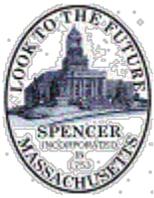


Conservation Commission – Town of Spencer

Minutes



Conservation Commission Meeting
Wednesday, April 25, 2012 at 7:00 PM
Town Hall, McCourt Social Hall

The Meeting was opened at 7:01 p.m.

Commissioners Present: Ernie Grimes, Judy Lochner, Mary McLaughlin, Dana Reed, Warren Snow, Ram Moennsad

Staff present: Margaret Washburn

Minutes Approved: March 28, 2012 – *A motion to approve the minutes as amended (Moennsad/McLaughlin) passed 5/0.*

April 11, 2012 – tabled to May 9, 2012

7:15 p.m. Opened the Public Hearing for Amendment of Order of Conditions for Jeffrey and Jennifer Anderson

Property: 35 Oakland Drive, Spencer, MA DEP#293-0534

Ms. McLaughlin is an abutter and recused herself from the hearing. This amendment is to include work that was not on the original Order of Conditions plan. Steps had been built on the westerly side of the house, a shed was installed on the northerly property line, a driveway along the northern property line was installed, a wood retaining wall was constructed, a crushed stone walkway was installed along the southerly side of the house, and a concrete retaining wall was installed at the water's edge. Ms. Anderson said they did not realize a Certificate of Compliance was needed. They had found out it was needed because they are trying to refinance their house.

A motion to close the public hearing (Lochner/Moennsad) passed 6/0.

A motion to approve the amendment of the Order of Conditions (Reed/Moennsad) passed 6/0.

7:28 p.m. Opened the Public Hearing for Request for Determination of Applicability for Christine Lamoureaux

Property: 55 Highland Street, Spencer, MA

Linda Lacroix, Christine Lamoureaux's sister, read a letter from Ms. Lamoureaux. The project is to remove dead and storm damaged trees. There will be no machines used except for a chainsaw. Ms. Washburn said the trees are in the perennial stream bed. She said even though the letter states no machines will be used, Ms. Lamoureaux had told Ms. Washburn that a bucket truck will probably have to be used. The company removing the

trees is SC Tree Company, a local Spencer company. Ms. Lochner said that on the site visit they could see a lot of trees down but it wasn't clear what trees and how many trees were going to be removed. Ms. Lamoureux did not specify which trees in the application. Mr. Grimes said she is only allowed to remove dead and storm damaged trees. The shrubs and growing vegetation has to stay in place. The Commission told Ms. Lacroix that ribbons must be tied on the trees that are going to be removed.

The Commission would like Ms. Lamoureux to hire a wetland consultant to assess and report to the Commission which trees can be taken out. *At the applicants' request, the hearing has been continued to May 9, 2012.*

7:45 p.m. Opened the Public Hearing for Notice of Intent for Carl Wilson

Property: 115 Wilson Street, Spencer, MA DEP#293-0769

Tom Liddy from Lucas Environmental, Roy Smith from RJ O'Connell, Joe Harrison and Charles Barbanti from Borrego Solar, Carl Wilson and Carl Wilson, Jr. were all present. Mr. Liddy gave a brief overview of the solar farm project. He said as the design progressed, it was discovered that the work area needed to be expanded. As a result they went out and located an additional wetland area in the northeast portion of the property. Ms. Washburn and Mr. Liddy went there last week to check the flag locations and they came to the agreement that the flags shown are correct.

The solar array facility is capable of producing up to 3.7 megawatts of renewable energy. The project consists of three separate but interconnected systems. System one is located in the northwest section of the property. System two runs parallel to Paxton Road. System three is located on the southern extent of the property. Each system will have an array of solar panels and an associated access driveway that will be 12 feet wide. Each system has its' own storm water management system.

A wetland crossing is proposed on system one. The crossing meets the state stream crossing guidelines. The culvert pipe will be 10 feet in diameter. The culvert will be imbedded four feet by removing the bank material, stock piling it, lowering the pipe, then partially filling it with the same materials that were removed.

