

CONSERVATION COMMISSION MEETING

Monday, July 23, 2018 Town Hall, Room 101, 7:05 PM

Meeting Minutes

Chairman David Haines called the meeting to order at 7:00 PM. Present were Commissioners: Jon Clements, Edward Knight and Eric Wojtowicz. Commissioners, John Henry, Mike Cavatorta and Sabrina Moreau were not present for the meeting. Conservation Administrator Erica Cross was present for the meeting. Conservation Clerk, Michele Nowak, was present for the meeting. Associate member David Lamb was not present for the meeting.

7:05 Lakes Committee: Updates on Recent Activities and Future Goals. L. Connolly was present representing the Lake Committee. The goal was to treat Lake Metacomet but the cost of going with Sonar was \$29,000 and is cost prohibitive. An agreement was made with Solitude, the Lakes Committee and Town Accountant, Jill Panto, to pool monies this year in order to treat the lake in May, 2019. Funding from next year will pay balance. (Solitude wanted to do more channel work but money isn't available). Cabomba caroliniana a/k/a Fanwort is the primary weed. The most recent treatment of the lake was in 2012. Types of herbicides were discussed as well as a possible education program regarding fertilizer use. The Lakes Committee intends to request an extension of their OOC next year. Another concern of the Lakes Committee is the negative effects from beavers. They received a quote for \$1,000 from Mike Callahan at Beaver Solutions to do a beaver study and create a comprehensive long-term management plan. The Board of Health is supportive of a beaver plan. E. Cross notified the Lakes Committee and Commission that Municipal Vulnerability Preparedness (MVP) Program grant money is available.

7:15 Notice of Intent– DEP #104-XXXX – Requested Continuance to 8/20/2018
763 Federal St., Map 218, Lot 2.00, Proposed Solar Array, Citrine Power, LLC. No discussion. Hearing not opened. Please refer to Discussion section of the minutes.

Notice of Intent– DEP #104-XXXX – Requested Continuance to 8/20/2018
206 Jabish St., Map 244, Lot 60.00, Proposed Solar Array, Citrine Power, LLC. No discussion. Hearing not opened. Please refer to Discussion section of the minutes.

Notice of Intent– DEP #104-XXXX – Requested Continuance to 8/20/2018
135 Hamilton St., Map 230, Lot 35.00, Proposed Solar Array, Citrine Power, LLC. No discussion. Hearing not opened. Please refer to Discussion section of the minutes.

Notice of Intent – Con'd– DEP #104-1039, 111 Daniel Shays Hwy., Map 231, Lot 57.00
Proposed Phase 2 of Housing Complex, Summer Hill Estates. Don Frydryck was present representing the applicant. The applicant was present for the meeting. D. Haines conducted the site visit and was noted that a substantial retaining wall is already built. The Commission reviewed the drainage of the project, and discussed the Planning Board's request of installing a vinyl fence. The Commission requested the fence be lifted up 4-6 inches to allow for species migration. The issue will be brought up at the Planning

Board's meeting tomorrow evening. All updates of the work requested at the last meeting are on the revised plan submitted to the Commission. Also discussed was the evidence of sediment and runoff that has overwhelmed the current silt fence. The Commission requested that the silt fence be significantly reinforced at both the top and bottom until the area is stabilized, and extend the silt fence farther north to catch the runoff coming down beyond the wall. D. Haines would like an assessment conducted by a wetlands expert about whether or not sediment should be removed. The removal of slash by dragging caused additional disturbance. The Commission wants it restored and enhanced with more vegetation from the toe of wall back to the wetland and mitigation and stabilization between 50 ft. and the toe because the toe of the wall is within the 50 ft. Buffer Zone. There's evidence of channelization between the 2 wetland lines. An Alternatives Analysis was requested by the Commission. The Commission requested that the wetlands' expert, Pete Levesque, look at it and come back with planting suggestions and ideas about the removal of sediment and the plantings/screen for neighbors. The Commission discussed the wetland delineation both old and new on the plans. The closest distance from the wetland to the retaining wall is 35 ft. The Commission mentioned doubling the suggested mitigation, whatever it will be. The Commission also established a time frame for the applicant: a mitigation plan should be presented at the next meeting, and that plantings are implemented by October 1st. J. Clements motioned to issue an Order of Conditions based on the discussion of planting and mitigation plans and the receipt of the additional information that the Commission requested, E. Wojtowicz seconded. Discussion on the motion: Gail Gramorosa, from the Board of Selectman, notified the Commission about a citizen's petition request for Special Town Meeting and at tonight's meeting the Special Town Meeting was approved and set for August 20th. Based on this information, the Commission will consider moving the 8/20th's meeting to the 21st, and agreed to lift only the Stop Work portion of the Emergency Order in order to meet the requirements to replant and stabilize the top of the slope immediately, and additional measures at the toe of the slope, more silt fence and control runoff. The motion passed unanimously, (4:0).

