

Conservation Commission Meeting Minutes

Minutes of February 10, 2016

Members present: Steve Parretti, John Marc-Aurele, JoAnn Schold, Josh Soojian, and Jim Cooper arriving at 6:35.

Meeting called to order at 6:30PM

Request of Determination of Applicability

15 Folsom Street, Cherry Valley (cont) – (septic system repair)

Mr. Parretti read the Notice into the record and opened the meeting to the applicant.

Mr. Scott Dupris from Clearwater Environmental represented the applicant.

They are proposing to replace a nonconforming substandard septic system with a Title 5 compliant replacement system that would be located in a buffer zone. The existing system is in failure, but did receive Board of Health approval for an upgrade. There is an intermittent stream that passes through the property in the back southwestern corner and the temporary alteration would be between the 50 to 100 foot wetland. The septic will be further away from the wetland than it is now and the work will not alter or impact and has been located as far as possible from the resource area. There will be a temporary alteration of 2,200 s.f. +/- that will return to lawn. A 50-foot wide area of undisturbed vegetation will remain and there will be minimal change in grade. The project does not border an ORW and the buffer zone does not contain Estimated Wildlife Habitat.

Erosion and sediment controls will be provided at the limit of work, either with hay bales or waddles.

There were no comments received from DEP.

After Board discussion and none from the public; Mr. Parretti asked for a motion.

MOTION: Mr. Marc-Aurele 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 the filing of a Notice of Intent, subject to the following condition: To notify the Commission when all Erosion Control is in place prior to the start of work.”

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

Notice of Intent

140 ½ Paxton Street cont. (installation of foundation drain)

Mr. Parretti read the Notice into the record and opened the meeting to the applicant.

Mr. John Finlay from Finlay Engineering represented the applicant.

Mr. Finlay introduced Mr. Scott Jordan from EcoTec, who did the wetland flagging.

They are proposing the installation of a foundation drain to drain in an existing wet basement.

The gravity discharge line installation will require the temporary alteration of a Bordering

Vegetated Wetland, a portion of which consists of maintained lawn area. Upon installation, the BVW will be restored to original grades, stabilized and planted with native plantings and seed. The proposed discharge line installation will require the temporary alteration of approximately 1,385-square feet of BVW in the southeastern portion of the site. Of this, approximately 511-square feet consist of a maintained/mowed wetland lawn area. The lawn area was included within the delineated wetland.

The drain line will come from the house and there will be a perimeter drain southeasterly toward the wetland swamp area, but not in the wetlands and out to the street. What is excavated from the trenching will be put aside and disposed of at a landfill.

A staked and toed-in silt fence and double staked hay bale sediment barrier will be installed at the limits of the proposed trench work prior to the start of any earth work.

The Highway Department was contacted regarding the sump pump and was okay with their proposal. There were no comments received from DEP.

During the temporary alteration, they will stockpile what they take out of the lawn, and then put it back in when work is completed.

After Board discussion, and none from the public; Mr. Parretti asked for a motion.

MOTION: Mr. Marc-Aurele moved to approve the NOI for 140 ½ Paxton Street, Leicester for installation of foundation drainage, with the following conditions: Work is not to begin until site is dry and sump pump connection is complete; Prior to the start of any work, the approved erosion control shall be installed as indicated on the approved plan and inspected by a member of the Commission; An approval letter from Leicester Highway Dept. for connection of sump pump and a copy of the approval letter to the LCC prior to start of work.

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

Notice of Intent

466 Stafford Street (solar installation at Old Stafford Hill Estates site)

Mr. Steve Long from Borrego Solar represented the application.

They are proposing construction of a 6.940,800 kW (DC), ground mounted, photovoltaic solar array. The project site is located along the east side of Auburn Street and west side of Stafford Street. The site is 77.98-acres and is zoned BR1 and BIA.

