



## Conservation Commission Meeting Minutes

**Monday, December 10, 2018 Town Hall, Auditorium, 7:00 PM**

Present: David Haines, Mike Cavatorta, Jon Clements, Eric Wojtowicz ; Conservation Administrator Erica Cross and Secretary Cayla Paulding, Associate member David Lamb

Late: Sabrina Moreau, Edward Knight

Called to order by D. Haines 7:05 PM

**7:08pm**

**Request for Determination** 357 Daniel Shays Hwy,  
Solar Array construction, Map 226, Lot 45.01 Clean  
Focus Renewables

Joe Roger from SWCA presents general plan for solar project (5 mW). Resource areas delineated: 16.8 acres on a 102 acre property. D. Haines: there are wetlands in back and in front. JR: goes into detail all wetlands present. D. Haines asks where the road will be. JR says access will be located where area is forested. D. Haines wants to make sure all work is outside buffer zone. JR says there is a small incursion into 100 ft of isolated wetland, but that is not jurisdictional. D. Haines would like peer review for delineation. E. Cross confirms wish for peer review. JR is here to confirm resource areas. E. Cross says she has not received updated storm water management plan. JR will check on the storm water plan, J. Clements wants to know ecosystem of area. JR says it is a scrub forest or later successional field. D. Haines says this will be continued as a peer reviewed scientist will be assessing delineations. No audience feedback.

M. Cavatorta motions to continue until 1/14, E. Wojtowicz seconds, all in favor

**Request for Determination** 95 Railroad St., Solar Array construction,  
Map 281, Lot 35.00 & Map 278, Lot 48.00 ZPT Energy Solutions II,  
LLC

7:19 PM

This site was visited by commissioners 12/8/2018. Adam Christy is a representative of ZPT. Andrea Kendall of LEC environmental consultants describes property: over 140 acre site, focusing on area of parcel; 8 acre meadow. Access is made from railroad street where there is an existing residential property. The site is flat and borders Swift River. The primary resource area is bank of Swift River and riverfront area. There is bordering land subject to flooding. There is an off site wetland that is barely touched by 100 ft buffer. AK says commission confirmed this statement on the buffer. Majority of facility is in hayfield. Minor clearing of woodlands outside 200 ft of riverfront. 100 yr floodplain has been shown in map with red line. There will be no ground disturbance. Chris Ryan of Meridian Associates says there is no filling or dredging, but some trees will be cut to prevent shade on the arrays. D. Haines wants a number on (50 ft by 50 ft area?). E. Wojtowicz wants to know if flood plain data takes into account climate change. CR says they are current FEMA maps. D. Haines asks about grading and stormwater provisions. CR says there will be stone infiltration trenches and since they are not changing impervious surface since it is a field. S. Moreau wants to know why they are using a certain elevation. CR says it is an attempt to interpolate as elevation changes as you go up river. E. Cross wants to know plans of frequency of mowing and plantings etc. AC says they have pulled project outside riverfront area. He will mow 1-2x per year. They may explore secondary agriculture uses for the land. J. Clements asks if area will remain largely undisturbed. AC says disturbance will be minimal aside from trucks and machine, hopes that vegetation will be established naturally, but will plant native seeds if necessary. For a project like this we will have a trench every 15 rows. D. Haines asks if fence will be lifted at least 6 inches. AC says yes. D. Haines asks why arrays have to be fenced in. AC says there is a liability for assets and owner, also the national electric code wants to make sure no one can access the panels (electrical connections and such). It is also a liability for them as a company. M. Cavatorta wants to know if we should specify when they should mow. D. Haines would rather see it mowed mid-late fall and not in the summer when birds are nesting. AC says they have to trim a minimum of 2x per year due to shadow impacting productivity. D. Haines wants to know how high panels are off the ground. Approximately 7.5 feet. AK adds that the owners generally hay the field twice a year. D. Haines does not think it should be mowed more than once a year. AC is open to discussing conditions of mowing with the commission. J. Clements asks what the grass gets mowed with? AC says a standard landscaping company comes and uses a typical mower maybe a tractor. D. Haines wants to condition mowing once a year in the fall.

#### Public Comment:

Denise Barton asks if these projects requiring habitat and wildlife migration report? E. Cross says there are presumptions that do not require this for projects that do not alter a certain amount of land.

Mike Vancott asks about space between clear cut and river front. D. Haines says it is 200 ft, they keep it outside of our jurisdiction on purpose. There is 2500 sq ft of alteration of cutting tops off of trees in land subject to flooding. MV is concerned about bank stability and wants to

encourage more plantings to ensure stabilization.

