

Conservation Commission Special Meeting Minutes
March 26, 2005

- Meeting was opened at 12:05PM
- Attendance: Robert Floyd, Martha Issod, Dan Rukakoski, Rick Thibault
- 12:15 associate member: Zbiglew Lewanutowic arrived
- Ms. Issod nominated Robert Floyd to chair meeting, seconded by Mr. Thibault
- Brief discussion by SCC to formulate a written punch list of items for site visits. An example was shown from the town of Easton's ConCom. Discussion on members bringing appropriate tools to ConComs site visits. Such as 100ft. tape measure and boring instrument for soil samples. Unanimously approved
- Mr. Floyd reported that the Planning Board requested written comments from the town's boards pertaining to the proposed East meadows project
- In an effort to work in conjunction with the planning board Mr. Floyd recommended that the SCC send a representative (SCC member) to future Planning Board meetings. The SCC agreed
- It was recommended that SCC send written comments to the Planning Board on the proposed East Meadow project prior to their public hearing.
- The SCC formulated a letter for the planning board
- Ms. Issod moved that letter stand as written and be mailed, and hand deliver to planning board. Rick seconded. Unanimously approved
- 1:00PM Meeting was moved to be closed. Dan Rukakoski seconded
- *Letter attached and submitted with minutes

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- 1:00PM Meeting was moved to be closed, Dan Rukakoski seconded
- Letter attached and submitted with minutes

Minutes
Southampton Conservation Commission
Larabee School Building

January 10th, 2005 Time: 7:00 PM

Present: Pete Fern, Martha Issod, Mark Kassis and Dan Rukaskooski Robert Floyd was unable to attend

Open Public Time

The meeting was opened at 7:02

Each of the commission members introduced themselves to the public. The Conservation Commission currently has no permanent chair. Ms. Martha Issod motioned that Mark Kassis should Chair this evening's meeting. This was seconded by Mr. Fern and unanimously approved.

Mr. Joseph Ainnua asked the Conservation Commission whether building on a specific lot on Coolidge Road would need to be reviewed by the Conservation Commission. The plans presented showed a house and a septic system. The house was less than 60 feet from an area that Mr. Ainnua stated carried water. The septic system was over 100 feet from this area. Based on the information presented by Mr. Ainnua Mr. Kassis stated that a formal Notice of Intent would need to be submitted. A copy of the Notice of Intent and formal instructions on a disk was given to the applicant and he had a chance to review the state DEP map. The applicant's questions were answered.

Mr. Vitaliy Anisimov asked to address the Conservation Commission regarding a parcel on Riverdale Road. He showed a small map of a parcel along Riverdale Road which is adjacent to Gunn Road and asked whether he could build on the parcel. After a discussion the commission stated that it could not answer all his questions based on information provided. Mr. Anisimov was told that any land within 200 feet of the adjacent Manhan River and within 200 feet of any wetlands is under the jurisdiction of the Conservation Commission. Mr. Anisimov was also told that The Conservation Commission could not provide any further information base of the information that was available. Ms. Martha Issod stated that this is the parcel of land that the Community Preservation Commission had discussed purchasing from the owner as open space land.

7:15 p.m. Mr. Ed Cauley, Superintendent of Highways presented initial information regarding submission of a Notice of Intent for Road improvement for Glendale Road. Mr. Ed Cauley presented six copies of the maps and written Notice of Intent to the Conservation Commission and stated that all abutters had been notified. Mr. Cauley stated that the town is exempt from submission of fees. Mr. Cauley asked that the Conservation Commission set a hearing date. Mr. Cauley stated that this project began designing 1998 and has federal aid for completion. He stated that materials have been submitted to the natural heritage endangered species program and a public hearing and MEPA review has been completed. The commission unanimously approved setting the meeting on Feb. 7th, 2005 at 7:30 p.m. After discussion the commission agreed for a site visits for January 16th at 12:00 noon. Mr. Cauley was asked to review the maps and overall plans briefly for the commission members and briefly outlying major wetlands or stream that might be impacted and that are under the jurisdiction of the conservation commission. Mr. Cauley answered the commission member's questions about the general plan for the Road improvement.

Mr. Kassis asked Mr. Cauley to review the maps of the Cormier property that have included lands Mr. Robert Fletcher previously paid the town of Southampton to farm. Mr. Pete Fern who knows this area well and Mr. Cauley review the current wet areas on the property. Mr. Cauley raised concerns that certain areas

of this property had been planted to with corn and pumpkin is. Ed may have been fertilized which he felt would jeopardize the town water supply, which has a wellhead near this land. Although no final decisions were made, a discussion was held by the Conservation Commission about which areas could be layed, which areas would be difficult to keep dry and therefore may be appropriately left and put back to their natural state.

Open Mail - The mail was opened, read and reviewed. A list of the opened mail is attached.

Mr. Zbig Lewantowicz had submitted a request to become an associate member of the Conservation Commission in person. His letter was read. Mrs. Barbara Laflam stated that she felt his skills would be an asset to the conservation commission. Mr. Rukaloeki asked their any other individuals who have expressed interest. Mr. Ed Nind a prior commission member may be interested in a position as an associate member. After a discussion by the commission, Mr. Zbig Lewantowicz was unanimously elected as an associate member of the Conservation Commission.

The commission unanimously approved payment of the \$145.43 bill owed to the Hampshire Daily Gazette.

Treasurers Report

The commission currently does not have an elected treasurer since Mr. Joe Kingsley had stepped down. Mr. Kassis reviewed information that he had available after reviewing the Conservation Commission's financial books provided by Mr. Kingsley. They are as follows: (Approximate funds available derived from prior treasurers report.)

CU 40 8C	\$6,296.37
Hazel Young Fund	\$36,074.76 (as of 6/04)
Conant Fund	\$35,371.76 (as of 4/04)
General Expenses	\$1287.81 (started with \$1667)
Trust Fund	\$141.63 (\$12,465.34 "taken by town" in 6/02)

Mr. Kassis read a previous letter to the Con Com from the town Finance Committee stating budget requests must be submitted. The Conservation Commission's request should be submitted by January 29th and a hearing is scheduled for February 1st at 7:15 pm.

After discussion by the Commission the commission unanimously approved submission of two budget items, \$1925 which was the same as last years budget request and an expected one-time budget request for \$1800 for training of 5 new members of the Conservation Commission at the MACC training meetings. These will be submitted to the Finance Committee as two separate budget items with appropriate justification.

The department budget request is attached.

Old Business

PVPC/Open Space Plan. Mr. Kassis reviewed that PVPC had previously submitted proposals for development of an updated open space plan, which is necessary for the town to apply for multiple grants. Mr. Kassis stated that he believed the Community Preservation Commission had approved up to \$5000 to pay Mr. Noonan to help complete this Open Space Plan. It is important for the Conservation Commission to be involved with this Open Space Plan.

Cook Road barrier. Mr. Kassis stated that he had previously spoken with Mr. Cauley (Mr. Cauley was no longer present at this meeting). Mr. Cauley had stated that he planned to put up a guardrail at this site. The conservation commission members discussed this.

New Business

Conservation Land Hiking Trails. The commission discussed the importance of marketing current conservation land hiking trails.

M. A. C. C. conferences. The availability of upcoming training sessions provided by the MACC was discussed.

Southampton Boy Scouts Cooperation. No additional information is available.

Ms. Martha Issel had attended the Community Preservation Commission's recent meeting where they explored potential purchase of approximately 13 acres along Riverdale Road. This is the same parcel that was discussed earlier in the meeting. Apparently the Community Preservation Commission had wanted to explore purchasing this land from the owner who was present at the meeting and expressed interest in selling this to the town. There is apparently a need to clarify that there are no major environmental issues present on the site. Ms. April West of Valley Road is a Realtor and stated that she believed Mr. Anisimov had placed a bid for this land and this land may no longer be available. A discussion about steps that would need to be taken to acquire this land for open space (if Mr. Anisimov does not decide to finalize his purchase). The town will conduct a Phase One environmental review and a basic property appraisal. After discussion by the Conservation Commission the commission voted unanimously to notify the CPC and the selectman that the conservation commission support the purchase of this land for open space provided there are no major environmental issues. Mr. Kassie will draft a letter for review by Conservation Commission members.

Conservation land signs: Ms. Barbara Laflam stated a desire to protect the Sczypka barn and make conservation land available to the public. She has offered to pay for a sign for the conservation land "Fog Hollow". After a discussion by the commission, commission members will explore how to protect the barn and additional signage and efforts to make the public aware of existing conservation properties.

Mr. Zbig Lewantowicz. raise concerns about a forest cutting project off of East Road and erosion. The commission was not familiar with the specific activities at this site on the north side of East Road near Pleasant Street. A discussion about the conservation commission's involvement with forest cutting plans which are filed through the stated forestry division, was briefly held. The commission will gather additional information regarding this site and the conservation commission's interactions regarding forest cutting plans.

