

Minutes
Lee Conservation
Town Hall 32 Main Street Courtroom
Wednesday August 21 2019

Members of the Commission Present: Kathy Arment, Chair; Stu Dalheim; John Philpott; Marilyn Hansen; John Coty, Jr., James Wickham

Members of the Public Present: Kathy Hall, Lee Youth Commission; Sean Reardon, Tetra Tech; Nicolas Galletout, Cypress Creek; Sarah Gapinski, SK Design; Rob Hoogs, Foresight Land Services; Daniel Bove, Mass Fisheries and Wildlife; DM Young, District 3 Rep; Henry Gluck, Leisure Lee Association President; Peg Biron; Brett Veazie; Chester Wezevitz; Deidre Consolati; Susan and James Horsford; Rick Digrigoli; David Carrington; Gail Ceresia

Continued Request for Determination of Applicability Glenn Hersh & Nancy Elliott 470 Cooper Creek Road. Native Plantings; investigation of DEP #196-0402 plan changes from Order of Conditions The applicant requested a continuance as the wetland delineation plan is still needed.
Motion by Ms. Arment with a second by Mr. Philpott to continue with the applicant's consent. Unanimous approval.

Request for Determination of Applicability Henry Gluck, President Leisure Lee Association Wood Duck Rd. Improvements to the existing boat ramp parking area Ms. Gapinski presented the plan. The concrete slabs along the east side will be demolished. A paved area of bituminous concrete is proposed on the east. A riprap swale will be installed with a level spreader from the existing driveway. There were questions as to the type of airport mix and the silt it might cause to go into Goose Pond. The mix is of larger stone and, as such, will not cause the silt usually caused by the smaller stones. The Association will maintain the swale. **Motion by Mr. Wickham with a second by Ms. Arment to issue a negative 3 determination with the conditions that a new drawing is to be submitted indicating a new level spreader on the new swale and on the canoe berm, and an annual spring maintenance will be done. Unanimous approval**

Notice of Intent Daniel Bove, MA Division of Fisheries and Wildlife 900 Tyringham Road DEP #196-0462 Management Goals for Hop Brook Management Wildlife Area Daniel Bove presented. The overall goal is to manage this area to reduce the number of invasive plants such as Japanese knotweed and phragmites on the river, as well as Japanese barberry, dogwood and other in areas where they are shading and killing the native meadow vegetation. There are 450 acres that they manage. There was a herbicide treatment done for the phragmites with Roundup, a state approved herbicide, in 2013 and another one will be done with permits.
Ms. Consolati commented on the impact of Roundup and the need for licensure and state permits to apply it. Mr. Bove assured that the permits and all were or would be attained if not already done.
Motion by Ms. Arment with a second by Mr. Philpott to issue an Order of Conditions. Unanimous approval The Conservation would like a yearly report as to the impact of work done and its results; Mr. Bove agreed to do this.

DPW Submittal accepted

Continued SMA Notice of Intent Revere Solar Solar Array 926 Cape Street Motion by Ms. Arment with a second by Mr. Philpott to reopen the public hearing considering that there has been new information submitted by Tetra Tech, engineer for Revere Solar. Unanimous approval

Mr. Reardon and Mr. Hoogs got together to work out details and decide whether the Commission needed more information. Mr. Reardon supplied a point by point response to each of Mr. Hoogs comments in the correspondence. The last submittal was dated August 21, 2019, and as that was the day of this meeting, this information has not been reviewed by the peer reviewer or the Commission and was not considered tonight.

The principal issues have been consolidated to help the Commission decide if more information is needed or if it is not. The Commission went through the "Summary of Peer Review Comment" list (on file) which was presented with the specific issues needing to be reviewed and considered.

Discussion:

The applicant has the burden to prove the project won't have a significant impact on natural scenic qualities.

Category IIIA Considers whether additional information is required by the Commission on the Scenic Mountain Act Notice of Intent.

There will be a depression in the tree canopy in the area of the array; is this a visual impact?

Drone photos do not indicate where the photos were taken.

If the NOI is approved there could be a condition that no trimming of the trees will occur that will create a greater distance between the solar panels and the edge of the clearing.

The impact is not just if the solar panels can be seen, but also the clearing of the site.

The SMA performance standard regarding the clearing of contiguous lands totaling one-half acre or more damages natural scenic qualities.

Question about the necessity of more mitigation

Site visit—this will be set up with someone from Foresight.

The use of balloon testing for a point of reference. The density of the tree canopy makes this difficult. that the trimming will be never greater than the distance between the solar panels and the limit of disturbance. Suggestion made that any clearing as needed be within the boundary on the plan. A suggestion was made that this issue be put in a condition on the Order of Conditions with specifics.

Category IIIB Technical Information

Stormwater Management is under only one of the Notice of Intents, not both. There needs to be an inclusion of information about long term management of tree clearing; (some of that may have been included in the 8/21/2019 submittal.) Mr. Galletout presented that the trimming will never be greater than the distance between the solar panels and the limit of disturbance. A suggestion was made that any clearing needed be done within the boundary of the project as shown on the plan. This could be a condition of an Order of Conditions.

Category IIIC Information Needed for Commission's Decision

SMA definitions of "Scenic" 2.36, "Clearing" 2.10 and "Aerial Coverage" 2.5, were read.

Mr. Reardon feels that the submitted body of evidence of Tetra Tech is all that is needed; they have no more information to add. However, he needs specific directions if there is any request for additional information.

All of the site is subject to the stormwater analysis; this is reviewed under only one of the Notice of Intents.

