



Conservation Commission Meeting Minutes

Monday, December 9, 2019 Town Hall, Auditorium, 7:00 PM

Present: David Haines, Heather McCann, Sabrina Moreau, Doug Beach; Conservation Administrator Erica Cross & Assistant Conservation Agent Cayla Paulding

Absent: Jon Clements, Edward Knight, David Lamb, Associate member Mark Brownell

Called to order at 7:01 pm by D. Haines

7:00pm

Notice of Intent – DEP# 104-1052, BCC# 19-04 – Requests Continuance to 1/13/2019

Lot 2 Allen St, Single Family House with stream crossing & appurtenances

Map 231, Lot 19.01

Jeffrey A. Bessette

S. Moreau is recused.

As a quorum was not met for this hearing, the hearing continues to the next meeting.

Request for Determination of Applicability BCC # 19-38

273 Warren Wright Rd; Improvements to Right of Way

Map 217, Lot 12

Eversource

Steve Eckett from Tighe & Bond is here to present project. This is an after the fact filing. There were improvements to an existing farm road in order to access a ROW. The road is within buffer. D. Haines asks if it is necessary to file with the WPA when there was an existing road as part of the utility maintenance exemption. According to E. Cross's interpretation, it is necessary to file. Eversource contacted the landowner and they are aware of the alterations made. Besides the road improvements, there was minor trimming and limbing of trees that were in the way.

James Woodrow (abutter): The trunk of the tree that was trimmed was split. He is happy the tree is gone because it was hanging over his garage and it was unhealthy.

An abutter asks if improvements to the road will cause more traffic. Steve Eckett says there are plans to install a gate. E. Cross says it is private property, so most likely not. This is not an issue of the WPA according to D. Haines. E. Cross states if there was more development in the future, the abutters will be notified.

Leanne Connolly (abutter) asks if this is a filing with the WPA or local by-law. E. Cross says both. The abutter asserts that wetlands were filled in and it is in priority habitat. She asserts that a filing from a few years back indicates that the wetland is about 50 ft away. There is debate regarding if the farm road was actually drive-able with gravel or not. E. Cross reports that when she conducted a site visit, she did not have concerns with the delineation. According to the mapping, it is adjacent to priority habitat but not within priority habitat.

Steve Eckett from Tighe & Bond did the delineation and he did not find any hydric soils within the farm road. E. Cross felt comfortable with the wetland flagging.

The owner of the property had the wetlands delineated via SWCA consultants. The farm road on the property is an old gravel logging road and access road to the field. The property has a history of people driving around the fields unauthorized. Eversource has an easement on his property to access their ROWs. They will level out and reseed the field as part of the agreement. The owner wanted the wetlands surveyed before he bought the property, not as part of the improvements to the roads.

Bridgit Litchfield (abutter): She has concerns for the turtle species that were previously mentioned as well as the illegal activities of

people driving and spinning out on the field and near the powerlines.

D. Haines believes the habitat will be preserved with these road improvements. This work is exempt from the WPA because wetlands are not being filled. He does not see a problem. To clarify, E. Cross asserts that the plan is to level out the road, not implement drastic grade changes.

Leanne Connolly again brings up her concern of the priority habitat around the work.

The owner of the property intends to use the old farm road when he builds a house, not to make a new road.

S. Moreau motions to issue negative determination; D. Beach seconds; all in favor

Request for Determination of Applicability BCC # 19-37

Front St; Building Demolition at former State School

Map 273, Lots 178.00, 178.10

Belchertown Economic Development & Industrial Corporation (BEDIC)

Steve Eckett from Tighe & Bond presents project. The project is for demolition of four buildings including demolition of side walks and impervious surface. They will turn the impervious surface to pervious surface that they will seed. Overall, 3900 square feet of work is proposed in the buffer zone, E. Cross asserts that she is comfortable with the demo filed under an RDA since the impacts are moot and restoration is a net gain. D. Haines is uncomfortable with this applicant given their past history with filings as well as the fact that an NOI is required if more than 2500 sq ft of buffer is proposed. A representative from BEDIC says they will file an NOI in the future and if the commission prefers, they can include this work in the NOI. E. Cross says the change from impervious to pervious in the buffer is an exempt minor activity. D. Haines is more concerned about having control over the situation (in terms of creating conditions, etc.). E. Cross has conditions in mind while still allowing for a negative determination. D. Haines would like this to be recorded on the deed. E. Cross is not sure if that is procedurally appropriate. If D. Haines would like more control and putting this against the deed, E. Cross recommends issuing a positive determination and requiring filing an NOI. E. Cross still believes this is exempt under WPA and by-law with conditions in the determination. A representative from BEDIC also offers to provide weekly monitoring updates.

