



# Conservation Commission Meeting Minutes

Monday, February 11, 2019 Town Hall, Auditorium, 7:00 PM

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

Absent: Associate member David Lamb

D. Haines called to order 7:07 PM

**7:00pm**

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

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

D. Haines explains that they are not taking any more testimony at this point. J. Clements speaks first from a written statement. He is sitting on the fence regarding the decision. J. Clements likes the idea of solar energy, but there are storm water concerns such as increased flooding. J. Clements believes that the proposed project will not mitigate for storm water unknowns with the variable topography and changes in climate. J. Clements believes that any development will impact cold water fisheries. If we want to help the fish, we should work to remove the dams on Scarboro Brook. Going forward, all projects will have to go through such a stringent review in how they will affect the cold water fishery. J. Clements brings up the point of planning solar projects over parking lots or other areas that are not large forested areas that hold a lot of value as wildlife habitat. J. Clements believes there are other alternatives for a project at this scale other than Gulf Rd. M. Cavatorta speaks next: in reviewing the regulations and bylaws with knowledge of topography and geology in mind, he is concerned with the runoff associated with this project. M. Cavatorta does not think a project of this size can be conditioned in such a way to protect the critical resources present and our interests in general. S. Moreau is concerned about storm water and cold water fisheries. In particular, the steep slopes, geology, variable soil depths make the project prone to more flooding. She is concerned about the lack of stabilization for the project, and feels like they have given the applicant plenty of time for appropriate revisions. The SWMP does not give enough information to convince her the cold water fishery will be protected. D. Haines shares his concerns. The designs and peer reviews comply with standards to uphold the WPA and thinks it could be approved based on that. As a hydrogeologist, he is concerned that clear cutting will reduce evapotranspiration which will result in more runoff. In terms of the cold water fishery, he would like a year's worth of baseline data. He is concerned about how flashy the stream in question is. E. Wojtowicz shares his concerns: storm water, issues with cold water fisheries, the back and forth with the plan design, he is not convinced beyond a doubt those issues have been addressed fully. He would like to know why other already impervious sites have not been further investigated at the start. D. Haines is annoyed with the state in regards to incentives for these projects. D. Haines thanks the applicants for all of the work they have done to bring the plan up to compliance with WPA. He thanks the audience as well. D. Haines proposes splitting decision between WPA and by-law.

M. Cavatorta motions to deny project under WPA because it cannot be conditioned to adequately protect resources; S. Moreau seconds; motion not passed because D. Haines, E. Knight, J. Clements voted no

E. Knight motions to approve under WPA; J. Clements seconds; motion passed [D. Haines, E. Knight, J. Clements in favor and M. Cavatorta and S. Moreau against]

J. Clements motions to deny under by-law; S. Moreau seconds; 3:1 motion passed [D. Haines did not vote]

**Request for Determination Con'd**

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

7:40 PM

Neil Jackson brings new plans to show where stream turns from intermittent to perennial (170-260 ft from North Liberty St). He brings photographic evidence. The locations were not surveyed and no flags were placed. Neil Jackson put some flags up on property. D. Haines recommends doing site visit and continuing the hearing. E. Cross would like documentation on where the photographs were taken. End of March or April will be best time for the next hearing.

M. Cavatorta motions to continue until 4/8; S. Moreau seconds; all in favor

**Request for Determination Con'd – Requested Continuance to 3/11/2019**

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

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

**Notice of Intent Con'd – DEP# 104-1053**

536 Federal St, raze and rebuild single family house, Map 102, Lot 60  
Zenaida Ortega & Maureen Desabrais

7:51 pm

Jarrold Goss presents the project. During the last hearing there was an issue with showing which trees would be cut. They are highlighted on the plans. There is no work in a resource area, just buffer area. There is no basement under the existing structure. D. Haines would like white pine to be replaced in a 1:1 fashion. The commission prefers sapling sized trees. The paved driveway will be replaced with grass. E. Cross shows pictures of property. E. Knight brings up concerns regarding white pines getting too large and causing issues with the homeowners. E. Cross brings up the possibility of other native plantings as a possibility. D. Haines would like a proposed species list be submitted to conservation prior to planting. They are staying above the water table so they will not have to dewater. The slab will be 3 ft above the grade. The erosion control will be a silt sock. D. Haines would like a silt fence to be used with a silt sock to toe it in. J. Clements does not think the silt fence is necessary because it will disturb the ground near a resource. D. Haines explains there are ways to install the silt fence without major disturbance to soils. The recommendation is install the silt fence stands. E. Knight wants to know the status of the current septic. Jarrold says it is still on site and has been filled in,

J. Clements motions to close with conditions; E. Wojtowicz seconds; all in favor

**Notice of Intent Con'd – DEP# 104-1051**

260 Ware Road, Solar Array construction, Map 245, Lot 62.00

ZPT Energy Solutions II, LLC

8:12 pm

Ernie with ZPT energy solutions introduced himself.