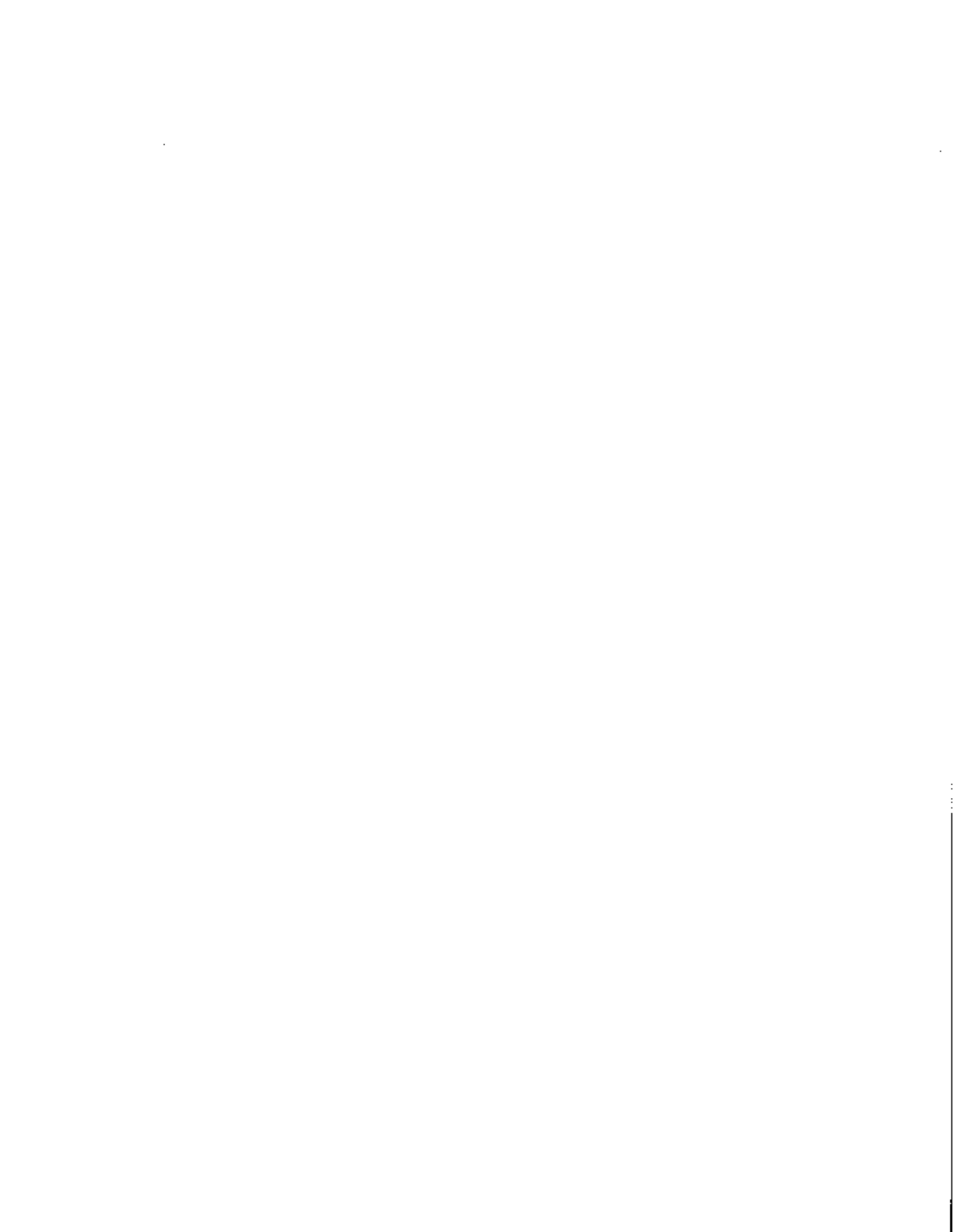
Ms. April West who was the Realtor for sale of 100 Valley Road, asked about the current status of the land of 108 Valley Road owned by Mr. Adanczyk. She was told that a site visit was held regarding prior damage to trees in wetland areas and he planned had been presented to stabilize and repair this area. She was told that the owners were aware that they would need to file a full notice of intent before any further work is done on the site. Mr. Kassie raised concerns that the original plans had no wetland information provided to the owners before they started the tree removal. Ms. West stated that she was never given any information that there were any wetlands on the site.

Ms. Martha Issel asked about existing maps that provided information about resources in Southampton. The community members and conservation commission discussed existing resources. Mr. Lewantowicz has been working on mapping of resources and can share this information future. Ms. Barbara Laflam mentioned that Stewart Berkley, Southampton's planner has detailed mapping capabilities as does Westfield planning department.

Adjourn

The Commission voted unanimously to adjourn at 8: 32 PM. The next meeting is on February 7th, 2005 at 7:00.

ComCon_1/10/05/MK_1/1/05



Mail opened and read at the 1/10/05 meeting:

Mr. Zbig Lewantowicz's letter to the Conservation Commission for appointment as an associate member of the Conservation Commission

Michael F. Gragnoli 12-9-04. Property of James & Eugene Labrie, Strong Road and East Street. Appendix G sheets

Daily Hampshire Gazette Invoice dated 12/31/04 for \$145.43, 31-60 days

MA Congress of Lake & Pond Associations Flyer

MA Audubon Membership Cards (2) Family and Sanctuary Brochure

The Trust for Public Land, Land & People Booklet

MACC Newsletter, Nov/Dec Issue

Green Cards: George & Judith Bishop
DEP Western Region (2)
James Strycharz

Southampton Assessors' Memo, 12/20/04 re. Points of Interest Maps

Daily Hampshire Gazette Invoice 12/31/04 \$145.43 current balance

Mass Wildlife News 11/19/04

Minutes
Southampton Conservation Commission
Larabee School Building

January 12, 2003 Time: 7:00 PM

Present: Robert Floyd, Tom Gentile, Mark Kassis, Joe Kingsley, Jim Moore and Mark Reed

Absent: Andrea Lucchesi has requested to step down from the Conservation Commission

The meeting was opened at the 7:10

Treasurers Report

Joe Kingsley read aloud the treasurers report

CH 40-8C	\$5075.12
Hazel Young Fund	\$52,923.12
Conant Fund	\$61,084.72
General Expenses	\$1346.78

The \$ 52,923 for the Conant Fund differs from the town accountant's estimate of \$36,000. The Hazel Young fund is not accessible through the general funds and Mr Kingsley will clarify this difference. Robert Floyd seconded the Treasurers Report. The commission voted unanimously to accept the report.

Public Open Meeting 7:20 PM

Mr Jim Boyle addressed the commission. He asked when minutes of prior meetings would be available for review. Since a quorum of prior members had not previously been available to approve prior minutes, these minutes would be voted on today and be available by tomorrow in the town hall. Mr Boyle also asked what plans had been made relating to his letter to the Conservation Commission regarding 19 Fomer Road. Mr Jim Moore stated that this had been discussed previously, a site visit had been conducted and

he had spoken with Mr. David Foulis. After discussion between Mr. Kassis and the Conservation Commission, Mr. Kassis will file an RDA.

7:20 PM Vincent Cross, 50 Gunn Road, NOI. Mr. Cross has submitted a detailed site plan. The Conservation Commission has not received a DEP File Number. Mrs. Susan Gilliam has tried to reach Mr. Reed. The Conservation Commission will need to wait 30 days until the NHESP program has reviewed the proposal. The commission voted to continue the hearing until 7:15 PM on Feb. 9 pending DEP File # and state review.

7:30 PM Mr. Thibault, 32 E. Street. The Conservation Commission has not received any DEP File Number. The commission voted to continue the hearing until 7:30 PM on Feb. 9 pending DEP File #.

7:45 PM John Martin, 106 Clark Street. Mr. Martin was unable to further stabilize the site as requested the site because of early freezing. The Conservation Commission has not received a DEP File Number. The commission voted to continue the hearing until 7:15 PM on Feb. 9 pending DEP File #.

Open Mail

WMFECO Right of Way Vegetation management-20 day notice of herbicide application

Fleury Lumber bill

Commonwealth of Massachusetts letter from Ellen Roy Herzfelder regarding the Red Brook Estates proposal. They will be requiring a detailed environmental and archeological review.

ENF for Red Brook Estates

MACC newsletter-two copies

Gulf of Maine Times

MACC letter requesting that the Conservation Commission contact Gov. Romney to release funds for the open space projects.

Mass Wildlife News

Calendar from Hyle Ecological Services

Copy of Legal Conservation Commission ad on 12/29/03 regarding Barry and Barbara Laflam, 20 Cook Road

Letter from Barbara and Barry Laflam, 20 Cook Road dated 12/31/03 to

the DEP requesting the Department review their Request for Determination (The letter states that the Conservation Commission failed to respond within 21 days. An on site visit is scheduled by DEP for 1/23/03 at 10:30 AM. The Conservation Commission discussed whether there are jurisdictional wetlands adjacent to the site. Commission members believe that there is likely to be jurisdictional wetlands on adjacent to land that is under the protection of the Conservation Commission.)

Mr. Kurt Boisjolie of 13 Strong Road presented water quality data from the pipe. Coliform count was 100 and the total fecal coliform was under 100 with state standards of less than 200. Mr. Boisjolie may also wish to repair a previous bridge crossing. If he wishes to proceed he will need to file under an agricultural repair order. The Conservation Commission felt that no further action was required regarding the pipes.

Minutes

The minutes of June 2nd, 2003 were reviewed in detail. The minutes were accepted as corrected.

