

Conservation Commission Meeting Minutes

Minutes of April 13, 2016

Members present: John Marc-Aurele, Acting Chair; Joshua Soojian, Jim Cooper

Not present: Steve Parretti; JoAnn Schold

Meeting called to order at 6:30PM

Notice of Intent

Stiles Lake Water District (reconstruction of dam)

Mr. Marc-Aurele read the Notice into the record and then opened discussion to the applicant.

Mr. Allen Orsi and Ms. Lauren Pare represented the application.

This application is for the proposed reconstruction of the Stiles Reservoir Dam in Leicester. This reconstruction is necessary to comply with current dam safety regulations and to maintain the recreational, aesthetic and ecological values.

The reconstruction will include: cutting, clearing and grubbing all trees, vegetation and roots systems within 20-feet of the dam; raising the top of the dam 2-feet to improve hydraulic performance; regrading the entire downstream slope to 2.9H:1V or flatter; improving the existing embankment drainage systems by installing a new toe drain system on the downstream side of the dam; install a sheet pile cutoff wall into the underlying foundation soils along the length of the dam; replace the existing low level outlet system with a new low level outlet system; and masonry repointing and training wall improvements at the existing primary spillway.

The actual work areas will be along the existing gravel section of Parker Street. Access to the site from the staging areas, will require a temporary crossing over the channel downstream of the spillway and mid-level outlets. A secondary access is also proposed to the north of the Parker Street culverts and they will duplicate an access way that was utilized during part of a previous repair effort.

A stormwater management basin is proposed between Parker Street and the outlet, to provide mitigation for the proposed impacts to the BVW.

The erosion & sediment controls will consist of perimeter controls of hay bales and silt fence barriers.

The contractor will work up and over the existing spillway and proposing a combination of cofferdams and temporary drawdowns that will maintain the flow to the downstream channel.

Discussion opened to public regarding above presentation

Mr. Glenn Krevosky asked if elevations on the dam were calculated for a 100-year storm or 500-year storm regarding the 2-foot rising of the dam.

Mr. Oris explained proper dam elevation was based upon the current State Facility Design for how high the dam is at one half of the possible maximum flood, which is over the current level designed at 1000-year event. Designing the improvements, they work closely with a 100-year flood downstream and right now during a 500-year storm event; water would reach the top of the dam.

With no further discussion from the public, the applicant was asked to continue the presentation on the wetland impacts.

Ms. Lauren Pare presented the Wetland Impact Plan.

The proposed work will occur within the 100-foot buffer and municipal 25-foot No-Disturb associated with the Bank and BVW on site and within the 200-foot Riverfront area associated with the outlet. Permanent and temporary alterations are proposed to Bank, BVW and Land Under Waterbodies and Waterways.

The project will result in 105± linear feet of permanent impacts and up to 825± additional linear feet of temporary impacts to Bank. On the upstream side of the project area, the proposed Bank alterations are confined to the existing riprap slopes along the dam embankment. Approximately 30 linear feet of permanent Bank alterations are proposed surrounding the low level outlet and up to 570 feet of additional temporary impacts may result at the low level outlet and from topdressing to supplement deteriorated areas of riprap slope, accessibility improvements and installation of erosion and sedimentation controls.

Downstream of the project area, approximately 75 linear feet of permanent impacts to Bank is proposed and these impacts will result from low level outlet improvements. None of the proposed temporary or permanent Bank impacts will adversely affect the physical stability of the Bank, ground water and surface water quality.

A total of approximately 800± square feet of permanent impacts and up to 1235± square feet of temporary impacts to the BVW area located along the downstream side of the dam.

They would agree to a condition that the drawdown be done in such a way that will prevent damage to the wild life during mitigation.

A stormwater basin is proposed in an existing maintained area between Parker Street and the outlet stream, where no stormwater management is currently in place, in order to mitigate for unavoidable impacts to BVW.

The proposed work will require filling in areas both upstream and downstream of the dam. The repairs will result in a net fill of 19 cubic feet within the upstream Boarding Land Subject to Flooding associated with the Reservoir.

Discussion opened to the public regarding wetland impacts

Mr. Glenn Krevosky noted the project requiring a 401 Water Quality Certification regarding they meet certain conditions for River and Stream Crossings.

With no further discussion from the public, the Commission noted concern with approving an application without a mitigation plan and setting precedent without concurring with DEP. They would like to hear DEP comments first.

Mr. Orsi said they recently submitted to DEP for replication and Ms. Pare said they were putting together an application on the Water Quality Certification for dredging and the replication.

Mr. Marc-Aurele asked the application on continuing discussion to the May meeting.

Mr. Orsi agreed and asked for a continuance to the May 11th Conservation Commission Meeting.

