



Conservation Commission Meeting Agenda

Monday, January 14, 2019 Town Hall, Auditorium, 7:00 PM

Present: David Haines, Mike Cavatorta, Sabrina Moreau, Jon Clements, Edward Knight, Eric Wojtowicz, Associate member David Lamb ; Conservation Administrator Erica Cross and Secretary Cayla Paulding. C. Paulding took minutes.

D. Haines called to order 7:02 PM

Request for Determination

500 Amherst Road, Septic Repair, Map 215, Lot 21

Alison Berryman

7:03 PM Donald Frydryk presented; RDA for tank replacement. There is a perennial stream to the west with riverfront and an intermittent stream with bordering vegetated wetland to the east. D. Haines asked if the wetlands were flagged and D. Frydryk said no. D. Haines requests restoration be done on trees that were removed from property. There was also significant brush that was cleared which should also be restored. D. Haines recommends 10-12 trees and E. Cross would like to see shrubs interspersed with tree plantings. D. Haines would like to do site visit to plan restoration plan. The Stop work order will be lifted this evening, allowing owner to remove already cut brush and logs. No audience feedback

M. Cavatorta motions for negative determination with conditions to replant, S. Moreau seconds, all unanimous

Request for Determination

35 Aldrich St, Septic Repair, Map 249, Lot 30

Maksim Nikanovich

7:16 PM Maksim Nikanovich is here to discuss RDA to repair septic system. E. Cross did site visit. D. Haines says work proposed is permitted, but there has been cutting of vegetation near BVW that is not allowed. E. Cross would like to deal with this violation in a similar manner as 500 Amherst Rd. E. Cross would like a condition for brush pile to be removed from wetland and for more plantings as well as permanent stone markers for wetland delineation. D. Haines says they are fine with septic system repair and they will put restoration plans as condition to RDA. There will be a site visit to determine best restoration plan. Owner says he cut some dead and damaged trees and he would like to know jurisdiction. E. Cross discussed her issuing emergency orders for the case of dangerous dead trees over property. No audience feedback

S. Moreau motions to issue negative determination for septic repair on the condition of making restoration plan, J. Clements seconds, all unanimous

Request for Determination

491 North Liberty Street, Septic Repair, Map 276, Lot 15

Thomas Spellman

7:24 PM Neil Jackson here to discuss RDA for septic repair. He apologized for not realizing that the project was in 100 ft of wetlands. There are no wetland flags currently delineated. N. Jackson suggests having wetland consultant delineate wetlands. D. Haines wants to know if there are any other places on the property for the project. N. Jackson says there are many resource areas on the property. The old system was put in in 1954. They pumped and filled the old tank. E. Cross shows the commission where the stream turns from intermittent to perennial. E. Cross would like silt fence fixed and trash and refuse removed from the buffer area. There was

discussion on if the issue should continue as an RDA or be changed to an NOI. D. Haines says they could require the RDA to be recorded on the deed

M. Cavatorta motions to continue until 2/11 as an RDA; J. Clements seconds; all in favor

Request for Determination Con'd – Requested continuance to 1/28/2019

357 Daniel Shays Hwy, Solar Array construction, Map 226, Lot 45.01
Clean Focus Renewables

No discussion was held regarding this proposal.

7:36 S. Moreau motions to continue; M. Cavatorta seconds; all in favor

Amended Order of Conditions– DEP# 104-1026

114 Mountain View Dr., Installation of Fence & Additional Clearing, Map 264, Lot 20.00

Randy Milou

7:37 PM Randy Milou presents. E. Cross says there are no enforcements issues because they have immediately corrected erosion and sedimentation controls. They are requesting to be allowed to clear vegetation to follow the 50 ft buffer. Rain garden is not in yet because they are not done with grading . S. Moreau asks if they will be removing permanent markers to new limit of work, R. Milou says yes if it is approved. E. Cross says we have all information we need. Part of the OOC is to use large boulders to mark bounds. No audience feedback.

S. Moreau motions to expand new limit of work and issue amended OOC, M. Cavatorta seconds; all in favor

Notice of Intent– DEP# 104-1051 – Requested continuance to 1/28/2019

260 Ware Road, Solar Array construction, Map 245, Lot 62.00
ZPT Energy Solutions II, LLC

No discussion was held regarding this proposal.

