

## **Holliston Conservation Commission**

**Approved Meeting Minutes**  
Town Hall – Meeting Room #105

August 23, 2011  
7:30 PM

Present: Geoffrey Zeamer, Chair; Ann Marie Pilch, Vice-Chair; Chris Bajdek, Fred Carnes, Richard Maccagnano, Commissioners

Charles Katuska, Conservation Agent  
Sheri O'Brien, Conservation Assistant

Absent: Peter Rosati, Allen Rutberg, Commissioners

**Mr. Zeamer opened the meeting at 7:30 PM.**

### **General Business**

#### **Agent's Report**

No Agent's Report was presented this evening.

#### **Informal Discussion RE: Lake Grove Cemetery; site preparation and stabilization, Ted Valpey representing Lake Grove Cemetery Trustees**

Mr. Jared Adams represented the Lake Grove Cemetery Trustees in Mr. Valpey's absence. They would like to excavate boulders and level off a hill at the cemetery. Mr. Katuska requested that they be allowed to work outside the jurisdictional area, while an RFD is prepared for the area within the buffer zone. The Commission agreed that as long as the run-off is managed so that it does not go into the wetlands or Lake Winthrop, they may proceed with the work outside the buffer zone.

#### **Informal Discussion RE: 157 Lowland Street - Aggregate Industries and Bruce Wilson, PLS, CSE, GW Site Solutions Engineering and Surveying Services representing Michael Brumber**

Mr. Brumber is taking over the ABC (Asphalt, Brick & Concrete) reprocessing facility previously owned and operated by Aggregate Industries. The property backs up to Bogastow Brook. A large portion of the property is in the 200' riparian zone. Activity at the site previously had a similar use, but the use has lapsed for a number of years.

Mr. Russ Waldron was present in Mr. Wilson's absence. This site does not seem to have an RFD or NOI filing. The Agent said it may have been covered by an old Jones Act

permit (as far back as 1963), and he has asked Mr. Brumber to determine if there were any previous permits. Mr. Zeamer believes there may be a Federal permit that allows this use (it's a reprocessing facility vs. an asphalt facility). There will be a need for sediment control. Mr. Waldron expects to file an application for the sedimentation pond's operation and maintenance.

Mr. Waldron applied to NHESP for Mr. Brumber and there are two turtle species that use the riparian area (Bogastow Brook) behind the property. Mr. Waldron provided a copy of the letter from NHESP.

The Planning Board process is ongoing and a decision regarding the site's use has not been determined yet.

#### **10 Bald Hill Road – DEP File #185-700**

The Agent met with the owner's representative from McCarthy Pools, Patrick Ellsworth, on site today. McCarthy Pools will add a level spreader as required by the Order of Conditions.

#### **Request for Certificate of Compliance DEP #185-648A-2, Lot 2 Wilson Street, Assessors Map 7 Block 1 Lot 9.2, South Mill Street LLC**

Chris Nation of South Mill Street LLC requested a CoC for DEP File #185-648A-2. His rationale is that work never commenced. No work can be done on this property until a new NOI is submitted for the 7 lot subdivision called Rocky Woods.

**Ms. Pilch made a motion to issue the Certificate of Compliance for DEP #185-648A-2, Lot 2 Wilson Street on the basis that no work ever commenced. Mr. Bajdek seconded the motion. Unanimous.**

#### **Senior Center Parking Lot**

The Agent will be working with the Senior Center as they develop their plans to expand their parking lot.

#### **Vote on Draft ConCom Minutes from July 12<sup>th</sup> Meeting**

**Ms. Pilch made a motion to approve the regular meeting minutes from July 12, 2011. Mr. Bajdek seconded the motion. Mr. Maccagnano abstained. The motion passed.**

#### **Review/Discuss Mail**

The mail was reviewed and the following was discussed:

#### **Economic Development Committee Letter**

A letter dated August 2, 2011 from the Chair of the Holliston Economic Development Committee, Fran Colantonio was presented. The ConCom's liaison, Mark Ahronian, should be contacting the Commission shortly to request a meeting.

