

Worthington Conservation Commission Minutes of Meeting December 15, 2016

1 Call to Order

The meeting was called to order at 12/15/2016 07:02:42 PM

2 Attendance

Members:

Peggy O'Neal, Andrew Madden, Ed Lewis, Mary Gerken, Jim Molyneux, Virginia Sowers

Guests (telephone conference):

Susanne and Mr. King, Enfield, CT

3 Old Business

3.1 Minutes October 20

Ms O'Neal offered a motion that Mr. Madden seconded that the commission approve the minutes as presented. The commission approved the motion unanimously.

3.2 Worthington Highway Department

There are no new developments relative to Radiker Road, Buffington Hill Road, Old Post Road or Cudworth Road.

The Sam Hill Road bridge opened 3:00 today, December 15. It has gravel and jersey barriers on the side. There is a concern with beaver ponds possibly eroding the bridge abutments in the future. There are ponds on the upstream and downstream sides of the bridge. Mr. Madden noted that removing the beavers involves a Board of Health (BOH) permit. Removing beavers generally involves trapping and harvesting them, or moving them to some other location. Breaching the

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dams is a conservation commission issue. Most conservation commissions allow dam removal under emergency certification when Boards of Health order removal of beavers. If there is significant wetland involved with dam removal, the commission can order that the dams not be removed. Some towns are paying up to \$100 per beaver trapped and removed. There are relatively few licensed beaver trappers around.¹ Mr. Madden noted that if dams are breached and beavers are not removed, beavers will rebuild the dams quickly, within days. Proper job sequencing involves removing the beavers and then breaching the dams. Trapping season lasts til April. The commission needs to decide if breaching the dam would be a significant issue.

3.3 Old North Road Clear Cut

Peggy brought to selectmen. There is nothing to be done.

3.4 Worthington Senior Housing

Mr. Lewis reported that construction work is complete. The National Pollutant Discharge Elimination System (NPDES) permit termination is scheduled for October 2017. The next step is for Worthington Senior Housing to submit a request for certificate of compliance.

3.5 44 Fairgrounds Road

This item follows a complaint received October 18 through Mark Stinson, DEP. A copy of the complaint is [attached](#). The landowner of record was identified as Susanne King of 11 Orbit Drive in Enfield, CT. The commission corresponded with Ms. King on November 17 requesting that she attend the conservation commission meeting to further investigate the complaint.

The commission had a conference call with Ms. King beginning at 12/15/2016 07:26:50 PM. Notes from the conference call follows.

An older generation husband and wife (parents of Susanne King) owned the property for many years. A bridge which was about 50 years old (presumably constructed around 1959) had fallen into disrepair. The wife had a stroke in 1998; the husband (Charles Comparetto identified in the compliant report) subsequently divorced the wife and remarried. The cabin located at 44 Fairgrounds Road became the property of Mr. Comparetto's wife as part of the divorce settlement. Ownership of the property has since passed to the (several) children of Susanne King; Susanne King and her husband have lifetime rights to use the property. Mr. Comparetto's wife informed Ms. King that "something was going on at the cabin" on October 14, 2016. She alleged that there were "squatters" on the property. The "squatters" evidently are the children of Susanne King. It became immediately obvious during the call that there is probable animosity between

¹The state issues trapping licenses which are similar to their better-known fishing and hunting licenses.

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Mr. Comparetto's wife and Ms. King and her children. It is believed by all that it was Mr. Comparetto's wife who lodged the complaint about the property to Mark Stinson, DEP.

The best point of contact for the property is Christopher King, telephone ((h)redacted), (m) redacted), e-mail: (redacted).

The bridge washed out during a storm in 2009. Furthermore, the stream changed course as a result of the storm. Subsequently, the Kings obtained telephone poles from the Cummington Highway Department, had them placed over the current stream-bed and installed pressure-treated wood decking.

Ms. Gerken agreed to communicate with Christopher King requesting permission to go onto land and also to get historical photographs of the bridge.

The commission anticipates conducting a site visit to determine whether or not violations exist. Following site visit, the commission expects to take further action that could include issuing an enforcement order with the goal of achieving compliance with the Wetlands Protection Act.

4 New Business/110 Capen Street

Possible work on property located at 110 Capen Street is the subject of correspondence between Mr. Madden and Real Estate agent, Bryan Daley of Keller Williams Real Estate in Northampton. A copy of the correspondence is [attached](#).

The commission does not anticipate any action prior to receiving a Request for Determination of Applicability of the Wetlands Protection Act or a Notice of Intent for work on the property.

5 Adjourn

The meeting adjourned at 12/15/2016 07:55:41 PM

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Subject: possible violation
Date: Tuesday, October 18, 2016 at 11:33:14 AM Eastern Daylight Time
From: Stinson, Mark (DEP)
To: Edward Lewis
Attachments: image001.jpg, image002.png, image003.png

Hey Ed. I received a complaint about a violation last week. First I thought it was in Cummington, then Cummington said no, it was in Worthington. I drove by the site this morning to get a better feel for it, and yes, in Worthington.

