

**HADLEY CONSERVATION COMMISSION
MEETING MINUTES**

October 8, 2013

Approved at the 12/10/13 meeting

PRESENT: Paul Alexanderson, Chair; Paulette Kuzdeba, Vice-Chair; Gary Pelissier; Gordon Smith; Edwin Matuzsko; Jim Habana Hafner; and Janice Stone, Conservation Staff. New Associate Member Matthew Burak was unable to attend due to car trouble.

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*. Bruce Griffin from New England Environmental present as consultant to applicant. Mike Marsch from BlueWave also present, and Steven Konieczny for the property owner. Mr. Griffin spoke about the plan with the Commission. Same plan, but he provided a handout on a proposed Operation & Maintenance Plan for the site. It involved removal and cut-stem herbicide control of invasive species (primarily multiflora rose and autumn-olive) within the 35-foot buffer zone affected by removal of the trees. Invasive control would be done for two years (and for any year after when tree removal was needed for the life of the solar project. They also proposed planting a total of 30 silky dogwood in the areas where trees and invasives were removed. This was in response to the Commission's concern about the invasive plants taking over the area after the tree removal provided more sunlight and room for them to grow. They plan to cut down 13 trees, four in the BVW (Bordering Vegetated Wetland) and the rest in the 35' buffer. Some of these are very tall full or multi-stemmed trees so the canopy change would be significant, as seen on the site visit. Mr. Griffin stated that they expected 100% cover by woody species in these removal areas within two years after planting the dogwood. The grape would also come in and take over some of the site. Paul asked if the company had any history of managing wetlands like this. Mr. Griffin replied they have done forestry plans, which cut to the edge of wetland. Commissioners discussed whether they were setting a precedent for incursion into the no-disturb buffer zone for solar projects. Edwin stated that at first he thought the removal of a few trees would not be a big deal, but after seeing the large trees and the impact their removal would cause to the wetland and buffer zone, he feels it would severely impact the wetland, and for 30 years. He asked if the company could move the panels west of the BVW further away. Mr. Marsch stated that would mean it would impact more of the woods to the west of the field. Paulette asked the consultant whether removal of the trees would actually make the wetland wetter, and what effect that might have on the solar panels planned to be near the wetland, if the water level were to rise and the wetland expand. It could affect the solar facility over time. Mr. Griffin agreed that would not be unexpected, since removal of the large trees would reduce evapotranspiration, so more wetland likely. He suggested that more wetland would form on the southern side of the solar array, since that is the way the grade of the land goes. Over time the grass mix might shift to sedges. Paulette remarked that the removal of the trees would therefore change the wetland plant community and dynamics. Mr. Griffin agreed the wetland community would change, but with their plan it would still remain woody vegetation. Commissioners asked if the plan could be redesigned to avoid wetland impact, and how other construction projects in town all have to adhere to the bylaw's 35-foot no-disturb buffer zone. There was a discussion about whether there would be more tree cutting and grading needed if the array were shifted on the property more to the west, away from the wetland. Commission stated that they would prefer

no impact on wetland, even if that meant more impact to the field and woods to the west (upland). Jim cited the sixth section under the wetlands bylaw, that the 35-foot no-disturb should apply to all construction projects to give clearest direction to all applicants of what will not be allowed, in advance of purchasing and planning a project. The wetland bylaw has been in place for some time, this is not new. Gary asked Mr. Marsch to come back with a revised plan with no impact to wetland and 35-foot buffer. Mr. Griffin asked if the Commission could agree to approve the project tonight with a revised plan to be submitted later showing no impact to the wetland or 35-foot buffer. Commission stated that they would not close until they had the revised plan, but if the plan comes to with those revisions there should be no problem closing the hearing and issuing the Order of Conditions at the next hearing date. Applicant was concerned about timing, having to wait a month and more for the Order of Conditions. Janice stated that she would get the Order out within a week after the hearing closed if it was approved with these changes next meeting. Commission agreed they will have no problem with the plan if they eliminate the tree cutting and work in the wetland and 35-foot buffer zone. Gary made a motion to continue the hearing to 7 PM on Tuesday November 12th. Edwin seconded, and all voted in favor.

2. 7:40 PM Notice of Intent #170-223, continued. Filed by BlueWave Capital for installation of a .7-megawatt solar energy generating facility in an open field *off Venture Way*. Bruce Griffin from New England Environmental present as consultant to applicant. Mike Marsch from BlueWave also present. Mr. Griffin began by summarizing the results of the site visit last week. There was an area of potential wetland in a swale near the road. They have moved the wetland boundary flags to include this area. Many flags were missing that had been placed in the field that had since been mowed. Mr. Griffin explained that in response to the concerns expressed by the Commission about the fence and gravel access road being inside the 35-foot buffer zone, they have revised the plan to keep the 35-foot buffer undisturbed. The solar array will have a smaller footprint, and the access road was moved to a different location. Mr. Griffin explained that they still need to connect the array to the electric pole on North Maple Street. They are proposing to bury the line under the wetland in-between the array and the pole, using directional boring from outside the 35-foot buffer to outside the wetland on the other side. If the utility uses poles instead they will be placed in the 100' buffer and maybe even in the 35-foot buffer, but they are proposing the directional boring instead. The applicant and consultant submitted two copies of these revised plans. Paulette made a motion to close the hearing and approve the project as presented at the hearing and on the presented plans. Edwin seconded, and all voted in favor except Gary who was out of the room.