## Public Meetings and Hearings

**\*\*New Public Meeting – RFD #460: 90 High Street; identified as Assessors Map 11, Block 5, Lot 1,** proposed replacement of existing septic system, *Daniel McIntyre, P.E./McIntyre Engineering & Septic Systems, Inc.* representing *Thomas Mikkelsen*

Mr. Katuska read the legal notice published in the *Metrowest Daily News* on August 16, 2011. Daniel McIntyre was present representing Mr. Mikkelsen. Mr. Katuska performed a site inspection. The property is currently unoccupied, but there were back-up problems when it was occupied. The wetlands are just off the rear of the property, but the 100' buffer zone extends into the property. The system will all be within the existing disturbed area in the yard.

There is also a proposal for a roof top drain that will discharge around the side of the septic system. The Commission wants the point source discharge changed to a subsurface infiltration discharge system. The Commission asked that stockpile areas and access ways be added to the engineering plan. At the meeting, Mr. McIntyre annotated the plan by changing the discharge design and adding the stockpile location and access way. The Commission agreed that this annotated engineering plan would be accepted as the official Record Plan.

**Ms. Pilch made a motion to issue the following Determinations for RFD #460, 90 High Street:**

**Positive #2A Determination:** the boundaries of the bordering vegetated wetlands or other resource areas as shown on the plan are confirmed as accurate;

**Positive #5 Determination:** the work is subject to review by the Holliston Conservation Commission pursuant to the Holliston Wetlands Administration ByLaw (Article XXX); and

**Negative #3 Determination:** the work is within the Buffer Zone, but will not alter an Area subject to protection under the Act, therefore, the work does not require a Notice of Intent.

**Conditions:**

- A) Erosion control barrier, as shown on the plan, must be installed prior to any tree removals, filling, excavation, and/or septic system replacement work. Conservation Commission office must be notified following installation of erosion control barrier.
- B) The access way and stockpile locations will be adhered to as indicated on the annotated record plan.
- C) An infiltration system will be used for rooftop run-off as indicated on the annotated record plan.

**Mr. Maccagnano seconded the motion. Unanimous.**

**\*\*New Public Hearing – Notice of Intent DEP #185-TBD: 0 Bullard Street, identified as Assessors Map 9, Block 1, Lot 1,** for proposed installation of approximately 11 acres of ground-mounted photo-voltaic solar panels to produce electricity. Work is proposed with the 100-year floodplain and Riverfront Area of Dirty Meadow Brook and within the 100' buffer zone to Bordering Vegetated Wetlands. *Lawrence Beals/Beals Associates, Inc.* for *Renewable Energy Massachusetts, LLC & Syncarpha Solar, LLC*

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Mr. Katuska read the legal notice published in the *Metrowest Daily News* on August 16, 2011. Lawrence Beals, President, and Greg St. Louis, P.E. of Beals Associates, Brian Kopperl, CEO of Renewable Energy Massachusetts (REM) and Bob Knowles, COO of REM were present. Syncarpha Solar, LLC, in New York will ultimately be the owner of this solar facility; REM is the local permitting group that is working for Syncarpha. Approximately 27 Holliston residents, abutters, and other citizens were also present.

Mr. Beals submitted abutters' notification receipts. DEP has received the NOI, but no DEP File Number has been assigned yet.

Mr. Beals presented a photo of the two fields on the property along with engineering plans for the solar project. Dirty Meadow Brook is to the south/southeast of the proposed project. Additional jurisdictional boundaries were reviewed. There is also a vernal pool in the northeast corner of the property, which is protected by the local Wetland Bylaw by two 100' no disturbance zones. The prior use of the property was agricultural.

A 6' perimeter fence is required around an electric generating facility and the proposed fence has a minimum 4 to 6 "gap at the bottom to allow for wildlife passage. There is a gap of approximately 15' between the solar panels which occupy about 12' from bottom to top edge when they are set at their predetermined angles. The bottom edge of the panel is about 3' off the ground and the top edge of the panel is about 10' off the ground. The panels are mounted on posts with large screw bits that can be literally screwed into the ground. This way the ground does not have to be dug up and regraded. The project was designed to try not to disturb the soil so that the agricultural soils will be maintained for possible future use. The lease with Bullard Memorial Farm will be for 20 years and at that time they can decide if they want to renew the lease. A construction sequence will be provided for the Commission.

Per Mr. Beals, the hydrology and flow patterns of the site will not be changed by the project and the water sheds will stay in place. Post-development run-off will remain essentially the same. The run-off will be managed by managing the vegetation.

