

**Minutes of the Ashburnham Conservation Commission  
June 10, 2013**

**Present:**

MD: Marshall Dennis, Chairman  
CP: Christopher Picone  
AA: Alana Archangelo

AH: Andrew Henderson  
MP: Maureen Pollock, Conservation Agent

**6:37 PM**

MD opened the meeting of the Ashburnham Conservation Commission under the MA Wetland Protection Act, M.G.L. Chapter 131, Section 40, and in accordance with the Ashburnham Wetlands Protection Bylaw and associated Rules and Regulations.

**Other Business**

Gary Howland, of the Ashburnham Conservation Trust (ACT) was present to announce that on Sunday, June 13, 2013, the ACT will have a volunteer workday starting at 9 AM to complete marking trails at the Bush Hill conservation property. All interested parties are invited to help.

Gary Howland invited Michael Downey, State Service Forester to speak with the Commission regarding the bid efforts for the Bush Hill conservation property. Michael recommended that the Commission narrow the project scope. The first step is to get the rest of the boundary marked. The State does not require both trees selected for cutting to be marked and the boundary line marked, but it is good practice. After the boundary line is marked, Mr. Downey recommended that the forest cutting be implemented before focusing on completing a stewardship plan. It is estimated that it will cost between \$5,000 - \$6,000 to hire a consulting forester to document the work requested by the Commission and to develop a forest management plan. Gary stated that it would be good to get some money into the existing conservation fund. Gary hopes to recreate a hayfield where white pines and apple trees are now located, suggesting also that this restored habitat be maintained every two years.

MD- Didn't the Commission send out a bid, and don't we already have a forest management plan? Mr. Howland stated that a forest management plan had been completed but the boundary marking was never performed. Moving forward, the Commission will need to do the boundary marking in small segments while performing cutting plans for 30-50 acres at a time. Writing a cutting plan is not difficult to prepare and Mr. Downey offered his help creating one.

It was explained to Mr. Downey that one forester said he was concerned about doing so much work up-front and not getting paid until much after the forest cutting was completed and the Commission had received payment from the sale of timber.

Mr. Downey suggested the Commission apply for a MA Community Forest Stewardship Grant Program, which has a 50/50 match. The application is easy to

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do. The grant money could go toward the boundary marking and other site activities.

Gary – The Commission is interested in creating a stewardship plan.

MD – Will the Commission need to front the money?

Gary – The forester estimated it would cost \$30,000 and we would need to mark all boundaries.

MD – Does the Commission need to mark the boundaries where we are not cutting? Is there \$30,000 worth of timber on this property?

Gary – It is part of a good stewardship plan.

Mr. Downey has not been on the property yet, but indicated that a bid process for the timber will guarantee the best price for that particular day. For less than \$1,000 you can get someone to conduct timber cruise (i.e. Bay State Forestry) and get a number of what it's worth that day.

Gary – we sent a bid out to four foresters, and heard back from two.

Mr. Downey – The best way to pay for a forester is to ask for a retainer. Put it out to bid for the client. The fee is a percentage, ranging from 10-30% of the total lump sum payment or the forester can be paid an hourly rate (lots of gray area in billable hours).

MD – So if we do all this, we will get the money back. When is the stewardship plan going into effect?

Mr. Downey – You need to find funding for the plan

CP – So we can avoid the stewardship plan for now then.

Mr. Downey - Try to at least get a cutting plan and a bid

Gary – Maureen to send Mike Barry of Bay State Forestry a bid package.

**7:10 PM**

MD opened the continued public hearing for **Stodge Drive (Map 67, Parcel 16), filed by Bryan and Kristin LeBlanc** regarding a Notice of Intent for the construction of an addition to an existing single family house, enlargement of the septic system, and relocation of some well water lines, with activities being within the 100' buffer zone. Chris Mossman, representative for the property owners, was present at the hearing. Chris stated two wells will be abandoned and filled.

MD- Moved to close the Public Hearing

CP- Seconded

Unanimously passed 4-0

MD- Move to issue Order of Condition per plan and discussion

CP- Seconded

Unanimously passed 4-0

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**Other Business**

MP- **Request for Certificate of Compliance – Barbara Friedman, 40 Westminster Road (Map 19, Parcel 36)**. MP visited the site, and the property has been seeded and the soil been stabilized with grass growing in. The motion to grant the Certificate of Compliance was unanimously approved.

MP - Request to remove Erosion Control Barrier – John Thomas, 48 Bluefield Road (Map 46, Parcel 31). MP- visited the site on 15 May 2013 – the disturbed soil areas have been stabilized with grass growing throughout the property; therefore, all silt fences can be removed prior to its issuance of a Certificate of Compliance, as required by Special Condition #6 of the Order of Conditions. In the event future planned or unforeseen circumstances necessitate additional soil disturbance, the Commission shall be contacted to determine the nature and extent of supplemental erosion control barriers, if any. A letter has been written to explain the above comments to John Thomas.