The minutes of July 14th, 2003 were reviewed in detail. The minutes were accepted as corrected.

The minutes of September 5th, 2003 were reviewed in detail. The minutes were accepted as corrected.

The minutes of September 29, 2003 were reviewed in detail. The minutes were accepted as corrected.

The minutes of August 18th, 2003 were reviewed in detail. The minutes were accepted as corrected.

The minutes of October 20th, 2003 were reviewed in detail. The minutes were accepted as corrected.

The Conservation Commission approved all of these minutes unanimously. Mark Reed and Mark Kassis abstained. Mark Kassis clarified that he had helped type some of the minutes of meetings that occurred prior to October 20th at the request of Mr. Jim Moore. Minutes of these meeting will be available at the town tomorrow hall as requested by Mr. Jim Boyle.

The minutes of November 17th, 2003 were reviewed in detail. The minutes were accepted as corrected.

The minutes of November 24th, 2003 were reviewed in detail. The minutes were accepted as corrected.

These minutes were approved unanimously by all commission members.

present

Old Business

DOA for the RDA for 34 Fomer Road had been previously approved and was signed by commission members

The APR for the Searle farm apparently is being finalized and the Conservation Commission will pay an additional \$5200 for this purpose

Ted Towne, Re: Lot 6 of 164 Brickyard Road The original RDA had been filed as a deed restrictions In order to clear the current property of this current obligation the town lawyer worked with Mr Reed to draft a letter. This was reviewed by the Conservation Commission and seemed reasonable language This letter was unanimously approved by the Con Com and was signed by Conservation Commission members

Payment of Bills

Mr. Joe Kingsley requested that \$179.55 be paid to Robert Floyd for Conservation Commission expenses including \$15 for Certified Mail, \$24 for paying post office box expenses, \$80.00 for MACC conference attendance and \$60.45 for MACC mileage. Mark Reed seconded the motion and Robert Floyd abstained. Payment was unanimously approved.

Mr. Kingsley motioned that \$17.10 should be paid to Fleury Lumber for purchases related to AmeriCore activities. Mark Reed seconded and the Com Con approved unanimously.

Mr. Kingsley recommended payment of \$173.29 to the Daily Hampshire Gazette. Mark Reed seconded and the Conservation Commission approved unanimously.

Mr. Kingsley recommended payment of \$200 to SVS Graphics of 84 High Street for 5 Conservation Commission signs. Mark Reed seconded and the Conservation Commission unanimously approved.

Mr. Kingsley recommended payment of \$205 to Linda Reed for typing multiple Conservation Commission materials. Mark Reed abstained. Robert Floyd seconded motion and the board approved unanimously.

Mr. Kingsley recommended payment of \$2000 of the pledged \$6000 to the Pequot Pond fund.

The commission voted unanimously to adjourn at 10:16 PM

Minutes submitted by Mark Engas
Jan_12_03ComComMK/1/22/04

Minutes
Southampton Conservation Commission
Larabee School Building

February 7, 2005 Time: 7:00 PM

Present: Pete Fern, Robert Floyd, Mark Kassis, Dan Rukakoski and Rick Thibault.
Martha Issod was unable to attend

Open Public Time

The meeting was opened at 7:02. There is no current permanent chair. Mr. Robert Floyd nominated Mr. Mark Kassis to be temporary chair for this meeting. This was unanimously approved.

Mr. Rick Thibault was introduced as the new commission member. All of the commission members introduced themselves to the audience.

Ms. Patti Mari asked to address the Conservation Commission. Ms. Mari is a prior commission member who is currently the librarian for the elementary school. Last year she had requested funds to sponsor a whirlpool educational project for third-graders at North elementary school. She had used the money well to sponsor a writing project for each third-grader about the Vernal Pool, purchase books, pay for an outside educational consultant and provide waders and other supplies to maintain a Vernal Pool. She provided written materials describing what she wishes if she is allowed additional funding. After discussion amongst the Commission she requested \$300 for a similar project this year. After discussion the Commission unanimously voted to approve \$300. At the request of Ms. Mari initial funding will be requested for direct payment to the educational consultant with the remainder being paid to the school library.

7:15 p.m. RDA for 124 East Street for repair of the septic system. The public meeting for this RDA was opened and the Chairman read the public notice from the paper. Ms. April West reviewed the submitted site plan and RDA with the Conservation Commission. The only concern raised by the Commission was the need for additional barriers just downhill from the proposed work. After review and detailed discussion the Conservation Commission unanimously approved a negative determination recognizing that the work is within the jurisdiction of the Wetlands Protection Act, however, the work does not require filing of a Notice of Intent. The Determination of Applicability will require the additional placement of barriers just west of the proposed septic system.

7:30 p.m. Public Meeting, Southampton Highway Department. Glendale Road Project. The public meeting was opened and the Chairman read the public notice from the paper. Mr. Ed Cawley from the Town Highway Department, Delia Kaye and John Buchard from

the consulting firm of Vanasse, Hangen and Brustlin, Inc. and Jim Meyer from the State Highway Department were present. A response from NHESP had been received and a file number from DEP has been received. The Notice of Intent had included a list of all the abutters and the Notice of Intent stated that they have all been notified. The applicant was requested to bring the green cards. Mr. Floyd announced Mr. David Foulis, DEP had contacted the Commission and stated the Commission cannot legally make a determination tonight due to NHESP's issuance of a Probable Adverse Affect Letter.

The letter from NHESP was read regarding NHESP's concern about the impact on endangered species along the Manhan River. Ms. Delia Kaye presented a letter dated February 7th that was written in response to issues raised at the site visit and by the recent NHESP letter. She reviewed the points in this letter in detail. This discussion included clarifying that discharge No. 14 was designed for a ten-year storm event. Additional information was provided regarding field notes used to delineate wetlands. The developer requested that the mitigation area between wetlands #2 and #3 remain on the south side and only needs to be 237 sq. ft. They stated that this could be done in a way that would not disturb trees in this area. Multiple other points were raised providing information regarding of the NHESP's concerns. Questions of the Commission members were answered including clarifying specific parts of the proposal, whether additional catch basins can be placed just before entering the swale for discharge 14. The discussion included ways to properly protect the areas along the Manhan River, which are the most ecologically sensitive areas and whether the outlet for the proposed retention area adjacent to the Manhan can be moved further away from Manhan River.

It became clear that the Conservation Commission couldn't take action until the concerns raised by the NHESP have been addressed. The consultant will address these in writing to NHESP with copies to the Conservation Commission and DEP. Mr. Ed Cauley raised concerns about the short time line before they might lose federal funding. Mr. Kassis recommended that a draft of possible additional orders of condition be e-mailed to the consultants for them to review prior to the next meeting. The Conservation Commission unanimously approved this. This will give the applicant adequate time to respond and allow the process to move on as efficiently as possible. The applicant agreed to continue the hearing to March 7th. The Conservation Commission unanimously approved to continue the hearing until March 7, 2005 at 7:30 p.m.

8:15 pm 108 Valley Road, the Public Hearing for the Notice of Intent for placement of a house and septic system on 108 Valley Road was opened. The public announcement in the paper was read. Mr. Dan Nietzsche and Mr. Adamzyck reviewed the revised plan. They provided green cards of the notification of abutters. At the request of the Conservation Commission the applicant provided a copy of the original survey and plan, which did not, have any of the wetlands delineated on the survey plans. The Conservation Commission felt that they should be part of the Notice of Intent and file since this was the reason the owner had originally cleared a substantial amount of wetlands because of misinformation provided by the surveyor. It was also agreed that the applicant's restoration plan should become part of the final NOI application. After detailed discussion of the site plan and review of any possible options the applicant

answered the conservation commission's request for information. The public meeting was unanimously closed. After discussion the conservation commission felt that it was important that the entire 50-foot buffer in front of the wetlands be replanted with a conservation mix. The applicant felt this would be consistent with their plans. The Conservation Commission unanimously approved to issue an Order of Conditions with additional conditions to include conservation mix planting in the 50 foot buffer and agreement to complete the appended wetlands restoration work previously submitted.

New Business

Mr. Robert Fletcher asked to address the Commission regarding the area that he has farmed for many years. There are two areas managed by the Conservation Commission that Mr. Fletcher has previously farmed. Mr. Fletcher is one of two individuals who had previously been contracted to care for this property. Mr. Fletcher stated that he believed he had a previous agreement with the water and highway department that after they were allowed to use his farmland for access to clean up of the prior tire dump, that they would bring in equipment to repair drainage ditches in the wet areas of the farmed property (which would allow him access to dry land that he could hay). He states that the Water Department never completed drainage ditches in this area and he has spoken with them to address this. Mr. Fletcher states that under prior agreement between the Conservation Commission he would be allowed to hay the land and till certain areas for production of crops. The other owner of adjacent land is Mr. Palmer of Westfield. Mr. Fletcher states that after the new water main was put in, these properties have become excessively wet and many parts of these properties are too wet to hay or to cut down overgrown shrubs. Mr. Kassis stated that the Commission members who are present were not involved with earlier discussions and that his understanding of prior concerns was that the land had not been maintained and that some areas had been planted with pumpkins. After this discussion Mr. Kassis asked Mr. Fletcher what he would like to see happened. Mr. Fletcher would like to have the Water of Highway Department dig out drainage ditches on this property and then Mr. Fletcher would like to restart haying and caring for this property. Mr. Kassis has spoken with Mr. Ed Cauley who said he probably would be able to provide some time and machinery to improve drainage ditches on this site.

