 2.

OLD BUSINESS

Ms. Young said she wanted to place another ad on the Glendale barn, one that would offer the materials in exchange for demolition. The bidder would have to be self-insured. Mr. Gentile suggested a country magazine, and Mr. Moore suggested discussing it at the next meeting.

Ms. Young said William Gould's property abuts the Danielle property, and Mr. Gould is interested in an offer for his property.

Ms. Young notified the Commission that the pasture on the Szczypta property is being rented by Terry Palmer (568-9790) and Earl Palmer (562-4288) for \$350.

Mr. Gentile moved to adjourn, Mr. Kingsley seconded, and the motion passed unanimously at 9:42 p.m. Next meeting: Dec. 2, 1996.

SOUTHAMPTON CONSERVATION COMMISSION
Nov 4, 1996

The meeting was called to order at 7:12 p.m. Members present: Moore, Young, Reed, Gentile, Kingsley, and Berniche. Also, associate members Gary and Gerry Swanson. Also, Phoebe Mitchell, Steve Howlett, Bob Bauer, Charlie Maak, Glenn Cairns, Joe Rives, Rich Brazeau and Denise Sacharczyk.

CORRESPONDENCE

MINUTES

Minutes of the August 19 and September 9, 1996 meetings were read, amended, and approved as amended.

TREASURER'S REPORT

Current balances:	40-80	\$3437.00
	General Expenses	\$2631.34

HEARINGS

Regarding a request from Lyman Sheet Metal, Inc. to remove an old garage and construct a new one at 281 College Highway.

Mr. Reed said he had a look out there, and reported that the town will take fill material out to use in capping the landfill. Mr. Swanson corrected this, saying it was not actual capping, and that it was pretty loamy material.

Mr. Reed said the purpose of the project is improved turning radiuses for equipment and tractor/trailer trucks. He said now they rent space across the street and employees have to walk across. Mr. Moore said the erosion control barriers look OK, and asked about a storm drain from the parking lot to the river. Mr. Reed said they'll put hay bales around the catch basin. He said we should have a copy of the plan submitted.

Mr. Gentile asked if the Commission could act without an officer from Lyman present, and Mr. Young said we could. Mr. Reed asked how will they stabilize the bank, with mulch? Or with winter rye, suggested Ms. Young.

Ms. Young moved to close the hearing, Mr. Reed seconded, and the motion passed unanimously.

HEARING

Continuation of the Robert & Susan Smith hearing. Mr. Rich Brazeau of Elmer Humbley & Associates was present and offered a revised plan for the proposed sewage disposal system. Mr. Swanson had a few questions and suggested that additional data about the areas not perked might be helpful. He asked if these results could be shown on the plan, and Mr. Brazeau said yes.

Ms. Young moved to close the hearing, Mr. Gentile seconded, and the motion passed unanimously.

Mr. Brazeau also asked about the Samuelson matter. He said the Board of Health questioned whether the Commission would review whether he should have a bioclere material on the Riverdale Rd. side. Ms. Young agreed that she was concerned about that. Mr. Brazeau asked if Joe Slattery would get advice from Mr. Swanson on that. Mr. Swanson asked for a copy of the bioclere report; and Mr. Brazeau said he would comply.

HEARING

On a Request for Determination of Applicability from Denise Sacharczyk of 89 Beacon Hill Rd., West Springfield, for a driveway for a future house and barn off College Highway (map 39, parcel 9).

Mr. Reed had a question about the right of way, and Ms. Young said it is decided. Mr. Sacharczyk asked if the Commission would go up and have a look, and Ms. Young said there is a wetland. Mr. Reed asked about the location of the boundary in relation to the wetland. Ms. Young said it is 25' wide, and does not meet today's standard of 50'.

Ms. Sacharczyk said she didn't know how to identify wetland though they did have it perked a few years ago.

Mr. Moore said the Commission doesn't have enough information to act on this. He said the wetland has to be flagged and mapped and a plan must be brought forward. Mr. Reed said she would have to get a surveying firm and an engineering firm for the culvert crossing. Ms. Young reviewed the things to be done before Ms. Sacharczyk should come back and indicated a new filing would be necessary.

Ms. Young moved to close the hearing, Mr. Berniche seconded, and the motion passed unanimously.

HEARING

Mr. Reed stepped down as a member of the Commission.

Mr. James Grady of Holyoke Gas & Electric was present regarding a Request for Determination of Applicability for a new gas main on County Rd. in conjunction with the County Rd. reconstruction. Mr. Grady explained that Mass. Highway Dept. forgot to include the utilities in the original request, so that is why he is here now. He said there was one wetland area by Dupuis Rd. He said silt fences and hay bales were already there. He added that the plan was to relocate the gas mains inside the new headwalls for the stream after they were installed and backfilled. He expected one day of work. He said there was one change in the plan. Since there was concern about Southampton water & sewer, the gas main would run on the Holyoke side of County Rd., still inside the headwalls and well within their limits, as well as inside the Holyoke water main.

Ms. Young moved to close the hearing, Mr. Gentile seconded, and the motion passed unanimously.

Mr. Grady said they hoped to start work on Nov. 18 and Mr. Reed said he would get out the forms on time.

NEW BUSINESS

Mr. Moore reported on a forest cutting plan from Stephen Breyer, approved by Carmine Angeloni of MADEM. Members signed the Sacharczyk papers.

OLD BUSINESS

Mr. Reed resumed his seat on the Commission.

Mr. Reed reported receiving a request for a Certificate of Compliance from Elmer Huntley & Associates for septic work done on the property of Elizabeth Howlett of 38 High St. Mr. Reed added that the work looks good.

Ms. Young moved to issue the certificate, Mr. Berniche seconded, and the motion passed unanimously.

Mr. Reed had a question about the Samuelson matter. Should we issue an Order of Conditions or allow a redesign. Mr. Moore said they must refile it if they want changes. Mr. Reed presented the Order of Conditions and members signed it.

Regarding the Order of Conditions for Louis Keller on lot #11 of Brickyard Rd., Mr. Reed proposed that the installation be according to the plan presented. Members signed this Order of Conditions.

Mr. Reed presented an Order of Conditions for Robert & Susan Smith, with plans as submitted tonight (other plans now void). Members signed this Order of Conditions.

NEW BUSINESS

Mr. Kingsley asked about an apparent mixup on the WNECCO bills. Ms. Young said she would call and straighten it out.

Mr. Kingsley moved to pay \$8 annual box rental to the Post Office, Ms. Young seconded, and the motion passed unanimously.

Mr. Kingsley moved to pay Parker & O Grady \$275 for preparing the Crevier lease agreement, Ms. Young seconded, and the motion passed unanimously.

Mr. Kingsley moved to reimburse Mr. Reed \$23.08 for supplies, Mr. Gentile seconded, and the motion passed unanimously, Mr. Reed abstaining.

Ms. Young reported that she just gave the treasurer \$450 from Terry Palmer who wants to rent pasture on the Szczytka property. She said it is the back pasture down by the river.

Mr. Reed reported receiving an invitation from Parker & O Grady to attend the open house at their new offices on Nov. 15 from 4:00 to 7:00 p.m.

Mr. Reed reported receiving a request for a Certificate of Compliance from Lori Loisel of 28 Hillside Meadows Drive.

Mr. Reed reported receiving a Request for Determination of Applicability from Nick Flematti for parcel D on Montgomery Rd. A hearing is scheduled for next meeting.

HEARING

On a Notice of Intent filed by Kenyon Oil Co of 22 Quineburg Rd., North Grosvenordale, CT, for work to be done at the Xtra Mart property at 247 College Highway, the DEP # is 289-93. Ron Fortune of Decker & Co. was present representing Kenyon Oil.

Mr. Fortune reported that the testing of soils and boring would not be done until tomorrow. Also present was Gail Ceresia of Berkshire Wetlands Services.

Mr. Reed reported that the \$30 and \$40 fees have been received.

Ms. Ceresia reported a few changes in the original plan. She commented on the erosion control plan, said there was a failed septic system there now, indicated the leaching area is 50' away from wetland, the pump chamber, etc. is 25' away, and that the work meets all Title V codes. Further, they propose to remove 30" of fill to 58" below grade and replace this with sand to perk at a 2-5 minute rate.

Mr. Reed asked about mottling within the fill area or in the C horizon. Ms. Ceresia said it is in the B horizon, so it is assumed up to A. Mr. Reed said he hated to see a mounded system if not necessary. If the wall gets a leak it could go to the abutter's yard. Ms. Ceresia said the depth of perk is 82", with mottling up through the A horizon, so it used to be wetland. She said they would not be bringing in that much fill--it drops off behind the property line. She said it slopes now, but it will be flat so the wall won't be that high. Also, it is at the end of the bed so the water will be seeping vertically.

Mr. Moore asked about volume, and Ms. Ceresia said 400 gal./day. Mr. Moore asked if they could cut this down, and Mr. Swanson and Ms. Ceresia both said it is within the code. Mr. Moore asked about going to a tight tank, and Ms. Ceresia said there is no reason to. She added that DEP doesn't like them, there are lots of abuses. Mr. Swanson added that the Board of Health regards them as a last resort.

Mr. Reed said the soil testing has not been done yet, and Mr. Swanson said the contaminated soil has to be disposed of properly. Ms. Ceresia said GES (Groundwater Environmental Services) would advise us on that.

Ms. Young moved to close the hearing, Mr. Reed seconded, and the motion passed unanimously.

Mr. Reed added that GES has to pinpoint the source of contamination. Mr. Fortune said the tanks are tight. Mr. Reed indicated his concern with the effects, but since the situation is not good now, the sooner it can be fixed the better. He did say that other problems may arise. Ms. Ceresia said if there needed to be changes, they would ask for an amended Order of Conditions, and Mr. Reed said to get the changes to the Commission as soon as possible.

OLD BUSINESS

Regarding the Holyoke Water Works project, Mr. Reed brought up the mitigation plan.

Mr. Swanson reported on soil conditions on Madison Ave. after a morning meeting there with Pat Sheridan, Mark Reed, Glenn Cairns, Ed Cavley and himself. He said there were not quicksand conditions there, that if there were to be a longer delay a contractor should run a French drain to the town catch basin, and that Tighe & Bond should write to Cairns with this information and request them to review the current situation and if further work is not imminent to install such a drain to the catch basin.

There followed a discussion about whether and how work could proceed and implications about who should bear the responsibility for work not going on.

Mr. Reed said we have reviewed the situation with town counsel and the advice of MADEP, and three choices seem to be before the Commission. One, a new Notice of Intent should be filed, due to violations and substantial changes in the plans. Two, an extension could be granted with conditions we can work out with MADEP, the Army Corps of Engineers. (Mr. Swanson commented that this would be an extension on the '88 plans.) Three, there could be time variations on the above.

There followed considerable discussion about these alternatives, and particularly about whether the '88 or the '95 plans are the operant ones. Mark Hoey of Holyoke Water Works said it is becoming a legal matter.

