

**HADLEY CONSERVATION COMMISSION
MEETING MINUTES**

May 14, 2013

Approved at the 6/11/13meeting

PRESENT: Paul Alexanderson, Chair; Paulette Kuzdeba, Vic-Chair; Edwin Matuzsko; Gordon Smith; Jim Hafner; Steve Szymkowicz; and Janice Stone, Conservation Staff.

1. New Business. Janice told the Commission that she had an email from Jen Parsons that she is resigning her position as Associate Member because of the time commitment required by her new job in Connecticut. Commission is sorry to see her leave. If any Commissioners know of possible new Associate Members please tell the Chair.

2. 7:00 PM Notice of Intent #170-218 continued. Filed by M. Forget & I. Rule for construction of a single-family house in the 100-year floodplain at *83 Bay Road*. Irene Rule, who is selling the property to Mr. Forget and lives next door, present to answer questions. Commission had been waiting on DEP file number, now available. Commission reviewed the compensatory storage calculations and the plan that shows where the cut and fill will take place. The compensatory storage information was done by engineer Terry Reynolds. The Commission asked about to insure in the long run that the compensatory storage created on the neighbor's property (Ms. Rule's brother) will remain. Commission needs a letter from the landowner stating that this plan is acceptable to him, and Commission should include something in the Order of Conditions that the compensatory storage information be included in the deed, for future owners to be aware of the requirement that it remain and not filled. Gordon made a motion to approve the project and issue an Order of Conditions. Jim seconded, and all approved.

2. 7:10 PM Request for Determination filed by Hadley DPW for a Vegetation Management Plan (VMP) to apply herbicides when needed to roadsides within buffer zones or resource areas at proposed mapped locations in town. Mike Klimoski present from DPW to answer questions. Janice updated the Commission on the revisions to plans since the last meeting. She visited each of the proposed sites, asked about a few of them, and reviewed revised plans. She told the Commission she wanted to make sure the plans were clearly readable about what guardrail areas are approved, since this Determination is good for seven years. Mr. Klimoski discussed herbicide treatments with the Commission. For now the DPW must have someone with a commercial license oversee the crew doing the spraying. DPW is going to Waltham tomorrow for a meeting and approval of their plan. Ed made the motion to issue a negative determination, under the special vegetation management plan option, for seven years. Steve seconded, and all voted in favor.

3. Other Business. Commission discussed clearing of vegetation on land off *River Drive*, across from Huntington Road. Janice explained it is the gas company, doing maintenance of their gas line easement, which is an exempt activity. At some point they will be coming to the Commission for a new gas line they are proposing to go from Hadley to Hatfield, drilled under the Connecticut River. Aronson property update (Selva's Swamp/Dawson Wildlife Preserve). The Conservation Restriction application and draft Restriction are in Boston being reviewed for approval.

4. 7:30 PM Notice of Intent #170-219 continued. Filed by N. Leighton for construction of an expanded deck and living room bump out to existing single family house in Riverfront Area and floodplain at *105 Honey Pot Road*. Natalie Leighton and her father Patrick were both present at the hearing. Ms. Leighton explained that the 100-year flood elevation is 125.8 feet in their area. The Commission questioned where the compensatory storage would be created to make up for the new construction. M. Leighton suggested an area under the deck, saying her calculations show only a small amount is needed, approximately 47.8 cubic feet. She showed the Commission computer generated architectural plans colored for the areas of the deck above and below the floodplain elevation. Commission asked Building Inspector Tim Neyhart about whether he needed an engineer's plan for the compensatory storage. He stated he would defer to the Commission about the location of the storage, as long as the river was able to reach it when needed. Commissioners asked Ms. Leighton how close to the top of bank and the River the closest section of the deck would be. She stated it was about 40 feet from the end of the deck to the bank, and about 70' from the house to the end of the deck. Paulette made a motion to continue the hearing until June 11th, pending receipt of a letter of no adverse impact from the NHESP. Ed seconded, and all voted in favor.