The next Conservation Commission will meet on March 7, 2005 at 7:00.

MACC - Mr. Robert Floyd started discussion regarding paying annual fees to the MACC and commission members attending the March 4th training session. After discussion the Commission member's voted unanimously to pay the MACC annual dues and pay fees for Commission members attendance to the March 5th session for anyone willing and able to attend.

Open Mail - The mail was opened, read and reviewed. A list of the opened mail follows:

A letter was received from Mr. Edward Neid, Jr. requesting that the Conservation Commission considered his request to be appointed as Associate Commission member.

After discussion this was unanimously approved

A letter for dues for the Conservation Law Foundation was received. After discussion the commission voted unanimously to pay \$30 per year membership to reinstate a membership.

Certified letter regarding a Request for a Determination from Heritage Survey for Eugene and Lorraine Miller repair of a septic system at 19 Glendale Road with a check for \$35.00

Certified letter regarding a Notice of Intent from Heritage Survey for Eugene and Lorraine Miller for a proposed project at 33 Glendale Road with a check for \$260.00.

Wetlands Enforcement Manual from DEP dated November 24

Letter to the DEP with a copy to the Southampton Conservation Commission from Mark Kassis and Ellen Senghas regarding Consent Order for removal of footbridge at 19 Pomer Road

Newsletter from Trust of Public Land

Bill from the Hampshire Daily Gazette for \$111.21. After review by the Commission, the Commission unanimously agreed to pay for the \$59 and submit the bill for the remaining \$51 to Mr. Ed Cawley who will arrange for direct payment of this to the Hampshire Daily Gazette. After discussion by the Conservation Commission, the Commission reviewed the current charges that are required to be paid by applicants for legally required postings in the paper and agreed unanimously to increase the cost from the prior \$35 to \$45 for any future filings. After discussion, it was realized that this posting charge has not been paid by Mr. Adamzyck regarding the NOI for 108 Valley Road or by Ms. April West for 124 East Street and these individuals will be notified of the \$35 owed to the Conservation Commission.

Letter from Berkshire Conservation Agent Program

Notification from PVPC regarding a grant available for forest and wetlands protection

Letter from Koppelman and Paige attorneys regarding Burt Street conservation land protection agreement between Holyoke, Southampton and Easthampton

Old Business

Treasurer's Report Mr. Pete Fern presented the treasurer's report. Mr. Fern reviewed information that he had available after reviewing the Conservation Commission's financial books. They are as follows:

CH 40-8C

\$6,891.39

Hazel Young Fund	\$36,074.76
Conant Fund	\$55,271.76
General Expenses	\$1,287.81
Trust Fund	\$141.62

The treasurer's report was approved unanimously.

Discussion about paying miscellaneous bills was conducted. Payment of \$24 to Mr. Peter Fern for annual cost of the post office box was unanimously approved. Mr. Fern abstained. Payment of \$35.33 to Mr. Robert Floyd for miscellaneous mailing costs was approved unanimously by the Commission. Mr. Floyd abstained.

Commission members finalized signatures on the letter to the Community Preservation Committee recommending that Southampton pursue the purchase of the property on Riverdale Road. This will be sent to chairperson Virginia Ahart and to the Selectmen.

The minutes of Conservation Commission for November 5th 2004, December 13th 2004 and January 10, 2005 were reviewed by commission members and unanimously approved as written.

Adjourn

The Commission voted unanimously to adjourn at 9:19 PM. The next meeting is on March 7th, 2005 at 7:00.

Minutes submitted
CoroCom_2/2/05/2/5/05

Minutes
Southampton Conservation Commission
Larabee School Building

February 9, 2004 Time: 7:00 PM

Present: Robert Floyd, Tom Gentile, Mark Kassis, Joe Kingsley, Jim Moore and Mark Reed

The meeting was opened at the 7:08

Treasurers Report

Joe Kingsley read aloud the treasurers report

CH 40-8C	\$5,168 87
Hazel Young Fund	\$36,177.18
Conant Fund	\$61,984 72
General Expenses	\$571 84
Conservation Trust	\$141 62

The prior budget estimate of \$ 52,923 discussed last month for the Conant Fund differs from current \$36,177 after accounting for the \$17,000 paid for the Johnson project Robert Floyd motioned to accept the treasurer's report and Mark Kassis seconded The commission voted unanimously to accept the report

Minutes

The minutes of January 12, 2004 were reviewed in detail Robert Floyd motioned to approve the minutes as corrected. Mark Reed seconded this Conservation Commission members approved the revised minutes unanimously

Public Open Meeting 7:15 PM

7:15 Continuation of Public Hearing & discussion of Enforcement Order -

Vincent Cross, 50 Gunn Road Mr Tom Gentile read the original public notice Mr Cross was present. Jim Moore stated that a site visit was held on 1/23/04 with Mr Moore, Mr Floyd, Mr Reed and Mr David Foulis from DEP present. The DEP has stated they are not willing to issue a DEP File number and had advised that the Conservation Commission should issue an Enforcement Order. Two letters from DEP had been received, one stamped 1/13/04 stating that no DEP File number would be issued and a letter of 1/27/04 from the NHESP raising concerns about environmental impact on five endangered or threatened species. Mr Jim Moore felt that there were two alternatives. If the Southampton Conservation Commission does not proceed with issuing an Enforcement Order the State DEP would issue an Enforcement Order which Mr Moore felt is likely to result in potential substantial fines for Mr Cross. The state's letters after the site visit with Mr Foulis made it clear that they wanted all of the fill that was placed removed including the rip rap and they wanted the site revegetated. After a discussion with Mr. Cross and the Conservation Commission members there was an agreement that Mr Cross would write a letter to withdraw his Notice of Intent without prejudice and that the Southampton Conservation Commission would issue an Enforcement Order. The Conservation Commission unanimously approved issuing an Enforcement Order that would include the following requirements. Removal of all fill material from the floodplain and banks. Removal of wood construction material from the site. Restoration of vegetation with native plants. Removing soil and stabilizing the bank one section at a time. The owner would leave the rip rap in place until the flood plain and banks are stabilized. Recommendation of possible completion by September 2004. The DEP will be notified of this Enforcement Order.

7:30 Continuation of Public Hearing Steven Thibault, 32 East Street The Conservation Commission has not received any DEP File Number Mr Reed stated that during recent discussions with the DEP they do not have record of the filing of the Notice of Intent with the DEP. Mr Moore recommended that Mr Thibault resend the Notice of Intent by certified mail to the Regional Office of DEP. The Commission voted to continue the hearing until 7:30 PM on March 1st, 2004 pending DEP File #

7:45 Continuation of Public Hearing - John & Claire Martin, 106 Clark Street A letter from DEP stated that this work includes activities within the 100th foot buffer zone and File number 289-146 has been received by the Conservation Commission and Mr Martin. Mr Martin stated that the area is

currently stable and frozen solid. The Conservation Commission discussed the concerns of protecting the nearby buffer zone. The Con Com requested that no more fill should be placed within the buffer zone and recommended decreasing the slope to less than 3:1. This would require pulling back some material from the current site. This area should be stabilized with native plantings. Final decisions on native plantings would be made after a future site visit. Mr. Martin raised questions of what he should do with additional fill at the site. The Conservation Commission agreed to review this after the site visit. The Commission unanimously voted to close the public hearing.

Mark Kassis stepped down for the 8:00 hearing.

8:00 M. Kassis & E. Senghas, 19 Fomer Rd - discussion of Enforcement Order. Mr. Mark Kassis and Ms. Ellen Senghas had submitted a letter to the Conservation Commission requesting that the Conservation Commission issue a Letter of Enforcement so that they could be compliant with Wetlands Protection Act. Mr. David Foulis had recommended this approach rather than a Request for Determination. Mark Kassis and Ellen Senghas review their letter in detail with all commission members and questions were answered. Details regarding the pole barn, the tool shed and footbridge (all built in 1993 and 1994) including their location, placement and impact on nearby wetlands were presented and discussed. Mr. Kassis asked to address the issues raised by a letter from Mr. and Mrs. Boyle. The letter raised the question of whether any of the structures were in the floodplain. Mr. Kassis showed maps stating that the only structure within the legally defined floodplain was the bridge. After review of current maps of floodplain the Commission agreed that these other structures were not within the floodplain.

After discussion by Conservation Commission members, the Commission unanimously voted to issue a Letter of Enforcement addressing all of the structures. After a detailed discussion of specific recommendations the Con Com unanimously approved the following details for the Letter of Enforcement. The manure pile and the tool shed will be moved behind the current garden location and over 100 feet from the Red Brook. The pole barn was not considered to be impacting the jurisdictional wetlands and would be left in place as is. The current footbridge would be secured to prevent washout by any high waters and would be left in its current location. If any of the bridge components need to be replaced they would be replaced with environmentally friendly materials. A 20 foot vegetated buffer between the pasture fence line and the Red Brook would need to be assured.