More discussion followed, including the news that DEP says this is in litigation. Mr. Sheridan said Tighe & Bond favored a 1-year extension. There was further discussion about the problems, mistakes, damages, legalities, etc.

In the end, Mr. Reed moved that the Commission should declare that the Order of Conditions based on the '88 plans with revisions submitted on the '95 plans is valid. Mr. Kingsley seconded, and the motion passed unanimously.

Mr. Cairns said he still needed a response from the Army Corps. Mr. Moore asked if he could put in a curtain drain in the meantime, and Mr. Cairns said he would look into it.

Mr. Bauer expressed frustration with the situation.

Mr. Moore and Mr. Reed both asserted that the Commission is not standing in the way of further work. We need a more detailed construction schedule, Mr. Reed said, and Mr. Gentile added that we're waiting for DEP and town counsel. Mr. Swanson pushed Mr. Cairns about when he would get back to work, and Mr. Cairns said they were waiting to hear from the Army Corps. Mr. Gentile asked shouldn't the contractor fix damage he creates, regardless of pay?

There was further discussion on these matters.

Mr. Reed then said we need to address the mitigation plan. He said on Oct. 22 DEP approved the REC plan with

conditions. He asked Mr. Cairns if he would start mitigation work separate from laying pipe. Mr. Cairns said essentially it is too late now. Mr. Reed recommended that someone from BEC attend our next meeting to discuss the plan. Mr. Davis said the June 1, 1997 deadline can't work.

Further discussion was scheduled for 8:00 p.m. at the next Commission meeting on Nov. 19, 1996.

NEW BUSINESS

Mr. Reed reported that Susan Teece of 4 Buchanan circle needs septic repair and that James Gracia, P.E. has prepared a plan. He said currently it is backing up into the laundry room. Mr. Moore recommended granting emergency authorization for installation, and she should file a Request for Determination later. A hearing was scheduled for Nov. 18.

Mr. Reed moved to adjourn, Mr. Kingsley seconded and the motion passed unanimously at almost 10:30 p.m. Next meeting: Nov. 18, 1996.

SOUTHAMPTON CONSERVATION COMMISSION
Oct. 21, 1996

The meeting was called to order at 7:15 p.m. Members present: Moore, Young, Reed, Kingsley. Also, associate member Gary Swanson.

CORRESPONDENCE

- Tighe & Bond - cc. of 9/9/96 letter to Cairns re Cairns' request for a review of 1988 WCC permit
- Tighe & Bond - 9/25 weekly report from Jay Viamari
- Tighe & Bond - 10/1 requesting review of possibility of removing some erosion controls
- Tighe & Bond - cc. of 10/1 letter to Cairns re corrective work needed (after 9/30 SCC meeting)
- Tighe & Bond - cc. of letter to Howland (DEP) re Dewatering & Manhan Crossing plans (after 9/30 SCC meeting)
- Tighe & Bond - 10/1 - copy of Jennie Gnadek's agreement with Cairns for use of her land
- Tighe & Bond - cc. of 10/1 letter to Cairns re 9/30 SCC meeting re conditional approval of Dewatering & Manhan Crossing plans
- Tighe & Bond - 10/1 weekly report from Jay Viamari
- Mass. DEP - 10/4 file no. 289-90 for application of Robert & Susan Smith
- Mass. DEP - 10/4 file no. 289-92 for application of Louis Keller
- Tighe & Bond - 10/9 weekly report from Jay Viamari
- Tighe & Bond - 10/9 copies of property use agreements between G. R. Cairns & landowners
- Tighe & Bond - 10/9 request for one-year extension
- Tighe & Bond - cc. of 10/8 letter to Cairns updating project status with SCC, Mass. DEP, and U.S. Corps of Engineers, and asking for schedule of work by 10/15/96
- Daily Hampshire Gazette - advertising tear sheets from 10/15/96 Gazette
- Tighe & Bond - copies of 10/16 and 10/17 letters from Cairns with additional information re dewatering plan and project schedule
- Baystate Environmental Consultants - cc. of 10/16 letter to Mass. DEP (McCollum) re erosion and sedimentation control monitoring, 9/27 - 10/11
- Tighe & Bond - 10/17 weekly report, including new information of corrective work by Cairns, from Jay Viamari
- G. R. Cairns & Sons - cc. of 10/16 letter to Tighe & Bond re dewatering plan discharge point and 10/17 letter re progress schedule
- Decker & Company, Inc. - Xtra Mart sediment erosion control plan for 247 College Highway (Rte. 10) and Kenyon Oil sewage disposal system plan for Route 10 (College Highway)

Letter from Wright, Moehrke & Mackie
Parker & O'Grady - bill for \$275 for drawing up lease
for rental of Szeczyta barn

Conservation Law Foundation - offer of member
automobile insurance
Environmental League of Mass. - 1996 annual meeting on
10/21/96
Environmental League of Mass. - membership reminder
Environmental League of Mass. - bulletin
Wetlands, Woodlands and Wildlife - 1st annual
conference
Mass. Audubon - 10/12 lecture by Barbara Young
Land Conservation Center - "Conservation Notes"
National Parks - September/October 1996
Nature Conservancy - November/December 1996
National Parks and Conservation Assn. - 1997 calendar
Offers & Solicitations from:
National Geographic Society
National Parks and Conservation Assn. (2)
Appalachian Mountain Club
World Wildlife Fund
Nature Conservancy
Outside magazine
Springfield Rescue Mission
John Latka & Co. - printer

MINUTES

Minutes of the September 30, 1996 meeting were read,
emended, and approved as emended.

TREASURER'S REPORT

Current balances:	40-80	\$2987.00
	General Expenses	\$2651.34

HEARING

On a Notice of Intent filed by Stanley Samuelson &
Elinor Saltz of 90 Park St., Easthampton, for the repair
of an existing septic system through construction of a
new system at 22 Riverdale Rd.

Mr. Rich Brazeau of Elmer Huntley & Associates
represented the applicants. He explained that there was
a problem of taking silt out to put sand in. He spoke of
using a plastic break-out barrier, a bio-clear system and
a pre-leach field. Mr. Rodd asked about the water table,
and Mr. Brazeau said it was 25" and actual ground water
was at 84". Mr. Moore commented on the steep drop, and
Mr. Brazeau replied, "Yes, 25'." Mr. Moore asked about a
deep vinyl buffer, and Mr. Brazeau said it's at 4-5'.

Mr. Samuelson added that he would have a 2-year
contract for 2x/year monitoring. Mr. Moore asked about
mounding the system and whether people would drive over
the system. Mr. Brazeau said no to the mounding and yes
to the driving. Mr. Moore asked if the break-out fabric

shouldn't go up to the sandy material, that it would be better to have more barrier than less.

Mr. Reed asked if it would be a pressure system (the answer was no), and if it was on town water (the answer was yes).

Mr. Reed asked about the DEP number. It had not been received, but #297-91 had not come in yet.

Mr. Moore asked how soon the project would be underway, and Mr. Brazeau said they were at a Board of Health hearing last week (10/29) and they said the sooner the better. Mr. Samuelson said it's out to bid now.

Mr. Reed asked about the \$30 fee, and Mr. Samuelson wrote a check.

Mr. Reed moved to close the hearing, Mr. Kingsley seconded, and the motion passed unanimously.

HEARING

On a Notice of Intent filed by Robert & Susan Smith of 18 Madison Ave. to repair an existing septic system through construction of a new absorption system.

Mr. Brazeau represented the applicants. He began by asking for an allowed waiver by using a bio-clear system to counteract the lack of sufficient depth. He presented detailed plans, and added that they had filed with the Board of Health. The property is on town water, he explained, and said the project called for bringing in fill to get over the ground water.

Mr. Moore asked if they had tried the front yard, and Mr. Brazeau said he didn't do a perk test there because the red rock ledge and sandy clay nearby didn't leave sufficient room.

Mr. Reed pointed out that the Board of Health can waive to 3' on a repair. There is impervious material 4' below the planned fill. Mr. Swanson asked where does the liquid go? Eventually to wetland was the reply. Mr. Swanson asked about reducing the nitrogen level, and commented that such a system is actually designed to break out to the wetland. Mr. Brazeau said there is a deepening of sand before the wetland. He did auger holes there. Mr. Smith said that's the old canal.

Mr. Smith asked if the leach field is 4' above ground water, and it's a 2' depth to the field, could bio-clear be avoided? Would it kill the trees in the back yard? Could it get up the hill? Mr. Moore said that would be a better and less complicated system, and he asked if Mr. Smith would like a continuation. Mr. Smith said yes, and Mr. Reed said he should come back with proposed changes or not.

Mr. Moore moved to continue the hearing, Ms. Young seconded and the motion passed unanimously.

HEARING

On a Notice of Intent filed by Louis Keller of 290 College Highway to construct a new absorption system at his property at Brickyard Rd. (DEP file #289-92)

Mr. Brazeau also represented Mr. Keller, and he explained that he redid the design for the second house because the old permits had lapsed. The house on the property is 4 bedrooms with a disposal.

Mr. Moore said the plans looked simple enough. Mr. Swanson asked about protection, and Mr. Brazeau said a silt fence. He said it would involve a 900 sq. ft. bed rather than trenches.

Mr. Reed moved to close the hearing, Ms. Young seconded, and the motion passed unanimously.

INFORMAL DISCUSSION

This involves the filing of a Notice of Intent for the Xtra Mart property at 247 College Highway. Ms. Gail Ceresia of Berkshire Wetland Services and Mr. Ronald J. Fortune of Decker & Co., Inc., consultants for Kenyon Oil, were present.

Mr. Reed asked a question about the filing and said they should leave copies of the plans. Mr. Moore said the Notice of Intent could be dropped in his mailbox at his home. Ms. Ceresia asked when a site visit could be made, and Mr. Reed said he has already looked at the flagging. He said he has concerns about breakout and other gasoline spills and the gasoline odor. He added that we shouldn't act before we are sure it's a clean site. The existing system is apparently none, he said, and it just runs out to the wetland behind.

A hearing was scheduled for November 4, and Mr. Fortune said he would get the paperwork going.

INFORMAL DISCUSSION

Nick and Jamie Fiamatti of 15 Riverboat Village, So. Hadley, were present. They are building a house on Montgomery Rd. and they had questions about the septic system and wet spots in the back of the property.

Mr. Reed stepped down from the Commission, explaining for the record that he had perked the property. He said, though, that he didn't think they would need a Request for Determination of Applicability.

Mr. Moore suggested that the Fiamattis ask their engineering firm about the sheet flow. He said he would have a look at the site, and said the Fiamattis could stop by at the Nov. 4 meeting for his comments.

OLD BUSINESS

Mr. Pat Sheridan of Tighe & Bond and Mr. Glenn Cairns were present for an update on the Holyoke Water Works Project. Mr. Sheridan began by saying he was re-submitting the dewatering plan with the original well head location as the best one.