MOTION: Mr. Soojian moved to continue the public hearing on the NOI application for the Stiles Reservoir Dam Reconstruction to May 11th. - SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

Notice of Intent

148 Henshaw Street Solar Farm Project

Mr. Marc-Aurele read the Notice into the record and then opened discussion to the applicant. Mr. Michael Meloche, Attorney for applicant presented the application. Mr. Shawn Martin reviewed the revised plan.

This is for the installation of a 1.0 MW Photovoltaic Array and the necessary electrical equipment and the construction of a gravel access road.

The project site is approximately 8.0 acres, located on the western side of Henshaw Street and owned by the Cherry Valley & Rochdale Water District.

The site is currently wooded, has a dirt access road from Henshaw Street along the northern site boundary and the entire site slopes to the north and drains to Henshaw Pond.

There's an intermittent stream that will convey stormwater from the site, towards the north and across the dirt access road. The wetland boundaries have been delineated and surveyed.

The work includes installation of the PV panels, electrical infrastructure, perimeter fencing, landscaping and the necessary land clearing and grubbing for construction and operation of the array.

Construction is proposed within the 100-foot buffer zone and no work will occur within the 25 foot No Disturb Zone.

The existing dirt road will be improved to a gravel surface and will not require widening or any significant grading.

Soil erosion and sediment control will consist of a silt fence and hay bales to be installed prior to the start of work.

No impervious surfaces beyond the concrete pads or the bituminous concrete pavement site entrance are proposed.

There are no hazardous materials in the panels; the panels are made to withstand the impact of baseball size hail at 90 mph; rain is sufficient in keeping the panels clean; disposal of the panels after the system is taken down will be governed by Massachusetts Regulations Section 310; the panels do not raise temperatures in surrounding neighborhoods and does not hold any heat or have a magnetic field. The entire site will be surrounded by a fenced and aesthetic barrier. The panels have a 2% glare effect and do not have a glare. There is a very low hum with the panels, but cannot be heard at all from 150-feet.

At this point, Mr. Martin reviewed the Site Plan.

They rearranged the arrays to avoid the Intermittent Stream, address Highway Department concerns and to stay out of the No Disturb Zone. There will be some clearing and removal of trees. The existing dirt road off of Henshaw Street will be improved to a gravel surface.

They are aware of the existing culvert along the dirt road which receives drainage from Henshaw Street and they are proposing to put a denser greater base along the dirt road making it

more stable to accommodate larger vehicles. The road will not be made wider and will be kept at the same grade. There will be a turnaround at the equipment facility location and they will extend the gravel road within the fenced area.

The applicant was informed DEP has not submitted any comments or an assigned number yet and the meeting will need to be continued. They were asked to address Stormwater runoff concerns at that time.

Discussion opened to the public

Mr. Anthony Ruggieri, 159 Henshaw Street had concern with the panels containing hazardous materials, the panels being close to residents' wells and a public water supply and the impact this would have on the fish & wildlife in the area.

Ms. Stacey Novia, 173 Henshaw Street had concern with the system being directly in front of her house and effect it will have on her house and property.

Mr. Marc-Aurele said the Commission hasn't received any guidance from the EPA or DEP regarding solar panels being a potential for contamination of abutting waterways, wetlands, or well water and they didn't have any jurisdiction over the wildlife habitat. This was an approved use within the Town's Bylaws.

Mr. Martin noted being opened to suggestions from the abutters regarding retaining a larger buffer.

Hearing no further discussion, Mr. Mar-Aurele asked arrangements be made regarding scheduling a site visit before the next meeting and then for a motion to continue the public hearing to May 11th.

MOTION: Mr. Soojian moved to continue the NOI public hearing on 148 Henshaw Street Solar Farm to May 11th.

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

Determination of Applicability

4 Pond Court (construction of replication area)

Mr. Marc-Aurele read the Notice into the record and then opened discussion to the applicant.

Mr. Glenn Krevosky of EBT Environmental Consultants represented the application.

The proposed work will consist of construction of the 1600 square feet replication area per plan dated 5/31/2005. The area was part of a residential subdivision Order of Conditions DEP#197-312 and Lot 5 Superseding Order of Conditions DEP#197-376, but was never constructed.

Mr. Parretti and Mr. Soojian were able to meet at site for a site inspection on 4/9/2016.

A question was raised on whether wetland replication was needed because the entire site was stabilized and DEP was contacted regarding waiving the wetland replication and it was denied.

The Commission agreed a Bond for the replication be submitted prior to the start of work.

MOTION: Mr. Cooper moved to approve a Negative Determination #3, "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require a filing of a Notice of

Intent, subject to the following conditions - a bond for the replication be submitted and notification to the Conservation Commission prior to the start of work.”

