

**Conservation Commission Meeting Minutes Monday, September 10, 2018 Town Hall,
Auditorium, 7:00 PM
Meeting Minutes**

Chairman David Haines called the meeting to order at 7:00 PM.

Present commissioners: Mike Cavatorta, Eric Wojtowicz, Jon Clements, John Henry, and Edward Knight.

Absent commissioners: Sabrina Moreau

Present: Conservation Administrator, Erica Cross; Secretary to the Commission, Cayla Paulding

7:00 PM

The meeting opened with presentation by Dan Beaudette of Belchertown Greenways Committee which expressed concerns about approved use of trails: ATV, walking, etc. Important questions included who makes, notifies users, and enforces those rules. He also expressed concerns about the maintenance of trails.

Leeanne Connolly elaborated on future plans of the Committee and its desire to work with the Conservation Commission to improve trails in the Town. J. Clements had the idea of a subcommittee. D. Haines affirmed the plan of a subcommittee. It was pointed out that the Trails Stewardship Committee has been created but is not active at this time, and that this could be a suitable vehicle to work through.

7:14 PM

Notice of Intent – DEP # 104-1045 - Lot 4 S. Washington St., Map 268, Lot 28.05, Proposed Single Family Home, Kirstyn Rodriguez

Keith Terry from Sherman & Frydryck presented. The site was a former agricultural field. D. Haines stated that native and/or wetland plants should be used at the boundary, as opposed to the proposed lilac. J. Clements suggested not planting any additional plants. K. Terry stated the plantings were intended to mark the boundary of annual mowing. There was a group discussion concerning the applicant mowing to wetland boundary line once a year and whether to maintain the 50 foot no-touch buffer. E. Cross pointed out that the Commission previously permitted several sites nearby to mow to the 25 foot buffer line annually. Based on this conversation, Kyrsten Rodriguez (owner) expressed that she had no objection to mowing only to the 25 foot line once a year and moving the planted shrubs there.

J. Clements moved to issue an Order of Conditions contingent upon revised plan. D. Haines seconded. The motion passed unanimously.

7:26 PM

Notice of Intent – DEP # 104-1047 - 0 S. Washington St., Map 279, Lot 12.05, Proposed Single Family Home, Marilou Pirog

Neil Jackson from J&P Engineering presented. The site has a high water table. The project proposes to bring fill on to the site and grade towards the back of the house with a walk-out basement. No work is proposed within the 50 foot wetland line. D. Haines proposed holding off to confirm delineation. Due to the distance between the work and the flagging, changes to the

wetland line would be unlikely to change the project design. M. Cavatorta inquired how high the grading will be. N. Jackson stated that up to 4 feet of fill will be brought in.

J. Clements moved to issue an Order of Conditions. J. Henry seconded. The motion passed unanimously.

7:36 PM

Notice of Intent Con'd – DEP # 104-1036 - 87 Metacomet St., Map 104, Lot 33.00, Proposed Water Ski Course, David Fuhrman

D. Fuhrman presented. The hearing was previously continued for site visit and additional information. E. Cross reported that it was an uneventful site visit. The course is slow to inflate, taking over 10 minutes. E. Cross was not concerned regarding turbidity. E. Cross did express some concern about invasive fragmentation/ spreading. E. Cross discussed two pieces of information that David Fuhrman has provided. An alternatives analysis was provided and deemed adequate by E. Cross. A second opinion regarding PVC framework from the Department of Fisheries and Wildlife was provided. DFW was not concerned about effect on breeding habitat. M. Cavatorta and D. Haines discussed how it could get in the way of other people's recreation of the lake, but noted that that was an issue for the Chapter 91 license.

Public Comment:

Resident Justin DeBlois stated he has noticed increased invasive aquatic plants in the past few years. He is also worried about speed of sport on the lake. Paul Boivin stated that he has never caught a lure on the apparatus, but expressed some concern with the speed of water skiers. Jenn Gallagher stated that she got her anchor caught on bottom of lake in 2012, and suspects that it was caught on the submerged PVC piping used in the waterski course.

A guest of a land owner on Lake Metacomet for 3 years is in favor of the water ski course. They discussed a mutual respect among lake-goers and stated that there are other things in the lake snagging lines.

J. Clements noted that no more information is required and motioned to issue an Order of Conditions. E. Knight seconded.

The Commissioners discussed the merits of the motion. D. Haines would like to know about mitigation measures that could be taken prior to voting. M. Cavatorta discussed ear-marking funds to local organizations (I.e. Lakes Committee) for invasive species mitigation.

The motion passed unanimously.