E. Cross recommends a negative determination with the condition of 1x mowing in the fall.

J. Clements motions to give negative determination, S. Moreau seconds, all on favor

D. Haines wants a condition to be to require the fence to be raised 6 inches for wildlife to move.

**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

Reps from BWC- Brian Hunt, Matt Parlon

Meridien- Chris Ryan

LEC- Andrea Kendall

Lawyer- Tom Reedy

7:55

D. Haines asks who is eligible to vote on this? Everyone except E. Wojtowicz. Tom Reedy, attorney on behalf of BWC, says that they should have received a construction phasing plan, letter from Tighe and Bond signing off on project. E. Cross says they got a letter from landscape architect this afternoon for mitigation plans for pre and post construction, but did not address grade in storm water plans. D. Haines says that the letter from fish and wildlife says they do not oppose project with conditions noted in their letter. E. Cross says they discuss BMPS that infiltration basins are not best BMPs and they would prefer to see a chain of infiltration and bioretention basins. J. Clements asks if intermittent streams have to meet stream crossing standards. E. Cross says yes. D. Haines asks if they are replacing culvert with a larger culvert. E. Cross says that anything with standing water can act as a heat sink and that chains of infiltration and bioretention basins. AK says that they have documented that the culverts have been in place for a long time. E. Cross says alteration of areas will impact. AK discusses culverts. D. Haines says there is a lot of clear cutting and potential impacts, so they would like to see improvements if possible such as improved culverts and stream crossings. BWC rep would be comfortable with conditions on stream crossing updates. E. Cross would like to hear more about their plans for better BMPS for infiltration. BWC rep says they will put in monitoring to address issues as they come. CR says that they are using more infiltrations with grass swales and trenches every 25 feet. E. Cross asks to see that they are using recommended BMPS from the fish and wildlife report. CR says that this area is not well suited for underground infiltration systems. CR says we have infiltration basins, grass swales, discharging 100 ft from intermittent streams. E. Cross is asking specifically to address standard 6 of best BMPs. CR says that is open to interpretation. BWC rep says that they are open to providing other BMPS within reason but he is unclear where the disconnect is between getting opinions on appropriate designs and BMPs. D. Haines and E. Cross say that they have wanted the cold water fishery issue addressed for a long time. M. Cavatorta asks if anyone looked into whether or not there was temperature data for cold water

streams to know how much wiggle room we have. He also wants remediation plan in place if temperatures are too high. He wants ongoing protection without need for restoration. M. Cavatorta asks how do we prove whose fault it is if all the trout are gone in 5 years. Recommends ongoing monitoring program. S. Moreau asks for information on status reports and monitoring. How to access this information? She also wants a plan in place in case temperatures do rise. D. Haines asks if data loggers can be out in stream before work begins so that they had a lot of data before disturbance. BWC rep reiterates that they are trying to follow the best advice for project. J. Clements reads from report about storm water BMPs and asks about infiltration? Yes. Gravel wetlands? No. E. Cross says that gravel wetlands and bioretention are appropriate for the area. E. Cross says last report from Tighe and Bond makes recommendations for BMP and she would like to know what they choose? Rep says that they are going to continue with vegetation cover. E. Cross asks if they dispute Tighe and Bond claims. Yes. S. Moreau asks if they are unwilling to put 4 inches of loam cover? Rep says that they do not believe soil characteristics will change and they will be able to grow vegetation. J. Clements says that bringing in loam could cause issues with erosion. D. Haines would like to go over phasing plan. Rep says initial phase is access roads and installing erosion control measures. Phase 1) enough area for access to get to back of site. Phase 2) tree and vegetation cutting for shade management phase; hydroseeding for disturbed areas; stabilization of site; clearing trees at 7 acres per day; after a week the whole site will be open (the trees will be laying down, not removed). D. Haines wants to see clear cutting in phases as well. The commission does not want all that land open. They are going to stump 7 acres each day. Only the trees in the array area will be stumped. The hydroseed goes in immediately. The rep thinks it takes up to 3 weeks for that to start establishing. E. Cross wants specific timeline on phasing. Rep says that their phasing will depend on when hydroseed establishes. They prefer that timeline to be shorter, but they will adhere to recommendations. CR points to sheets 18 and 19 to show erosion controls that will be put in place before work will be done. Discussion on specific erosion control measures. Rep says landscape architect looked at seed mix and believes that it will work with existing soil at site. (8:54 pm) Rep reads from report which discusses existing soils of site. Thomas Benjamin is the landscape architect. They reject the recommendation of adding 4 inches of topsoil to the site. D. Haines asks if soil augers were taken? D. Haines wants to know depths of existing soil. Reps are unsure. Discussion of topsoil continues. D. Haines discusses properties of glacial till and concerns of growing on it with minimal soil. Rep is very resistant to putting top soil on site. S. Moreau says 4 inches topsoil makes it so there are some areas that might have more top soil, but at least there will be 4 inches minimum everywhere. Rep says 100% of the site can grow what they want to grow. D. Haines does not recommend growing meadow on exposed ledge. Rep believes their design accounts for ledges and storm water. D. Haines asks for plan that shows where the exposed ledge is. Rep does not have that. He thinks 4 inches of topsoil is superfluous. D. Haines asks for clarification from D. Partridge on what he meant by adding topsoil (imported vs using what is there). D. Haines is concerned of runoff from this site. S. Moreau discusses working stabilizing lower elevations within phasing plans and including more phasing plans. D.