Mr. Maccagnano and the rest of the Commission would like to visit a site, such as Carlson Orchards in Harvard, MA, where another solar panel project similar to this proposed project has already been installed. There is also another small installation at the rotary in Concord, MA. The posts are the same, but the panels are smaller. Mr. Bajdek inquired about where the tree line was located. He also asked if the extent of the trees to be removed has been identified. Mr. Beals replied that they have not done that yet. Mr. Zeamer asked that this tree removal information be included in the next presentation.

Mr. Zeamer inquired about how the initial planting would be done. There needs to be a plan for re-establishing the ground cover.

An electrical conduit connecting the solar arrays will be both above the ground and below the ground and this needs to be marked on the plan. Mr. Beals said that a diagram of the wiring would be included in the plans. Mr. Zeamer asked how the agricultural nature of the soil is going to be maintained when a ditch-witch is used to dig the ditches for the conduit, because the layers of agricultural soil will be mixed up with the ditch witch; therefore, the number of feet that will be disturbed needs to be defined.

Mr. Zeamer is concerned about erosion from the drip edge. Mr. Beals explained that the drip edge is only 3' off the ground, not 15' off the ground like the edge of a roof when it rains. Mr. Zeamer wants them to show how they will make sure that the soil is not eroded and the vegetation is not cleared away by this drip area.

Mr. Zeamer would like to see more variation with the plants. Mr. Beals said that they could add more variation in plants to make sure they over-winter well and that they will not be eroded away.

Ms. Pilch confirmed that the space in between from the bottom edge of one row of panels to the top edge of the next row of panels is 15 feet. Ms. Pilch would like clarification of the removal of vegetation since that impacts wildlife habitat. Mr. Beals explained that the small site in Concord uses a single crop of buckwheat and they did not believe that using one plant species is wise. She agreed with Mr. Zeamer that there needs to be a thorough presentation as to why the vegetation they choose will work to maintain the soil from eroding without dying back too much.

The Commission office will gather together the e-mail addresses of the interested residents for group responses to the general public. The staff will not be able to reply to individual e-mails separately due to limited staff hours.

The Agent, Chuck Katuska, had several initial comments regarding the NOI application. This initial staff review was e-mailed to Larry Beals on August 19<sup>th</sup>.

There is a deficiency in the application filing fall under the Holliston Administration Bylaw fee. The application needs to be updated with REM as one of the applicants.

A soil map and soil-type series from NRCS has been submitted in the NOI application, but it is not overlaid on the project plans. Mr. Zeamer confirmed that the watersheds were broken down by hydraulic soil types.

Mr. Carnes inquired as to why the solar project cannot be completely located outside the jurisdictional areas. Mr. Beals explained that they tried to balance the distance between the northern abutters' property lines and the southern wetlands. He believes that there would need to be a compelling reason to move out of the buffer zone to make it economically feasible from a design perspective. Mr. Carnes disagreed and believed that there needs to be a compelling reason to put any solar panels in the buffer zone. However, Mr. Beals pointed out that the southern part of the site was very ideal for capturing the solar rays. Less than 10 % of the project is within the buffer zone (34,000 square feet are in the buffer zone and the site consists of approximately 10 acres). Mr. Bajdek would like to know area of solar panels that would be within the Commission's jurisdiction as a percent of the total area of the solar panels. Mr. Beals will provide that information.

There would be a lease between REM and the Bullard Memorial Farm for 25 years with an option to renew for another 5 years. Mr. Maccagnano asked if there would be enough money to decommission the site after 25 or 30 years. It was explained that this decommission money was written into the lease.

Mr. Katuska explained that there were three facts that were left out of his initial evaluation: 1) the riverfront area of Dirty Meadow Brook is the most landward reaching protectable resource area on the site, and that boundary needs to be re-evaluated; 2) a riverfront alternatives analysis needs to be done, and 3) there is an area of standing water that may be classified as a vernal pool under state and local bylaw standards. The Holliston Bylaw presumes that an isolated basin holding standing water of 200 cubic feet or more for a period of

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a month or more during summer that it functions as a vernal pool. The pool does meet those physical characteristics, so that brings the Holliston Bylaw vernal pool buffer zones into play, and these are the 100' vernal pool habitat area and the 100' vernal pool habitat buffer zone around the vernal pool habitat. This 200' area is a "no-touch" zone. These areas are not delineated on the current plan.

Mr. Bajdek inquired about the vegetation needing to be shade tolerant. Mr. Beals explained that the species chosen were picked, because they could survive in that type of environment.