Below is what I sent to Cummington

Hi all. I just had an interesting phone call from a nice elderly lady who lives in CT but has property in Cummington.

She said that somebody was squatting on her property, what she thinks is her husband's property, but also said the state had taken some land from them for open space, so I am not sure who owns what.

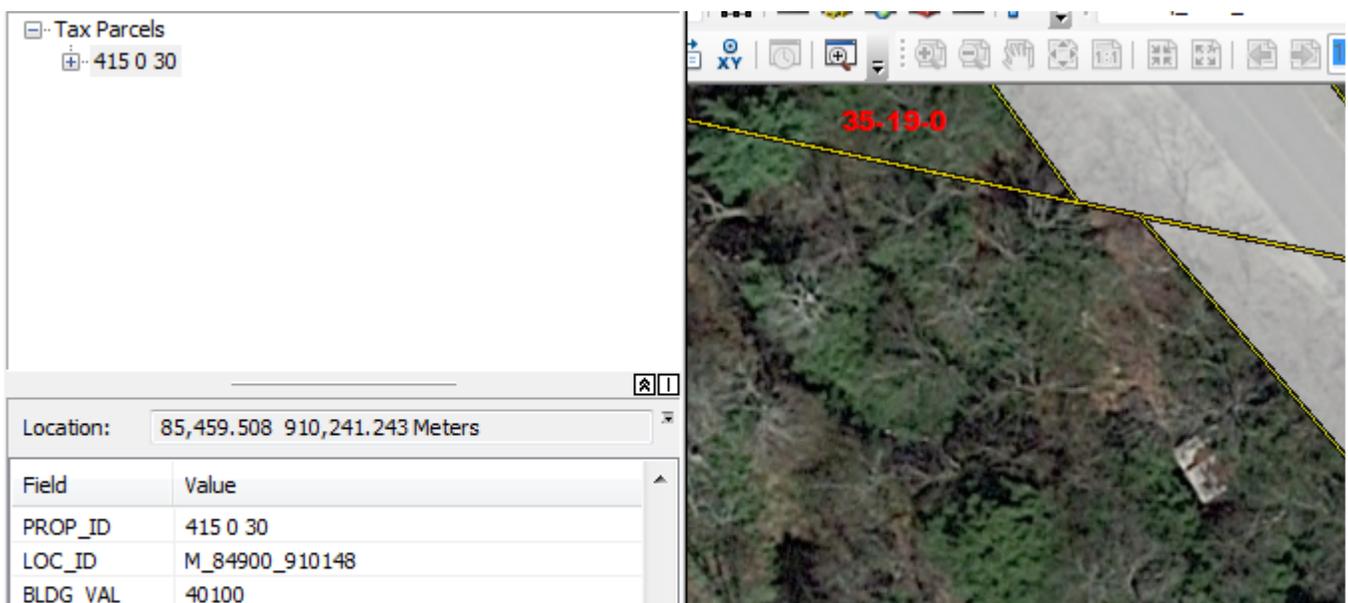
She said if you drive down south on Fairgrounds Road, off of Rt. 9, eventually you see a cabin, red cabin, 2 minutes or so down the road, with the number 44 in front.

I can't find any 44 Fairgrounds.

Anyway, she said that somebody built a 5 foot wooden bridge over a stream to access either the cabin or the other side, she is claiming squatters, but she isn't sure, she is going to contact relatives in town. I told her she should call the police on that.

She said the bridge is diverting water from the stream or wetlands and causing something to dry up.

Her husband's name is Charles Comparetto at **redacted**. I show the property is owned by S. King, like the cutout below states.



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LAND_VAL	49250
OTHER_VAL	600
TOTAL_VAL	89950
FY	2012
LOT_SIZE	147
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LS_PRICE	77000
USE_CODE	016
SITE_ADDR	44 FAIRGROUNDS RD
ADDR_NUM	44
FULL_STR	FAIRGROUNDS RD
LOCATION	<null>
CITY	WORTHINGTON
ZIP	01098
OWNER1	KING SUSANNE C
OWN_ADDR	11 ORBIT DRIVE
OWN_CITY	ENFIELD
OWN_STATE	CT
OWN_ZIP	06082
OWN_CO	<null>
LS_BOOK	10391
LS_PAGE	79
REG_ID	<null>
ZONING	<null>
YEAR_BUILT	1966



Mark Stinson
Wetlands Circuit Rider
DEP Western Region
413-755-2257

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Subject: RE: General Comments/Questions for the Town

Date: Wednesday, December 14, 2016 at 7:55:24 PM Eastern Standard Time

From: Andrew Madden

To: 'Bryan Daley', jimmoly@aol.com

CC: selectboard@worthington-ma.us, DianaNoble7@gmail.com, Edward Lewis, mlgerken@yahoo.com, oneal20m@mtholyoke.edu, vsowers@umass.edu