Mr. Swanson asked if it would blow out the point at station 88. Mr. Sheridan said they could lay out fabric.

Mr. Reed moved to accept the discharge as shown on the previous plan. Mr. Moore seconded and the motion passed unanimously.

Mr. Sheridan said the second issue for tonight was the erosion problems. Mr. Reed read Jay Viamani's letter about corrections.

Then Mr. Sheridan addressed project schedule. He projected 3-4 months pipe laying and 3 months restoration. Mr. Sheridan said Tighe & Bond asked Cairns to break it down further, and said they had not heard from DEP on the matter. Mr. Moore asked if it is too late now for this year, and Mr. Cairns said yes it is, the way he sees it.

Mr. Reed asked when work would start again, and Mr. Cairns said he didn't know. He said the men and machinery were available but "we're not authorized yet."

Mr. Sheridan said he felt Cairns could have been back to work by now.

Mr. Moore asked Mr. Cairns if he had dealt with Mr. Howlett and Mr. Bauer yet, and Mr. Cairns said no, that he has to deal through attorneys.

Mr. Reed spoke of observations made for Mr. Howlett by Paul Hatch Associates. He added that continued construction should reduce groundwater, but structural failures on the property and house are possible. He also referred to a letter from Mr. Charles Maak of 14 Madison Ave. regarding water on his yard and in his cellar. Paul Hatch said a broken drainage pipe may have caused this.

Mr. Reinhold Bauer spoke of "quicksand" conditions on the other side of the road, and Mr. Swanson and Mr. Reed planned getting hold of Ed Cauley tomorrow morning and going out there for a look.

Mr. Sheridan brought up the question of removal of stabilization materials. Mr. Reed mentioned extending the pipeline to the bottom of the hill behind the houses would help the problems to begin to clear up. Mr. Howlett said he will put up a curtain drain before winter and water will go back onto Malyoke Water Works land. Mr. Sheridan said this was a separate issue.

Mr. Reed said the people in the neighborhood want the work to continue, finish, and get the hell out. What happens when the ground freezes, he asked. Mr. Sheridan said there's no reason Cairns can't go back to work. After some questioning he added that each person's problems will be taken care of before the project is closed up.

Mr. Sheridan then mentioned a letter requesting a 1-year extension. He said this would be the third extension on the project, and he said reasons were listed later in the letter. He said he would submit a formal request. The current contract completion date is May 30, 1977. Mr. Swanson asked if this was based on the 1988 plans, and Mr. Sheridan said yes, and a current permit.

Mr. Moore then spoke of a letter from Atty. John B. Beling of Wright, Mochrke and Mackin questioning the validity of the Order of Conditions because of differences from the '88 to the '95 plans.

Mr. Swanson said the Commission has not asked for a new Order of Conditions, so as not to be obstructionist, but he questioned whether the differences between the '88 and '95 plans warranted it, and said this question should go to town counsel. Ms. Young agreed. Mr. Sheridan asserted that there were no major changes and asked for discussion on the requested extension.

Mr. Kingsley read from guidelines specifying reasons for denying an extension. He said all of them were present here and that he did not favor an extension. Further discussion was postponed pending input from town counsel and from DEP. Mr. Reed worried about further stalling the project, and Mr. Sheridan asked if new delineations would be required. Mr. Moore said the '95 delineations could be used. Mr. Sheridan asked what the Commission expected to get out of requiring a new Notice of Intent. Further vigorous discussion ensued, with the result that the Commission would seek the further advice mentioned above.

NEW BUSINESS

Mr. Swanson offered a report on the tree on the Melanson property. Mr. Melanson loves it and asks that it be left alone.

Mr. Reed said there should be a hearing scheduled on Nov. 4 for a RDA from Holyoke Gas & Electric Co. This request was not submitted until Oct. 3.

Mr. Reed mentioned a RDA from Denise Sacharczyk for a driveway through a right of way for a future home and barn off College Highway near Valley Rd. There is no frontage and all wetlands are on others' property.

Mr. Kingsley reported driving by an excavation at Lyman Sheet Metal. Mr. Swanson said the town was taking out fill for covering the landfill. The town should have submitted an application for this work.

Mr. Reed moved to adjourn, Mr. Kingsley seconded and the motion passed unanimously after 10:00 p.m. Next meeting: Nov. 4, 1996.

SOUTHAMPTON CONSERVATION COMMISSION

Sept. 30, 1996

The meeting was called to order at 7:18 p.m. Members present: Young, Reed, Berniche and Kingsley. Also, Mr. Moore arrived at 7:27 and left at 7:50, and Mr. Gentile arrived at 7:44. Also present were associate members Swanson and Swanson.

CORRESPONDENCE

Project Pats & Wildlife - "Beaver Deceivers"
Tripple Brook Farm - cc. of 9/29 letter from Stephen Breyer - request to get seeds on town property.
Western Mass. Electric - bill: \$15.06
MA Dept. of Environmental Protection - BVW Delineation Workshop - Thursday, October 17 at Arcadia
Tighe & Bond - 9/19/96 - Dewatering Plan submitted on behalf of George R. Cairns & Sons, Inc., "Approved as noted" by Tighe & Bond. Also, Manhan Crossing Plan submitted on behalf of George R. Cairns & Sons, Inc., "Approved as noted" by Tighe & Bond
Baystate Environmental Consultants - cc. of 9/19/96 letter to Robert McCollum of Mass. DEP re: Erosion and Sedimentation Control Monitoring
Tighe & Bond - 9/17/96 summary of work areas for week of 9/16/96 - 9/20/96. Also, cc. of 9/17/96 letter to Cairns detailing erosion problems which need to be addressed.
Tighe & Bond - 9/11/96 summary of work areas for week of 9/9/96 - 9/13/96
Tighe & Bond - 9/4/96 summary of work areas for week of 9/3/96 - 9/6/96
U.S. EPA - 5th and 6th press releases: "Wetlands and Water Supply" and "Wetlands and Massachusetts Fisheries"
MACC Newsletter - Late Summer 1996
Wetlands Restoration & Banking Program, Mass. GEDA - meeting announcement
Valley Environmental Services - offer to native wetland seed mixture
Conservation Law Foundation - "Killington Victory Alert"
Mass. Low-Level Radioactive Waste Management Fund - newsletter, Summer 1996
Mass Audubon Society - Birdseed Day 1996
Val-Pak coupons
Nature Conservancy membership offer
Special Olympics - 1996 Annual Fund appeal
National Wildlife Federation - membership offer
Chevy Outdoors - September 1996

HEARING

On the Request for Determination of Applicability from Heather and Jason Cate of Fomer Rd. The request concerns lot #4. They want to put in a 650' driveway with culverts. Mr. Jeffrey Florck was present and presented a

map of the plan. Mr. Reed said he and Mr. Moore had looked at the property and that the plan was a good one to keep the flow going in the swale. Other members looked at the map, and eventually Mr. Reed moved to accept the plan as submitted. Mr. Kingsley seconded and the motion passed unanimously.

INFORMAL DISCUSSION

Mr. James Grady was present, representing Holyoke Gas & Electric. He explained that the Mass. Highway Dept. did not include Holyoke Gas & Electric in their presentation regarding the County Road reconstruction project, and so he was appearing before the Commission tonight.

He said his company would be replacing 14,000' of gas main on County Road, that they would work on it through the winter, that it would be 6' off the edge of the pavement approximately under the new sidewalk and all on the Southampton side. All this gas line work would be well within the boundaries of the state project. The company hopes to start this work on November 18, 1996.

Mr. Grady was advised to submit a Request for Determination of Applicability soon so that a hearing could be scheduled. He should include two copies of the plan and the request form along with a check for \$30 required by the Commission as a filing fee and for legal adv.

INFORMAL DISCUSSION

Present were Mr. Bill Barcomb, his son Bob, and Mr. David Arrighi. They represented Snowgoers of Southampton, and made a request to cross some of the Commission's land with a trail. The senior Mr. Barcomb explained that their club has been incorporated for two years, and it tries to bring legality and discipline to their activities. The club is also very interested in conservation. He said there were a lot of adults participating, and money behind their efforts. The reason for their request is that they have a problem on Little Mt. where the slope of the trail they have is too steep for their grooming machine. They want to establish a link to Northampton and Chesterfield trails.

Mr. Young asked whether they had considered another possibility up Little Mt., and Bob Barcomb said they cross Red Brook, and put up portable bridges. Mr. Arrighi said they also put up "No wheeled vehicles" signs to stop motorcycles, etc. He said Mass. law stands behind these signs. Mr. Moore then mentioned some advantages he saw to the work of this organization.

Bill Barcomb explained that nowadays snowmobilers like distance, they like to tour. Mr. Reed asked if the club would put up signs on the Commission's property. A few other details were discussed. Mr. Chris Taylor, a resident of Bullhead Road, said he agreed with the comments about motorcycle damage.

Mr. Reed suggested that they put something in writing so that we can respond to it and have it on file. Mr. Bill Barcomb commented that if the owner of the property gives permission and if no fee is charged there is no liability to the owner. Ms. Young suggested that copies of everything be sent to the Selectboard.

LEASE AGREEMENT

Regarding the agreement between the Commission and Joan Pierre and Patrice Crevier for rental of the barn on the Saccypta property. Copies of the lease were available to be signed. Mr. Reed asked if they had insurance, and Ms. Crevier said not yet. Mr. Reed said the Commission would need a copy of such insurance when it is obtained. Ms. Young said the proceeds would go into the 40-80 account. Copies of the lease were signed, a copy is attached to the minutes.

INFORMAL DISCUSSION

Mr. Chris Taylor of Bullhead Road was present with a number of questions regarding whether the Zoning Board of Appeals can allow the operation of a business when such a business is violating Mass. DEP regulations. He said the business in question is over an aquifer and he asked if the Commission could clarify for him particulars of the Aquifer Overlay Protection regulations. He said the business in question is 200 yards from Bullhead Pond.

Mr. Swanson said that Mr. Taylor should address his inquiries to Charlie Quimet in his position as Zoning Enforcement Officer. He agreed that the property is in the aquifer district. Mr. Taylor asked if he had a right to bring this matter out, and Ms. Young and Mr. Swanson both advised him again to take the Matter up with Mr. Quimet.

INFORMAL DISCUSSION

Mr. Eric Neal was present to explain his proposed Boy Scout project involving rebuilding the old path of the Hazel Young Trail at the Manhan Sanctuary. Mr. Neal described his intentions with the help of photographs he took in the area. Mr. Moore suggested that he call Ed Cauloy for ideas, and Mr. Gentile asked Mr. Neal to prepare a memorial list. Mr. Neal said he would like to do the work on Nov. 9 & 10, but Mr. Gentile thought this would be late for revegetating, and Mr. Neal advanced his target date by two weeks. Members thanked Mr. Neal for his presentation.

