

**HADLEY CONSERVATION COMMISSION
MEETING MINUTES**

May 13, 2014

Approved at the 6/24/14 meeting

PRESENT: Paul Alexanderson, Chair; Paulette Kuzdeba, Vice-Chair; Steve Szymkowicz; Edwin Matuzsko; Associate Member Matthew Burak and Janice Stone, Conservation Staff.

1. 7:00 PM Discussion & Ratification of Enforcement Order. Sean Harrington from Nexamp was present to discuss what they have done to comply with the Enforcement Order for the *Mill Valley Rd* solar site (Goulet property). Mr. Harrington handed out photos and explained the erosion and sediment control measures that have been put in place and appear to be working. The Commission asked him what went wrong, to have such a lack of erosion and sediment control on the site. He told the Commission that they started in January while conditions were frozen; as it turned to mud they got hit with the 3.5 inches of rain. It was a flat site, and all clay, and they had no temporary detention basins or pumping set up. He apologized and told the Commission he was in charge and takes the blame for not being prepared. They have now installed the temporary sediment basin off the site, and constructed swales inside the work area to catch the muddy runoff before it gets to the ditches/BVW. The dirty water from the swale gets pumped over the ditches to the sediment basin, where it is filtered and slowly released through a series of barriers and across a vegetated field back to one of the ditches. The Commission asked what was planned for long-term stabilization of the site. Mr. Harrington stated that the long-term solution is stabilization of the ground surface, and they have hydroseeded all the site already. Edwin asked if the runoff from the panels would increase the water on the site. Mr. Harrington said no. He was asked what kind of grass was hydroseeded onto the site. He said it was a mix of annual rye, fescue and clover, with a wetland mix for the swales. He was asked if this was the first time he had run into a site like this (clay), and he said yes. Edwin stated that the Commission was concerned about the next solar project now being proposed by Nexamp on the western side of Mill Valley Road, and what are they doing to prevent the same thing from happening there. He told the Commission they are focusing on the time of year for the site work, and have asked Berkshire Design to put together a stormwater management plan. He stated that a lot of inexperienced people are in this new field, and a state deadline of June 1st for completion of solar projects can lead to these problems. Mr. Harrington was asked what was going to happen to the swales they have created on this site. He told the Commission he would like to keep them in place permanently. The Commission questioned what kind of maintenance would be necessary, and whether there would be any one out on a regular basis (esp. during heavy rains) to monitor the conditions with these swales. Mr. Harrington stated that unlike some solar projects, Nexamp will be managing the site they installed. He would have the engineers consider how the swales should be handled. Janice told him it would require an Amendment to the Order of Conditions to keep the swales in place. Ed made a motion to ratify the Enforcement Order for the Mill Valley solar site (erosion and sediment control violations). Paulette seconded, and all voted in favor. Mr. Harrington they would continue to have the independent erosion control monitor monitoring the site as required by the Enforcement Order.

2. 7:30 PM Request for Determination of Applicability by Marc Solomon to construct a garage on an existing foundation in Riverfront Area of the Mill River at *4 French Street*. Mr. Solomon was present to explain his project and answer questions. He explained that the garage on this site

collapsed during the last big snowstorm around Valentines Day. The new garage will be in the same footprint, no more. He will install a silt fence behind the garage as the limit of work and erosion and sediment control (most of the back yard slopes down to the river). They will be using hand and air tools, no heavy equipment on site. There are a few trees that they had removed after the storm because of their poor condition and for safety (one was leaning over the garage). They will replant in the yard. The Commissioners asked what the blue tarps on the ground in back were for. Mr. Solomon explained that he is fighting Japanese knotweed, and is trying to smother it out. It is now covered by wood chips. Commissioners told him to plant some native shrubs to compensate for the three trees removed. He can choose the native shrubs. Paulette made a motion to issue a Negative Determination #2 (in Riverfront Area but will not alter resource area). Edwin seconded, all voted in favor. Requirement to plant some native shrubs, and can do straw bales instead of silt fence in back if he wants (just in a horseshoe shape behind the garage foundation).