Public Comment opened at 9:10 PM.

No letters or submittals are to be read, they are to be submitted.

Mr. Horsford: Natural resources would be greatly impacted.

Mr. Veazie: The drainage plan needs consideration. Mr. Reardon and Mr. Hoogs explained that the drainage system is designed by the Mass. Stormwater Handbook requirement.

Mr. DiGrgioli: The Stormwater Handbook can be found online.

Ms. Ceresia: Concerned about the slopes. A map showing the elevations/slopes has been submitted and shown at several meetings.

Mr. Wezevitz: A fencing has a small gap under it; so what happens to the large animals. Offered to have a site visit on his property.

Mr. Carrington: Comments on the 2-20-25-100 rain events.

These were analyzed under the NOAA and meet the standards.

Ms. Consolati: It is clear that the SMA clear cutting more than ½ acre is not allowed, so therefore, this project should not be allowed.

Unknown voice: The noise level will rise when all these trees are removed. Will the solar panels absorb the sound?

Ms. Arment: Why did you decide to put the solar arrays here and not on ground level?

Mr. Galletout: Considerations were the zone designation, impact, not on top of a mountain, interconnection purposes.

Ms. Arment: Who benefits from this solar farm?

Mr. Galletout: The state of MA; people can subscribe to a program for energy programs which can lower bills 10% -15% ;it supplies construction jobs; the town receives tax money.

Mr. Arment: What happens to the area several years from now?

Mr. Galletout: If a panel is not functioning, it gets replaced; if the life-time of the project is over, it is decommissioned. A decommissioning plan is to be approved by the town and a bond is required.

Ms. Horsford: Questioned why there hasn't been a balloon test; this was discussed earlier and in a previous meeting.

Mr. Carrington: Some of the components can be recycled if there is a decommissioning.

The forest cutting on the site was done under a Forest Cutting Permit.

A question about the number of solar will there be on the site? 22,000? 14?? No concrete answer.

**Motion by Ms. Arment with a second by Mr. Coty to close the public comment. Unanimous approval
Public Comment Closed at 9:30 PM**

**Motion by Ms. Arment with a second by Mr. Coty to close the public hearing. Unanimous approval.
Hearing on the SMA Notice of Intent closed at 9:32 PM.**

Continued WPA Notice of Intent Revere Solar DEP #196-0461 Solar Array 926 Cape Street

Mr. Philpott: There appears to be a disagreement about the point source/discharge between Mr. Reardon and Mr. Hoogs. Mr. Hoogs:

There is a primary disagreement between the terms and their meanings.

Mr. Reardon: The only thing necessary is to meet the performance standards of the Storm Water Act; this was explained in the documentation. The Notice of Intent is filed as a limited project as the driveway is the only part the site that is jurisdictional and the replication and mitigation meet the requirements of a limited project. This is addressed in the 8/21/2019 letter.

There was a question as to the requirement that the detention basins had to be built to accommodate the water as on the site now. Question of the Commission was, if the rainfall increases and you are on the site now, who will remember what the site was before. The concern of the Commission is that the detention basins are undersized because of looking at predevelopment, not the future. The Commission has been and is now asking people to increase the size of detention basins as an act of prevention because there have been problems with basins in the last few years. Mr. Reardon stated that he wouldn't change the size of these unless, perhaps, a specific request was made.

Mr. Hoogs has a concern about outlets. Though the outlets proposed meet the standards, putting the drainage into one point does not take into consideration that the sheet flow may change as it has before in other locations. One mitigating measure suggested was the spreading of the drainage out, but that was rejected by the engineer for Revere. Mr. Reardon stated that his opinion is that most of the water will infiltrate into the ground before getting to the outlets because in a normal year there is no discharge. Also, the more places installed for the spreading, greater the excavation and the more the impact.

Ms. Arment asked if Solar Revere has ever built a project like this on a mountain top? Mr. Galletout stated that this was a plateau and, yes, he had done one.

There was a discussion as to the alternative analysis of the work on the driveway. There is no alternative analysis provided; Revere Solar believes the access is the only viable alternative as Chanter Road and the driveway/ logging road is already in place; if it were at another place there would be more impact. The applicant agreed to contact the Lee Fire Chief to see if the width could be decreased. The Commission only asks that an alternative analysis be submitted.

Open to public comment at 10:10 PM.

Ms. Ceresia: Question as to the status of Chanter Road. Concern of the grading on the site.

Mr. Reardon: It is an abandoned road; no one has claimed it or paid taxes on it. Mr. Touponce has used it as access for years. If he is the major user, then understate stature, he receives it under the Adverse Possession Act. The Planning Board has approved the site plan.

Ms. Consolati: Made a comment on rainfall and climate change.

Closed to public comment at 10:14 PM.

Mr. Philpott presented the proposal by Mr. Hoogs, peer reviewer, for a continuation of Foresight Land Services, Inc. contract. This contract will require more funds from the applicant. There was a discussion on why and the aspects of this. Mr. Galletout will review it and make a decision. There was a brief review of the proposal and for what the added money will be used.

Motion by Ms. Arment with a second by Mr. Wickham to adjourn. Unanimous approval. Meeting adjourned at 10:17 PM.

Documents: RDA 470 Cooper Creek Rd.; RDA Henry Gluck, Wood Duck Rd./Goose Pond; NOI Daniel Bove DEP #196-0462; NOI Revere Solar DEP #196-0413; SMA NOI Revere Solar; DPW Submittal 8/14/2019; Tetra Tech responses 8/21/2019 submittal; Summary of Peer Review Comments 8/14/2019