8:00 PM

Notice of Intent – DEP # 104-XXX - 400 Franklin St., Map 272, Lot 68, Proposed Solar Array, David Albrecht, Borrego Solar

David Albrecht of Borrego Solar presented. The project locus is on a primarily agricultural parcel with level topography. The project as designed will require tree and shrub clearing of

approximately 1 acre. No portion of system is proposed within the 200 ft riparian zone. The lot does contain 18,000 sq feet of riverfront area, but all proposed work is outside that area. As DEP has expressed concerns about previous unpermitted riverfront alterations, Borrego Solar has proposed to plant additional vegetation in previously disturbed areas. This is a “dual use project” to maintain agriculture use on the property. J. Henry looked for proposed grades on the plan and would like more information. D. Albrecht stated that the project will utilize existing grades as the racking is flexible. There is a wildlife gap proposed on all fences, which will be made out of black vinyl. E. Cross stated that the Tighe & Bond’s review of the stormwater plan had not come back yet, and recommended the hearing be continued in order to receive that information. D. Haines, and then the rest of the Commissioners, expressed a desire for a site visit and to discuss the restoration of pre-existing violations.

Public Comment

Edwina Cruise wanted more information on the trees that will be cleared. She asked D. Albrecht about what the slopes were on this site and how steep of a slope Mr. Albrecht would consider installing solar arrays on. Judith Mann wanted clarification on the size of the array. D. Albrecht stated that the array would contain 12,366 modules.

M. Cavatorta moves to continue the hearing to October 1st. E. Knight seconded. The motion passed unanimously.

D. Haines requested that E. Cross coordinate a site visit before the next hearing.

8:38 PM

Notice of Intent Con’d – DEP # 104-1044 - Bardwell Street, Map 272, Lot #5.00, Proposed Solar Array, David Albrecht, Borrego Solar

David Albrecht presented. The proposed project locus is a 13.4 acre parcel with a hay field, wooded vegetation and wetlands. There are 3 wetlands on the site. A specific tree clearing plan was not developed because minimal clearing will be required. D. Haines brought up concerns about putting the silt fence inside the 50 ft buffer to the wetland. J. Clements stated that an alternatives analysis for fence inside the 50 ft buffer is required. D. Haines asked about the service road and the planned alterations. D. Albrecht stated that they are proposing to regrade, install fresh gravel, and widen the road. M. Cavatorta asked if there was a wildlife gap in fencing and D. Albrecht stated yes.

Public Comment

Resident Carla D. asked what the highest elevation was on the property. D. Albrecht stated the elevation varied from 380-388 ft. She also brought up concerns over heavy metals in the panels; D. Albrecht stated there are no heavy metals in the panels they use and that he will provide documents on heavy metal use in solar panels to E. Cross.

E. Wojtowicz asked about the wildlife in the area; D. Albrecht will provide documents that show the site contains no specialized or regulated habitat. D. Haines stated that the Commission needs additional information, including the stormwater review report from Tighe & Bond. He also requested a site visit.

J. Clements moved to continue the hearing to Oct 1. J. Henry seconded. The motion passed unanimously.

9:06 PM

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

Andrea Kendall presented. A. Kendall discussed the proposed stream crossings. As a result of the alternatives analysis, the stream crossings were reconfigured so there is no direct impacts to any resource areas. As a result of Ward Smith's wetland peer review, there were miscellaneous wetland flag revisions.

The applicants have updated their application to show these revisions. The applicant also submitted calculations showing the total proposed riverfront alterations. Calculations show approximately 2,000 sq feet of riverfront on site and 680 sq feet of riverfront disturbance.

Chris Ryan of Meridian Associates answered questions from J. Clements regarding the revised stream crossings, confirming the new alternatives have less impact. J. Henry questioned the single line of utility poles were accurately drawn on map, and whether the applicants will actually need more alterations due to electrical considerations from National Grid. Chris Ryan stated that the utility pole arrangement is correct. All tree removal has been moved outside the 50 ft buffer to the wetlands.

E. Cross stated that the applicants still need the stormwater plan review from Tighe and Bond and components to riverfront alternatives analysis. J. Henry stated that he would like to see a narrower road and stormwater basin pulled outside the 50 ft buffer.

Public Comment

Linda S. made a short speech about the appropriateness of this proposal and then yielded to other audience members. Mark Spiro expressed concerns about the stormwater flowing into Scarborough Brook and then Hop Brook, potentially impacting a well field in Amherst. He asked whether and when the Commission could consider those concerns. E. Cross stated that, unless an activity was within 100 feet of the wetland of concern, or 200 feet of a perennial stream of concern, the activity would not be under the Commission's jurisdiction or review unless or until the upstream activities actually have a direct impact on the more distant resource area. The stormwater review will likely provide better evidence regarding downstream impacts. Jack Collins questioned who is responsible for repairs or maintenance if the stormwater management system fails. E. Cross stated that an operation/maintenance plan is part of stormwater plan and she will look into the specific contingencies. D. Haines stated that a problem with stormwater plans is that climate change is not taken into account so he understands the residents concerns.