The solar arrays themselves are outside the buffer zone. A small portion of system one is within the 100 foot buffer zone. There is proposed work within the 100-foot buffer zone. Mr. Liddy said a key component to a solar array is direct sunlight. In order to achieve the appropriate sunlight, there is the need to clear trees. The tree clearing will be 25 feet up to the wetland. A grassland habitat will replace the clearing of the trees. Mowing will occur once every two to three years outside the solar arrays. The fence installed will have a six inch gap from the ground surface to where the chain link starts. This is to allow small animals to come and go as they wish. The fence will be 7.5 feet tall.

Ms. Lochner asked how tall the panels are. Mr. Barbanti said the panels are 18 inches off the ground and 7 to 10 feet at the highest point. The solar arrays are only taking up approximately 20 ½ acres of the 149 acre property. Mr. Barbanti said there is shallow ledge on the property. They chose to use a screw post auger that will dig holes

approximately six to seven feet deep for the foundation posts. Once the foundation system is installed, they will seed the land so it will be a field condition. It will be mowed once or twice a year. Mowing will not occur during the nesting season. They will submit an operation/maintenance plan for the mowing. A storm water management report has been submitted.

Mr. Grimes said he would like a habitat evaluation done because the wildlife is going to have to be re-routed due to the fence. Mr. Liddy said in terms of the 69 acres, not all of that is in the buffer zone. There are no performance standards for buffer zone that trigger a wildlife habitat evaluation. Twenty-two acres will be fenced in. Ms. Washburn asked what the estimate is for total acres of disturbance. There is approximately 35 to 37 acres of disturbance. Mr. Moennsad asked where the electricity is going once the solar farm is running. Mr. Liddy said the system is net metered back into National Grid. There is a contract with a College in Worcester that will purchase all the electricity from the system. Mr. Reed asked how the voltage gets up into the wires. Mr. Liddy said a step-up transformer converts DC to AC.

One of the benefits of the project is it is a huge environmental benefit from the CO2 cost savings. The clean energy generated actually saves over 800 acres of trees annually. The solar farm provides enough electricity to fully power 750 homes.

The initial lease for the property is 10 years then two five-year extensions. Carl Wilson said this property has been in his family since 1740. They never wanted to destroy the footprint or develop the land. Mr. Wilson would like to place the remaining land on APR. Mr. Liddy said many years ago, this area was cleared and used as farm land. He thought this is important to know because they are restoring it back to that.

Ms. Washburn asked what happens to the system and panels after the lease expires. If they do not re-up the lease, Borrego will remove the panels from the land. The system is actually owned by major banks. There is liability insurance on behalf of Borrego and also liability insurance on the remaining land.

The fence installed will be seven feet tall but with the gap from the ground it will be 7.5 feet tall. There will be a lock for security purposes at the entrance. Ms. Lochner asked how wide each row of panel is. One panel is 3x5 feet with gaps between them for expansion. The panels are slanted 30 degrees. There will be one long strip that will be 39 inches wide and six feet long. There will be a one inch gap between each panel.

Ms. Lochner asked what tells them that an additional 75 feet of cutting is needed beyond the panels to get the sunlight. Mr. Harrison said it's basically shading impacts. There is a general 2:1 rule. If there is an 80 foot tree, you need to be three times the distance away so there will never be shade.

Once permission is granted, the first order of business will be to establish the perimeter erosion controls. The controls consist of three things; straw waddles, hay bales and silt fence. Waddles are proposed because they are a lot more environmentally friendly and easily maintained. The waddles will be used on the downstream side, following the 25 foot no disturb line along the wetlands. Uphill of that, five feet outside the chain link fence is where the silt fence will be installed. The waddles line is the limit of work and the silt fence will be the actual disturbance line. After the clearing and grubbing of the 100 foot buffer zone, they can seed it immediately. Hay bales and silt fence will be installed surrounding the limits of crossing as well. All the silt fence will either be wire backed or have construction fence backing. Once the controls are installed, the contractor will call for inspection. Site work and clearing will begin once the controls are signed off on.

The second order of business is to establish the construction entrance and installing vehicle tracking pads. If dust becomes a problem, it will be controlled.

The third order of business is to construct the basins. There is a basin per system. Those basins are sized for the 2, 10 and 100 year storm events. The entire volume can be used for temporary sedimentation purposes to allow the settling of the suspended solids in the basin during construction.