8:08 PM Notice of Intent Con'd – DEP # 104-1036, 87 Metacomet St., Map 104, Lot 33.00 Proposed Water Ski Course, David Fuhrman. Applicant was present for the meeting. Updated documentation presented to the Commission showing buoys that weren't there before. The Commission questioned the absence of specs and a video that was to be presented at this meeting as stated at the last hearing. The applicant did not remember that agreement E. Cross presented documentation that lists more description, among the information is 22 buoys and 3 buckets with concrete as anchors. Although it was stated that the PVC piping would be suspended in water, E. Cross informed Commission that PVC does not float and presented questions about its stability in relying on the sandbags to line up and not move on the bottom of the lake. The Commission was not presented with a survey that shows the depth of the water nor any survey done by DEP and had concerns about additional sandbags on the bottom, PVC turbidity & questions about soundings. The applicant stated that DEP has information that the depth under the course is 10 ft. and has all the manufacturer information about the course.

From the audience, Sean Gallagher of 61 Metacomet St. questioned the specifics of inflating the structure from the shore and how is it actually floated, and what is the length from property line to the course. From the audience: Spencer Shumway of 51 Metacomet St. stated that he ski's with Mr. Fuhrman and his boat creates a minimum wake. Jean-marie Leone of 585 North Gulf Rd. mentioned other types of courses that were portable. Linda Cote of 85 Metacomet St. is diver certified and offered a diver with a camera to take pictures of the bottom of the lake. Jenicca Gallagher of 61 Metacomet St. questioned the weights on the bottom of the lake.

The Commission requested all of the manufacturer's information about the course: write-up/pictures, diagram and how it functions, and an actual plan of the course as well as a video of the bottom to assess impacts, an alternatives analysis, and discussed the use of a Secchi disk to determine water transparency or turbidity. Also discussed with the Commission was the effect of beaver activity on water level changes and erosion of shoreline. The Commission had other concerns about the effects on the lake's bottom. The course is currently in place but there's no active chapter 91 permit. Also discussed was a proposed site visit and the suggestion of the applicant providing a video of the lake with the course in operation to determine actions of the weights on the bottom in relations to the PVC frame's location so see if it's impacting the bottom. Mr. Fuhrman offered to provide a video from manufacturer of the course. J. Clements motioned to continue the meeting to obtain the additional requested information and conduct a site visit, E. Wojtowicz seconded. The motion passed unanimously, (4:0).

Discussion Items:

- Bills – The commission voted unanimously, (4:0) to pay the bills.
- Minutes – The Commission voted unanimously, (4:0) to accept the 6/11 draft minutes as amended. The Commission voted unanimously, (4:0) to accept the 6/26 minutes as amended.
- Miscellaneous Matters – The NOIs for 763 Federal St. and 206 Jabish St. were conducted as an informal discussion and not opened. 206 Jabish St. is confirmed to be in the Riverfront Area. Scarborough Brook is a perennial stream but is not shown on the plan. 763 Federal St. is almost all out of the Resource Riverfront except for one part. Town Bylaw requires an Alternatives Analysis for anything inside the Riverfront Area and the Commission is not in receipt of any Alternative Plans. Deed information is missing and the Commission requested that be corrected to insure legality and to verify it's been recorded. Jean-marie Leone from 585 N. Gulf Rd wanted her statement to go on record that the Commission and all the Town offices do a wonderful job and she appreciates all the work the Conservation Commission does for the Town. The audience had some questions about the panels. The solar panels are Tier 1, Sesun. The solar panels have Hanwhaq-cells Model #q.peakl-g4.2360. Inverters Sungrow sg125HV. There will be 7 inverters on 763 Federal and 3,036 modules on 763 Federal. Acreage is 4-5 acres. Citizens were worried that these solar arrays are in the Daigle Well area. All three proposed solar arrays are in existing fields; there is no forested land. Well heads are far away from work/panels, Becky Wilson a resident at 215 Jabish Street lives across the street near a solar farm and explained how her view

is affected. Daigle Well parallels their property. The Commission will re-look at the wetland delineation boundary on Federal Street. These properties are managed by the Water District which is an independent government agency. Hearing will be opened at August 20 hearing. Resident Sherry Beaven asked for history of breakdown of panels in soils – is there research? The projects first Planning Board meeting is August 14th.

- Certificate of Compliance: BCC#18-12 – 40 Front Street, The Orders of Conditions was for both lots and the owner has an offer on the second lot. E. Cross conducted the site visit. The work has all been done, the clean-up work went well and the lots are stabilized. J. Clements motioned to issue a Certificate of Compliance, E. Wojtowicz seconded. The motion passed unanimously, (4:0).
DEQE#104-020 – 24 Brandywine Drive. This is an old permitted project. Site is stabilized. E. Cross conducted the site visit. J. Clements motioned to issue a Certificate of Compliance, E. Wojtowicz seconded. The motion passed unanimously, (4:0).
- Forest Cutting Plan: Turkey Hill Road – DPW. The Commission reviewed the plan.
- Enforcement Order: Allen St Update – E. Cross spoke with Keith Morris, wetland consultant, about the sediment removal and was notified it will be done next week. D. Haines will verify an item on the Enforcement Order that was not addressed. E. Cross confirmed that the work done so far has been effective and on track. The property owner is so far complying.
- New Business – E. Cross sought authorization by the Commission to seek money to be fronted for the proposed Dubois Conservation area of 80 acres – 40 acres first, the back 40 can be managed as sustainable forest. The Town of Amherst wrote a letter of support since it involves their well head as well. E. Knight motioned to authorize the seeking of funds for the project, J. Clements seconded. The motion passed unanimously (4:0).

9:45 PM E. Knight motioned to adjourn, J. Clement seconded. The motion passed unanimously, (4:0)

NEXT MEETING Monday, August 20, 2018