3. 7:30 PM Notice of Intent #170-XXX filed by James and Marjorie Rule, for construction of a 2-car garage in the Riverfront Area of the Connecticut River at *72 River Drive*. The Rules were present to answer questions. They have filed the Notice of Intent based on the Conservation Commission's recent Determination of Applicability. The elevation of the site where the garage is planned is 128 feet, and the 100-year floodplain elevation in this area is 126.8 feet, so they are out of the floodplain. They checked with the Building Inspector about the 30% Open Space ZBA requirement, and will be asking for a "Finding" that this is a legally pre-existing non-conforming structure. The garage will be about three feet further away from the river than the rest of the house. They cannot go any closer to the road (they are already closer than presently allowed by ZBA). There will be an 8" frost wall in back dug about 4 feet deep with a trench. Paulette warned them to be very carefully when excavating the trench so close to the steep slope down to the river. They have to be careful not to undermine the stability of that slope. They will be required to put straw bales behind the excavation. There is no DEP file number yet, so the hearing has to be continued. Edwin made the motion to continue the hearing to the next meeting, June 10th, at 7 PM. Paulette seconded, and all voted in favor.

4. 8:00 PM Other Topics. Commission discussed requiring a third party peer review for the new solar project on the west side of *Mill Valley Road*, across from the Goulet land that was permitted for a 64-unit subdivision (but is going into APR). Check what wetland boundaries were approved on this north side of the road for that project. Consultant said the wetland boundaries had been mapped and approved by the Conservation Commission before, but how long ago? Must have been about 2004, so needs to be flagged and approved again. Peer review person needs to be good with soils, since this is a disturbed farmed site. The applicant's consultant is suggesting Arthur Allen, who apparently did the peer review before. Commission agreed he should send a resume and Janice should track down the work he did for the Commission before, especially on this site. Paulette asked Janice to get the password for the wifi in Town Hall, so she could use her computer during the meeting to check out sites. Commissioners were informed of recent complaints by neighbors of other neighbor's actions (*Lawrence Plain Road* and *Honey Pot*). One of the Honey Pot neighbors is asking the Commission to come out for a site visit, but the Commission decided not to get involved until we knew if DEP was through with enforcement there (they had sent a violation letter telling the neighbor to stop cutting trees in Riverfront). Janice will check with DEP on status of their involvement. She will also check on status of DEP Enforcement action for *22 River Road* site, which she and Paul visited with DEP staff person.

5. 8:30 PM Notice of Intent #170-228. Filed by University of Massachusetts Center for Agriculture for construction of a 2.4 MW solar energy generating facility on a portion of the UMass Farm off *North Maple Street*. The Applicant's consultant has emailed the Commission that they have decided to withdraw the project.

6. 8:32 PM Notice of Intent #170-XXX. Filed by Hadley2Solar LLC, to construct a 2.37 MW solar energy generating facility on 10 acres of agricultural land on the corner of *South Maple Street and Mill Valley Road*. This Public Hearing was not opened at this meeting because legal notice was not published on time. Postponed until June meeting.

7. 8:35 PM Minutes, Updates & Other Topics. Paulette made a motion to accept the April 8, 2014 Minutes as submitted. Edwin seconded, and all voted in favor. Annual Town Meeting (ATM) approved the CPA projects for Conservation, including \$230,000 for the Town's share of payment for the Goulet land off *Mill Valley Road*. Commission discussed the status of *Lake Warner* and ATM approval of funds for the dam repair. Water rights belong to the Town, but the Friends of Lake Warner will own the dam after the repairs have been completed. They are setting up a Trust Fund to ensure continued maintenance of the dam. Commission discussed whether there should be some kind of general statement about Lake Warner and the dam in the Open Space Plan. Commission agreed to include something supportive of "repair work to preserve the resource area". Dedication of Dawson Wildlife Reserve off *Rocky Hill Road*. Janice discussed with the Commission possible days and dates, based on communication with Judy Eiseman who is in touch with Alexandra's family who will be in the area the beginning of June. The difficulties are it is a dangerous place to walk along the road or stand on the side, and noisy too from the traffic. No place in the immediate area to congregate and talk. Edwin offered his barn if a nearby site with room for people and food was needed. Janice will work with Judy on arrangements and let the Commissioners know. River Rules. Paul discussed how clearing and other work takes place along the Connecticut River in town, and no one files for the work, especially associated with campers and trailers. Most of the time the Commission or DEP only get involved when there is a complaint, usually from a neighbor. He and Janice are working on Hadley River Rules 2014, as handed out to Commissioners for comments. Commissioners provided feedback on the rules, and also discussed a better way to identify docks that were legal (Ch 91 license) and not. Why not have an ID number displayed on each corresponding to their permit somehow? Do Assessors have a listing of all the docks (related to charging excise tax on all boats docked in Hadley for the summer)? Paulette mentioned that the Northampton Assessors take a boat ride up and down the river each summer to identify boats for excise tax. Do Hadley Assessors do that?

8. 9:10 PM Adjournment. Gary made the motion to adjourn. Paulette 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.