The fourth order of business is to install temporary drainage swales. There will be waddle check dams within the swales. They are not grass lined because they are temporary. They will seed and try to establish grass since they will already be seeding.

There will be an erosion control site monitor. He will be on site after every quarter inch of rain or every seven days, whichever comes first. An inspection report will be done and kept on site at all times. Ms. Lochner wants there to be a condition that every inspection report is automatically forwarded to the Commission. Additional hay bales, silt fence and waddles will be kept on site as directed or as needed in case of an emergency. Hydraulic spill kits will be kept on site as well.

The only impervious surface will be a required driveway. There is approximately 75 acres of watershed land. There are no suspended solids on the project. Recharge is not an issue. Ms. Washburn asked if the detention basin is designed to settle out a certain percent of sediment that washes in before it flows to the stream. Mr. Smith said under the Massachusetts Erosion Control Handbook, they have sizing criteria for temporary sedimentation basins. Mr. Smith will provide this to the Commission. Mr. Grimes asked, in regards to the drainage areas, if anything is being picked up from the other side of Paxton Road. Mr. Smith replied no. Mr. Grimes said there is a little stream that comes across from the school. He wasn't sure if the stream comes onto the project site or if it comes back into the site. Mr. Smith said there is no evidence of a stream coming onto the property based on the wetland delineation. The runoff flows north and doesn't go to the lake. It goes to Turkey Hill Brook.

Ms. Lochner wants clarification that the soil groups went from Class C to a Class D. She wants to make sure the third party reviewer classifies the soils. Ms. Lochner asked what the size of the waddles are that they plan on using. Mr. Smith said they are standard 8 to 12 inches in size. Mr. Smith said there are no trenches and that they are just set on the ground and staked in. Ms. Washburn asked if herbicides will be used. Mr. Smith said yes and they will specify the herbicides.

The Zoning Board meeting is on May 15th and the Planning Board meeting is on May 22nd. The third party review has not been submitted yet.

A site walk was scheduled for Saturday, May 12th at 9 a.m. Revised plans will be submitted for the May 23, 2012 meeting.

At the request of the applicant, the hearing has been continued to May 23, 2012.

Other Business:

22 Longview Drive: Art Allen from EcoTec said he and Mike Andraik from Graves Engineering have been contracted by Mr. Huard regarding his violation on the property. A survey will be done ASAP. A Notice of Intent will be filed. Mr. Allen said the site is currently stable and erosion controls are in place. Seed and mulch have also been put down.

35 Pine Acres Road: Ms. Washburn had issued an Enforcement Order. She inspected today. The slopes between the house and the pond had been seeded and mulched with good germination taking place. Hay bales and silt fence were properly installed along the pond's edge. Piles of fill were still exposed on one side of the house. Mr. Masiello said he would install hay bales and silt fence between them and the pond until he decides what to do with the fill. Shingles had been removed from around the house and bagged. Mr. Masiello bought a taillight kit to fix the trailer to haul away the shingles. *A motion to ratify the Enforcement Order (Snow/McLaughlin) passed 6/0.*

57 Wilson Street: Ms. Washburn issued an Enforcement Order. Mr. Snow read the findings. Ms. Lochner said she saw Attorney Stoddard in the hallway and he said New England Organics was supposed to do his site in the spring. Now they are telling him the site won't get done until the fall. Attorney Stoddard is going to hire another company. *A motion to ratify the Enforcement Order (Snow/Moennsad) passed 6/0.*

William Casey Estates: Mr. Snow read the findings. *A motion to ratify the Enforcement Order (Lochner/McLaughlin) passed 6/0.*

Meetings in May: Mr. Snow will not be at the May 9th meeting and Ms. Lochner will not be at the May 9th or the May 23rd meeting. Ms. Washburn will not be at the May 23rd meeting.

54 McCormick Road: Ms. Washburn inspected the ESC on April 24th. More bales with silt fence were installed curling up hill on both ends of the ESC line. A point source in the form of a curtain drain outlet had been installed on the slope furthest away from the house. Ms. Washburn told Mr. Lee Jarvis. David Bercume told Mr. Jarvis an old curtain drain for the old septic system had been clogged and buried. Mr. Jarvis asked Mr. Bercume to install rip-rap at the pipe outlet to prevent erosion.