Mark Kassis returned as a member of the Conservation Commission

Open Mail

NHESP letter of Jan 27, re: 50 Gunn Road, NHESP File No:03-13128

Drs Mark Kassis & Ellen Senghas, dated Jan 20, re: 19 Fomer Road

WMECO's Jan 28 letter with Rights-of-Way Vegetation Management.

DEP's Jan 13, re: 50 Gunn Road, No file number will be issued at this time

DEP's letter of January 12 re: 20 Cook Road by Certified Mail

DEP's letter of Jan 30 re: 20 Cook Road, SDA by Certified Mail

Heritage Surveys, Inc. letter of Jan 29 to DEP with drawings re:
the proposed Red Brook Estates by Certified mail

Coastlines newsletter, December 2003

Massachusetts Congress of Lake & Pond Associates, Inc Newsletter

MACC NEWSLETTER, Jan/Feb

Land Stewardship Inc Postcard

Letter from Mr and Mrs Boyle re: 19 Fomer Road

Old Business

Septic system upgrade: 5 Garfield Ave - pending

Maple Street Vernal pool-remove pipe - pending

Bruce Fournier - APR Program - pending

193 Brickyard Rd regarding tree cutting - pending

Certificate of Compliance for Holyoke Water Works – pending PVPC/Open
Space Plan -- The Water Department has expressed interest in paying part of
the cost Robert Floyd has begun discussion with the Community

Preservation Commission to pay for part of the costs of the plan

Barry & Barbara Laflam, 20 Cook Rd - DEP review - The Conservation Commission had received notification from DEP after their site visit that jurisdictional wetlands occur at the site and stated that a Notice of Intent should be filed. Mrs. Barbara Laflam was present and aware of the requirement to file a Notice of Intent.

New Business

King Oak Estates - The plans for development of the King Oak Estates and maps were available to the Conservation Commission. This is the first time that they were available for review. The Planning Board had requested that the Conservation Commission review the tentative plans and comment to the Planning Board. Since this is the first time these plans were available for review, detailed written comments from the Conservation Commission was not possible. An area of jurisdictional wetlands does exist at the edge of the property. Official filing of a NOI with the Conservation Commission will likely be needed.

Payment of Bills

Mr. Joe Kingsley motioned that \$5200 be paid by the Conservation Commission for the APR for the Searle farm. The Conservation Commission unanimously approved this payment.

Mr. Kingsley motioned that \$2000 be paid toward the previously requested \$6000 for the Pequot Pond Fund. The Con Com unanimously approved this payment.

The Commission voted unanimously to adjourn at 9:37 PM.

Minutes submitted by Mark Kassis
ConCon_2/9/04/MK/2/24/04/Final

Minutes
Southampton Conservation Commission
Larabee School Building

March 1, 2004 Time: 7:00 PM

Present: Robert Floyd, Tom Gentile, Mark Kassis, Joe Kingsley, Jim Moore and Mark Reed

The meeting was opened at the 7:10

Patti Mari resented a proposal relating to a vernal pool project at the Norris School. She is the new part-time librarian at Norris School. She is attempting to develop a vernal pool project for third-grade students in coordination with the third grade teachers. She was requesting funding support for this activity to include probable funding for a wildlife biologist to visit the vernal pool on the property with the third graders and making or purchasing videotapes or photographs of the night of the salamander migration. Additional finding could be used for a slide show or film of this migration and purchase of teaching materials for the school library. After a discussion by the Conservation Commission, commission members recommended multiple ideas for potential speakers and opportunities for the third graders. Robert Floyd motioned for the Conservation Commission to approve \$300 to support this vernal pool project at the Norris School. Mark Reed seconded this motion and the Commission unanimously approved. Patti Mari will need to submit a written request.

Treasurers Report

Joe Kingsley read aloud the treasurer's report

CH 40-8C	\$5,168.87
Hazel Young Fund	\$36,177.18
Conant Fund	\$54,784.72
General Expenses	\$571.84
Conservation Trust	\$141.62

The prior \$ 5200 for the Seattle APR and \$ 2,000 for the Pequot Pond fund

were drawn from the Conant Fund. Robert Floyd motioned to accept the treasurer's report and the commission voted unanimously to accept the report.

Minutes

The minutes of February 9, 2004 were reviewed in detail. Robert Floyd motioned to approve the minutes as corrected. Mark Reed seconded this. Conservation Commission members approved the revised minutes unanimously.

Public Open Meeting 7:30 PM

7:30 Continuation of Public Hearing - Steven Thibault, 32 East Street. The Conservation Commission has not received a DEP File Number. Mr. Thibault was present and stated that he sent this request certified mail and had visited Mrs. Susan Gillian. Because a DEP File number is not available, Mark Reed motioned to continue the public hearing to 4/5/07 at 7:30 pending the DEP File number. The Conservation Commission unanimously agreed.

Ms. Barbara Laflam asked if Mr. Jim Moore had submitted an RDA for his proposed septic system. Mr. Moore stated that this project has been postponed and an RDA will be submitted prior to undertaking the septic system repair. Ms. Barbara Laflam also asked if an RDA had been submitted for a building project currently under way at the corner of Wolcott and Pomeroy Meadow Road. She was concerned that the site included wetlands that may be under Com Con jurisdiction. An agreement was made to look at prior files and for a site visit by Com Con members.

Open Mail – The following mail was opened:

Living Well magazine of the Division of Fish and Wildlife

ConTech Construction Materials brochure

Department of Environmental Management materials on water chestnuts

Department of Agriculture notice of grant programs

Two copies of Notice of Intent submitted for Harley Davidson Inc , 17 College Highway by HDL Realty and Valley Environmental Services

Letter from Heritage Survey's lawyer re:19 Fomer Road

NHESP letter of Jan 27, re: 50 Gunn Road, NHESP File No:03-13128

DEP letter regarding Harley Davidson Inc , 17 College Highway issuing File number 289-148

Old Business

Signing of Order of Conditions for John & Claire Martin, 106 Clark Street. Mark Reed distributed and read the Special Order of Conditions prepared for DEP File number 289-146. Special Conditions 18 to 24 were distributed in addition to the standard state Order of Conditions 1 through 17. Condition 22 specifically addressed re-grading at the site and stated that fill material should be pulled back from the base and be re-graded to a slope of 3:1. The applicant shall schedule a site visit with the Conservation Commission to inspect the re-graded area prior to seeding and planting. The slope shall then be stabilized with natural plantings. Mark Reed motioned to accept the order of conditions and Mark Kassis seconded. The Commission unanimously voted to close the public hearing.

Septic system upgrade: 5 Garfield Ave - pending.

Maple Street Vernal pool-remove pipe -- pending.

Bruce Fournier - APR Program - pending.

193 Brickyard Rd regarding tree cutting - the owner has been told not to proceed with any other cutting. He will probably bring further requests to the Conservation Commission.

Certificate of Compliance for Holyoke Water Works -- pending.

PVPC/Open Space Plan - Mr. Moore has spoken with members of PVPC and they are expecting to begin this project during the summertime. They will bring a formal presentation to the Conservation Commission before then. Robert Floyd will be discussing this effort with the Community.

Preservation Commission with a request that the CPC pay for part of the costs of the plan

Enforcement orders

Enforcement Order - Vincent Cross, 50 Gunn Road - Mr. Mark Reed presented the final typed version of the Enforcement Order - Conservation commission members discussed the wording - Efforts to work with Mr Cross regarding making turtle access through the Rip Rap will be pursued - The Conservation Commission unanimously approved the enforcement order - A copy will be sent certified mail to Mr Cross

The Conservation Commission unanimously approved the Enforcement Order that included the following requirements - Removal of all fill material from the floodplain and banks - Removal of wood construction material from the site - Restoration of vegetation with native plants - Removing soil and stabilizing the bank one section at a time - Completion by September 2004

Mark Kassis stepped down at the 8:13

Enforcement order- M Kassis & E. Senghas, 19 Fomer Rd - Mark Reed read the typed version of Enforcement Order - After discussion by the Conservation Commission of the Letter of Enforcement, the Conservation Commission unanimously approved the Letter of Enforcement regarding the wetlands jurisdictional issues for 19 Fomer Road - No Notice of Intent or Request for Determination will need to be filed - A copy was given to Mark Kassis

The major points of the approved Letter of Enforcement were as follows - The manure pile and the tool shed will be moved behind the current garden location and over 100 foot from the Red Brook - The pole barn was not considered to be impacting the jurisdictional wetlands and would be left in place as is - The current footbridge would be left in its current location, however, if any of the bridge components need to be replaced they would be replaced with environmentally friendly materials - A 20 foot vegetated buffer between the pasture fence line and the Red Brook would need to be assured - No further construction would be allowed without application through the Conservation Commission

Mark Kassis returned as a member of the Conservation Commission

New Business

Pequot Pond Committee Mr. Gentile has spoken with the committee about the last \$2000. They were aware that the promised clearance of vegetation from the bottom has not been completed. Ms. Anna Capra, a senior planner at PVPC had written that a site visit had been undertaken to consider restoration to Pequot Pond sites, however, this was too large a project for current funding. PVPC will be filing a 319 grant next April and will meet with Mr. Ed Cauley before 3/10/04 regarding this application. Mr. Gentile reported that the six lots on the Westfield side a Pequot Pond and House have been bought. The state is attempting to remove the house before the ice is melted to minimize possible asbestos release into the Pequot Pond.