7:43 PM E. Knight motions to continue; E. Wojtowicz seconds; all in favor

Notice of Intent Con'd – DEP # 104-1040

0 Gulf Road, Map 215, Lots 4, 5, 21, & 29, Proposed Solar Project
BWC Scarborough Brook, LLC

7:46 PM Tom Reedy, Attorney, begins presentation. They have gone from 7.9 to 7.07 megawatts, the southern array has shrunk on more significant slopes, they are adding stormwater BMPs to comply with DEP stormwater standard 6, they have revised phasing plans and narratives, they have addressed cold water fishery concerns with monitoring plans, they have a sediment monitoring plans, they have agreed to provide at least 4 inches of loam where meadow habitat should be established, they have provided documentation regarding their riverfront plans, they looked at alternatives analysis to see why other alternatives were not good sites. D. Haines says we will be continuing this further to allow Tighe and Bond's review to come in. D. Haines asks how stream monitoring has changed. Chris Ryan of Meridien Associates discusses changes to their stormwater BMPs; They have added several forebays, they have created new infiltration basin for northern array, some of the other BMPs are not practical for the location such as grass filter strips. S. Moreau asks about forebay design. Details are located in the plans. They also have grass line channels and infiltration swales with check dams that Dave Partridge from Tighe and Bond recommended. C. Ryan says every new BMP shown is to mitigate effects on cold water fisheries. It was not practical for them to install rain gardens on site because of site constraints/ topography. D. Haines asks what size storm event these will start discharging. C. Ryan says they have emergency overflow for very severe rain events (in excess of 100 yr storm). First flush will be held by BMPs. D. Haines asks if it will not discharge with 1 inch rain event? C. Ryan says no. They gained back

3.5 acres of wooded area when southern array was decreased. D. Haines asks the nature of the discharge. C. Ryan says there will be a level spreader. Chris Ryan now discusses stream crossings (8:07 PM) sheet 14. Crossings 1 and 2 will be a box culvert with head walls on either end. Stream crossing 1 will be 10 ft wide and 2 ft tall. It would take a couple days to enact these culverts. Existing culverts would be in place for as long as possible before removing them. D. Haines asks how many sections the culverts would be in. C. Ryan says most likely 2-3 sections. The filter bag would run over grass to downstream sections. D. Haines asks about when they are putting footings of the culvert in, will they have to dewater. C. Ryan says yes. C. Ryan says plans for stream crossings are made to avoid disturbance to the wetlands. D. Haines asks about other crossings. The 3rd crossing is wider at 19 ft wide. Stream bed restoration is written on the plan. D. Haines asks about bank restoration plans. Andrea Kendall of LEC consultants discusses specifically what they generally do. C. Ryan will clearly put plans for bank restoration on plans to avoid having it listed in the order of conditions. Next item to discuss is phasing sheet 15 (8:21 PM). Matt Parlon of BWC presents this topic and offers another site walk. The 3.5 acres of preserved wood will not be cut on the southern array. Other areas will be selectively cut based on height of trees and elevation. At least 50% of the trees in the selected cut areas will be able to stay. The first phase will be to make access road and to install BMPs for stormwater, plus sediment controls, they will only cut what is needed for access and to install the stormwater controls. The phases are in 4 acre groups. They will not move onto next group until grass is 50% established, most likely a 2 week timeframe. All of these phases have their own sedimentation controls which will be kept in place until final stabilization. D. Haines asks about monitor on site that will work for the concomb but will be paid for by the applicant. The phases have been reordered to move from top of grade to bottom. Next topic is cold water fisheries (8:28 PM). Andrea Kendall from LEC presents this. They put together a stream temperature and sediment monitoring plan. A memo and graphic were submitted to show where on plan the gauges and meters will go. 3 will be upgradient and 2 will be downgradient to see any changes (thermal). There are 3 intermittent streams on site. At the first crossing 1 will be upstream and downstream, at the second crossing a gauge will be upstream and downstream, there will be a gauge downstream of intermittent stream 5. The intent of the gauge after intermittent stream 5 is to see the temp of the water leaving the site. There was some discussion on location of intermittent streams. There may be false rise in temperature noted on the gauge when the streams dry up. They will require occasional site visits. S. Moreau would like to see another gauge further downgradient to take into account varying topography. They will be working with division of fisheries and wildlife who will take control of monitoring these gauges. A. Kendall acknowledges that there is grey area. S. Moreau asks about monitoring plan and she would like to see what is baseline and see a longer study so that they have more comparison data. M. Cavatorta says that knowing baseline is helpful to know ecological integrity of scarborough brook or fish health. S. Moreau would like to see at least a season of monitoring. M. Cavatorta would like to know potential process of future remediation and timeline. E. Cross asks about what changes in temperature would mean for action. A. Kendall says they are also interested in seeing trends. They do not have a true baseline for scarborough brook, but the plans are made so that changes in condition can be addressed. S. Moreau says other things could impact changes between upstream and downstream which is why a long baseline study is so important. M. Cavatorta asks how often data loggers take measurements, A. Kendall says it depends on how you program it. A. Kendall says the bottom line is that professionals do not suspect temperature to be a huge issue. S. Moreau wants plans clarified on how long monitoring will be. Rep says they are happy to go back to the drawing board to come to a consensus on where is the best placement. They will go back to dept fish and wildlife to see if some data is already available to provide baseline. D. Haines asks if monitor could include flow and depth. A. Kendall says most likely. S. Moreau asks how often they will see reports. A. Kendall says that monthly reports will be submitted to the conservation commission. D. Haines asks about plugs that are listed in plans. A. Kendall says potential herbaceous plugs. S. Moreau asks are there other cold water fisheries who have gone through this situation and what were their mitigation procedures. S. Moreau asks about if they will take turbidity readings. A. Kendall says they were planning to monitor by eye since they have so many erosion and sedimentation controls in place. D. Haines asks about provision to have sediment basins self contained. C. Ryan says that their erosion and sedimentation controls plus the

