

**HADLEY CONSERVATION COMMISSION
MEETING MINUTES**

September 10, 2013

Approved at the 10/8/13meeting

PRESENT: Paul Alexanderson, Chair; Steve Szymkowicz; Edwin Matuzsko; James Habana Hafner; and Janice Stone, Conservation Staff.

1. 7:00 PM Notice of Intent #170-222, continued. Filed by BlueWave Capital for installation of a .99-megawatt solar energy generating facility in an agricultural field *off Breckenridge Road*. Mickey Marcus from New England Environmental present as consultant to applicant. Mr. Marcus stated that he has been putting together additional information after the site walk with the Commission, and will provide it tonight. He provided a quick overview, including a "landscape view" of the solar array from Google Earth. No new access required. They will maintain a 35-foot buffer from the wetland for the fence and solar array, but will need to cut trees in the wetland and buffer zone to prevent shading of the array. He explained about tree angles and how tall trees at a distance would still need to be cut down. They will have to continue cutting for the length of their lease, 20-30 years. They have submitted an O&M plan, which includes no plowing in winter. He submitted a revised plan for cutting trees, but it still did not have specifics on which ones. He suggested the Commission ask for a copy of the decommissioning plan, which was submitted to the Planning Board. The trees to be cut will be in the 6-12" diameter range nearby, but up to 16-24" diameter further away (in the wetland). He stated there would be 11 trees in the 35' buffer zone and 5 in the wetland, for now. Over 20 years other trees will grow up and need to be cut down as well. Commissioners asked about the impact on the wetland and buffer zone, and possible mitigation. Janice mentioned the DEP memo about tree cutting in wetlands for solar counting as "wetland alteration", requiring mitigation and limits to the amount of alteration. The DEP memo was about a BlueWave Capital project in Dartmouth MA. Mr. Marcus described the fence and green screen of shrubs that will be planted on the south side of the project, to shield the neighbors from the view. It will be about 200' from the houses. They will plant 250 shrubs of 6 different species (about 3-4' tall) for the screen. Questions were asked about tree cutting needed on adjacent property (upland). Company is discussing with owner. Neighbors asked questions of Mr. Marcus about the impact on the neighbors, especially concerning loss of wildlife habitat, possible solar glare on neighbors, visibility of the solar array from upstairs windows of neighbors, runoff from panels affecting their yards, and possible lead in runoff coming into their yards and gardens, and aesthetics.

Janice asked Mr. Marcus to revise the Notice of Intent from no impact to wetland to the amount of impact created by the tree removal. Commission would like a management plan for the wetland, related to the tree removal and what they will do mitigate for that loss and improve the wetland. Neighbors asked who would listen to their concerns. Commission suggested those issues fall under the purview of the Planning Board, and they should go to the Planning Board meetings to discuss them. A neighbor was concerned about drainage from the site flowing down to their houses. He claimed that all the neighbors have wetland issues in the backyards. Another complained that the old ditch network in town is not being maintained, thereby creating more wetlands. Commission discussed site visit when the trees to be removed have been identified

and flagged. A neighbor asked if the trees could be trimmed instead of cut, to maintain a natural buffer boundary. There was a discussion about control of the multi-flora rose being part of the maintenance plan, and necessary to keep the wetland from being overrun with it as the trees are cut and there is more light in the understory. A neighbor asked if the Commission could control the rose without chemicals. Mr. Marcus said he would work on an alternative, although that is usually the most effective method. Commission will meet for site visit on Tuesday October 1 at 4:30pm to check the trees. Ed made a motion to continue the hearing to October 8th. Jim seconded, and all voted in favor.

2. 7:55 PM Other Business. Mr. Andrew French, from the USFWS Conte Refuge, to discuss a Request to Amend the Order of Conditions (#170-xxx) for an ADA trail off *Moody Bridge Rd.* Mr. French explained that the USFWS has purchased the adjacent parcel, which a better trail route with a nice view of the fields and mountains. He showed the Commission a few plans to show the changes. Yellow for proposed trail, green for as-built, orange for boardwalk areas. The impact to wetland resource areas will be about 20% less, since they have added in some places and taken from others. They do want to add an overlook next to the Fort River, which will include a 16'x16' deck elevated above the ground like the boardwalk. Mr. French told the Commission this will be better than another they did in VT and won many awards. He hopes this will become a destination for the Hadley area. They are trying to occupy a niche in the area for recreation. This will be great for nature study and bird watching. Steve asked how if hunting was going to be allowed. Mr. French replied the area would be open to hunters and non-hunters. Steve asked how it would work to have duck hunters and walkers out there at the same time. Mr. French said they could make a safety zone near the trail. Mr. Marcus mentioned that he used to hunt ducks in an area off the Norwottuck Rail Trail, and it was not a problem since they kept 150' away from the trail. Amherst also puts up big orange signs before hunting season warning walkers that the area is open to all including hunters, and advising they wear orange. Commission agreed to allow consideration of the Request for Amendment. Applicant can proceed with the abutters' notices and legal notice for the public hearing on October 8th.