Notice of Intent for Harley-Davidson Inc. 17 College Highway The Conservation Commission voted to set a hearing date for April 5th, 2004 at 1:45 PM.

Carol Ducharme of Moosebook Road asked the Conservation Commission about activities regarding logging performed by Mr. Gwinner on Moosebook Road. She was concerned that fill had been placed and logs had been placed to create a road. The Conservation Commission members stated that any materials brought in during logging should be removed. The Conservation Commission notified her that this logging was approved by the State Forestry Program and that the local contact person is Carmen Angelo. Mr. Angelo's phone number was given to Ms. Ducharme. She was asked to recontact the Conservation Commission if her concerns were not adequately addressed by the state forest program.

Payment of Bills

Mr. Joe Kingsley recommended that the Conservation Law Foundation membership not be renewed since the Conservation Commission has not found that membership has provided the Con Com with any benefits.

Mr. Kingsley motion that \$64.28 be paid to Mr. Mark Reed. This includes \$9.41, \$4.51 and \$12.38 for a postage and \$37.98 for supplies from Staples. Robert Floyd motion to accept, Mark Kassis seconded and the Conservation Commission unanimously approved with Mark Reed abstaining.

The Commission voted unanimously to adjourn at 8:34 PM

Minute submitted by Mark Kassis
ConCon_3/1/04/20K/4/5/04

Minutes
Southampton Conservation Commission
Lanabee School Building

March 7th, 2005 Time: 7:00 PM

Present: Robert Floyd, Martha Issod, Mark Kassis, Dan Rukakoski and Rick Thibault
Pete Fern was unable to attend. Mr. Zbig Lewantowicz, Associate Commission member,
was present in the audience.

Open Public Time

Mr. Robert Floyd opened the meeting at 7:03. Mr. Floyd entertained motions for temporary chair for the meeting. Mr. Mark Kassis motioned for Mr. Floyd to be temporary chair for this meeting. This was unanimously approved.

Ms. Paula Mack of Madison Avenue was present with Ms. Carol Redfern. They had asked what procedure needs to be completed to determine if a lot could be built on. They did not have any plans with them. Mr. Kassis discussed the areas under the jurisdiction of the Conservation Commission. He suggested that they discuss their plans with a surveyor. They were informed that if there was to be proposed work with 100 feet of wetlands the surveyor could help them submit either an RDA or a NOI. Mr. Kassis stated that the Commission could not issue a simple letter stating that a lot could be built on without going through appropriate procedures.

7:15 p.m. Public Hearing for RDA for 19 Glendale Road submitted by Heritage Surveys prepared for Eugene and Lorraine Miller of 19 Glendale Road. Mr. Floyd opened the meeting by reading the public notice. Mr. Michael Granulatti representing Eugene and Lorraine Miller reviewed the plans. Commission members asked for clarification of some details of the plan site. Mr. Mark Kassis asked Mr. Granulatti to clarify that this was a Request for Determination both for replacement of the failing septic system as well as for approval of the wetlands delineations. After additional questions clarifying the slopes and locations on this property, the Commission members felt that a site visit would be needed before approval of the wetlands delineations. With the consent of Mr. Granulatti representing the owners the hearing was postponed until 4/4/05 at 7:15 PM. The Commission agreed on a site visit with Mr. Granulatti at 11:00 AM on 3/26/05.

7:20 p.m. Public Hearing for NOI for 33 Glendale Road submitted by Heritage Surveys prepared for Eugene and Lorraine Miller of 19 Glendale Road. Mr. Floyd opened the meeting by reading the public notice. Mr. Michael Granulatti representing Eugene and Lorraine Miller reviewed the plans. Mr. Granulatti provided green cards from all abutters. Commission members asked for clarification of some details of the site plan.

Mr. Granulatti clarified that this was a NOI for placement of a three-bedroom house with new septic system. The house would be within the delineated 100-foot buffer zone; however, the septic system would remain outside of the 100-foot buffer zone. The commission asked to clarify the slopes and locations of proposed structures on this property. The commission members felt that a site visit would be important to have enough information to make decisions about this NOI. With the consent of Mr. Granulatti representing the owners, the hearing was postponed until 4/4/05 at 7:30 PM. The commission agreed on a site visit with Mr. Granulatti at 11:15 AM on 3/26/05.

7:30 p.m. Continuation of Public Hearing for Glendale Road Reconstruction project, submitted by Vanasse, Hangen and Brustlin, Inc. for the Town of Southampton Highway Department. Mr. Robert Floyd opened this section of the public hearing. Ms. Delila Kaye began presentation for the consulting firm. In addition, Mr. Ed Canley from Southampton Highway, Mr. John Bechard from the consulting firm of Vanasse, Hangen and Brustlin, Inc., and Tim Meyer from the State Highway Department were present. Ms. Kaye presented the green return receipt cards from abutters. VHB had sent written response to the Conservation Commission with an updated map. All Commission members had not had a chance to review this new information during the week since VHB had sent us this copy. Ms. Kaye was asked to review this information with Commission members.

After Ms. Kaye reviewed the written materials and new plans, Mr. Mark Kassis asked whether the National Heritage and Endangered Species Program (NHESP) had responded to the letter from VHB dated 2/23/04. Ms. Kaye stated that they have not received a response from NHESP. Robert Floyd stated that he had spoken with a staff at NHESP and Mr. David Foulis of the western office of DEP. He stated that Ms. Nancy Putnam was not in the office but the office expected to be able to respond within 21 days. Mr. Floyd stated that after a detailed conversation with Mr. Foulis it was clear both DEP and NHESP strongly advised the Southampton Conservation Commission not to take final action until a response was received from the NHESP. A detailed question-and-answer between Ms. Kaye and Conservation Commission members was held regarding interpretation of whether the Commission could take an action. Mr. Mark Kassis stated that he had also spoken with Mr. Foulis who felt that concerns of the NHESP needed to be fully refuted by the developer or await NHESP response before final approval of the Manhan River section of this project. Mr. David McDougal, Selectman, of 140 Russellville Road expressed concern about the possibility that Southampton might lose federal funding for this project. In addition, Mr. Ed Bachelder and Mr. Jean Pierre Crevier, who are also current Selectmen, expressed concern that the procedures of the Conservation Commission should not potentially cause the loss of this important project. Mr. Ed Bachelder recommended seeking some compromise. After detailed discussion Mr. Kassis recommended specific wording for the Order of Conditions that would allow for potential approval of NOI with a condition that the Manhan River section of the project is contingent upon final NHESP approval. After detailed discussion with Mr. Canley and Ms. Kaye and among Conservation Commission members the Conservation Commission's general feeling was that this would assure protection of these critical wetlands but allow the town to bring the project to bid and minimize the chance of losing

federal funding for this project. The Conservation Commission reviewed its options including asking the applicant to agree to continue the hearing for approximately four weeks which the applicant was not willing to do. After discussion among Conservation Commission members the Commission unanimously approved closing the hearing. The Commission agreed to proceed with review of potential additional Orders of Condition. A draft written set of potential additional orders of Condition 18 to 40 had been previously distributed to VHB. The Commission reviewed these in detail. There was a detailed discussion about the exact wording regarding the Manhan River section of the plans, which were awaiting NHESP comments. Under this proposed additional Order of Condition, the Commission retained the right to review the entire Manhan River section of the project if the NHESP did not agree that this section of the proposal would adequately protect the three endangered species. The Commission unanimously approved these additional Orders of Condition. The Commission then unanimously approved the NOJ with amended plans and with the additional Orders of Conditions. Ms. Martha Issod abstained from this vote.

Open Mail - The mail was opened, read and reviewed. A list of the opened mail is attached:

Treasurers Report

Mr. Kassis reviewed information that was available after reviewing the Conservation Commission's financial books. They are as follows:

CH 40-8C	\$6,891.39
Hazel Young Fund	\$36,074.76
Conant Fund	\$55,271.76
General Expenses	\$1287.81
Trust Fund	\$141.62

This report was unanimously accepted.

Old Business

Concerns of Mr. Robert Fletcher regarding the use of farmland on Szczypta property. The Commission has agreed to a future site visit after the snow has melted.

New Business

Ms. Martha Issod presented information from MACC regarding establishing design or consultant review fees. A procedure has been suggested based on section 36 of Chapter 46 of the Act of 2003 that allows Conservation Commission's to require consultant or design review fees as part of the municipal relief package. A copy of the MACC recommendations for implementation of this process entitled "Conservation Commission Gain Consultant Fees" was distributed to Commission members, which will be discussed at the next meeting. Ms. Martha Issod reviewed the recommended process for

implication of this according to the MACC lawyer. The Commission will review this new rule and publish a Legal Notice for a public hearing. A public hearing needs to be held to review written rules. These will need to be approved by the Cons Com and if they are adopted, they are filed with the town clerk.

The mail included information from a company that could provide small round conservation signs. The Commission approved asking Mr. Ed Nied, Jr. to develop a design for these signs.

Adjourn

The Commission voted unanimously to adjourn at 8:58 PM. The next meeting is on April 4, 2005 at 7:00 pm.