**7:30 PM**

MD opened the public hearing for **60 Murray Road (Map 18, Parcel 5A), filed by Margaret Sisson** regarding a **Notice of Intent** for the construction of approximately 13,450 solar panel arrays with associated drainage, grading, and access drives within the 100' buffer zone of bordering vegetated wetlands. James Rheault of Whitman & Bingham was in attendance with Wesley Flis, engineer for Whitman & Bingham; Mark Eilers of tenK Energy; Stan Herriott of the Ashburnham Municipal Light; Mark Carlisle, Ashburnham Light Board Commissioner, and the abutters, Steve Dickerson of 67 Murray Road and Lisa & Timothy Fontaine of 74 Murray Road.

Mr. Rheault indicated that the overall site consisted of 90 acres of frontage on Route 101 and Murray Road, 66 acres of which are to be purchased by tenK Energy. Approximately 22 acres will be developed, 17 acres of which will contain the solar panel array surrounded by a fence. Whitman & Bingham associates will speak to abutters individually regarding desired fence type and height.

Mr. Rheaul further stated that the proposed project will cut some trees in the buffer zone because of the need to reduce shading of the solar arrays. This buffer activity would necessitate an application fee of \$60,958.00 per the Bylaw regulations. As such, the applicant is requesting a waiver from the Commission's fee requirement.

MD- the Commission will have to charge the fee mentioned because there is no provision in the Town of Ashburnham Wetlands Protection Bylaw/Rules and Regulations allowing for said waiver. In response, Mr. Rheault indicated that there may be a regulatory provision that, in fact, allows for a waiver and that he will review the matter and notify the Commission, accordingly.

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Wesley Flis – With the installation of the solar panel arrays, the vegetation will change from trees to grass. This project will not create impervious surfaces except for the inverters and gravel access roads. Grass and clover will be planted and maintained twice a year. A drainage swale will be designed adjacent to Murray Road to maintain the volume of stormwater runoff. The design plan also includes a 3 foot deep drainage basin to mitigate peak surface runoff (it would drain completely), and upgrading the existing PVC pipe at the site entrance with 3 cast iron culverts. It was noted that the existing PVC pipe presently gets clogged, backing up water in the roadside drainage ditch. The proposed condition will improve the current situation.

The proposed plan is to top the trees outside the solar array with no stump grinding. There will be minimal site grading because the property has a gentle slope, from west to east. There will be no runoff going into the wetland – the wetland is the high point on the site.

MD questioned the height at which the trees within the westerly buffer zone would be topped. However, the applicant was not able to answer this question. Mr. Eilers from tenK Energy Solar – Besides the single panel array, a portion of the project site will contain an area where reflective side panels will be used to create a concentrated solar array. There is a similar solar panel array project on Route 62 in Sterling, MA if people would like to see what these solar panels will look like.

AA- Does grass grow under these panels since marketing photos show just gravel. Would like to see some photos where plants are growing under these solar panels. Mr. Eilers stated that the panels are translucent.

Currently, the vegetation on the solar array site consists of trees and shrubs. They will be removed, the soil will be 'combed' to make sure all roots are removed and then seeded. This will be augmented with loam if needed.

The Commission stated that their primary concern was the tree topping in the buffer zone. The applicant responded that the plan must be a 3 gigawatt project or it won't be economically feasible. AH then asked if the number of the more technologically efficient panels could be increased, with a concomitant decrease in the number of single panels, thereby minimizing the intrusion into the wetland buffer. The applicant stated that this approach would be examined. The placement of a Conservation Restriction on the remaining portion of the site (approximately 40 acres) subsequently was discussed.

MD- Concurred with AH recommendation and requested an alternative plan that uses more of the new technology panels.

A site walk is scheduled for Friday, June 14<sup>th</sup> at 12 noon for the Conservation Commission members.

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Stan Herriott – Project implementation will result in the need to replace existing poles with 3 phase poles along Murray Street, and a new line with 4.4 million KWH (10% of what the town uses annually), thus avoiding transmission costs.

The applicant noted that 'Gehrlicher' did the shade study.

MD- move to continue the hearing to June 24, 2013 at 7:30 PM, site visit on June 14, 2013 at 12 noon.

**8:30 PM**

MD- Motion to adjourn

AA- Seconded

Unanimously passed 4-0

Respectfully submitted by Alana Archangelo, Conservation Commission Member, June 10, 2013.