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## Planner questions development

### Missteps on Southampton project said to threaten water

By CATHERINE BAUM  
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Saturday, August 2, 2008

SOUTHAMPTON - One town official is concerned a Gilbert Road development project on 50 acres is moving too quickly, with the developer neglecting to take required steps to safeguard the Barnes Aquifer.

The project consists of 12 building lots and a 1,300-foot common driveway, which is completed, to serve 10 of the proposed homes.

One home at 71 Gilbert Road has just sold, while two others, 73 and 61 Gilbert Road, are under construction, according to Mark Reed of Heritage Surveys Inc.

The Barnes Aquifer, wells for Westfield's water supply and the Manhan River are all close to the project, the river only 120 feet away from one of the building lots.

The development is one of the largest in town and is believed to use the longest common driveway ever created for a subdivision in Southampton.

Given that the land is wet and on a downward slope toward the river, Planning Board Chairman Mark Girard said he believes builder Edward Gwinner Jr. should follow the same road-building standards used for public road ways in order to protect the river and aquifer.

"I'm standing up for the protection of the water for a lifetime," Girard said.

#### New bylaws

The project, proposed to the Planning Board in 2005, has been under way since two new bylaws were passed at annual Town Meeting in June 2007.

The first concerns common driveways and the other stormwater management.

The Zoning Board of Appeals granted a zoning variance for the common driveway with nine conditions on July 16, 2007.

A project this size operating under the common driveway zoning variance is new to the town, according to Town Administrator Diana Schindler.

"It's very complicated," Schindler said. "We had a learning curve on this I'd say. The conditions were probably not specific enough so they became somewhat interpretive."

At issue is the developer's failure to meet the variance conditions, including recommendations to protect the aquifer made by the Barnes Aquifer Protection Committee.

Also, the Planning Board holds that the project violates a bylaw concerning erosion that went into effect in August 2007, which calls for a stormwater permit for projects larger than 40,000 square feet.

#### Followed earlier rules

Bruce Coombs, president of Heritage Surveys Inc., which has worked on the project, said building



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procedures have been followed according to the rules in place when the original plan was approved by the Planning Board in November 2005.

"There's nothing sneaky about it," Coombs said.

Gwinner expressed frustration, saying at a recent selectmen's meeting that there are a "couple of people in town (who) are out to get" him. "I've never been treated this way by the town in 40 years," Gwinner said. "I have the right to earn a living."

Gwinner and his son, Edward Gwinner III, attended a Barnes Aquifer Protection Committee meeting Sept. 11, 2007, at which they presented a plan for the 1,300-foot common driveway to the committee.

The panel noted in a Sept. 13, 2007, letter to the ZBA that the plan did not include systems for stormwater treatment or infiltration. The committee presented five general recommendations to capture runoff from the road, remove contaminants and infiltrate clean recharge to the ground.

Anne Capra, Barnes committee facilitator at the Pioneer Valley Planning Commission, also wrote that the project "should have sought a Construction General Permit from EPA."

"Please be advised, this project is already in violation of this federal regulation and should seek compliance immediately," Capra wrote in the Sept. 13, 2007, letter, a copy of which was sent to Gwinner Jr., Girard, Mark Reed of Heritage Surveys and Southampton's Highway Superintendent Edward Cauley.

Coombs maintains the Barnes group's views need not be followed.

"BAPAC made comments but they're an advisory board, not an administrative board," Coombs said.

"They can make suggestions but that doesn't mean that the suggestions have to be followed."

Schindler, the town administrator, said Gwinner Jr. recently submitted the requested documents to the BAPAC.

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