ComCon_3/30/05:MK_3/24/05

Mail opened and read at the 3/7/05 meeting:

- 1 Green Cards
1-Robert & Thomas Construction 3/5/05
1-Robert Tower 3/5/05
- 2 Mass DEP Western Regional Office
RE: NOI
Eugene & Lorraine Miller
19 Glendale Rd
- 3 Baystate Environmental Consultants 2/14/05
Restoration Plan Description
108 Valley Rd
- 4 Parker & O'Grady- Attorneys 2/15/05
369-375 College Hwy
Owner wants to remove lot 2 from present 61B status
- 5 Forest Cutting Plan (NOI) 2/18/05
Wyben Rd
- 6 Lois & James Pease 2/23/05
144 East St (9.5 acres)
Notice to sell property - taking out of 61A
- 7 Robert Wheatley 3/3/05
484 Mountain Rd . Holyoke - Discuss donating property to SH
- 8 PVPC 2/17/05
Smart Growth Tech Assistance Grant \$10,814
- 9 Gazette 2/28/05
Bill \$51.36
- 10 Pati Mari 3/3/05
Norris School vernal pool project \$300
- 11 Survey Maps
1-David & Robm Reil
2-Stella Wadlegger
- 12 Quality Name Plate 2/18/05
Conservation/ Property Markers





Ms28

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\\pcr1\Mr. Robert Floyd opened the meeting at 7:02. Mr. Mark Kassis motioned for Mr. Floyd to be permanent chair. This was unanimously approved. Ms Martha Issed motioned for Mr. Mark Kassis to be Vice Chair. This was unanimously approved.

\\pcr1

\\pcr1 Ann Mulligan who is an associate of Mark Noonan introduced herself. She and Mark Noonan will be assisting Southington and the Community Preservation Commission in developing an Open Space Plan. She was present as an observer tonight.

\\pcr1

\\pcr1 (Ab\1s08 Treasurers Report)

\\pcr1

\\pcr1 Mr. Fern reviewed information that was available. There were no changes from the last Com Com Meeting.

\\pcr1

\\pcr1 A letter from Patti Mai requesting \$300 for the Norris School for a vermal pool project was read. The 11/15 C11

ommission unanimously approved payment of \$175 to Joan Millan who will be the environmental consultant and educator for this project and \$125 to the W. E. Norris School for additional equipment and books.

\\pcr1

\\pcr1 Payment of \$234 to Martha Issed for attendance and transportation to the WACC meetings was unanimously approved with Martha Issed abstaining. Payment of \$95 to Pete Fern for attendance at the WACC was unanimously approved with Pete Fern abstaining. Payment of \$116.24 to Robert Floyd for Com Com postage and attendance at the WACC was unanimously approved with Mr. Robert Floyd abstaining.

\\pcr1

\\pcr1 7:15 p.m. Atch Public Hearing for RDA for 19 Glendale Road submitted by Heritage Surveys prep

red for Eugene and Lorraine Miller of 19 Glendale Road. Mr. Floyd opened the continuation of the public hearing. A site visit had been previously completed. Mr. Keith Morris was present because Mr. Michael Granalatti was unable to represent Eugene and L

o

orraine Miller. Mr. Morris presented a revised site plan with additional detail. Commission members on the site visit did not have concerns about appropriateness of the wetlands delineations. The Conservation Commission unanimously agreed to close the he

aring. A motioned was unanimously approved to issue a Determination of Applicability stating Commission agreed with the wetlands delineation and would issue a 2A negative determination category stating that the proposed project does not require a NOI.

\\pcr1

\\pcr1 7:30p.m. Atch

Public Hearing for NOI for 33 Glendale Road submitted by Heritage Surveys prepared for Eugene and Lorraine Miller of 19 Glendale Road. Mr. Floyd opened

the continuations of the public hearing. A site visit had been previously completed. Mr. Keith H. Morris was present to represent Eugene and Louraine Miller because Mr. Michael Graculatti was unable to be present. Mr. Morris answered concerns raised by Commission members. The Commission felt that an additional 10 feet of barriers placed along the south east corner would provide additional erosion protection. The Conservation Commission unanimously agreed to close the hearing. After discussion the motion was unanimously approved to issue an Order of Conditions with the additional condition requiring the addition of 10 feet of erosion barrier.

Agree

Agree HABAFs26 Approval of Minutes

Agree

Agree The February

7th 2005 minutes were approved without change. Ms. Inez obtained as she was not present at the meeting. The March 7th minutes were approved with two corrections including correct spelling of Mr. Rick Thibault's name and clarification that Martha Inez

had abstained from the vote on the Glendale Road improvement project because she was not present for all the hearings. The minutes of March 26, 2005 were unanimously approved with minor topographic changes.

Agree

Agree Mr. Craig Lewontowicz suggested that the Conservation Commission have all maps available prior to future site visits or hearings.

Agree

Agree Mr. Mike McGuire of 108 Street recommended that Conservation Commission members attend the upcoming planned site visit of the Planning Board for the proposed East Wadsworth

station. The Conservation Commission members and the community discussed the benefits of coordination between the Conservation Commission and the Planning Board. The Commission agreed to contact Mr. Hank Barton of the Planning Board to provide input regarding this proposed project. The Conservation Commission agreed to try to have a representative at future planning board meetings.

Agree

Agree

Agree 8:00 p.m. At 8:00 p.m. Mr. Robert Floyd opened the advertised Public Hearing regarding proposed Conservation Commission rules under MG

I Ch. 44 Sec. 53G that would allow the Southhampton Conservation Commission to impose reasonable fees for hiring outside consultants. MGL Ch. 44 Sec. 53G does allow Conservation Commission to impose reasonable fees for the employment of outside consultants

if

or specific expert services deemed necessary by the Commission. A proposed set of guidelines developed by the Massachusetts Association of Conservation Commissioners (MACCC) was distributed to all community members present at the meeting as well as to C

C

onservation Commission members. An open hearing was held regarding each of the detailed points of this proposal. Mr. Jim Boyle recommended having town council review any finalized proposals. Mr. Bruce Coombs and Mr. Mike McGuire asked questions including

how

fees are calculated and determining when outside expertise is needed. Mr. James and Mrs. Patricia Boyle had detailed questions about how special fees would be calculated. Mr. Jim Boyle recommended increasing the beginning tier fee structure. These a

nd other issues were discussed among community members and Con(Act) s11
Com members. It was agreed that some specific language needed to be changed to
address these concerns and clarify these rules. Based on this community input
various options were reviewed. At
or this detailed input from community members and detailed discussion, language
was added stating that the Com
Com will exhaust internal available resources before hiring outside consultants
and fees for projects up to \$100,000 maximum consultant fee will be raised to \$
1,500. The Commission added language to prevent abuse from future Commissions
Conservation Commission members voted unanimously to close the public hearing
After another discussion of the detailed language a final version of the rules
was u
nanimously approved by the Conservation Commission members. A copy will be sent
to the Selectmen (Town Hall)

Apr
Apr 11AbVf28 Open Mail - 11The mail was opened, read and reviewed. A list of
the opened mail is attached:

Apr
Apr Specific issues raised by received mail included a
letter from Holyoke Water Works asking for input regarding any activities that
might jeopardize the water quality of Holyoke water supply since it has special
allowance from the state to have the water unchlorinated. We received two
forest cutting plans
in property adjacent to the Holyoke Water Works reservoirs in Southampton. The
Commission agreed to send a letter to the Holyoke Water Works asking if this
would allow adequate protection of the water supply

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M29Ais21Alang1033Alangfc1033AcqidAlangnp1033Alangtenp1033 (AbVf:28 Old
Business)

Apr
Apr 1AardAplain Aql Ali0Ari0AnotidctlpurAfsoutoAri0AAn0Aitap0
M29Ais21Alang1033Alangfc1033AcqidAlangnp1033Alangtenp1033 (Mr. Robert Fletcher
was present regarding concerns about the use of farmland on Scrymgeour
property. The Commission had previously agreed to a site visit and now that snow
has melted a site visit was been set for April 21st at 8 PM. The Commission
will discuss the property at the next Conservation Commission meeting

Apr 11Afs20
Apr 11Mr. Robert Floyd asked the Commission to address completion of work at 19
Foster Road. Mr. Mark Kassis and Ms. Ellen Senghas had written to the ConsCom
that they had completed all of the work requested in an Enforcement Order
dated March 1, 2004. Mark Kassis stepped down for this portion of the meeting
The ConsCom had previously not commented on completion of this work. Four Cons
Com members had completed a site visit after this work was completed. Mr. Pete
Forn motioned to note in the minutes that all work requested in the Enforcement
Order has been completed. This was unanimously approved

Apr
Apr A brief discussion was held regarding the Open Space plan. The importance
of this plan for Southampton to seek future state funding and the importance of
the Conservation Commission to establish its priorities for land preservation
were discussed

Apr
Apr No further information was available to discuss the Cook Road barrier or
conservation signs. Mr. Ed Neid, Jr. will be encouraged to develop a design for
these signs

Apr

Apar \Apar\Agl \Afi-360\li1440\ri0\newidctlpar\fauto\ri0\lin1440\itap0 (3)\tab DEP Western Regional Office 3/28/05