Questions and Comments were taken from the public audience:

Sandra O'Neil - 110 Bullard St.

Ms. O'Neil asked that the letter dated August 23, 2011 from the Bullard Street Committee be entered into the record (The letter from the "Bullard Street Committee" was from Donald and Ginny Bates - 124 Bullard St., Dave and Marti Boyles - 121 Bullard St., Thomas and Carol Gilbert - 105 Bullard St., Tim and Sandra O'Neil - 110 Bullard St., Ron and Jean West - 91 Bullard St.).

Tom Gilbert - 105 Bullard St.

Mr. Gilbert asked if it would be appropriate for a third party to perform the calculations for the drainage analysis.

The Agent explained that the Bylaw allows the hiring of a consultant (paid for by the applicant).

Jonathan Kinsley - 27 Bogastow Brook Rd.

Mr. Kinsley asked if the applicant can address the noise that might be generated by the invertors at the north end of the property.

The Commission explained that a sound analysis is more of a Planning Board issue.

Marti Boyles - 121 Bullard Street

Ms. Boyles inquired about the number of the invertors at the site.

REM believes it will be about 5 invertors, but the final number has not been determined yet.

Peter McDonald - 127 Mill St., Sherborn

- Mr. McDonald agrees that the vernal pool is an area that needs to be looked at carefully. He wants to know if the plans are even going to resemble what is being presented as far as setbacks are concerned, since the topographical lines were taken off the internet.
- Mr. McDonald would like to learn more about going onto other properties for the wetland delineation.
- Mr. McDonald would like to do a wetland delineation and is willing to bear the cost or share it with the town.

Mr. Zeamer explained that the wetland delineation needs to be an independent third party review, not an abutter review. He is welcome to do what he wants and it would be considered by the Commission.

- Mr. McDonald asked again, why does the wetland have to be encroached upon?
- Mr. McDonald would like a copy of the letter from the Bullard Street Committee.

Mr. Beals explained that the site is relatively flat and no matter what the topographical lines are, the bottom of the solar panels will all be 3 feet above the ground. Bullard Memorial Farm did a property survey and Beals Associates tied into that and placed wetland flags based on soil and plant data. His firm's policy is not to go on other property without permission. With appropriate

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permission, they can finish the wetland delineation. The pool of water is based on the on-the-ground survey.

Tom Gilbert - 105 Bullard Street

- Mr. Gilbert told the audience that he has extra copies of the Bullard Street Committee letter that he can hand out.
- Mr. Gilbert explained that Dirty Meadow Brook overflows every Spring and this is a concern if the wetlands will be altered by the solar project. This year there was a large debris obstruction under the bridge which tends to clog up easily, so that the water was backed up into this area.
- White tail deer are often on this property along with other animals.

The Commission explained that the White tail deer are not a protected species and can clear the 6' chain link fence easily. The Commission would like to see what type of fence anchorage will be used and what the lifetime of the fence is projected to be, so that a maintenance program can be instituted.

Mr. Beals explained that the fence is a safety feature to keep people from wandering onto the property. The details of the fence are on the plan. The bottom is a 3 inch minimum from the ground, but will probably be 6 inches.

Mary Jo O'Leary - 72 Bullard St.

Ms. Leary inquired about how the energy will go from the inverters to the NStar grid. Brian Kopperl from REM explained that NStar three-phase power lines on Fiske Street are about 1900' from the inverters. Bullard Street power is single phase power, so an application has been filed with NStar to connect into their lines. NStar will probably add the wiring on Bullard Street. The street lines probably won't be buried, but the line from the converter to the street will probably be underground.

Adam Mastrangelo -106 Bogastow Brook Rd.

Mr. Mastrangelo asked if that amount of energy has an impact on animals or humans? The Commission explained that that is a question for another Town board and it is not in the Conservation Commission's jurisdiction.

A gentleman did not identify himself, but asked where REM was with the other Boards, like Planning and Zoning.

Mr. Beals explained that REM needed a ZBA Permit for the Floodplain, an Administrative Site Plan Approval, and a Scenic Road Bylaw approval. They felt that the ConCom would be the best place to start and they have not applied to any other Boards at this time.

Don Bates - 124 Bullard St.

- Mr. Bates inquired as to how the post holes will be dug.
- Mr. Bates asked if they will use concrete to anchor the solar panels.