5. 7:40 PM Request for Determination filed by Valley Building Company Inc. to construct a single-family house with associated clearing, septic tank installation, grading and lawn in buffer zone at *370 River Drive*. Consultant Chuck Dauchy present to answer questions. The lot is about half wooded now, with a steep slope in back leading down to wetland. The plan shows the Mean Annual High Water for Russellville Brook in back. The work will be outside the Riverfront Area. The 35' buffer zone is steep slope in back; the work limit is the top of slope. They have filed with NHESP, but since it is a Request, the Commission does not have to wait for a response. Mr. Dauchy showed the Commission the location of permanent markers for the proposed Conservation Restriction for the back and northern part of the property, and a copy of the proposed Restriction language and plan. The house will be about 20' from the top of slope at the nearest point. They will try to keep the trees in the buffer zone, but some will have to go. Commission told Mr. Dauchy they want to see "as-built with ties" plan showing the closest corners of the house to the Conservation Restriction markers, for future Commissions and property owners. Mr. Dauchy agreed. Paulette made a motion to issue a Negative Determination #3, with the Special Condition that an as-built plan with ties for the back two corners of the foundation of the house to the permanent markers. Ed seconded, and all voted in favor.

6. 8:00 PM Request for Determination filed by R. Bercume, to construct two single-family houses with associated clearing, driveway grading and lawn in the buffer zone, one each on lots 5 and 6 on *Indian Pipe Drive*. Consultant Chuck Dauchy present to answer questions. Mr. Dauchy reminded the Commission about the adjacent lot 7 they had approved a little while ago, with a special restriction to be filed at the Registry of Deeds for the 35' buffer zone and the 50' no building zone. The same is being proposed for these two lots. The work limit is more than 35' on each lot. There will be a silt fence for limit of work, and permanent markers for the 35' buffer. The leaching system is in the front of each lot. Paulette asked again that an "as-built" plan be made and recorded at the Registry of Deeds showing the distance between the back corners of the foundation to the permanent markers, so the Commission and future owners will know where the 35' buffer zone begins. This plan should be required before the closing on the house, or the issuance of a Certificate of Occupancy (CO). Commission thought the CO the

event to link it to. Mr. Dauchy stated they had already filed with the NHESP back when the subdivision was approved. At that time there was no NHESP bubble in this area. Mr. Bercume's lawyer, Peter MacConnell, has been in touch with NHESP. Because it is a Request for Determination the Commission is not required to wait for a reply from NHESP before issuing the decision. Commission requires that the applicant also flag the 35' buffer line before the clearing of trees in that area begins. Paulette made a motion to issue a Negative Determination # 3 with special conditions (the as-built plan before issuance of CO, and flagging 35' buffer before clearing of trees). Ed seconded, and all voted in favor.

7. Other Business. Discussion with property owners about **chicken coop** erected over intermittent stream along Rocky Hill Road. Mr. Roberts from *79 Rocky Hill Road* in to speak with Commission. He explained that they had the chance to get this great coop, and decided to place it along the stream. He stated the whole yard is within 100' of the stream, but that there are some areas more than 35' away where he could move the coop if he had to. There are 6 hens and 6 chicks. The Commission told him they have a 35' no-disturb buffer, and this is a very visible lack of adherence to that bylaw. Mr. Roberts stated there are other chicken coops in similar places in town. The Commission will talk to those people as they see them. The Commission told Mr. Roberts that he should measure off 35' from the stream bank, and move the chickens and coop over there, outside the 35'. Mr. Roberts asked how soon he needed to get that done, as he would need to get someone to come over to help move it. The Commission stated it should be done by the next Conservation Commission meeting in June. Discussion about **Lawrence Plain Road ravines**. T. Mieczkowski came in to speak to the Commission again about *Lawrence Plain Road* and Board of Health related concerns. He told the Commission he had submitted a complaint in writing about the creosote beams in the ravine and the horse manure runoff flowing into the ravine (all within the town's aquifer). He stated that even if that ravine in back of Barstow's is not his property, the Town departments should be concerned about what is happening back there. He stated he has given the Assessors a stamped engineer's plan showing his ownership of the property. He asked the Commission to ask Mr. Barstow to stop letting manure run off his property into the ravine. During discussion with Mr. Neyhart and the Commission, it was stated that this manure problem was from a long time ago. The Commission agreed to hold a site visit (with Mr. Barstow's permission) to see if there was any problem of this sort out there, and to see if there was anything within Conservation Commission jurisdiction. The Commission agreed to Tuesday May 21 at 4 PM. Janice will call Mr. Barstow to find out if it is okay to visit his site, and will let the Commissioners know the answer. Janice mentioned the letter she handed out, from the Hadley Historical Commission to the Massachusetts Historical Commission about the *Lake Warner dam* and requesting much more time to determine the future of the dam.

8. 8:45 PM ADJOURNMENT. Paulette made the motion to adjourn. Ed seconded, all voted in favor.

Respectfully submitted by

Janice Stone

Materials used in review and deliberation of agenda items will be found in corresponding project folder in Conservation Commission office.