3. 8:15 PM Notice of Intent #170-XXX. Filed by BlueWave Capital for installation of a .7-megawatt solar energy generating facility in an open field off *Venture Way*. Mickey Marcus from New England Environmental present as consultant to applicant. Mr. Marcus explained the location of the solar array, on the inside of the circle/loop. There are about 17 acres in this inner loop, but the solar array will be only about 3 acres and 0.7mgw. Mr. Marcus explained the previous concern by NHESP in this area, probably a spade foot toad, so they avoided the farmed drainage ditches and kept the array to the upland part of the field. Normally this lot alone would have been too small to be worth the while of the solar company, but it is being bundled with the other two sites already under review. The staging area will be across the road in an upland field. The plan shows a 35' setback from the wetland, but it is very tight with the 50' setback from the property line required by the solar bylaw. Would it be possible to squeeze it in a little and have only a 25' buffer here? Gravel road and fence are already in 35' buffer. Commissioner stated that the 35' no-disturb buffer is the bylaw, and should stand. To allow a lesser buffer here will set a bad precedent for the future. Another Commissioner agreed that the 35' buffer should remain, it is not a lot of distance. Mr. Marcus said there would be no cutting in the woods. He is suggesting the company do a directional boring to get the necessary lines in back to the main road, rather than trenching. Commissioner asked if the conduit would remain in the ground after

the project is over. Probably. Commission concerned that the line will create a conduit for groundwater (and possibly draining the wetland a bit) if it does not have baffles. Commissioners agreed to a 3:30 PM site visit on Tuesday October 1st. Ed made the motion to continue the hearing to October 8th (no DEP file number yet). Jim seconded, and all voted in favor.

4. 8:45 PM Other Business. CPA Committee meeting results. Commission proposed funding the Boisvert-Kelly APR (\$19,900 *River Drive*) and Pirog APR (\$6,200 *Aqua Vitae Rd*). CPA committee approved same. Now up to Town Meeting. Janice discussed update on land protection projects for Rt 47 Scenic Byway grant. Two projects are being forwarded to DOT at this time, Barstow APR in *Hockanum Meadows*, and Bagg Estate in South Hadley. New person interested in serving on Conservation Commission. Matthew Burak introduced himself and gave a little background (fisheries, SUNY and UMass), resident of Hadley since 2007. After listening to the hearings, he had three ideas he discussed with the Commission on the tree removal plan for the first solar project. They were requiring: 1. an invasive species control plan, including monitoring (for the length of the project); 2. an Erosion & Sediment control plan; and 3. a tree removal plan that is very specific on how the trees will be taken care of - no equipment in the wetland (and 35' buffer) except hand tools, whether the trees will be left as they fall or be dragged out, or cut up and taken out. Commission was concerned about impact of the cutting on the wetland and the remaining vegetation. July Minutes. Ed made a motion, seconded by Steve, to approve the July minutes as written. All voted in favor.

Tim Neyhart, Building Inspector, came in to discuss zoning bylaw change proposed for fall Town Meeting. The proposal is for the Conservation Commission to become the granting authority for Flood Plain District special permits (instead of the Board of Appeals). This is a change in sections 13.6.2.2.2 and 13.6.2.6 and 13.6.2.8, as well as a proposed change in the lot requirements for a mobile residential unit. This is a follow-up on earlier discussions with the Building Inspector and Town Administrator about how to make the permit system easier, and therefore more likely to be followed. Commission discussed this with Mr. Neyhart. He would be willing to still do the enforcement. Commission is concerned about impact of trailers on the Riverfront, floodplain, wetlands, and this is one area that no one has a handle on now. No one applies for the permits, and there is no enforcement under the present special permit system. Permits could be yearly or every two years. Commission could have a list of criteria (no cutting of trees, certain distance from the water, proof of sanitary facilities etc), and might be able to do a number of them under one public hearing if all comply with the list. The federal requirement is that all trailers be removed between November 1 and April 30th. Discussion followed on size of lot and number of trailers allowed per lot. Proposal is minimum lot size of 5,000 sf, with maximum of four trailers allowed per lot. Discussion on whether that was too small a lot for four trailers, and how to adjust the limits, and a possible special short-term permit for holidays or family events to allow more. Mr. Neyhart told the Commission the number four came up because MGL ?? states that 4 or more trailers at a campsite requires a license from the Board of Health. The BOH does not require individual permits for port-a-pottys anymore, just a permit for the companies that provide them. So no one in town knows how many there are, or where. Town Meeting is October 25th. Commission asked what was required under the zoning laws for a public hearing before Town Meeting. Mr. Neyhart told the Commission the Planning Board will hold a public hearing on zoning issues at least a week before, probably October 15th.

Commission was not sure they could get together their list of requirements by then, but would like a hearing to get public input on possible changes.

Commission then discussed with Mr. Neyhart the results of recent court actions regarding a trailer violation off *Lawrence Plain Road* (Mieczkowski). The Court gave Mr. Mieczkowski until October 15th to remove all trailers from the property, and they are to stay off until the decision by the judge (which may be months). If Mr. Mieczkowski violates that order, it will be violating a court order, not just a town enforcement order. Mr. Mieczkowski also has an October 1 deadline for submitting information on the land ownership issue with the lot off Lawrence Plain Road. Randy Izer is doing the research (review of the deeds). If the decision based on the research is that Mr. Mieczkowski owns it, then he can have it, but has to pay 20 years of back taxes first. If he appeals/refuses, it goes to land court, maybe for years.

5. 9:30 PM ADJOURNMENT. Edwin made the motion to adjourn. Steve seconded, all voted in favor.

Respectfully submitted by

Janice Stone

Materials used in review and deliberation of agenda items will be found in corresponding project folder in Conservation Commission office.