3. 7:50 PM Notice of Intent #170-224. Filed by BlueWave Capital for installation of a .99-megawatt solar energy generating facility in an open field *behind 26 Huntington Road*. Bruce Griffin from New England Environmental present as consultant to applicant. Mike Marsch from BlueWave also present. Tom Kusek present as property owner. Mr. Griffin explained the site for those who were not at the site visit last week. There is a corn field in front, and a hay field in back. The solar array is proposed for the hay field area, with an access road coming up the east side of the property and corn field to a staging area just behind the corn field. There is a BVW to the east of the access road in the woods, and a BVW to the west behind the house. There is an isolated wetland in the hay field where the solar array is proposed, which is protected under the local wetlands bylaw. There was some discussion about the wetland boundary, and a third party

wetlands consultant did review the wetland boundary as well. She determined that there were additional hydric soils buried further out of the present wetland boundary and that additional investigation should be done to determine the extent of previous wetland. Mr. Griffin argued that the field has been farmed for 200 years and the buried hydric soils are not recent. That part of the hay field was left unmowed this year so they could determine the wetland boundary by the plants that grew in. It was last plowed four years ago. Although there are a variety of plants, there are two facultative wetland plants that do put it into the wetland category. He felt the present condition fairly represented the amount of wetland on the site. They have prepared a plant that keeps the solar array 35-feet away from this isolated wetland as well as the one behind the house. They are asking for the access road on the east side of the corn field be permitted within the 35-foot buffer, in order to maintain as much as of the corn field in corn as possible. The commissioners at the site visit seemed willing to consider allowing the road a little closer to keep more corn field. The Commissioners discussed precedent for a smaller no-disturb buffer for agriculture. For the Boisvert and Montgomery Rose projects, the Commission agreed to a 25-foot no-till buffer. They also discussed whether the road had to be a permanent gravel road even though it would only be used for a short time at the beginning of the project. If the area is presently being used for field trucks then it might be packed down enough to work for the solar trucks. Commission discussed with applicant and consultant how to minimize road impact to corn field. Mr. Marsch stated that they wanted to preserve as much farmland as possible. Mr. Griffin suggested that perhaps they could use temporary cover on the existing buffer zone/access road area, such as swamp mats but more portable. The Commission agreed to accept Mr. Griffin's argument about no further investigation of buried hydric soils needed for the isolated wetland since the site has been in agriculture for so long and unplowed for four years. A neighbor expressed concern about regrading or filling of the dingle that catches water from the hillside would change the runoff of the site. Consultant and Commission did not think so. Edwin suggested they revise the plans to reduce the road impact by using the temporary measures such as mats so the area can be returned to corn. Gary made a motion to continue the hearing to 7 PM on Tuesday November 12th. Edwin seconded, and all voted in favor.

4. 8:20 PM Request for Amendment to # 170-214. U.S. Fish & Wildlife Service proposes changes to ADA accessible trail through Riverfront Area of Fort River at the Silvio Conte Refuge at *69 Moody Bridge Road*. No one present. Commission agreed to continue it to the next meeting, contingent upon communication with applicant and determining if legal and abutter's notices were done.

5. 8:21 PM Request for Determination of Applicability, filed by Hadley Selectboard, for replacement of Pump Station #4 in the 100-year floodplain of the Connecticut River at the *intersection of Bay Road and West Street*. Devleena Ghosh-Brower from Tighe & Bond present to represent the Town. Ms. Ghosh-Brower explained the reason for the replacement of the pump station. It is a confined space entry, prone to flooding and is only one of 11 that serves the whole town sewer system. They will construct a new one similar in compensatory storage close to this one, then remove the old one and restore the site. There should be no change in compensatory storage, or even a slight gain. Gary made a motion, seconded by Gordon, to issue a negative determination # 2B. All voted in favor. Janice asked who should get the original. Ms. Ghosh-Brower stated the original should go to the DPW, with a copy to her.

6. 8:25 PM Other Business. Sign *Conservation Restriction for Alexandra Dawson Wildlife Reserve*. Final version approved by the state. Paulette made the motion, seconded by Jim to sign the CR. All voted in favor and signed. Janice will return to Kestrel Land Trust for final signature (Selectboard signed last week). Vote on *Right of First Refusal* for removal of land from Chapter 61A at Karl's Excavating off Breckenridge Road. This is the site of the proposed solar array. Edwin made the motion to waive the Commission's Right of First Refusal for the property. Seconded by Gordon and approved by all. *Bills payable*. Gary made the motion, seconded by Edwin to pay the bill for the Commission's dues to MACC. All approved. Commissioners had a short discussion on talking points for the two APR projects on the Fall *Town Meeting* warrant next week for CPA funding. Aqua Vitae is a new part of town for APRs, and there is some question about purchasing APRs for floodway land. Commissioners consider it still important to preserve productive farmland for future generations, local food, and it prevents abandonment of the land or use for other purposes (sheds, campers, go-kart tracks etc.). Zoning bylaw change on trailers involving Conservation Commission has been tabled by Zoning Board (Conservation has no authority to enforce zoning bylaws). *Minutes for August and September 2013*. Gary made a motion, seconded by Edwin, to approve the minutes as presented. All approved.

7. 8:35 PM ADJOURNMENT. Gary made the motion to adjourn. Jim 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.