OLD BUSINESS

Mr. Pat Sheridan of Tigue & Bond was present. He explained that recent submissions of dewatering plan and crossing plans from G. R. Cairns & Sons have been approved as noted by Tigue & Bond and he wants the Commission's approval of them tonight.

Mr. Swanson raised the point that it should be Holyoke asking for this approval. The Commission's Cease and Desist order was just to Holyoke, and he asked Mr. Sheridan to change the heading on the request to reflect that it was being submitted on behalf of the city of Holyoke.

Mr. Moore asked Mr. Sheridan to elaborate on the issues he mentioned. Mr. Sheridan listed Tighe & Bond's notations: 1) that the flushing and maintenance of equipment must be outside of the wetlands, 2) that silt from the well points be controlled and mitigated, and 3) that access rights must be secured and submitted prior to beginning work, and that all basins be inside the right of way. Mr. Sheridan asked that the Commission look at both plans together. Two further notes were: 1) installation and removal of sheeting shall be during low flow conditions, and 2) that the bulkhead be located as close as possible to the pipe.

Mr. Young asked if it would be right to say that nothing would show when the work is done, and Mr. Sheridan said, "correct."

There was some discussion about the volume of water and discharge and about spring flooding. In particular, Mr. Swanson pointed out that the flow would be even greater than the river itself and that it might need a siltation basin. Mr. Moore added that the Commission would like copies of the permission agreements from landowners.

Mr. Reed had a question about well points across Gilbert Road, and whether they would close the road to do the work. Mr. Sheridan said they would coordinate this with the highway department, and that the contract called for one lane to remain open.

Mr. Reed moved to approve the crossing plan as submitted by G. R. Cairns to Tighe & Bond on 7/16/76 and as approved by Tighe & Bond on 9/19/76, with the conditions specified by Tighe & Bond on behalf of the Holyoke Water Works. Mr. Young seconded and the motion passed unanimously.

Mr. Reed then moved to approve the dewatering plan as submitted by G. R. Cairns to Tighe & Bond on 7/16/76 and as approved by Tighe & Bond on 9/19/76, with the conditions specified by Tighe & Bond on behalf of the Holyoke Water Works. Mr. Reed added to his motion a request to Cairns, Tighe & Bond and Holyoke Water Works that they reassess the discharge method of dewatering the well points. Mr. Sheridan suggested that the Commission approve the dewatering plan conditionally with a requirement for further details on the discharge from the well point system.

Mr. Reed then changed his motion to reflect Mr. Sheridan's suggestion, as follows: that the Commission approve the dewatering plan as submitted by G. R. Cairns to Tighe & Bond on 7/16/76 and as approved by Tighe & Bond on 9/19/76, with the three conditions specified by Tighe & Bond on behalf of the Holyoke Water Works, all except for

the method of discharge from the vacuum pump at station #88 to the erosion control structure and ultimately to the river. Ms. Young seconded this motion, and it passed unanimously.

Mr. Reed then recommended to Mr. Sheridan that he convey to Cairns, Tighe & Bond and Holyoke Water Works that the structure should be on the north side of Gilbert Road, and that there be stabilization of embankments downstream of the bridge. Mr. Sheridan asked if new permits would be needed to work on the banks, and was told that this would be considered part of the plan.

Mr. Sheridan then said the only thing left to be resolved from the Cease and Desist orders is the time schedule, and he said this would be coming out. He asked about the Commission's next meeting, and October 21, 1996 was settled upon.

Mr. Reed asked about the 9/17/96 letter to Cairns from Jay Viamari, and whether the six areas of concern (or at least the three Southampton areas) had been addressed. Mr. Sheridan said they had not heard from Cairns on this. The Commission recommended that Mr. Sheridan send another letter to Cairns expressing dissatisfaction with the lack of response to these concerns. Mr. Reed said even BEC (Baystate Environmental Consultants) has expressed concerns about erosion gullies.

Mr. Sheridan added that we need to start talking about the removal of erosion control systems. Some need to come down, he said, and there is the question of what to do with them. It is something to discuss at the next meeting.

OLD BUSINESS

Ms. Young said that Ms. Amelia (Nicky) Nolanon of East St. said that two trees in the Manhan Sanctuary are about to fall near or on her property and somebody should take a look.

Ms. Young reported being in possession of the deed for the parcel on Riverdale Road.

Ms. Young moved to pay \$110 to Specialized Vehicle Services for bumper stickers, Mr. Reed seconded, and the motion passed unanimously.

Mr. Kingsley moved to pay WMECC \$7.45, Ms. Young seconded, and the motion passed unanimously.

Ms. Young reported receiving a copy of a letter from Stephen Broyer to get wetland plants and seeds on Commission property for a fee amounting to 20% of his sales. Mr. Reed moved to approve this, Mr. Gentile seconded, and the motion passed unanimously.

Mr. Gentile moved to adjourn, Ms. Young seconded, and the motion passed unanimously at 9:47 p.m. Next meeting: October 21, 1996 at 7:15 p.m.

*Respectfully submitted,
Robert P. Bonneau*

SOUTHAMPTON CONSERVATION COMMISSION
Sept. 7, 1996

The meeting was called to order at 7:22 p.m. Members present: Young, Moore, Reed, Phelan, and Kingsley. Also present was Pat Sheridan of Tigue & Bond.

CORRESPONDENCE

- Mass. DEP (cert.) - cc. of letter to Mr. Healy of Tigue & Bond clarifying regulatory conditions
- Tigue & Bond - cc. of 8/23 letter to Glenn Cairns requesting new Manhan crossing plans after Mass. DEP conference
- G. R. Cairns & Sons, Inc. - cc. of 8/22 letter to Mr. Healy of Tigue & Bond, requesting clarification about whether excavation of wetland soils is allowed
- Mass. DEP (cert.) - cc. of 8/22 letter to Mr. Healy of Tigue & Bond, clarifying low flow conditions
- Baystate Environmental Consultants - cc. of 8/19 letter to Mr. McCollum of Mass. DEP - weekly report for 8/16
- Tigue & Bond - cc. of 8/20 letter to Glenn Cairns regarding use of construction mats
- Tigue & Bond - cc. of 8/20 letter to G. R. Cairns & Sons regarding DEP low flow clarification. Also included: streams & rainfall charts & maps.
- Tigue & Bond - weekly reports dated 8/13, 8/19 and 8/26
- Baystate Environmental Consultants - copy of "Wetland Mitigation Plan: Madison Court to Southampton & Holyoke Municipal Boundary"
- Mass. DEP - Notice of Appearance in the matter of G. R. Cairns & Sons - Ann Lowery, Deputy Counsel, Mass. EDEA, DEP
- Notice of Appearance in the matter of G. R. Cairns & Sons - Atty. Beling of Wright, Moehrke & Mackie, representing G. R. Cairns & Sons
- Mass. DEP - reminder of questionnaire on the Massachusetts Environmental Research Corps & Bio Mass Forms - "Wetlands, Woodlands & Wildlife" conference, 10/25-27/96
- Western Mass. Electric Co. - bill: #0.61
- Request for Determination of Applicability from Jason D. Cate of Fomer Rd., regarding work on a driveway with culverts as necessary
- Waterways - Summer 1996
- Nature Conservancy News - Summer 1996
- Mass. Audubon - "Hampshire Sanctuaries" - Fall/Winter 1996/97
- Sanctuary - Sept./Oct. 1996
- John Latka & Co. - advertisement

MINUTES

Minutes of the August 5, 1996 meeting were read and amended. Mr. Reed moved to approve the minutes as amended, Mr. Phelan seconded, and the motion passed unanimously.

TREASURER'S REPORT

Ms. Kinglity reported the following balances:

40-80	\$2757.00
General Expenses	2767.40
Contant Fund	40936.00

OLD BUSINESS

Ms. Young read a letter _____ ?????????

Mr. Reed said we have to protect the town from liability in this matter.

Mr. Sheridan reminded the Commission that the dewatering plan and schedule of operations were the only things actually before the Commission at the moment. He also said the DEP indicated that sand on a geo-membrane is an acceptable mat. Then he reported no further progress on the negotiations with Cairns.

Mr. Reed told Mr. Sheridan that the Commission's counsel and Mass. DEP advised us that we are within our rights to ask for enforcement on site from Tighe & Bond.

Mr. Reed asked about the Manhan Crossing Plan from Cairns, and Mr. Sheridan said Tighe & Bond rejected the plan. Mr. Moore asked if the Commission should have responded to this plan. Mr. Sheridan said, "You asked for it in April." Mr. Moore said this was an error on our part to ask the contractor for it.

Mr. Sheridan said that there is nothing going on in the near future, and the Commission can wait to hear from us (i.e., Tighe & Bond).

Mr. Reed asked about a possible extension, and Mr. Moore wondered about work thought the winter. Mr. Sheridan reiterated the two target dates: Jan 3, 1997 for the system in operation, and July 20, 1997 for full completion. He said Cairns can complete it but they are running out of time. He added that winter is not a problem if it were clear digging.

Mr. Reed asked about a weekly report from Jay Viamari when BEC said there was no work. He said he would look into this apparent conflict.

A letter from the Commission was then hand-delivered to Mr. Sheridan.

Mr. Sheridan questioned Mr. Reed regarding the 88 and 93 plans. DEP has notified him that they will not respond to questions about differences. Mr. Sheridan indicated that he considered any differences between the plans to be minimal. Mr. Reed said that the differences were more than what you (i.e., Tighe & Bond) indicated in what you sent out as your list of differences.

Mr. Sheridan said he would let the Commission know about the next move when it is determined.

OLD BUSINESS

Mr. Reed reported that Towne Builders, has filed the Certificate of Completion for lot #14 on Hillside Meadows Drive in Book 4949, p. 248 at the Registry of Deeds.

Ms. Young brought up the matter of the rental of the barn on the Szecypta property to Jean Fierro and Patricia Crovier. Charlie Quimet said the building is safe and said the upper part is OK for storage of recycling materials. It is not OK for her to sublet space or stalls, that only her own horses can be kept there. Further, they will not cross wetlands, they will put up a fence, and they will clean the barn and modify the downstairs. The Commission will not supply a dumpster for them. The rental will be for one year. Atty. Cheryl Parker will draw up a one-year trial rental agreement.

Ms. Young moved to pass the matter on to Atty. Parker, Mr. Moore seconded, and the motion passed unanimously.

NEW BUSINESS

Mr. Reed reported that the Mass. Highway Department has scheduled a pre-construction meeting (9/18/96 at 9:00 a.m. in their conference room in Northampton) regarding reconstruction of County Rd. Someone from the Commission should go. Mr. Phelan said he would try to do so.

Mr. Moore emphasized that whoever goes should stipulate that the contractor should fully comply with the Order of Conditions--no deviations.