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Determination of Applicability

49 Peter Salem Road (Mass Electric, Turner switch replacement)

Mr. Marc-Aurele read the Notice into record and then opened discussion to the applicant.

Mr. Adam Rosenblatt of VHB represented the application.

This is a maintenance project replacing two existing two-way disconnect switches with four one-way disconnect switches. The existing E5 & E6 switch configuration has operation issues and replacement will improve the operation and reliability of the transmission system.

The project area is limited to the substation yard and located within the 100-foot buffer zone.

They are expecting a 3 month construction period for this work. One structure will be within the 25-foot No Disturb and they are asking for waiver from that requirement.

The Commission agreed because the area was already disturbed and not creating any new disturbance, a waiver is not required.

MOTION: Mr. Soojian moved to approve a Negative Determination #3, “The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require a filing of a Notice of Intent, subject to the following conditions – notification to the Conservation Commission prior to the start of work.”

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

Board Discussion

1. 5 Ferncroft Road-RDA (Extension Act-starting work)

This application was approved around 5 years ago with the Commission. This qualified under the Permit Extension Act and is good to October 2017. All work will be done in accordance to the existing plan.

It was recommended the applicant give notification to the Commission before the start of work to do a site inspection.

2. MassPort/ORH Wetland Mitigation Plan

Ms. Lisa Standley of VHB Environmental Engineering and Mr. Stewart Dalzell of MassPort were present.

Mr. Dalzell explained that one of the conditions noted in the Order of Conditions on the overall project for the Taxiway Project at the Worcester Airport, required MassPort to come back before the Commission to present the final concept on the wetland mitigation plan for the Commission’s review.

There is approximately 3500-square feet of wetland impact, with a replication of 2 to 1 that will equal around 7500-square feet of wetland mitigation area.

Looking to start work by June 2016 and have all construction work completed and the system up and running by 2017.

Ms. Standley reviewed details on the mitigation.

The mitigation site is adjacent to Lynde Brook downstream of the Airport and access to the wetland mitigation site will be on Sylvester Street, an unpaved road off of Mulberry Street. Construction vehicles will access the eastern portion of the mitigation area through a gate and along the existing grassed access road parallel to Lynde Brook that will be restored at the completion of construction. Construction vehicles will access the western portion from Sylvester Street along a new temporary access way that will be restored at the completion of construction. No construction vehicles will operate in the wetland at any time.

The Commission approved the mitigation plan with the condition that the Conservation Commission be notified for a site inspection prior to starting construction of the wetland mitigation area.

3. Chapel Street Mill Inspection

Ms. Schold and Mr. Marc-Aurele were able to attend a site inspection on 4/2/2016 and gave a report.

The property owner is currently working with DEP and ATC Environmental and doing a hazmat assessment on the building so they can mitigate and demo the brick portion of the mill building and maintain the steel structure and then renovate.

They were able to inspect around the back and between the main mill building and the accessory buildings on the other side of the brook where there are concrete piers running across the Brook. There was a lot of old debris in the Brook and when the time comes to do actual work, erosion control will be required downstream. The site is currently stable and the Commission suggested to the owner placing straw wattles along the top of the bank where equipment was being moved around.

A demo permit was expected to be filed soon, which will include any hazardous material needing to be removed.

There were approximately a dozen trees removed on the other side of the Brook, behind the building and they will not be dragging anything out or stumping anything.

There were no new disturbed areas noted and they were not clear cutting.

4. Stafford Street/Wilson Street –DEP#197-0541

The property owners have hired a wetland specialist to work on a report for the Commission. The specialist contacted the office and would like to be put on the meeting agenda for the May 11th meeting and he will get a report to the Commission before the May meeting.

5. 214 Pine Street -complaint

A complaint was received regarding the clearing and cutting of trees and the grading of the property along the shore line of Dutton's Pond.

Art Allen of EcoTec Environmental Consultant was contacted and asked to inspect the site. He found a fairly large area of fresh topsoil and sand within the 100-foot Buffer Zone of the Bank of Dutton Pond. There is an existing sewer main running along the top of the Dutton Pond Bank and that its vicinity was recently somewhat disturbed. The Homeowner had recently cut several

saplings, re-graded and covered the lawn with fresh topsoil and is in the process of filling along the Bank of the Pond with washed sand.

Mr. Allen recommended to the homeowner to stop work immediately, install erosion control and contact the Conservation Commission about permitting and/or restoration of the work area.

MOTION: Mr. Soojian moved the Commission send an Enforcement Order having the property owner immediately cease and desists from all activity within the buffer zone and to complete and file an After the Fact Notice of Intent Application with the Conservation Commission & double filing fees.

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

MOTION: Mr. Cooper moved to adjourn meeting

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:34PM

Respectfully submitted:

Barbara Knox

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