H. McCann motions for negative determination with the conditions as discussed; D. Beach seconds; all in favor

Request for Amended Order – DEP# 104-1032, BCC# 18-07

Carriage Drive at Front St, Roadway construction

Map 243, Lot 178

MassDevelopment

A representative for MassDevelopment reveals he has not been given enough time to review 3rd party review. No discussion was had.

S. Moreau motions to continue, H. McCann seconds; all in favor

Notice of Intent – DEP# 104-1066, BCC# 19-32

Lot 10 South Washington St, Single Family House with associated appurtenances

Map 279, Lot 12

Lafleur & Son, Inc.

This hearing was continued from previous meeting.

Don Frydryk from Sherman & Frydryk is here to present project. At the last hearing, there were concerns about the wetland flagging. Two new wetland flags were placed after a consultant did a site visit. The driveway was shifted to account for the new placement of the 50 ft buffer. They propose 2 culverts placed at the end of the driveways and under the driveways to account for run off. The limit of work is still outside the 50 ft buffer and they have a swale with intermittent check dams to account for any stormwater as well as a proposed rain garden. E. Cross mentions that during her site visit to review the wetland delineation she did not find any hydric soils. 50 ft and 25 ft markers are proposed. This will be a condition on the permit according to E. Cross. The conditions will also include annual mowing. The cutting will be outside the 25 ft. It will be between the 25-50 ft buffer zone.

Abutters Steve and Mike are here to listen to hearing. Since they did not sign in, last names are unknown. *after the hearing was closed, the abutters brought up concerns regarding how many trees were being cleared on the property.

H. McCann motions to issue an order of conditions based on the aforementioned conditions, S. Moreau seconds; all in favor

Notice of Intent – DEP# 104-1068, BCC# 19-35

Lot 18 Franklin St, Single Family House with associated appurtenances
Map 272, Lot 81.031
Christopher & Stefanie Austin

This hearing was continued from previous meeting.

Donald Frydryk from Sherman & Frydryk is here to present project. At the last meeting, there were concerns over the wetland delineation. E. Cross went on a site visit with the consultant and the delineation was verified. D. Haines would like additional erosion and sedimentation controls as well as monitoring. H. McCann asks about final grade of the driveway. It goes from 10% to 6% grade.

H. McCann motions to issue an order of conditions, S. Moreau seconds; all in favor

Request for Determination of Applicability BCC # 19-36

Holland Glen Conservation Area; Bridge across Hop Brook
Map 218, Lot 72
Belchertown Conservation Commission

E. Cross presents this after the fact filing for a bridge that was installed over Hop Brook. The bridge is 3 ft by 16 ft 5 inches, making it a minor exempt activity. Railings and supportive crossbars will be added for safety and structural support. The original crossing was supposed to be stepping stones D. Haines believes this does not affect the BVW.

S. Moreau motions to issue negative determination, H. McCann seconds; all in favor

Discussion Items: Bills, Minutes and Miscellaneous Matters

No Bills

10/28 minutes: S. Moreau motions to accept minutes, D. Beach seconds; All in favor

11/12 minutes: H. McCann motions to accept minutes, D. Beach seconds; all in favor

Emergency Certificates

Enforcement actions

1. Hickory Hill Enforcement Order, Stop Work Order & Administrative Hearing for Fines
Effort has been made to comply with the requirement of the deed restriction to DEP. E. Cross is going to assist this effort. E. Cross would like the commission to vote to extend the deadline for the deed restriction.
S. Moreau motions to extend deadline to 1/17/2019, H. McCann seconds; all in favor

Certificates of Compliance

1. Pine St – Common Drive

E. Cross said grass is coming in and it is built to compliance.

S. Moreau motions to issue PCOC, D. Beach seconds; all in favor

2. Woods Edge

E. Cross says they have submitted maintenance plan for o & m pond. The site was well stabilized.

H. McCann motions, S. Moreau seconds; all in favor

3. 40 Oak Ridge

H. McCann motions, S. Moreau seconds; all in favor

Extensions

1. Lot 11A State St

H. McCann motions to approve 2 year extension, S. Moreau seconds; all in favor

2. Pine St – Home Construction

H. McCann motions to approve 2 year extension, D. Beach seconds; all in favor

Chap. 61A- Right of First Refusal – Shea Ave, Map 271 Lots 18.01 & 18.02

The applicant would like to develop 2 parcels and preserve the back land.

H. McCann motions to not recommend to the Board of Selectmen to exercise right of first refusal, S. Moreau seconds; all in favor

New Business

9:05 S. Moreau motions to adjourn, H. McCann seconds; all in favor

NEXT MEETING Monday, January 13, 2019