A Request for Determination of Applicability from Heather & Jason Gate of Fomer Rd. (lot #4) regarding work on a driveway with culvert crossings, specifically a 500' driveway with two 15' RCP flared-end pipes. The plan was prepared by Elmer Huntley & Associates. Mr. Reed said it looks like a good plan, and they want to get to work on it right away.

A hearing was scheduled for the next Commission meeting on September 30 at 7:15 p.m.

Mr. Kingsley moved to pay Western Mass. Electric \$5.61. Ms. Young seconded, and the motion passed unanimously.

Mr. Kingsley moved to reimburse Mr. Moore \$11.00 for postage. Ms. Young Seconded, and the motion passed unanimously. Mr. Moore abstaining.

Mr. Kingsley moved to adjourn, Mr. Moore seconded, and the motion passed unanimously.

Respectfully submitted,
Robert P. Bourne

SOUTHAMPTON CONSERVATION COMMISSION
Aug. 19, 1996

The meeting was called to order at 7:20 p.m. Members present: Young, Kingsley, Berniche, and Moore. Also present were: Mr. Steve Howlett, Mr. Reinhold Bauer, Mr. Eugene Roy; also, Mr. Jay Viamari of Tighe & Bond. Mr. Glenn Cairns arrived at 7:40 p.m.

CORRESPONDENCE

P.O. green cards:
Tighe & Bond
George R. Cairns & Sons, Inc.
Mr. John Beling - Wright, Moehrke & Mackie
Mayor Daniel J. Sostkiewicz
Mass. DEP - cc of 8/8 letters to Holyoke Water Works and George R. Cairns & Sons, Inc. - comments on Conceptual Wetlands Mitigation Plan
Tighe & Bond - cc of 8/6 letter to Cairns re request for additional cost for crossing Nahhan River
Tighe & Bond - 8/6 weekly report
Tighe & Bond - cc of 8/13 letter to Cairns saying no to request for change in 20' work zone width
Tighe & Bond - cc of 8/14 letter to Cairns with copy of SCC conditional lifting of cease & desist order, and requesting required plans
Tighe & Bond - cc of letter to Mass. DEP (Howland) re anti-scoop collars
Baystate Environmental Consultants - 8/6 weekly report to Mass. DEP (McCollum)
Baystate Environmental Consultants - 8/12 weekly report to Mass. DEP (McCollum)
Mass. DEN - re Core Ewig cutting plan
Conservation Law Foundation - thank you for membership renewal
Mass. Congress of Lake & Pond Associations, Inc. - notice of by-law and dues changes
MACC - notice of 4th annual Fall Conference: Wetland Functions and Values - Nov. 2, 1996 at Westfield State College
Mass. DEDA - info on Mass. Rivers Protection Act
Conservation Matters - Summer 1996
Nature Conservancy - September/October 1996
Solicitations:
World Wildlife Fund, WGBY, Nature Conservancy, John Latka & Co.

INFORMAL DISCUSSION

Regarding the Holyoke Water Works project, Mr. Moore asked Mr. Viamari if he could bring the Commission up to date, and Mr. Viamari said Tighe & Bond is talking to Cairns about crossing the Nahhan River, and has suggested new methods.

Mr. Moore asked if Mass. DEP has commented on the use of riprap, and Mr. Viamari said Tighe & Bond asked if riprap could be used. Mr. Moore asked if there were other issues, and Mr. Viamari said they have had no word yet from DEP about the mitigation plan for outside the easement. Mr. Moore asked if there were any problems with revegetation on the steep slope, and Mr. Viamari said it's ok so far.

Mr. Howlett interjected that Cairns should be here, and Mr. Viamari said Tighe & Bond is waiting to hear from Cairns.

Mr. Moore asked when more work is expected, and Mr. Viamari said he had no idea. Mr. Moore asked about Tighe & Bond's response to the Commission's condition #3, and Mr. Viamari said there would be a response immediately. Mr. Moore commented that the Commission would need more information than before, and that the Commission counsel agrees with that. Mr. Viamari discussed how they would order and report, adding in response to another question from Mr. Moore, that he had a camera on the job.

Mr. Howlett and Mr. Bauer asked who was on the job before, and Mr. Young added that the Commission did not find out about problems in time. Mr. Moore said the Commission is concerned about more sensitive areas coming up on the project, but he added that it is in Cairns's lap now.

Mr. Howlett asked what would happen if Cairns can't do the work in the 20' width, and Mr. Viamari said they would have to go to the Army Corps of Engineers for a permit. That's a full year process, he said.

Mr. Young asked about the finishing date for the project, and Mr. Viamari said January 1, 1977. Mr. Howlett asked what if it's not finished, and Mr. Viamari said someone will finish it--there's bonding in place.

Mr. Roy asked about all the fill off of Madison to the railroad tracks, and Mr. Viamari said Cairns will have to take it out.

At this point, Mr. Glenn Cairns arrived, so Mr. Moore asked him what was up. Mr. Cairns said we have submitted a dewatering plan. Mr. Moore said the Commission hasn't responded because we haven't heard from DEP. He raised other issues such as the 20' width and the tiecable. Mr. Cairns said we have Tighe & Bond's response and our lawyers are currently going over our response to them. He said, "we need more room," and added that their response (i.e., to Tighe & Bond) should go out tomorrow.

Mr. Cairns asked if an amendment request has been received, and Mr. Viamari said Tighe & Bond doesn't think an amendment is needed. Mr. Cairns responded by saying, "We're not going back to work until everything is in order. We are not going to violate anything again." Mr. Moore said that was good to hear. Mr. Cairns reiterated that Cairns feels there are changes and they need an amendment. Mr. Moore said Tighe & Bond has to go to

Holyoke Water Works with that, and Mr. Cairns replied, "Yes, and we're being denied."

Mr. Moore said the Commission's position is that Holyoke Water Works must apply for any amendments, changes, now Notices of Intent, etc. "You all need to resolve your differences," he said. Mr. Cairns said, "We see that a resubmission is needed."

Mr. Viamari asked if they could consult with DEP and the Commission if minor changes are OK, and Mr. Moore said the Commission would probably follow DEP. Mr. Viamari said they didn't feel there were significant changes.

Mr. Moore said the Commission cannot direct, but only enforce its orders and conditions. "We are where we were," he added. "You people must work it out yourselves, and we will meet as soon as we can after we hear from you."

Mr. Cairns spoke briefly about their dewatering plan, which includes a basin in the field with check dams to filter. Once the system gets going it will clear up quickly, he said.

Ms. Young, after looking at the book of regulations, said minor amendments can be approved without a Notice of Intent, but a new public hearing must be held if there are significant changes. Mr. Moore reiterated that the Commission cannot respond until it receives a request for an amendment from the applicant. Mr. Cairns asked about the timing of a response, and how he would know about it. He said Cairns cannot make a request. He inquired about the Commission's response to the dewatering plan, saying he would like to come and hear when such a response is ready.

Mr. Moore again emphasized that Cairns and Tighe & Bond and Holyoke have to deal with these things, and that when that was done, the Commission would respond promptly. Mr. Viamari said they were in the process. Mr. Cairns reminded everyone about the October 1 deadline for crossing the Nanhan (according to the Army Corps of Engineers).

Mr. Bauer asked about filling in the trenches between the swales off Madison Ave., and Mr. Cairns said Paul Davis of REC recommended not taking them out. "I need authorization," he said. Mr. Howlett said water is still coming into his home, and Mr. Moore asked Mr. Cairns to have Paul Davis look at this issue and respond to Mr. Howlett and Mr. Bauer.

Mr. Cairns again asked if the Commission had a response to the dewatering plan, and Mr. Moore said not yet--our attorneys haven't seen it yet.

Mr. Moore repeated his request that they have Paul Davis respond to Mr. Howlett and Mr. Bauer, and then said, "When you have a proposal, come to us. We will respond in five working days."

Mr. Young made a motion to dispense with the reading of the minutes, Mr. Moore seconded, and the motion passed unanimously.

OLD BUSINESS

Ms. Young mentioned the proposed Commission bumper stickers, and said a price so far is \$1 per sticker in lots of 100. Mr. Kingsley moved to approve \$100 for vinyl stickers, Mr. Berniche seconded, and the motion passed unanimously.

Mr. Moore moved to approve \$35 registration fee for Mr. Bonneau to attend the Nov. 2 NACC annual conference in Westfield. Ms. Young seconded and the motion passed unanimously.

Mr. Kingsley mentioned the Cora Ewig cutting plan, saying it abutted Commission property. Mr. Moore asked who is doing the cutting, and the answer was Gruszka. Ms. Young suggested making Carmine (Angeloni of DEM) keep an eye on this.

Mr. Moore moved to adjourn, Ms. Young seconded, and the motion passed unanimously at 8:27 p.m. Next meeting: Sept. 9, 1996 at 7:15 p.m.

*Respectfully submitted,
Robert P. Bonneau*

SOUTHAMPTON CONSERVATION COMMISSION
Aug. 5 1996

The meeting was called to order at 7:22 p.m. Members present: Young, Berniche, Moore, Reed, and associate members Gary and Gerry Swanson. Also present were: Glenn Cairns, Paul Davis of Baystate Environmental Consultants, and Atty. Thomas Mackie, representing George R. Cairns & Sons; also Pat Sheridan and Jay Viamari of Tighe & Bond and Atty. Al Bisceglie, representing Tighe & Bond and the City of Holyoke; Autumn Versace, reporter for the Daily Hampshire Gazette, and Eugene Roy, interested resident.

CORRESPONDENCE

Wetlands Restoration & Banking Program (Mass. EDEA):
Mass. Wetland Restoration Views
Farker & O Grady, re legal fees
Environmental Technology & Systems - bill for \$100.80
for copying services
World Wildlife Fund - solicitation
Smith College Museum of Art - re Audubon exhibit
Mass. DEP - 4th press release on wetlands
Daily Hampshire Gazette - bill for \$16 for legal ads
N. E. Water Environment Assoc. - re workshop on
Constructing Wetlands, 9/25/96
Conservation Matters - Summer 1996
Nature Conservancy - 1997 calendar
Mass. DEP - survey re the Non-Point Source Management
Manual, aka the Megamanual
cc: George R. Cairns & Sons to Holyoke Water Works - re
20 work area not being sufficient
cc: Holyoke Water Works to George R. Cairns & Sons - re
method of crossing Nahhan inefficient
cc: 7/30 letter BEC to DEP (McCollum)
cc: Mass. DEP conditionally lifting cease & desist
order
cc: Tighe & Bond re dewatering plan
Tighe & Bond - several weekly reports
cc: to Cairns re getting back to work
cc: 7/25 Tighe & Bond to Cairns responding to earlier
letter from Cairns to HWW
cc: letters regarding complaints from Joseph and Mary
Rivest of 25 Madison Avenue and Reinhard and Nancy
Bauer of 11 Madison Avenue.

INFORMATIONAL MEETING

Mr. Reed began by saying that Mass. DEP has lifted its
cease & desist order against the Holyoke Water Works and
George R. Cairns & Sons, and so he has prepared a draft
of a conditional lifting of the Southampton Conservation
Commission's cease & desist order.