This property was the previous site for a housing development in 2003, known as Stafford Hill Estates. They plan to divide the property into 3 separate lots for 3 separate systems and they will be submitting an ANR Plan to the Planning Board for those lots.

System A will be 2.8 megawatts on 12.7-acres; System B will be 2.8 megawatts on 12.5-acres and System C will be 1.4 megawatts on 6.1-acres.

The interconnection to grid will run from the converter located in the middle of the site, go underground and overhead, then eventually tie into Stafford Street.

The access to Systems A & B will be from Auburn Street and System C from Stafford Street.

The Board asked Mr. Long to address DEP comments. The comments were as follows:

The proposed hydrology design philosophy, as described in the Stormwater Management Report, is not consistent with DEP practice. For the purposes of calculating post-development peak runoff, the solar panels should be considered to be impervious surfaces (CN98-unconnected), particularly where they are aligned perpendicular to the slopes. It appears that top soils may have been stripped from this property in the past. The proposed condition beneath the panels is characterized as "Meadow," however no information is provided describing whether the condition of the existing soils can support this cover type. No seeding specifications are provided describing whether the condition of the existing soils can support this cover type. No seeding specifications are provided by the applicant. A seed mix comprised of a diverse mixture of native herbaceous species is recommended. Herbicides should not be used to manage vegetation. No details are provided for the upland driveway crossings at D75/F12 and H12/F3. Are culverts present at these locations? Will modifications be required to meet Stream Crossing Standards? Are headwalls or revised grading proposed? Retention basins & grass-lined swales are described in the O & M plans, but are not depicted on the Site Plans. The concrete washout areas should be located outside of the Buffer Zones, if possible. No information was provided identifying how the wetland resources were delineated (methodology, date, delineator qualifications, etc.) Overhead wires between Systems A & B cross through BVW. Will clearing be required beneath these wires? If so, this alteration must be quantified in the NOI. Many solar arrays in Massachusetts experience erosion problems during construction. Phasing of the project, extra erosion control measures and frequent monitoring are recommended to prevent erosion problems, particularly where panel rows are perpendicular to the slope and in steeper portions of the project. MassDEP presumes that shading has been modeled for the arrays and that no additional clearing will be required beyond the proposed tree lines.

Mr. Long explained the lot was already disturbed from the previous housing development proposal. They plan to plant meadow grass that would improve the surface, which isn't consistent with DEP practice, but DEP proposed planting be impervious with Open-Space fair cover types. His experience with solar arrays was to provide a slow growing mixture. Herbicides will not be used.

There are existing drains are in the same locations & shown on the plan, but not called out. He will have the drains called out on the plan with more detail and there will be minimal grading done to the site. The site will not be constructed in phases; all three systems will be put in all at once.

The Commission was concern with the waiver request on the length of the road. Even though the ground underneath was pervious, when runoff comes off the panels; a foot line develops and will run perpendicular to the slope. It's likely there will be some issues down there, because the lowest side will be 30-inches from the ground where most of the water will come from.

There was concern with the potential wetland crossing, and protecting the wetlands from gravel runoff after project completion. Wetland replication requirements being noted in the original notice were not clear.

Discussion opens to public

Mr. Patrick Moran, 323 Auburn Street who directly abuts the site, did not have any concerns at this time.

The Commission agreed a site inspection was needed, also a review on the original NOI to see whether there was any replication deemed on that and if these crossing need to be on hold. Also the applicant needs to address DEP's concerns and have a response back to the Commission by the next meeting.

It was agreed the Site Walk will be on February 27th at 8AM and posted with the Town Clerk. Mr. Long requested the meeting be continued. The hearing was continued to Wednesday, March 16th at 6:30PM.

Discussion

92 Lake Ave continued- (possible wetland violation)

Ms. Cheryl Serchia, property owner and Attorney Robert Amorello were present.

The Commission agreed that the video documentation & pictures presented were not conclusive or clear enough to determine any wrong doings. A warning was given to the property owner to stay away from the lake when cleaning her yard, so this matter does not come back to the Commission.