Apar 3)\tab WHESE Ms. Nancy Putnam 3/28/05

Apar 4)\tab Ed Canley Town of Southampton 3/30/05

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Apar \Apar\Agl \li1440\ri0\newidctlpar\fauto\ri0\lin1440\itap0 (Certified letter 4/1/05

Apar Addressed to: James & Eugene Jabcic

Apar \Apar\Agl \li720\li2160\ri0\newidctlpar\fauto\ri0\lin2160\itap0 (167 Valley Rd, Southampton

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Apar \Apar\Agl \li360\ri0\newidctlpar\fauto\ri0\lin360\itap0 (3 Student Conservation Assoc. (SCA) 3/9/05- RE: Trail Crew not able to work in Southampton this spring

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Apar \Apar\Agl \li360\ri0\ri0\newidctlpar\fauto\ri0\lin0\itap0 (4 Holyoke Water Works- 3/21/05 Watershed Resource protection Plan Info

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Apar \Apar\Agl \Afi-360\li720\ri0\newidctlpar\tx720\fauto\ri0\lin720\itap0 (5)\tab Forest Cutting Plan (NCC)

Apar \Apar\Agl \Afi-360\li1800\ri0\newidctlpar\tx1800\fauto\ri0\lin1800\itap0 (1)\tab College Hwy - Daniel Conning

Apar \Apar\Agl \Afi-360\li1800\ri0\newidctlpar\fauto\ri0\lin1800\itap0 (2)\tab College Hwy -Andrea Lucchese

Apar 3)\tab College Hwy -Donald Neweth

Apar 3)\tab Former Rd - Holyoke Water Works

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Apar \Apar\Agl \Afi-360\li720\ri0\newidctlpar\tx720\fauto\ri0\lin720\itap0 (6)\tab Orders of Conditions - Robert Thomas Construction- \$35 00 RE: 108 Valley Rd

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Apar \Apar\Agl \Afi-360\li720\ri0\newidctlpar\tx720\fauto\ri0\lin720\itap0 (7)\tab EDA -April West \$35 00 RE: 124 East St

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Apar \Apar\Agl \Afi-360\li720\ri0\newidctlpar\tx720\fauto\ri0\lin720\itap0 (8)\tab FVEC 4/1/05

Apar \Apar\Agl \li1440\ri0\newidctlpar\fauto\ri0\lin1440\itap0 (Planning Meeting 4/14/05 Chair or representative of ConCom invited to meeting

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Apar \Apar\Agl \Afi-360\li720\ri0\newidctlpar\tx720\fauto\ri0\lin720\itap0 (9)\tab Gazette 3-1-05 to 3-31-05

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Apar \Apar\Agl \Afi-360\li720\ri0\newidctlpar\tx720\fauto\ri0\lin720\itap0 (10)\tab Southampton's Website info

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Apar \Apar\Agl \Afi-360\li720\ri0\newidctlpar\tx720\fauto\ri0\lin720\itap0 (11)\tab Miscellaneous publications and solicitations

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Minutes
Southampton Conservation Commission
Larabee School Building

April 5, 2004 Time: 7:00 PM

Present: Robert Floyd, Tom Gentile, Mark Kassis, Joe Kingsley and Jim Moore. Mark Reed attended beginning at 8:11

Open Public Time

The meeting was opened at the 7:03

Treasurers Report

Joe Kingsley read aloud the treasurers report

CH 40-8C	\$5,443.97
Hazel Young Fund	\$36,380.20
Conant Fund	\$55,271.76
General Expenses	\$508.56

The commission voted unanimously to accept the report

Old Business

Septic system upgrade: 5 Garfield Ave - pending

Maple Street Vernal pool-remove pipe - pending

Bruce Fournier - APR Program - pending

193 Brickyard Rd regarding tree cutting - the owner has been told not to proceed with any other cutting

Fletcher Farm - Concerns about inadequate maintenance of fields on conservation land rented from the town were raised. The need for further notification of Mr. Fletcher in writing was raised. In addition, the need to

have other individuals mow the fields if Mr. Fletcher does not maintain them was raised.

Holyoke Water Works- Certificate of Compliance: David Conti Holyoke Water Works manager (phone number 536-1418), Butch Seidel (536-1612) Holyoke Water Works Director of Reservoirs and David Kemmer of Tighe and Bond were present. Holyoke Water Works is asking for a Certificate of Compliance. They asked for a summary of outstanding issues relating to their project. Issues raised by the Conservation Commission included replacement of a tree, clarification of mowing of the right-of-way along Brickyard Rd., clarification of mowing procedures for wetland areas along the right of way. The Conservation Commission also asked for written documentation that all prior outstanding legal and other issues have been settled and pictures of completed work. It was agreed that the Holyoke Water Works will submit a letter by the June meeting documenting their plans for all the raised concerns.

Public Open Meeting 7:30 PM

7:30 PM. Continuation of Public Hearing - Steven Thibault, 32 East Street. Mr. Thibault had asked Mr. Reed for the public hearing to be continued because they have not yet received a DEP File Number. Mr. Thibault was not present. The Conservation Commission voted unanimously to continue the hearing until 7:30 p.m. on May 17th.

7:45 PM Public Hearing - H.B.L., Realty Trust/Easthampton Harley-Davidson, 17 College Highway. Mr. Gentile read the legal notice. Brian Nichols of O'Leary Co., Ward Smith of Valley Environmental Services and Hank and Betty Lamey of 3 Golden Circle Southampton (the applicants) were present. Mr. Ward Smith presented a map detailing the plans. The Notice of Intent was previously distributed. The plans were reviewed with the Conservation Commission. Clarification of the location of structures and drainage were reviewed. The Conservation Commission asked if it would be possible for the drainage basin on the west side of the proposed building be moved a full 50 feet from the vegetated wetlands. The builder's representatives felt they could meet this requirement. The Conservation Commission requested permission of the owner to visit the site. Mr. and Mrs. Lamey gave permission for the site visit. The Conservation Commission unanimously voted to continue the hearing until May 17th at 7:45.

Minutes

The minutes of March 1, 2004 were reviewed in detail. Conservation Commission members unanimously approved the revised minutes as corrected.

Open Mail - The following mail was opened:

Letter from Patti Mari inquiring about possible cleanup of downed trees near the vernal pool at the school and detailing the specifics of her request for funding for the vernal pool educational project.

Two invoices from the Hampshire Gazette.

Copy of the legal notice for 17 College Highway.

Letter from Barry and Barbara Laffan dated 3/15/04 to DEP requesting that the DEP issue a Request for Determination (with a copy to the Conservation Commission).

Green card from Vincent Cross regarding receipt of Enforcement Order.

Letter from DEP regarding 32 East Street - Steven Thibault, stating that DEP did not issue a DEP File number and requesting specific further evaluation by the Conservation Commission. They requested determination of whether the stream is a perennial stream.

Huntington Conservation Commission notification of training sessions in the summer.

Mass Wildlife News - 2 issues.

U Mass Extension Service newsletter.

Journal of Conservation Law.

Gulf of Maine Times.

Project INSPIRE - informational.

Department of Conservation and Recreation - materials on the handicapped access were included

Department of Agriculture notice of grant programs

Heritage Survey Notice of Special Permit for earth removal on Fomer Rd from proposed gravel pit This apparently will require full review by the Planning Board and issues of inadequate road width were previously raised as concerns

Old Business - Continued

Members of the Conservation Commission visited the building project currently under way at the corner of Wolcott and Pomeroy Meadow Roads Mr Reed in reviewing the prior filing for the adjacent property felt that there were no wetlands under the Com Con jurisdiction and the Conservation Commission members agreed

Enforcement orders

Enforcement Order - Vincent Cross, 50 Gunn Road Assurance of completion will be discussed at future meetings

Enforcement order - M Kassis & E Senghas, 19 Fomer Rd Assurance of completion will be discussed at future meetings

New Business

Mr. Floyd distributed a petition organized by the MACC to the Governor to address full funding of Open Space legislation

Mr. Floyd presented ongoing issues related to the proposed cell tower The cell tower was discussed at the planning board Apparently they are considering building at the Peck site rather than the original proposed site because it did not have the same conservation funding concerns If this change is not agreed to by the proposed developer, apparently input from the town attorney will be sought Mr Floyd motioned that if development at the Peck site is proposed that he be authorized to state that the Conservation Commission would request posting of signs and request the creation of

parking spaces for access to conservation land at the site. The Com Com unanimously approved this.

PVPC/Open Space Plan - Mr. Moore has spoken with Chris Lutra of PVPC and they are expecting to begin this project during the summertime. They submitted information to the Conservation Commission with a cost that was above the original proposal. Robert Floyd has discussed this with the Community Preservation Commission and the CPC and the Water Department will likely pay for part of the costs of the plan.

2004 Conservation Grant Program - Materials have been sent the Conservation Commission and Mr. Floyd has been asked to follow up about potential grant options.

Mr. Moore stated that under the tree grant there is proposed planting on Arbor Day, 4/30/04, at the school, which will involve sixth-grade students from Norris School. They have requested funding from the Conservation Commission for the purchase of a tree and prizes for an essay project. Mr. Moore proposed that up to \$350 be authorized for this expense. The Conservation Commission unanimously approved this.

The Commission voted unanimously to adjourn at 8:47 PM.