Mr. Beals explained that there will be concrete used to anchor the fence posts. They will auger down 2 to 3 feet, and the fence post will be set in concrete using the least amount of concrete that they can use. There are no holes dug for the solar panel posts. The solar panel posts are literally screwed into the ground.

- Mr. Bates would like know what will happen to the concrete if the solar project is decommissioned.

Mr. Beals explained that a backhoe would be used to remove the concrete.

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Bronwen Bernier - 45 Bullard St.

Up until this point Bullard Farm has been a good neighbor and they have shared their land with everyone. Ms. Bernier would hope that they would do a thorough wetland delineation.

The Commission explained that the abutters need to give permission for their property to be accessed for the delineation.

Mr. Carnes inquired as to how they picked this site.

Mr. Beals explained that several properties in Holliston and other communities were looked at and some properties weren't the right size or exposure to the sun. This particular property had all the attributes they were looking for, such as slight southern exposure and a willing participant for the development of the land. Bullard Memorial Farm is using this solar project as a fundraiser.

Sandra O'Neill -110 Bullard Street

- Ms. O'Neil asked how many panels there would be all total. She is concerned because REM originally told the abutters at their informational meeting that there would be a maximum of 8,500 panels and now they are talking about 10,000 panels. She is concerned that the increased number of posts will affect the wildlife's grazing ability and nesting for birds.
- Ms. O'Neil was also concerned about how the posts will affect the ground itself and the flood plain.

The Commission asked for a clarification as to whether the numbers of panels that are being talked about are individual panels or an array of panels. There are two posts on each solar panel and 12 posts per 78' array. Mr. Beals needs to determine how many posts there will be in total and how many posts will be in the buffer zone. Mr. Zeamer explained that these are screwed-in tubular posts, so there is no soil displacement and they do not create an impervious area in the ground.

- Ms. O'Neil was concerned that they would be regrading the swale when the hedge row is removed.

Mr. Beals maintained that there are no wetland plants or hydric soils in the hedge row area. He believes it is a man-made swale that was probably dug by a farmer to provide drainage. The swale is not a huge "hump" and it will not be regraded, but will simply be rototilled. Mr. Zeamer asked that this be defined in the plans, so that it is understood that there will not be any changes in grade.

Tom Gilbert -105 Bullard Street

Mr. Gilbert is concerned about how the removal of trees along Bullard Street will affect run-off, both those within and outside the ConCom's jurisdiction.

Mr. Zeamer explained that the tree removal outside the ConCom's jurisdiction will be reviewed through the ByLaw for Scenic Roads. The Commission tries to help other boards understand how the impact of tree removal outside its jurisdiction may impact the area inside its jurisdiction, so that informed decisions can be made. For trees within the Commission's jurisdiction, drainage calculations will be reviewed during the application process.



Don Bates – 124 Bullard Street

Mr. Bates asked if this project is in the aquifer area for Well #5 behind the Sportsmen's Club.

Mr. Zeamer did not believe that this area was in that aquifer region. The Staff will determine if this is in an aquifer region for the town's public water supply.

Jim Dunn – 30 Gretchen Lane

Mr. Dunn inquired if the posts were made from wood and if any chemicals would be used to preserve the wood.

The Commission explained that the posts were constructed of metal, presumably galvanized steel.

Liam O'Sullivan – 175 Fiske St.

Mr. O'Sullivan asked if the heat of the posts will affect the soil temperature and the buffer zone.

The Commission asked that this information be provided.

Sandra O'Neill – 110 Bullard St.

Ms. O'Neil asked how they know what is happening with any third party review of the storm water management.

Mr. Zeamer explained that an e-mail group will be created for anyone interested in learning more about the project as it progresses. The Conservation Commission office will collect e-mail addresses of anyone interested in receiving updates.

**Ms. Pilch made a motion to continue the hearing for DEP # 185-TBD, 0 Bullard Street, until September 20, 2011. Mr. Maccagnano seconded the motion. Unanimous.**

### **General Business Continued**

#### **Water Department Garage**

Mr. Carnes and Mr. Zeamer asked the Agent to speak with the Water Dept. about removing their demolished garage at the well on Washington Street next to Weston Pond.

**At 10:28 PM, Ms. Pilch made a motion to adjourn the meeting. Mr. Bajdek seconded the motion. Unanimous.**

The next Conservation Commission meeting will be Tuesday, September 6, 2011.