stand of trees will make this unnecessary. A. Kendall says sediment monitoring plan will be based on visual inspection.

Audience feedback (9:11 PM)

Elizabeth Poes: She discusses list of other potential sites that were dismissed based on wetlands. Why were those dismissed, but this one is still being considered?

Judith Mann: She is concerned about not having a consistent rainfall model, and she questions that one of the streams is perennial and not intermittent. She brings up concern of making decisions based on inconsistently labelled soils. She also points out that the regulations says 6 inches of topsoil is required.

Steve Garabedian: comments regarding supplemental letter from blue wave 1/3/2019 on page 2: he takes issue with their claim of having topsoil. He wants to know where the topsoil is going to come from. He does not like their vague statements. Rep from BWC says that 4 inches of topsoil will be placed where there is not currently 4 inches of topsoil.

Mark Spiro: says rainfall estimates come from simulation that could be called into question. He also brings up recent reports of increased precipitation.

Jack Cullis: 2018 is the wettest year for western mass and it has been one of the hottest. He is concerned for potential crazy weather in the future and says Gulf road is a good buffer and he does not want that taken away

Lee Paddy: when should materials be submitted? Answer: in one week. She is concerned her expert is not available in 1 week. There might not be a way to accommodate that.

Karen Christman: would like an extra week for assessment

M. Cavatorta motions to continue to 1/28; J. Clements seconds; all in favor

Discussion Items: Bills, Minutes and Miscellaneous Matters

Bills unanimously paid

- Emergency Orders

1. 454 Gulf Road, tree removal

This was from 12/19

E. Wojtowicz motions to ratify, S. Moreau seconds; all in favor

- Enforcement Actions

1. 86 Underwood – Enforcement Order & Restoration Plan

9:43 pm Bob Stover representing owner has brought plan showing original delineation. Offers to seed area with wetland mix and mow twice annually. E. Cross spends time looking at aerial photos to determine where extent of work was.

The Commission decided to continue until 2/11

2. Notice of Violation: 58 S. Washington St. – Discuss engineering

3. Notice of Violation: 255 Ware Road - Stabilize site & refile

4. Stop Work Order: Hickory Hill – Sediment discharge, stabilize open lots

5. Notice of Violation & Stop Work Order: 146 S. Liberty Street – Requiring wetland replication
7:13 PM Violation is that no wetland replication has been done yet. D. Frydryk has e-mailed plan

to E. Cross on Friday. They would like to wait until spring for the replication when conditions are better. They chose a spot that is surrounded by wetlands. There is a scheduled site visit Wednesday at 10:00 am. E. Cross will release SWO in the morning.

6. Notice of Violation: Carriage Drive – Erosion and Sediment controls tightened up
 7. Enforcement Order: 500 Amherst Road – Riverfront tree clearing, may be discussed during RDA hearing
discussed during RDA hearing
 8. Enforcement Order: 35 Aldrich St – Dumping and clearing, may be discussed during RDA hearing
discussed during RDA hearing
 9. Enforcement Order: 491 N. Liberty St – Septic, erosion, dumping, may be discussed during RDA hearing
discussed during RDA hearing
- Request for Certificates of Compliance
 1. 1 Dogwood Lane – DEP# 104-863, BCC# 08-25 – Partial CoC
10:22 PM They need a pcoc because they already closed
All in favor of issuing pcoc
 - New Business

Letters of Interest for Open Commissioner Seat

Heather McCann sat through meeting and introduced herself after

Elise Ansel: Lives in Belchertown, is a naturalist, this is a way to gain experience in conservation-oriented world

Katarina: Lives in Belchertown, degree in envi sci and policy, works for envi consulting in Wilbraham, looking to expand horizons and become part of community

David Lamb was present

Plan: **6pm-7pm 1/28 to discuss minutes and applicants**

E. Knight motions and E. Wojtowicz seconds to adjourn, all in favor

NEXT MEETING Monday, January 28, 2019

J. Clements motions to approve minutes, E. Wojtowicz seconds, all in favor