Steve Garabedian stated that he is concerned that meadow will replace forested area and not be able to maintain stabilization. He stated that he is concerned the applicants did not assign appropriate values to the change in cover type and soils in the stormwater calculations. He submitted photo of a similar site to show the current unmitigated erosion issues. S. Garabedian

stated that he has strong concerns the top soil will erode from the site. J. Henry stated that his concerns are being reviewed by Tighe and Bond.

Chris Ryan of Meridian stated that all stumps and root balls will remain outside of array, but then conceded that much of the area outside of the array will need grading so the majority of stumps and root balls will be removed. C. Ryan stated that the meadow cover and soils have similar curve number to the forested cover and soils, and that they are working with the planning board and peer reviewer to come up with adequate erosion controls. D. Haines discussed phasing of project to decrease likelihood of erosion and that the Commission will require someone to monitor site during construction. Steve Garabedian expressed concerns over Meridian's assertion that the soil has the capacity to deal with runoff and erosion and objected to the design of the project. J. Henry recommended berms or terracing.

Ken Elstein brought a report from Ellen Moyer which states concerns over project in terms of erosion and the health of cold water fisheries. The report was previously submitted and is part of the existing record.

Jenny Spectres reported multiple streams that arose with the recent heavy rains and was concerned over wildlife habitat. She asked whether leaving the stumps in place provided a service to the soil and several Commission members explained that the root system helps to hold soil in place.

E. Cross stated that the planning board has commissioned a larger scale habitat study that may shed more light.

Mary McCurdy was concerned over wetlands, woodlands, animals and will provide peer-reviewed journals with information to support some of her concerns.

D. Haines stated that as a result of the removal of stumps in graded areas, he would like to see the grading minimized.

M. Cavatorta moved to continue the hearing until October 1. E. Wojtowicz seconded. The motion passed unanimously.

10:21 PM

Notice of Intent Con'd– DEP #104-1043 - 763 Federal St., Map 218, Lot 2.00, Proposed Solar Array, Citrine Power, LLC

This hearing had been previously continued for additional information. Cela Sinay-Bernie presented. The applicants have submitted revised Notice of Intent paperwork, including a complete riverfront alternatives analysis. DEP's Drinking Water program is currently reviewing the project. The proposed alterations in the riparian zone are under 10%, and DEP has confirmed that the riverfront alternatives analysis was completed with all the statutory requirements and meets performance standards. D. Haines conducted a site visit and observed some small patches of wet soils and indicator plants but did not consider areas to be jurisdictional due to size. He also confirmed that the riverfront and BVW were accurately delineated. Citrine disseminated

information packets regarding the material of the solar panels. Citrine stated that they have offered screening plantings to the abutters.

Public Comment

Paul Boivin stated that he was concerned about metal leaching into groundwater. He also expressed concern that a portion of the plan did not show flagging for the wetlands delineation. It was confirmed by the Commission and Citrine that 2-3 more flags were needed in the field. The applicant requested a continuance to Oct 1 in order to provide the flagging.

E. Knight moved to continue the hearing to Oct. 1. E. Wojtowicz seconded. The motion passed unanimously.

10:57 PM

Notice of Intent Con'd– DEP #104-1042 - 206 Jabish St., Map 244, Lot 60.00, Proposed Solar Array, Citrine Power, LLC

This hearing had been previously continued for additional information. Cela Sinay-Bernie presented. The applicants have submitted revised Notice of Intent paperwork, including a complete riverfront alternatives analysis. DEP's Drinking Water program is currently reviewing the project. The proposed alterations in the riparian zone are under 10%, and DEP has confirmed that the riverfront alternatives analysis was completed with all the statutory requirements and meets performance standards. D. Haines had conducted a site visit and felt the resource area delineations were accurate.

E. Knight moved to issue an Order of Conditions. M. Cavatorta seconded. The motion passed unanimously.

Notice of Intent Con'd– DEP #104-XXXX - 135 Hamilton St., Map 230, Lot 35.00, Proposed Solar Array, Citrine Power, LLC

M. Cavatorta motioned to continue the hearing at the applicant's request to Oct. 1. E. Knight seconded. The motion passed unanimously.

Discussion Items: Bills, Minutes and Miscellaneous Matters

Requests for Certificates of Compliance

1. 639 N. Washington St. (formerly Lot DD), DEP#104-1015; BCC#17-24

E. Cross stated that the lawn had not stabilized on this site yet. D. Haines stated that the site should be stabilized before approval. D. Haines moved to take no action. M. Cavatorta seconded. The motion passed unanimously.

2. 274 Bay Road, DEP#104-667; BCC#03-15

E. Cross stated that the site was in compliance and well stabilized. J. Clements moved to issue a Certificate of Compliance. M. Cavatorta seconded. The motion passed unanimously.

J. Clements moved to adjourn. J. Henry seconded. The motion passed unanimously.

NEXT MEETING Monday, October 1, 2018