Haines would have done phases parallel to contours instead of uphill. Rep says their phasing was based on position of arrays, but they would be ok with phasing in that manner. E. Cross suggests beginning top down because then you have a natural buffer if there are any accidents. Rep says a goal is to surround each phase with proper erosion controls. M. Cavatorta wants clarification on what everyone is looking for in next steps. E. Cross has concerns of best BMPs for cold water fisheries, disagreeing with Tighe and Bond wanting loam put down (wants information/documentation regarding their calculations), description of upgrading stream crossings (9:15 PM). Rep wants to be clear that they are not disagreeing with Tighe and Bond, but they believe their suggestion of loam is erroneous. Rep will provide clear statement on where they stand. Commissioners discuss potentially adding monitors for cold water stream temperatures. J. Clements brings up alternatives analysis. E. Cross elaborates on other sites that were available at the time of the analysis. Rep will look into that.

#### Audience feedback:

Amy and Robert Warner may be lowest abutting property of the development. In 2004 homes were built across her property and disturbed the natural springs that fed her well. The result is pooling water that freezes in the winter. They have a shallow well. The runoff from across the street contaminates her well. There is ledge under their house and every year they have to pump water out of their crawl space. This has cost them about 10,000\$ to replace furnaces, etc. Their property is now almost unsellable due to this issue. This is relevant because the run off will run go to their backyard. The school bus has gotten hit twice because of ice that accumulates on the road. There is a swampy catch basin that is infected with mold that drains into her property. She pleads with the commission to deny this project.

Jack Pelos bought house in 1995 and has had trouble establishing lawn because of poor soils. Finds solar company assertion that they will be able to grow meadow very hard to believe.

Mark S. wants to know if there will be a continuance and if they will be able to see the provided information. Answer: yes.

Michael Vancott says that they grow food which is part of their livelihood. He is unconcerned about the science presented regarding the runoff velocity is false and he is concerned about impact to his livelihood.

Betsy Laughran has lived on Gulf Rd since 1987. She says that the brook has been very full and “roiling” and she cannot imagine what clearcuts will do for the runoff. She said they hydroseeded her property and it is pure moss now. She wants commission to continue to protect watershed.

Steve Garabedian wants to speak to the 4 inches of loam issue. He discusses different curve numbers and what they mean. This impacts the amount of projected peak runoff that they will have to deal with. He does not think the impact of sediment on the fishery is being addressed. There are many acres that are not going to retention ponds, but to wetlands. Discusses

environmental protection and protection to citizens of Belchertown regarding downstream storm water runoff.

Judith Mann wants the commission to deny this project.

Ken Olsteen is alarmed that the solar company has presented information that has not given com enough time to deliberate

Gail is a former resident of Gulf Rd and is incredulous that community members and con com members have not been able to review the documents ahead of time.

M. Cavatorta motions to continue until 1/14; S. Moreau seconds; all in favor

#### Discussion Items: Bills, Minutes and Miscellaneous Matters

M. Cavatorta left at 9:54

#### Enforcement Actions

1. 364 State St. BCC# 17-39

(9:55)

E. Cross says work being done is not within the wetlands buffer, but work being done requires a storm water permit and request was sent. This should resolve concerns.

2. Lot 7 Underwood St

E. Cross has enforcement order ready to go that should be ratified. Riverfront area has been cleared without a permit. E. Cross would like a restoration plan submitted by 1/11 so it can be reviewed by next meeting. E. Cross requires landowner to hire an environmental consultant to do the restoration plan.

J. Clements motions to ratify, S. Moreau seconds, all in favor

St. DEP# 104-0903, BCC# 09-29 3. Updates

a. Notice of Violation: JP Builders, Juliano Pools

Downspouts have been disconnected and the water has been redirected to other part of the property away from the abutter. Good progress is being made.

b. Gravel pit on Allen St – Hayward

We have a closure plan for this.

c. 291 Stebbins St. – Stormwater Permit

The work is outside of wetlands buffer, but the site had not filed for a stormwater permit, need to know if its built for compliance. They are submitting for permit.

New Business

E. Wojtowicz motions to adjourn, J. Clements seconds. All in favor to adjourn 10:05

**NEXT MEETING Monday, January 14, 2018**

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