Lot 3, Moose Hill Road – Marc Curtis (wetland crossing question)

The property has been flagged by EcoTec. He wants to build a home and in order to get into the lot; he will need to cross some wetlands. There's a 45-acre piece in back where the snowmobile trail goes through that he wants to preserve.

The Commission suggested when preparing the final plan, to incorporate the wetland crossing into the plan, because the parcel has not been cleared and a hardship can't be claimed. The wetlands can be crossed without replication, but if it becomes part of another project, it will require replication. It was recommended to talk with DEP and go on their guidance.

1749 Main Street – Marc Curtis (complaint)

Complaints were received regarding current work being done at the site and the mess it's creating along Route 9, also that the scope of work went beyond what was approved. A letter was received from Mr. Curtis's engineer stating the work being done was within the work area described in the NOI.

The Commission was concerned that work began without notification for an inspection, although they were able to do an "after the fact" visit to the site and found the work was within the scope approved. They recommended additional measures be taken to prevent materials from entering onto Route 9 in front of the property and for additional waddles to be stacked up by 10 to where the grading was approved.

Lot 6.1, Baldwin Street – Jay Pollett (wetland crossing question)

Mr. Pollett explained this was a 16 acre parcel left over from a larger lot that was subdivided into single family lots. They want to build a single family home and there was approximately 3000 square feet of wetland. There is an intermittent stream they will culvert. The 3000 square foot of wetland will be disturbed and replicated 2 to 1 to make up for the driveway, septic pipes and the house that will be placed on the back side where there is a lot of upland.

There would be around 120-feet crossing for the driveway.

The Commission advised that the owner would need to demonstrate a hardship and that this was the only spot on the lot for the house to go.

Spring Environmental Conference (Holy Cross)

Mr. Soojian may be interested and will let the office know.

Complaint protocol

There was some discussion regarding protocol when complaints are received.

Suggestions given were to set up a database cataloging the hand written & phone complaints received and to set up a follow-up procedure.

Stafford Street/Wilson Street

Several concerned phone calls were received regarding the scope of work going beyond what was approved for this site. The property owners were contacted and they advised the office that there's been no activity onsite for months.

The Commission agreed even without activity on site, conditions can still deteriorate, and also monitoring reports were required as part of the Order of Conditions. Several requests have been made and to date, no reports received.

A letter is to be sent to the property owner requesting an updated report, as required and stated in the Order under Condition #6 or find themselves in violation of their Order, which could result in either a fine or revoking of the Orders. Include a copy of Condition #6.

American Canine (Stafford Street Mill)

An inquiry was made regarding installation of a fence at this site that would be installed within a River Front.

The Commission agreed because the owner, Mr. Shea, constantly does not allow anyone on this property to do any type of inspection at all, they can't approve anything that gets anywhere near the wetlands, either prior to construction or after.

Therefore, any permit that may need to be filed for this project would then be denied and the applicant would have to go to DEP to supersede.

Chapel Street Mill

The Commission was concerned with the deterioration of the structure and the wall in the back of the building falling into river and creating an impact.

A letter is to be sent to the owners asking permission to walk the site in back of building to inspect the wall and structure. Send the request by Certified Mail.

Building Permits

The version of the Building Permit Application forms that shows an additional line with the question regarding wetlands was disregarded by the Building Inspector.

After some discussion, Mr. Parretti asked to let Ms. Buck know he would be by the office to further discuss this issue with her and possibly the Town Administrator.

Approval of Minutes

12/16/2015

MOTION: Ms. Schold moved to approve the minutes of December 16, 2015

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

With no further comments or concerns; Mr. Parretti asked for a motion to adjourn.

MOTION: Ms. Schold moved to adjourn

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

Meeting adjourned at 8:00PM

Respectfully submitted:

Barbara Knox

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