Hi Bryan – My two cents worth as a conservation commission member. The Commission's role, as designated by DEP and the Wetland Protection Act (WPA), is to review projects within the jurisdictional area to ensure that the interests of the WPA are protected. So, the commission is unable to give you (or the buyers) an answer on the bridge issue because there is nothing to review. However, it is an understandable question to ask, so I will add my opinion to those of Jim and Peg in an attempt to give some guidance. The construction of a vehicle bridge at that site is likely to be a substantial undertaking which would presumably involve: excavation, pouring of footings or supports, alteration of riverbank, alteration of wetland vegetation, change to flood storage, fill, and perhaps other actions. The laws and regulations which may come into play for the Conservation Commission that you should consider are the Wetland Protection Act, Riverfront Protection Act, Mass Endangered Species Act (if it is mapped as priority habitat), and the stream crossing standards. There would likely be safety standards and permits which are not ConCom jurisdiction.

Bronson Brook is an environmentally important stream, a cold water fishery resource and prone to extreme flow and high bedload mobilization events. I think it is safe to say that the Commission would have very high standards for any submissions for a project of this scope.

I can't speak to the second issue because I don't think that is a Conservation Commission decision. However, that portion of the property may require commission involvement being so close to the river and adjacent wetland areas.

Andrew Madden

From: Bryan Daley [mailto:bryandaley@charter.net]

Sent: Tuesday, December 13, 2016 6:46 PM

To: jimmoly@aol.com

Cc: selectboard@worthington-ma.us; DianaNoble7@gmail.com; ed.lewis@enlewis.com; maddenam@verizon.net; mlgerken@yahoo.com; oneal20m@mtholyoke.edu; vsowers@umass.edu

Subject: Re: General Comments/Questions for the Town

I thank you all for the information. My client is trying to make sure if he puts in an offer on this house, that it won't be wasted. In other words, he wants to make sure that he is able to build.

There are 2 issues - actually, I am sure that there are more - but the main ones are this:

1.) Presently, the cottage is accessed by a footbridge. If there can be another bridge which would allow cars over the brook, then a permanent residence can be constructed there. If not, the cottage is about as good as it will ever get.

2.) The other side of the road has 1.9 acres, and has been perc tested. However, it is 1/10 of an acre shy of a building lot. Without a variance, it seems the entire property might be unbuildable. Do you think a variance would be likely?

Nearly 24 acres. It seems a shame that it wouldn't be able to have a residence constructed.

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Thanks again for all your help.

Bryan Daley
Associate Partner
Keller Williams Real Estate
Northampton, MA. 01060
413-326-0554

On Dec 13, 2016, at 5:45 PM, jimmoly@aol.com wrote:

That foot bridge was taken out some years back When the brook flooded from an unusual up stream storm and was allowed after to restore it as access to the cabin. Bronson Brook is one of the bodies of water that DFW is very interested in preserving so if changed I am sure there would be lot of cooks overseeing any work to be done in the way of a bridge.

Just my take in it but I am sure Andrew would have more to say.

JIM M

-----Original Message-----

From: Margaret O'Neal <selectboard@worthington-ma.us>

To: 'Bryan Daley' <bryandaley@charter.net>

Cc: Diana Noble <DianaNoble7@gmail.com>; Ed Lewis <ed.lewis@enlewis.com>; 'Madden, Andrew' <maddenam@verizon.net>; Mary Gerken-Newcomb <mlgerken@yahoo.com>; 'Molyneux, Jim' <jimmoly@aol.com>; 'O'Neal, Peg' <oneal20m@mtholyoke.edu>; 'Selectboard' <selectboard@worthington-ma.us>; Virginia Sowers <vsowers@umass.edu>

Sent: Tue, Dec 13, 2016 12:10 pm

Subject: RE: General Comments/Questions for the Town

Hi Bryan,

Sorry for the delayed response...my inbox is over-flowing! I don't know the property you are referring to but any way you look at it, it will be a process.

Is the footbridge on the property? If so, it would involve hiring an environmental consultant as well as a design firm (for the bridge) to go through environmental review and permitting with the Conservation Committee / DEP. All of this has to be done by the owner, of course.

I am cc-ing the Conservation Commission in case they have anything else to add...

Happy Holidays!

Peg

Margaret O'Neal

Executive Assistant

Worthington Selectboard

(413) 238-5577 ext. 100

From: Bryan Daley [<mailto:bryandaley@charter.net>]

Sent: Wednesday, December 07, 2016 6:19 PM

To: selectboard@worthington-ma.us

Subject: General Comments/Questions for the Town

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Request From: Bryan Daley
Email: bryandaley@charter.net
Source IP: 68.187.228.10

There is a house for sale... actually it is a cottage without running water on 110 Capen Street. I have a client who wants to know whether or not it would be possible to rebuild the footbridge to allow cars to cross over that section?

Thank you.

Bryan Daley
Associate Partner
Keller Williams