**APPROVED**

**ADAMS CONSERVATION COMMISSION**

**MEETING MINUTES**

**THURSDAY, JANUARY 17, 2019**

**MEMBERS PRESENT**: Chairman James Fassell and Commission members, Brian Bishop, Tom Robinson, David Lipinski and Tammie Shafer

**MEMBER ABSENT:** Vice-Chairman Corey Bishop

**OTHERS PRESENT**: Jonathan Spicer, OYA Solar MA, LLC; Bill Lattrell, Ecological Consultant; Joseph Nowak, Adams Selectboard; Jack Guerino, iBerkshires and Recording Secretary Pam Gerry

**CALL TO ORDER:** Chairman Fassell called the meeting to order at 6:30 P.M.

**APPROVAL OF MINUTES:** A motion made by Member Lipinski, seconded by Member Bishop to accept the minutes of November 29, 2018, as submitted, passed unanimously.

**NOTICE OF INTENT: filed by OYA Solar MA, L.P. for property located at 0 Lime Street, owned by David Krutiak. Proposed construction of a ground-mounted solar energy facility.**

Jonathan Spicer from Stantec Consulting, representing OYA Solar addressed the Commission members. Mr. Spicer stated to them that he would begin their discussion by pointing out various aspects of the existing property on Lime Street by reviewing the resource areas, impacts and performance standards from the Wetland’s Protection Act and the MA Stormwater Standards. He further noted that he would discuss the DEP comments regarding their proposed project and comments from the town’s ecological consultant, Bill Lattrell. Mr. Spicer began his presentation by stating to them that proposed site was located at the intersection of Lime Street and Lime Street connector consisting of 9.7 acres of property. He told them that most of the property consisted of degraded and exposed soil in poor condition. Mr. Spicer stated that along the east side of the Hoosic River, the property was covered with trees, grass and dense vegetation. He stated that the entire property was in the riverfront area. Mr. Spicer added that there was a flood plain on site near the norther portion of the property. Mr. Spicer explained to them that the proposed site would be used to construct a solar field. He mentioned to them that they intended to re-use the existing gravel access drive and put a concrete pad in place for the solar generation for inverting the power. He stated that there will be topsoil and loam in place, as well as the reseeding of the 3.3 acres of the 9.7 acres. Mr. Spicer stated that the solar panels would be less than 15’ in height which would be on a “threaded screw” to be placed into the ground for easy installation and decommissioning. He stated the impacts to the resource area would be a redevelopment under the Wetland’s Protection Act which he reminded them that they were “not to disturb any closer to any resource then previous disturbed or land area which would be the impact to the riverfront area,” which he told them that there would be no impact to this area. Mr. Spicer told members that there would be no “earth work” in the flood plain area, adding that they would be planting grass in the development area and the elevations and flood storage would not be altered.

Members commented on various areas within the display.

Mr. Spicer told the members that since June 2018, the applicant was working with Natural Heritage to determine if the property was in an active habitat and to determine the location. He stated that they were instructed by the Natural Heritage to limit disturbance of the site to approximately 15’ from the tree line along the Hoosic River, adding that they found this acceptable and the applicant has adhered to their instructions.

Mr. Spicer continued by stating that the solar field will have a security fence offset another 15’ as well, to avoid shading the panels. Member Robinson was concerned to know if there were existing posts in this area near the river which he mentioned to Mr. Spicer that in the past, the Commission members requested that Mr. Krutiak avoid performing work between the posts and the river, so as not to disturb this area or place any material at this location. Mr. Spicer assured the members that when they access this area, it would only be for “improvements of the site.” He told them there would be a 6’ perimeter fence surrounding the solar field and maintenance would be conducted within the fence.

Mr. Spicer stated that he would be reviewing the comments made by Bill Lattrell, ecological consultant and Department of Environmental Protection (DEP) with the Commission members regarding their Notice of Intent.

Mr. Lattrell addressed them by stating that he communicated with Mr. Stinson from (DEP) who stated to him that he thought there were an abundance of trees being removed from the site. Mr. Lattrell stated to the members that after a site visit he performed to the area, he observed a large area of loam at this location with vegetative growth. He told them that he understood that the owner has removed a large amount of loam to be sold to Specialty Minerals. Mr. Lattrell added that DEP stated to him that this activity was being considered as “disturbance.” He said the larger trees at the east and west would not be removed, however. Member Lipinski stated to the Commission that after reviewing the responses and answers from DEP, Mr. Lattrell and Mr. Spicer that he wanted to let them know that they “were extremely well done.”

Chairman Fassell stated that DEP was overseeing the project, adding that he felt that “we are doing the right thing.” Mr. Spicer asked for comments from the Commission members. Mr. Lattrell stated that in the northwest portion of the site, DEP observed that there was a road and culvert created without a permit. He added that this was done in the late 90’s and DEP “would like to see that resolved.” Mr. Lattrell stated that the culvert should be removed and the bank restored and a “natural flow of the brook.” He let the members know that they should continue the hearing and allow the applicant to present the Commission with a revised plan showing how they would remove the culvert and maintain erosion control on this site.

Commission members stated that they unanimously supported the proposed solar project.

A motion made by Member Robinson, seconded by Member Lipinski to continue the Notice of Intent for OYA Solar MA, LLP to February 7, 2019 at 6:30 P.M.

**REQUEST FOR DETERMINATION: filed by Luke Celantano. Applicant is requesting whether the work depicted on plan(s) is subject to the Wetlands Protection Act for a residential septic installation on property located on 30 Walling Road.**

A representative from Berkshire Engineering, for the applicant addressed the Commission members stating that the applicant was requesting to install a subsurface sewage disposal system upgrade from an existing failing system. She noted that it would be within 100’ of an intermittent stream. She continued to let them know that they would be installing silt fencing and added that they were within the 200’ riverfront area. Member Lipinski responded by stating to her that “they were improving a bad situation.”

A motion made by Member Lipinski, seconded by Member Shafer to accept the plans as submitted, passed unanimously.

Member Lipinski was curious to know when the installation would be occurring. She stated to him that she presumed it would take place in the spring.

The Commission members signed the Request for Determination for Luke Celantano, property at 30 Walling Road.

**OLD BUSINESS:**

**Status of Lime Street drainage work**.

Chairman Fassell stated that the job was well done by Maxymillan who completed the repairs.

**Status of bridges on Davis and Lime Streets.**

Chairman Fassell stated that The Rose family, residents of Davis Street repaired the bridge on their property and stated that the “pedestrian bridge was completed with the proper documentation.” He stated to them that if the “bridge goes” they would need to file a Notice of Intent to replace the bridge.

**Status of work being performed on property at 120 West Road within 200’ of the buffer zone.**

Chairman Fassell stated to the Commission members that there was an excavator near the waterway abutting the property and that work was being performed. Mr. Fassell told members that the owner would need to submit a Request for Determination with the Conservation Commission with a Cease and Desist Order issued by the Commission.

**NEW BUSINESS:**

A letter from Hill Engineers regarding an Emergency Certificate filed for property located at 86 East Hoosac Street owned by Peter Levesque was submitted to the Conservation Commission which stated the scope of services being performed.

**REVIEW MAIL:**

National Grid’s yearly operational plan

FEMA regarding Hoosic-Hudson watershed

MA Association of Conservation Commission conference update

**ADJOURN:** A motion made by Member Shafer, seconded by Member Lipinski to adjourn the meeting at 7:30 P.M., passed unanimously.

Respectfully Submitted,

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Pamela Gerry Date