

Minutes
Lee Conservation Commission
Town Hall 32 Main Street Courtroom
Wednesday September 18, 2019 7:00 PM

Commissioners Present: Kathy Arment, Chair; John Philpott; Stu Dalheim; James Wickham; John Coty, Jr.

Commissioners Absent: Marilyn Hansen

Members of the Public Present: Sean Reardon, Tetra Tech; Rob Hoogs, Foresight Land Services; Kathy Hall; Susan and Jim Horsford; Chester Wezevitz; Gail Ceresia

➤ **1365 Pleasant Street Braxton Shafiroff and Seana Stover Update on an Enforcement Order**

An email was received from Mr. Shafiroff stating that he will be unable to attend the meeting tonight but will attend the next meeting. Berkshire Engineering is mailing him a proposal for the work needed. **Ms. Arment made a motion with a second by Mr. Philpott to continue to the October 2, 2019 meeting. Unanimous approval.**

➤ **Motion by Ms. Arment with a second by Mr. Wickham to approve the September 4, 2019 minutes. Unanimous approval.**

➤ **A letter** from Richard Evans of EvansCutler Attorneys was read. The law firm represents Columbia Growth, Inc. a corporation which proposes to utilize certain buildings in the former Schweitzer Mauduit paper mill at 157 Columbia Street for the cultivation of marijuana. They will need to come before the Commission once the project is developed as some of the property is in riverfront.

➤ **Emergency Certification.** There was an oil spill of approximately 200 gallons of fuel oil at 1210 Pleasant Street. The feed from the tank to the boiler developed a leak; some of the oil went into a wetland and an intermittent stream in back of the buildings. The DEP Response Team was at the site soon after the leak was discovered. The owner of the building, Rodney Clark, hired Maximillian to do the clean up. The permit was signed by the Commission.

➤ **Continued SMA Notice of Intent Revere Solar Solar Array 926 Cape Street** Mr. Reardon and Mr. Hoogs have been working together to address the issues that remained after the last meeting.

➤ **Mr. Reardon:** The last time the commission met with Revere Solar was on August 21, 2019. After that meeting he and his team revised the plans incorporating requested changes. The next meeting was continued to allow Mr. Hoogs time to review these and to allow the Commission to make a site visit. All the technical issues were dealt with except two concerns noted later in these minutes.

➤ The following letters were presented to the Commission:

➤ Tetra Tech 9/17/2019 "Response to Peer Review Comments 5 MW Solar Energy Facility Revere Solar, LLC 926 Cape Street Lee, Massachusetts"; (3 pages);

- Foresight Land Services 9/18/2019 “Third Peer Review of Revere Solar LLC, Scenic Mountains Act Notice of Intent Application for 5 MW Ground-Mounted Solar Array on 38 Acres, 936 Cape Street”, (6 pages);
Foresight Land Services 9/8/2019 “Markup re status of comments; Refer to Attached Letters with Comments (12 pages)
- Tetra Tech 9/21/2019 “Response to Peer Review Comments 5 MW Solar Energy Facility – Revere Solar, LLC 926 Cape Street Lee, Massachusetts” (12 Pages) Mr. Reardon noted that the date of 8/21/2019 was incorrect; 8/26/2019 is the correct date.
- Mr. Hoogs addressed the information in these letters. Two concerns needing addressing by Tetra Tech were the need for further clarification on how the project meets applicable performance standards for the proposed work within the Riverfront, and additional information that supports the conclusion that the project will not cause any change in wetland hydrology from the proposed diversion of stormwater runoff to wetland resources. Both of these were addressed in the September 17, 2019 letter.
- There was discussion of the recommended special conditions for an Order of Conditions should the project be approved by the Commission. (page 3-6 in letter of 9/18/2019, Foresight). It was noted that the Planning Board approved the Site Plan with the condition that any final decommissioning plan be approved by them. The life expectancy of the project is questionable because of changes in the solar field.
- Mr. Reardon reported that the Lee Fire Chief approved a 15’ wide driveway but there will need to be an 18’ width cleared and maintained.
- Ms. Arment noted that one Commissioner and Nicolas Galletout of Cypress Creek are not present at this meeting. There was a question as to the Commission being comfortable voting tonight on the SMA Notice of Intent and the WPA Notice of Intent. A poll was taken of the Commission each member expressed readiness to vote.
- **Motion by Mr. Wickham with a second by Mr. Coty to approve the SMA Notice of Intent for the Revere Solar array at 926 Cape Street**
 - Ms. Arment—no (deny)
 - Mr. Philpott—no (deny)
 - Mr. Dalheim—no (deny)
 - Mr. Wickham—no (deny)
 - Mr. Coty—yes (approve)

The vote was 4 votes to deny the SMA Notice of Intent and 1 vote to approve the SMA Notice of Intent. The Notice of Intent **was not** approved. The reason for each person’s vote is attached.

Mr. Touponce came forward and gave each person a map/plan of the property and stated that the planned housing development is the future plan and the Scenic Mountain Act will not apply to it.

- The Wetland Protection Act Notice of Intent DEP #196-0461 was briefly discussed. Mr. Hoogs agrees with Mr. Reardon that the Notice of Intent meets the performance standards of a limit

project. An alternative analysis was done, impacts have been avoided and the mitigation is acceptable.

- **Motion of the Board made by Mr. Wickham with a second by Mr. Coty to approve the Wetland Protection Act Notice of Intent for Revere Solar DEP #196-0461 with conditions as developed in the review process and found in the 9/18/2019 Foresight letter. (List of the conditions are attached).**

- Ms. Arment—no (deny)
- Mr. Philpott—no (deny)
- Mr. Dalheim—yes (approve)
- Mr. Wickham—yes (approve)
- Mr. Coty—yes (approve)

The vote was 3 votes to approve the WPA Notice of Intent and 2 votes to deny the WPA Notice of Intent. The Notice of Intent **was** approved.

Public Input:

Ms. Biron stated that she was pleased with the due diligence of the Commission during this process .

There is a group of people who are interested in the continuation of Revere Solar Project and would like paperwork developed by the Commission.

It was noted that the appeal of the Commission's decision of the Scenic Mountain Act will be heard by DCR. Interested people may send letters to DCR expressing their concerns and opinions and/or contact their state legislators.

- **Motion was made by Ms. Arment with a second by Mr. Philpott to adjourn at 8:15 PM. Unanimous approval.**

Documents: SMA Notice of Intent, Revere Solar; Letters Tetra Tech 9/17/2019 "Response to Peer Review Comments 5 MW Solar Energy Facility Revere Solar, LLC 926 Cape Street Lee, Massachusetts"; Foresight Land Services 9/18/2019 :Third Peer Review of Revere Solar LLC, Scenic Mountains Act Notice of Intent Application for 5 MW Ground-Mounted Solar Array on 38 Acres, 926 Cape Street Lee, MA; Foresight Land Services 9/18/2019 "Markup re status of comments; Refer to Attached Letters with Comments" (written on 8/26/2019 Tetra Tech Response to Peer Review Comments); Tetra Tech 9/21/2019 "Response to Peer Review Comments 5 MW Solar Energy Facility—Revere Solar, LLC 926 Cape Street Lee, Massachusetts (note that the actual date of the letter was 8/26/2019); Emergency Permit 1210 Pleasant Street Rodney Clark; minutes of September 4, 2019 meeting; d Development Plan Mr. Anthony Ardolino SK Design Project #010030