

Lenox Town Hall

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Conservation Commission Minutes, 07/28/2016

**Lenox Conservation Commission
Landuse Meeting Room
July 28, 2016
Minutes**

Members present: Chair Neal Carpenter, (NC); Vince Ammendola, (VA); Tim Flanagan, (TF); Joe Strauch, (JS); David Lane, (DL); Dick Ferren, (DF); Rose Fitzgerald Casey, (RFC)

Staff present: Gwen Miller, Town Planner, (GM); Peggy Ammendola, Land Use Clerk (PA)

Notice of Intent Willow Creek Road (Map 14, Parcels 2 &3). The 748.80 kilowatt ground-mounted solar photovoltaic array on the closed and capped landfill includes work within the jurisdictional buffer zone to wetland resource areas. *The first hearing was July 7, 2016 and was continued to July 21st. On July 20th, Bob Bukowski requested continuance to July 28, 2016 as he expects to get the MEPA review on Tuesday, July 26th which will complete the documentation required. MassDEP File # 198-0294.*

NHESP Tracking number received on July 15th is 12-31042.

MEPA Certificate dated July 22, 2016 received July 26, 2016

Division of Fisheries & Wildlife letter of July 11, 2016 received July 18, 2016

Berkshire Regional Planning Commission letter of July 14, 2016 received July 18, 2016

Making the presentation was Rich Niles who asked the Commissioners if they had any comments regarding the MEPA Certificate or any conditions they would issue. TF said that he had a couple of concerns regarding the basic functions of the stormwater report which had been revised since the July 7th hearing, but none were significant enough to change the orders that would be issued.

TF said the only issue that was referenced in the MEPA comments was providing alternate access during the construction of the project to Post Farm. He requested that there be signage and clear instructions so that people are routed to go around the project and to stay out of the wetlands. It was suggested that this also be publicized to make sure the public was informed.

Conditions that the Commission felt should be a part of the Order of Conditions were read into the record.

Mr. Niles asked for discussion regarding the last condition which read:

The applicant and any person involved in the activity that is subject to the Order shall notify the Commission or its agent immediately upon discovery of any matter related to this order that may affect any area within the jurisdiction of the Commission. If the completed work differs from that in the original plan and/or conditions listed in the Order, a report must be submitted to the Commission 30 days prior to the completion specifying of how the work differs. At which time applicant shall first request a modification to the Order. Upon review and approval by the Commission the applicant may request in writing a Certificate of Compliance as described above.

Mr. Niles said that the schedule was tight and there was not time available to give the Commission 30 days prior to the contractor making any changes. He said that it is not anticipated that there would be any changes that would affect materially the performance standards, but there could be a need to make a minor change, e.g., move a pad. It is standard procedure that upon completion of a project that the entire project is surveyed before a stamped "as built" plan is submitted. After considerable discussion Mr. Niles realized that he misunderstood the wording of the condition. To make sure that it was clear to everyone, it was agreed to change the wording from *30 days prior to making any changes to 30 days prior to project completion*.

The stormwater report has updated plans to reflect the soils and land cover type. This information will be incorporated into the master plan and the revision will be provided to the Commission.

TF made a motion to approve the project as proposed with the following special conditions. They were as follows:

- Prior to the any work commencing on the site, the applicant shall display the DEP file number for this Order on a sign with minimum dimensions of two feet by two feet at a location clearly visible from the street. The sign shall remain in place and visible until a Certificate of Compliance is issued for the activity.
- Additional signs and markers shall be placed to indicate a proper route for visitors to pass and re-pass to and from the Post Farm.
- Prior to the commencement of any activity on this site, the approved erosion controls shall be installed as indicated on the approved plan.
- Immediately after installation of erosion controls, the Conservation Commission shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls have been properly installed.

- The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.
- The area of construction shall remain in a stable condition at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.
- Erosion control devices shall remain in place and properly functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission and/or its Administrator has authorized their removal.
- At any time before, during or after construction, and until the issuance of a Certificate of Compliance, the Commission or its agent may require the applicant to modify, augment, restore or maintain erosion control measures associated with the activity that is the subject of this Order.
- The applicant and any person involved in the activity that is the subject of this Order shall notify the Commission or its agent immediately upon discovery of any matter related to this Order that may affect any area within the jurisdiction of the Commission.
- If the completed work differs from that in the original plans and/or conditions listed in this Order, a report must be submitted to the Commission thirty (30) days prior to project completion specifying how the work differs, at which time the applicant shall first request a modification to the Order. Upon review and approval by the Commission, the applicant may request in writing a Certificate of Compliance as described above.
- The applicant shall submit a full set of finalized drawings including all revisions included in the revised stormwater report.

VA seconded the motion and the Commission voted to approve 7-0.

Respectfully submitted,
Peggy Ammendola