Mr. Gentile asked that the draft be read into the
minutes, as follows: (SEE COPY)

Mr. Sheridan asked for the names of all the Commission members present.

Mr. Reed made several points to begin. First, the Commission had received the Cairns dewatering plan. Second, the Commission has a copy of the Cairns letter of July 26, 1996 asking for a change of conditions, saying that the 20' work area was not sufficient. Third, Mr. Reed reviewed the recent correspondence and said the Commission had received regarding the Holyoke Water Works project.

Pat Sheridan said Tighe & Bond has already been asking Cairns for most of the requirements listed in the draft. Mr. Swanson asked Mr. Sheridan when the Commission would be informed of any proposed changes regarding the 20' work zone, and Mr. Sheridan said Holyoke is not interested in applying for new permits, which would be necessary for such changes.

Mr. Reed mentioned asked-for widths of 30 , 34 and 36 on the sketch submitted, and the proposed work areas generally range from 28' to 46' . Mr. Moore said this would double the wetland area involved. Mr. Cairns said each crossing has its own particular requirements, and responded to a question from Mr. Swanson saying, "it can't be built within the 20' limit."

There was some further discussion about these widths, and then Mr. Moore said that all this is between Cairns and Tighe & Bond and the City of Holyoke. Mr. Swanson pointed out that the 1988 Order of Conditions issued by this Commission authorized a 30' work width, so that the 20' requirement has no bearing on these proceedings. He therefore asked that #5 on the draft be changed to read 30' rather than 20'.

Mr. Reed suggested going back to condition #1 of the draft, and he read aloud the Mass. DEP conditions referred to. Can the project comply with this, he asked.

Mr. Sheridan said yes.

Mr. Swanson responded that the Commission is in possession of contradictions to this from Cairns. He said that Tighe & Bond and Cairns and Holyoke must work this out and come back to us.

Mr. Reed went on to #2. Mr. Sheridan said that was OK with Tighe & Bond, except for item C. He said that they could not stop work. Mr. Swanson responded by saying that Tighe & Bond, as Holyoke's agent, must insure that the various specifications and conditions be met. Mr. Bennette interjected that the City of Holyoke cannot enforce Southampton's conditions, adding that with daily information, the Commission has enough notice to do the enforcements. Mr. Swanson answered that he looks to Tighe & Bond and Holyoke to abide by the conditions, and Mr. Bennette said Tighe & Bond and Holyoke want to maintain a degree of separation regarding authority and

enforcement. Mr. Moore asked why an Environmental Engineer on site could not be ready to act. We can't drive by every day, he said. Mr. Basette said, we can inform you, but you must enforce.

There was further disagreement along the same lines, and Mr. Reed suggested that the Commission consult town council, and that we go on to the next item.

Mr. Reed went on to item #3, bringing up a question whether sand was being used instead of mats. Mr. Swanson said the state required mats, and Mr. Cairns said the proposed mats cannot be used. Mr. Reed said Cairns and Tighe & Bond and Holyoke should work this out among themselves.

Regarding item #4, Mr. Sheridan said the Nardhan crossing sequence is under review now.

Regarding item #5, the change from 20 to 30 was noted.

On item #6, Mr. Davis asked for clarification about the unsettled matter of downstream silt. Mr. Sheridan said Mass. DEP has not yet worked out their response to this. Mr. Reed agreed, and said all the Commission wants is a plan. Mr. Davis said this is not being done now. Mr. Swanson asked if Cairns could communicate this directly to DEP and the Commission. Mr. Cairns responded that the DEP order was directed specifically to Cairns. Mr. Gentile said then that we should get to DEP.

On item #7, "Madison Court" should read "Madison Avenue". Mr. Reed said the Commission is still concerned with the Alder Meadow Brook & Pond area. It is a very sensitive area. Mr. Sheridan pointed out that 20 should be changed to 30 here also. Mr. Sheridan, Mr. Davis and Mr. Cairns asked that the word "will" be removed. Mr. Sheridan asked that the words "construction requirement" be changed to "permitted work zone."

Regarding item #8, Mr. Swanson asked if the work would continue sporadically or steadily. That is, will the next work start where it left off and go on from there, or will the work jump back and forth among areas. Mr. Reed asked if there would be work east of Madison Avenue, and Mr. Sheridan said yes, some, and he itemized this.

At this point, Mr. Gentile and Mr. Reed both asked when the Commission would hear back about what has been worked out among Cairns and Tighe & Bond and Holyoke, suggesting a special meeting. Mr. Cairns had a question regarding the phrase "low flow season." He said they couldn't finish all the wetland work by mid-September, and this would carry over till next summer. Ms. Young asked if the work had to be continuous, and Mr. Cairns said yes. Mr. Sheridan said DEP does not have a low flow definition.

and that it has allowed work through December. Mr. Moore asked if Cairns had a management plan for storm water. If we extend the season, he said, we would need a contingency plan. "As a consideration for extending the season," Mr. Swanson continued.

Mr. Sheridan asked about the crossing requirements from DEP, and Mr. Moore asked if he meant that DEP's conditions should be used as ours.

Mr. Mackie expressed a desire to get all the "loose ends" tied up regarding enforcement, and asked whether a new Notice of Intent or Order of Conditions would be required. Mr. Reed and Mr. Swanson responded by referring to item #4, saying that the Commission is primarily concerned with the Manhan crossing in regard to the low flow issue. That is our main concern, they said.

Mr. Davis raised a question about the tone of the draft at the top of page two, and both Mr. Reed and Mr. Swanson defended it as intentional.

Mr. Davis also asked to identify any outstanding issues, and Mr. Reed said there were none beyond those stated in the draft. He said stabilization in the 50' zone has been done well, but we are still receiving abutter's complaints.

Mr. Reed moved to authorize Mr. Moore to issue a lifting of the cease and desist order, pending approval from town council. Mr. Young seconded, and the motion passed unanimously.

Another meeting was scheduled for August 19, 1976 at 7:15 p.m., with discussion scheduled for 7:30 p.m.

At this point Mr. Rey asked if residents would be notified when work in the Madison Avenue area is to begin again, and whether they would be able to comment on the nature of the work. He said he has damage already, like groundwater, etc. Mr. Moore said perhaps by the Aug. 17 meeting.

Mr. Reed thanked all parties involved, saying he felt the meeting was helpful.

During a break Mr. Gentile left.

After the break there was informal discussion among members about what to do next. It was suggested that we get the letter lifting the cease & desist order out by Friday. Mr. Reed also suggested that we should deny another extension if and when they come for it.

Mr. Reed reported receiving a copy of a letter from Jay Viamari regarding problems that the Commission never got notice about. He said he would bring it up to Mr. Sheridan and Mr. Viamari.

He also mentioned receiving copies of complaint letters from Joseph and Mary Rivest of 25 Madison Avenue and Reinhard and Nancy Bauer of 11 Madison Avenue, and copies of

related letters from Tighe & Bond and George R. Cairns & Sons.

NEW BUSINESS

Ms. Young said that there has been a change in the state regulations regarding pesticides, with the result that any local pesticide regulations are now null and void.

Ms. Young said the deed for the Rivendale Road property was apparently never registered, and that we need to do that. She also reported receiving the deed for the Szczypta property.

Ms. Young said that the Commission should formally ask the state for the property it is planning to dispose of near the pond.

Ms. Young reported receiving a letter about renting the red barn and surrounding area on the Szczypta property. The proposal is to reconstruct and clean the barn, refurbish the stalls and create more of them, and generally improve the condition of the barn; also to improve the surrounding area and trails, and to reseed and do other things, all at their own expense. They offered \$100 per month in rent. Mr. Moore worried about "turning them loose too much," saying that they should have to get approval for individual things first. He also said \$100 a month was not enough, and that he had other doubts and concerns. He suggested more discussion about property and rental matters. Mr. Reed and Mr. Moore thought letting Atty. Parker look at the proposal would be a good idea.

Ms. Young noted new forestry laws.

Mr. Reed moved to pay Parker & O'Grady \$904.57 in legal fees from the Conant Fund. Mr. Berniche seconded and the motion passed unanimously.

Mr. Reed moved to pay Kopelmann & Paige \$22 in legal fees. Mr. Berniche seconded, and the motion passed unanimously.

Mr. Reed moved to pay Ms. Young \$3 reimbursement for postage. Mr. Berniche seconded, and the motion passed unanimously. Ms. Young abstaining.

OLD BUSINESS

Mr. Reed said Towne Builders has requested a certificate of compliance for lot #14 on Hillside Meadows. Members signed the order and Mr. Moore said he would have a look tomorrow before sending the order out.

Mr. Moore reported receiving a cutting plan approval from Mass DEH for Margaret L. Madsen.

The meeting was adjourned at 9:47 p.m. Next meeting - August 17, 1996 at 7:15 p.m.

Respectfully submitted,
Robert P. Bourneau

SOUTHAMPTON CONSERVATION COMMISSION

July 11, 1996

The meeting was called to order at 7:31 p.m. Members present: Young, Kingsley, Berniche, Moore & Reed.

CORRESPONDENCE

P.O. green cards: John Harriman, Robert Buckingham & Kristen Necca, and Elizabeth Howlett
Tighe & Bond - large package with maps, project manual and other materials regarding Holyoke Water Works project
Tighe & Bond - request for meeting regarding special condition #16
Tighe & Bond - copies of 7/1 and 4/24 letters, to Cairns
COLAP - 1996 N.E. Lake Conference: 6/21-22/06
Mass. Audubon - membership card
Gazette - bill for \$33.20
Nature Conservancy - membership offer
National Parks magazine - July/Aug. 1996
NACC Newsletter - Late Spring 1996
Val-Pak

INFORMAL DISCUSSION

Mr. Steve Howlett and Mr. Bob Bauer, both residents of Madison Avenue, were present to discuss the impact of the Holyoke Water Works project on their properties.

Mr. Bauer brought photographs taken two weeks ago of areas of concern near his property. He spoke of water running down the street and of the 94' opening when Cairns has only 30' right-of-way for work. He said Cairns dug out three water bars and redirected water. He also said Mr. Cairns claimed the Commission told him to do it. Mr. Bauer said there is more water on his land and that there is now water in Mr. Howlett's collar and running over the septic system on the Smith property. Mr. Howlett said run-off water is getting into his swimming pool. Mr. Bauer added that the water is staining the road and digging at the roots of trees on his property.

Mr. Reed said there was bludging at the lake, and this is now filled with sand. Mr. Howlett said the brook is higher than ever. Mr. Bauer added that it doesn't need much rain to rise like this, and said that Mr. Cairns attributed this to the fact that they were forced to stop work. Mr. Howlett said he has gone to the Board of Health regarding the septic system problem.