New England Gateway: Ms. Washburn met with Dan Feeney, the engineer who came in from Beals & Thomas to look over the Conservation files on the property. He agreed that:

- There had never been a permit issued for paving the first parking lot on the site on the right as you drive in from Route 49.
- They need to file for all work done since the Orders expired.
- They need to file for current conditions and future conditions.
- They need to submit an as-built showing all ways the project differs from the plans submitted with the NOI.
- They did work in NHESP habitat without a permit from NHESP.

Sibley Farm dump capping: Ms. Washburn inspected on April 18th and took pictures showing they never installed the tracking pad. Ms. Washburn emailed Charlie Wyman about this and CMG's failure to call for an ESC inspection before work started. Mr. Grimes wants Charlie Wyman, Gary Magnuson and Collin from GWLT to come to a Conservation Meeting because they did not do what they agreed to do. Mr. Grimes said that Mr. Wyman met with Mr. Magnuson and Colin and they changed everything that the Commission had approved. Dirt was dumped right next to Route 9 beside the pond, the tracking pad was not installed, they did not call for an ESC inspection and they pulled the dirt back from the edge of the field and drove down the edge to the dump. Ms. Washburn will have Mr. Wyman, Mr. Magnuson and GWLT come to the May 9th meeting.

R. Jones Road – Cliff Leinonen: Mr. Leinonen submitted an incomplete NOI. Ms. Washburn returned it to him after consulting with Ms. Lochner. It was incomplete in that he drew a driveway on the old plan used for the solar farm ANRAD. Ms. Washburn wrote to him that he needed to have a full survey plan stamped by an engineer showing grade changes and the closest distance to BVW. He will probably trigger the local storm water bylaw by disturbing more than 10,000 sf of land and by working on a slope greater than 15%. Mr. Leinonen told Ms. Washburn it was a driveway for clearing land for new agriculture. Since then, he has called and said it is not new agriculture and that he is expanding a farm his father owns. He said he spoke to a woman from USDA and that woman told him he was exempt if it's agricultural. Mr. Grimes asked if the parcel of land is in Chapter 61 right now. Ms. Washburn did not know. Mr. Grimes said if it is not in Chapter 61 at this time, then it is not an agricultural purpose. The Commission agreed that a full survey plan stamped by an engineer and a new NOI needs to be submitted.

Email from Denise Aucoin: Ms. Washburn received an email from Denise Aucoin regarding taking down a beaver dam. She was supposed to attend tonight's meeting but did not show. Mr. Grimes said there is nothing the Commission can do until she gets permission from all abutters that will be impacted downstream if the beaver dam is breached.

New Applications: 33 Lakeshore Drive, RDA
11 GH Wilson Road, RDA

A motion to adjourn the meeting at 11:02 p.m. (Snow/McLaughlin) passed 6/0.

Respectfully submitted by:

Lisa Daoust, Clerk
Development & Inspectional Services

Documents reviewed at the 4/25/12 Spencer Conservation Commission meeting:

Agenda for the 4/25/12 meeting.

Margaret's report dated 4/25/12.

Minutes from the 3/25/12 Spencer Conservation Commission meeting.

File for 57 Wilson Street, including Enforcement Order.

Enforcement Order for William Casey Estates gravel pit.

Enforcement Order for 35 Pine Acres Road.

Photograph of building site for new garage at 39 Oakland Drive (Uras) taken by Lee Jarvis.

File for 115 Wilson Street, Carl Wilson's solar farm, including the Notice of Intent, Stormwater Report, site plans, and signed agreement to continue public hearing until May 23, 2012.

Ground Screw Specification Sheet submitted by R.J. O'Connell & Associates, Inc. re: 115 Wilson St.

Mass Audubon publication about grassland bird habitat submitted by Tom Liddy re: 115 Wilson Street.

File for 55 Highland Street including signed agreement to continue public hearing until May 9, 2012.

A letter from Christine Lamoureux dated 4/18/12 re: 55 Highland Street.

File for 35 Oakland Drive request to amend order of conditions.