Andrea Kendall from LE. Cross environmental consultants discusses revisions. The site plan has been revised to account for commission, DEP, and peer review comments. There was an on site review by Ward Smith which resulted in additional flags in the original BVW and additional BVW has been added. They are not changing the original setback of the wetland which was 50 ft. The isolated wetland on site does not qualify as vernal pool habitat according to the peer review of Ward Smith. The proposed limit of all work has a minimum 50 ft set back. E. Cross pulled up Ward Smith's notes which stated that off site wetland most likely is considered vernal pool habitat. J. Clements is not convinced that the isolated wetland on site is not a vernal pool. E. Cross says there are possibilities to explore protecting that area to the maximum extent possible. D. Haines asks that in order to reduce ground disturbance, why not put basins under the arrays? Ernie says they do not put basins in spaces where they cannot maintain or access them. Chris Ryan of Meridien Associates says that second review of Tighe and Bond has not been submitted yet. There were 3 DEP comments to address. The first one had to do with soils on site. There are soils class A and C on site. They did on site testing last August. The second comment had to do with LID techniques and which ones were being used. Many of the LID techniques do not apply to the project. There will be a stone infiltration trench surrounding equipment pad. According to their drainage calculations, they are reducing runoff. They added a small basin in the upper left corner after Dave Partridge's first review. S. Moreau asks how the arrays will be installed. They will essentially be placed on large screws which makes removal very easy because no foundation is necessary. E. Cross looked on MassGIS for zone 2 layer to see if project affects the water supply. Dave Partridge commented about concern for concentrated flow next to driveway. That was addressed through a series of swale, berms, pipes, riprap, and adjusting the driveway. D. Haines asked if it was designed for a 100 yr event. Yes. It is broken up into 3 basins to account for the residences on the other side of the property. Total proposed acreage clearing is 17 acres. Andrea Kendall says that only a small portion of their activity is touching the buffer zone. Dave Partridge wanted the applicant to commit to making sure 4 inches of loam was covering area. They have included this commitment in their plan. The area will be planted with grass. Lawn is a conservative approach because it has higher velocity and less infiltration than meadow. D. Haines wants to know what happens when water leaves site. Chris Ryan says they will look at that. J. Clements would like applicant to consider the potential vernal pool on site which means they would have to pull back 100 ft. J. Clements would like the applicants to either prove it is not a vernal pool or change the site plans to get out of jurisdiction.

#### Public Comment:

Joe (abutter) is concerned of runoff and wants to know why the last project there was concern about 9 trees but not concern about the 17 acres. J. Clements answers that it has to do with jurisdiction. They care about all the trees being cut but can only control what is in the jurisdiction. He asks about how the open space plan is being enforced. E. Cross says it is not an enforceable document.

Mary Kay (abutter) wants to know if this project is impacting wetlands. D. Haines says no they are mostly at least 50 ft away from the wetlands.

E. Cross recommends an alternatives analysis to stay out of 100 ft buffer, a minimum 6 inches topsoil according to massDEP solar, adding topo maps of parcels outside project, pulling at least 100 ft from suspected vernal pools, verify each phase is 5 acres or less, would like seed mixes replaced with wildflower mix. D. Haines would like bottom of fence as high as possible. D. Haines asks how often it will be mowed. Chris Ryan says generally 1-2 times per year. Ernie would like to know if the vernal pool requirement is able to be conditioned. E. Cross says they have required this for similar projects because of stormwater.

J. Clements motions to continue hearing 2/25; S. Moreau seconds; all in favor

Discussion Items: Bills, Minutes and Miscellaneous Matters

- Request for Certificates of Compliance

1. 680, 690, & 700 S. Washington St. – DEP# 104-0996, BCC# 16-48

D. Haines would like to do site visit

E. Cross says we have not received required letter of 75% survival

- New Business

1. E. Cross discusses open position soon
2. Recent meeting with Kestrel Trust regarding acquisition of properties
3. upcoming partnership with mass fish and wildlife to protect scarborough brook and control invasives
4. MACC conference
5. Open Space conference in April
6. social media policy

J. Clements motions to adjourn, E. Wojtowicz seconds; all in favor

4/8/2019: SM motions to accept minutes as amended; EW seconds; all in favor

**NEXT MEETING Monday, February 25, 2019**