Mr. Reed said Cairns has ignored deadlines, and that the problems are reaching the resource area. Mr. Howlett said he has talked to two people at Mass. DEP, and Mr. Bauer complained that the recent newspaper article made it sound like everything was fine. Mr. Moore said nobody liked that story and the reporter was aware of it. He added that there are many issues still on the table, and

that the work is way outside of the prescribed bounds. He suggested civil action to Mr. Howlett and Mr. Bauer, and they said they were already looking into it.

Mr. Moore added that the Commission has to hire people for things like dye tests because members are not qualified, and that the budget doesn't allow for this. He also suggested that Mr. Howlett and Mr. Bauer keep after Mass. DEP, specifically Bob McCollum and Tim McKenna.

Mr. Bauer added that Cairns, in hauling off a steam shovel, dumped 30 gallons of oil.

Mr. Reed explained the current enforcement orders and conditions in effect.

Mr. Bauer commented that Mass. DEP and Mass. DEW seem to be pulling in opposite ways, and Mr. Moore and Mr. Reed responded by explaining jurisdiction issues, etc.

Mr. Moore asked Mr. Howlett and Mr. Bauer to keep the Commission informed on what happens both on site and with their efforts to get action. He said one big issue now is whether and when to let them start work again in hopes of getting the job done and getting rid of them. Mr. Howlett did not object to this saying he had been informed that there would be resources available later if need be. He said if necessary he would hire an engineering firm to pin down where the water is coming from.

Mr. Bauer asked if people would be notified beforehand if work resumes, and whether the plans would be available before they're approved. Mr. Moore said there would be the usual public notices.

Mr. Howlett and Mr. Bauer thanked the Commission for their time and attention.

INFORMAL DISCUSSION

Mr. Pat Sheridan of Tighe & Bond was present to discuss matters relating to the Holyoke Water Works project. He mentioned receiving letters from Mr. Howlett and Mr. Bauer and that he forwarded them to Cairns. He said Tighe & Bond is not involved in enforcement, but added that they do have money which can be withheld from Cairns as leverage for enforcement. Mr. Bauer reported the statements he has gotten from Cairns, and Mr. Sheridan commented that the normal sequence has been sidetracked.

At this point, Mr. Howlett recounted his pool troubles for Mr. Sheridan's benefit. Mr. Sheridan said there would be a solution, though he didn't know exactly what right now. Perhaps more cut-off walls have to be installed (i.e., concrete replacement of ledges, one before and one after the wetland and others every 300 where there is more than 10% slope). He said there is no question "things have softened up."

Mr. Bauer asked how all this water could be diverted and not dewatered. Mr. Sheridan answered that he is the pipeline construction manager, but that he and Tighe & Bond don't enforce--they can't by statute.

Mr. Moore then said the Commission has to be notified better. We haven't been so far. Mr. Sheridan said we have to work out just how things should proceed from now on. He said that we (i.e., Tighe & Bond) follow up on complaints regularly with Cairns. He said that this would all likely go to litigation, and that Cairns is still under contract.

Mr. Bauer pointed out that it is three months to the fall rains, and Mr. Moore added that there are more wetlands ahead in the work area. Mr. Bauer asked if the work will go under the Marhan, and Mr. Sheridan said yes. Then the work must be soon, said Mr. Bauer, and Mr. Sheridan agreed. He said, however he has had no response from Cairns about how this is all to be done. "We're (i.e., Tighe & Bond) guilty of not doing certain things ourselves...We're liable for some of this. How much, how bad, will be decided."

Mr. Moore asked Mr. Sheridan if he would take the concerns of Mr. Howlett and Mr. Bauer as a complaint and cc. Baystate Environmental Consultants. Mr. Sheridan said he would, and at this point Mr. Howlett and Mr. Bauer left.

INFORMAL DISCUSSION

Mr. Sheridan continued with the Commission. He said Jay Viadari is on vacation, so he brought this week's report, which said that no one is on site. Some discussion of small points ensued, then Mr. Reed raised the question of special condition #16.

Mr. Sheridan said he wanted to hear from the Commission on this. He asserted the responsibility of Tighe & Bond for the monitoring of the project and said they would continue to carry this responsibility. He said Tighe & Bond were not informed that they weren't doing this well, and that the June 15 meeting at the regional Mass. DEP office was the first he had heard of it.

Mr. Moore responded to this by saying the Commission was not informed of problems until April 1976, and in general the Commission has not been adequately informed, and the project to date has not lived up to its promises and requirements.

Mr. Sheridan said Tighe & Bond has been doing this job, perhaps not at its best. He said the condition should specify actions to be taken if there are problems, that Tighe & Bond has not been hiding anything and has complied with the Commission's further requests and will continue to comply. He repeated that Tighe & Bond has been notifying Cairns, but that "we don't enforce."

Mr. Moore said he thought there was authority there, and Mr. Sheridan said, "we don't have power...perhaps we should have reported sooner." Mr. Moore affirmed that, "you should have alerted us and DEP." Mr. Sheridan said that Tighe & Bond has money to hold back, and said he has sent 70 letters to Cairns by now.

Mr. Moore asserted that there was "something missing in this link." He said Tighe & Bond didn't give us and DEP the chance to enforce. Mr. Sheridan said, "OK, in hindsight, we should have notified you and DEP." He said they were not getting the requested plans from Cairns, and Mr. Moore replied that he didn't want a repeat of what has already happened. "It didn't work so far."

Mr. Reed said we requested weekly reports from Tighe & Bond and Daystate Environmental Consultants. Mr. Sheridan asked if a reporting procedure could be established.

Mr. Reed said BEC would not be on board after the work starts again. Ms. Young said we should notify all neighbors when work begins again and how they can communicate with us.

Further discussion along similar lines ensued, with Mr. Moore asserting Tighe & Bond's responsibilities to be proactive about notifying the Commission and DEP, and Mr. Sheridan maintaining the quality of their monitoring, though somewhat conceding Mr. Moore's point about active notification. "We see your point now," he said.

Mr. Reed then raised the issue of whether a new Order of Conditions was needed. Mr. Sheridan said, "In our opinion, the old conditions are enough." Tighe & Bond has no problem with your and DEP's orders. "We'd like to try it again," he said.

Mr. Moore then asserted that if Tighe & Bond can't enforce, then the Commission needs to be informed. He said, "we want to be cc'd on everything," and that things have to be better from now on.

Mr. Sheridan offered adding Paul Desaulieu, though not full-time, to help Mr. Viamari once the work gets into wetlands again.

Ms. Young moved to dispense with the reading of the minutes, correspondence and treasurer's report. Mr. Reed seconded and the motion passed unanimously.

Mr. Reed moved to pay Ms. Young \$6.60 reimbursement for copying expenses. Mr. Moore seconded, and the motion passed unanimously. Ms. Young abstaining.

The next meeting was set for August 5, 1996 at 7:15 p.m.

Mr. Kingsley moved to pay the Daily Hampshire Gazette \$16 for legal ads. Mr. Reed seconded and the motion passed unanimously.

NEW BUSINESS

Mr. Reed reported on a request from Towne Builders for a certificate of compliance for lot #14 on Hillside Meadows. Mr. Moore said a visit will be scheduled.

Mr. Moore said we should send a certificate of compliance to Southampton Country Club, saying they really did a nice job

Ms. Young reported that Mass GIS will do maps on mylar for \$15 each and that we should get some done. Ms. Young will call and check on prices for different size maps, and will prepare a list of proposed maps for next meeting.

Ms. Young reported on the EOOD Community Action Statement.

Ms. Young moved to spend \$85 on Plant & Wildlife Field Guides from MACC. This includes \$76 for the books and \$9 for shipping and handling. Mr. Reed seconded, and the motion passed unanimously.

Mr. Moore moved to go into Executive Session for the purpose of discussing possible litigation. Mr. Kingsley seconded the motion. The votes were as follows: Mr. Moore - yes, Ms. Young - yes, Mr. Kingsley - yes, Mr. Berniche - yes, and Mr. Reed - yes. The Commission went into Executive Session.

The Commission returned from Executive Session, and the meeting was adjourned at 9:50 p.m. Next meeting - Aug. 3, 1996 at 7:15 p.m.

*Respectfully submitted,
Mark P. Bourne*

SOUTHAMPTON CONSERVATION COMMISSION

June 27, 1976

The meeting was called to order at 7:25 p.m. Members present: Young, Gentile, Kingsley, Berniche, Moore & Reed.

CORRESPONDENCE

Tighe & Bond - daily inspection reports, June 17-21
Tighe & Bond - copy of 6/23 letter to Cairns
Mass. DEP - file number for Buckingham/Mecca request:
289-88
Mass. Audubon - 3rd press release on wetlands & functions
Conservation Law Foundation - renewal notice
Sanctuary - July/August 1976
Mass. DEM - forest cutting plans: Cors Ewig, Pleasant St. (Gruszka Logging Co.)
Mass. Audubon - 1976-97 membership card

MINUTES

Minutes of the June 3, 1976 meeting were read, amended, and accepted as amended.

TREASURER'S REPORT

Current balances:	General Expenses:	\$246.35
	40-80	2388.70
	Conant Fund	35988.10

OLD BUSINESS

Mr. Gentile reported that the Langlois property on Middle Rd. has been filled in and levelled off. Ms. Young said the pipes have been hauled away. She said she had told Mr. Hyde to keep an eye on it and report to the commission if he saw a problem.

Mr. Reed suggested special items for the Order of Conditions for the Buckingham/Mecca request, as follows:

- #13 - any changes must be reported to the Commission,
- #14 - the Commission must receive 48 hours notice of work to begin in any of the resource areas,
- #15 - replication should follow the revised plan of June 17, 1976.
- #16 - all work should be supervised by James Gracia, PE and he shall notify the Commission in writing of all work.

Mr. Reed's suggestions were accepted and members signed the Order of Conditions.

Mr. Reed suggested no special conditions for the Howlett request, saying it was definitely an improvement over the present situation. Mr. Reed's suggestion was accepted and members signed the Order of Conditions.

Mr. Reed suggested a negative determination for the request of John Harriman regarding the property at Strong and Whiteleaf Roads, for this reason: that while the work is within the buffer zone, it will not alter it. He said

stacked hay bales should be maintained, as specified on the site plan. Members approved this suggestion.

NEW BUSINESS

Mr. Reed made the motion to reimburse Ms. Young \$30 for essay contest prize money and \$6.45 for postage. Mr. Moore seconded, and the motion passed unanimously, Ms. Young abstaining.

Ms. Young made the motion to pay the Daily Hampshire Gazette \$19.23 for legal ads. Mr. Moore seconded and the motion passed unanimously.

Mr. Kingsley made the motion to pay Conservation Law Foundation \$30 for membership renewal. Mr. Gentile seconded and the motion passed unanimously.

Mr. Reed made the motion to pay Engineering Technology and Supplies \$100.80 for copying expenses. Ms. Young seconded, and the motion passed unanimously.

Mr. Gentile made the motion to reimburse Mr. Moore \$32.93 for trap rock and postage. Ms. Young seconded and the motion passed unanimously. Mr. Moore abstaining.

NEW BUSINESS

Mr. Gentile reported that the state property at Bass Cove Rd. and Pequot Rd. is going to be sold. The matter is currently in the state legislature. Ms. Young thought it was to be returned to the town.

OLD BUSINESS

Mr. Gentile reported that the Mr. Lamberto has been removing boards on the other side of Pequot Pond and the level of the pond is down. Apparently the water table floods his cellar and he is trying again to bring the water table down. Ms. Young said we should contact Michael Smith at the DEN office on County Rd.

OLD BUSINESS

Regarding the Holyoke Water Works, Mr. Moore reported that earlier tonight he and Mr. Reed met with Paul Davis of BEC, Glenn Cairns, Dick Duran (foreman for Mr. Cairns), and Jay Viamari of Tighe & Bond. They looked at several areas involved in the project, including Moose Brook, Madison Ave., and the end of Laurie Drive. He said Mr. Cairns wants to get the project going again.

Mr. Reed said they had done a good job of cleaning up the corridor. BEC submitted a mitigation plan on 11 areas in the corridor, but it does not deal with siltation. He suggested that these be handled on a case by case basis. In some areas the silt needs removing, and in others removing it will only make more damage. Mr. Reed added that BEC proposes transplanting from nearby areas, and he wondered if there were enough plants for this, and they had written permission of abutters whose land might be involved. He also said that this must be done properly.

Ms. Young wondered if we couldn't hire someone like Steve Bryor to monitor this. Mr. Moore said Tighe & Bond is supposed to be their environmental representative. Mr. Reed said he would ask Tim McKenna about this.

Mr. Moore also discussed whether Cairns was willing to keep BEC on the job. Mr. Reed said current contracts may not allow this. He said we should require both Tighe & Bond and BEC to be involved. Mr. Moore commented that we are not accepting Tighe & Bond, but he added that if we keep them from working until the weather turns bad we'll have a worse mess.

Mr. Moore said that the Swansons feel that a new Order of Conditions is called for. Maybe we should get as best done as we can now. Mr. Reed said we should send Holyoke a letter laying out the issues and if Holyoke refuses, then we'll require a new filing. Mr. Moore liked this idea, and said we should send copies to DEP, Atty. Feuerbach, etc. It was decided to hold another Thursday meeting, on July 11, and Mr. Reed said he would send this letter and the copies in time for that.

Ms. Young asked if anyone has inspected the mountain from Middle Rd. & Pequot Rd. She said there is a ruined pond and two streams that no longer run there. Mr. Reed said we need to have a look, but he added that the BEC plan addresses that. Ms. Young also mentioned the Shield farm.

Mr. Reed said we need to acknowledge receiving our copy of the Tighe & Bond response to the DEP enforcement hearing. Tighe & Bond says there are only minor changes from the 88 to the 95 plans, so we will request copies. Mr. Reed also briefly outlined for members the statements Tighe & Bond made regarding these changes.

OLD BUSINESS

Ms. Young reported on plans for the sedimentation basin to Pequot Rd and Italian Rd. in Westfield. Members had a look at the drawings.

Mr. Moore moved to adjourn, Mr. Berniche seconded, and the motion passed unanimously at 8:40 p.m. Next meeting: July 11, 1996 at 7:15 p.m.

*Respectfully submitted,
Robert P. Bonneau*

SOUTHAMPTON CONSERVATION COMMISSION
June 17, 1996

The meeting was called to order at 7:47 p.m. Members present: Moore, Reed and Young.

INFORMAL DISCUSSION

Continuation of June 3, 1996 hearing regarding a Notice of Intent filed by Robin Buckingham and Kristen Necca of 43 Strong Rd. in regards to a property on B2 Crooked Ledge, where they wish to construct a driveway across two intermittent streams. Mr. James Gracia PE was present and showed a revised plan which would take the proposed restoration area entirely out of the abutter's land. He explained that the revised plan would preserve a big clump of tulip trees, though some saplings would be lost. Mr. Moore said the plan looks acceptable, and asked Mr. Gracia to notify the commission when the work was underway so a site visit could be scheduled during construction, say midway or so, after the culverts were in. He also told Mr. Gracia the order would be issued later tonight when, and if, a quorum was reached.

Mr. Gentile arrived at 8:07 p.m., making a quorum. Associate member Gary Swanson also arrived about this time.

HEARINGS

Regarding a Notice of Intent filed by Elizabeth Howlett of 559 So Pleasant St., Amherst. Ms. Howlett wants to repair an existing septic system at 38 High St. by constructing a new absorption system. Representing Ms. Howlett was Matthew Sokop of Elmer Huntley, Jr. & Associates. Mr. Sokop explained that there is an existing 1500 gallon septic tank, and the plan is to intercept the discharge, along with a new laundry line, and pump it up to a leaching area. He said they would install siltation barriers around the digging for the pump.

Mr. Moore said he, Mr. Reed and Mr. Sokop visited the site and he considered the plan an overall improvement because it removed a bad problem.

Mr. Reed asked if there had been any testing of the soil in the pump area. Mr. Sokop said no because they planned a water-tight (i.e., hydraulic cement) container for the pump anyway. Mr. Reed asked about the depth also because groundwater could enter.

Mr. Swanson asked if the Board of Health had seen the site, and Mr. Sokop said they would tomorrow. Mr. Reed asked about the time frame, and Mr. Sokop didn't know yet.

Mr. Gentile asked about distance from the house, and Mr. Sokop said there would be 270' of pipe, and it would rise 40' vertically. The pump would be .75 horsepower.

Mr. Swanson mentioned that the leach area partly entered the 100' buffer zone and that a stream also crossed the leach area. It was generally agreed that it was an ambitious and difficult plan, but that there seemed to be no better choices, and it would result in an overall improvement of the situation.

Mr. Gentile asked about distance to the neighbor's well, and was told 150'.

Mr. Reed said the commission would need a \$30 check and a copy of the Board of Health approval.

Mass. DEP has assigned this project #287-89.

The hearing was closed.

REORGANIZATION

Ms. Young moved that the same officers be elected for another year. Mr. Gentile seconded and the motion passed unanimously.

OLD BUSINESS

In regard to the request of Mr. John Harriman to remove an old shed and construct a new one at 97 Strong Rd. This hearing was originally scheduled for May 6, and was continued to June 3. Mr. Reed said on June 3 he received the drawing and information the commission asked for at the last meeting. Ms. Young said they looked good.

Mr. Gentile asked if the essays for the contest came in and if the prize checks had gone out. Ms. Young said yes, but that she arranged to have cash sent to the winning youngsters.

NEXT MEETINGS

It was decided to schedule a special meeting on Thursday, June 27, so that Mr. Kingsley could attend. The main purpose is to tie up whatever financial matters have to be attended to before the end of the fiscal year.

CORRESPONDENCE

Business:

Tighe & Bond - response to DEP enforcement hearing
Bay State Environmental Consultants - weekly reports for 6/3/96 and 6/10/96
Mass. DEP - file number for Howlett request: 287-89
Gazette - bill for ads: \$43.31
Toxic Use Reduction Institute - survey
Peter Feuerbach of Kopelman & Faige - copies of letters to Mass. DEP and to Southampton Select Board regarding the DEP enforcement hearing. Both letters are not for public reading.

Magazines:

Nature Conservancy - July/August '96

Solicitations:

World Wildlife Fund
National Wildlife Federation
John Latke & Co.

Nature Conservancy
Appalachian Mountain Club
National Parks & Conservation Association

OLD BUSINESS

Mr. Gentile reported that Karen Harshbarger of Mass. DEP tried to visit Barbara Mikuski's property on Pequot Rd., and found no trespassing signs. Ms. Harshbarger wants to come again.

NEW BUSINESS

Mr. Reed reported that Rob Kelly of 55 East St. wanted to put some clean fill on his property along the Manhan River. Mr. Kelly should file a formal request. Mr. Reed expressed concern about stabilization and advised against this request. He said the commission should keep an eye on it.

EXECUTIVE SESSION

Ms. Young moved that the commission go to executive session to deal with possible litigation. Mr. Reed seconded. The votes were as follows: Mr. Moore - yes, Mr. Reed - yes, Ms. Young - yes, Mr. Gentile - yes.

The Commission went into executive session.

OPEN SESSION

The Commission returned from executive session.

INFORMAL DISCUSSION

Mr. Rob Kelly of 55 East St. arrived to discuss his desire to use some fill along on his property along the Manhan River. (See above, New Business.)

Mr. Kelly explained that he has 3 or 4 truckloads of gravel available to him and he wants to use it to make the grade more gradual on his land about 50-60' from the river. Mr. Moore asked how he would plan to stabilize the area. Mr. Kelly said he would dump the gravel on his side yard then rent a backhoe to move it into place. He would then grow sumac and plant grass on it. Mr. Moore asked if he had photos.

Mr. Moore also asked if this was sandy, gravelly material, which doesn't usually hold well. Was there any loam? Mr. Gentile suggested hay bales, silt fence and topping off. Mr. Moore said we would need some measurements. Mr. Reed added that we would need a plan showing what's there now, and what will be placed. Precautions should also be planned. We would need a plan with all this information, and there should be a filing.

Mr. Kelly said he could dump the available fill elsewhere for now, and Mr. Reed responded that it should be at least 100' from the edge of the river bank. Mr. Moore explained that this is a sensitive area and there are legitimate concerns about containment, stabilization, distance, etc. Mr. Reed thought at least an Request for

Determination of Applicability, if not a Notice of Intent, would be needed. Mr. Moore also told Mr. Kelly he should deal with the pile by his sign, stabilize it with seed and hay and dampen it, plus no more material inside the 100' buffer zone. Mr. Reed explained that a submission with a \$30 check would be necessary by June 23 for a possible July 8 hearing. Mr. Moore and Mr. Reed reemphasized that any machine activity inside the 100' buffer zone needs approval.

NEW BUSINESS

Mr. Moore moved to appoint Geraldine Swanson to associate membership of the commission. Ms. Young seconded, and the motion passed unanimously.

OLD BUSINESS

The Swansons discussed the some issues regarding the Halyoke Water Works project. Where will we get representation? Are the changes from '88 to '93 enough to require a new Notice of Intent? The project is at station 120 now, about 12,000' from the end of the job. Also, BEC will represent Cairns's interest for the remediation, but not future work.

Regarding the '88/'93 issue, we need to request all '75 plan sheets that relate to wetlands to determine if there is need for a new Notice of Intent.

Mr. Reed will call Atty. Fourbach regarding these issues, and will also make a copy of the video tape we have.

Mr. Gentile moved to adjourn. Mr. Reed seconded, and the motion passed unanimously. Next meeting: June 27, 1996 at 7:15 p.m.

*Respectfully submitted,
Mark P. Bonneau*