

# TOWN OF HAMPDEN MASSACHUSETTS

## Town House

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## Conservation Commission

Judy McKinley Brewer, Chair  
Ted Zebert, Co-Chair  
Andrew Netherwood  
John Cushman  
Thom Page  
Cindi Connors, Assoc. Member  
Greg D'Agostino, Assoc. Member

## HAMPDEN CONSERVATION COMMISSION Regular Meeting and Public Hearing Minutes August 18, 2021

Approved: September 15, 2021

Meeting called to order: 08/18/2021 @ 6:00pm

Members Present: Ted Zebert Co-Chair, Thom Page, Cindi Connors, John Cushman (6:10pm) and Andrew Netherwood, (in /out 6:40).

Members Absent: Judy McKinley-Brewer, Chair and Greg D'Agostino

Invited Guests: Kate Wilkins, Tighe and Bond, Guy DeWolf, Mickey Marcus, SWCA and Steve McDonough, Ameresco

Also Present: Bonnie Geromini, Selectman John Flynn

**Public Comment:** None prior to start of meeting

### **Agenda Items:**

**549 Main Street Enforcement Order:** Enforcement order sent to GHS Realty, 90 Stonehill road, East Longmeadow MA after a complaint was filed with Massachusetts Department of Environmental Protection in Boston. All work must stop and a Request for Determination of Applicability, (RDA) must be filed with the commission and Natural Heritage and Endangered Species Program, (NHESP). The commission has added this to our meeting on September 15, 2021 to address issues.

**BSC Group 139L1 Distributed Generation Electric Service Project:** 139L1 Electric Service Line in Hampden, MA (the Project). Maintenance activities will be located along the 139L1 Right-of-Way (ROW) on Potash Hill Lane Certificate of Compliance requested and granted. Also provided was information on utility pole replacements on Potash Hill Lane in anticipation of the solar project construction.

**Guy DeWolf, 93 Somers Road Public Hearing:** Request for Determination of Applicability, (RDA) filed, site visit conducted August 11, 2021. Mr. DeWolf would like to build a large shed at the rear of his property, (size to be determined). The Commission voted to issue a Positive determination #3 The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge or alter that area. Therefore, said work requires the filing of a Notice of Intent and a Positive determination #5 The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by: the Hampden Conservation Commission.

**Scantic Valley Water Main Extension Project Public Hearing** Kate Wilkins from Tighe and Bond reviewed the project with the Commission. Ten test borings will be drilled along Main street to provide samplings to evaluate the soil condition for the water main extension which will supply water to properties 'within the vicinity of the Department of Public Works, (DPW), garage' that were previously contaminated from salt storage at the DPW garage. The project is not eligible for exemption due to the Bordering Vegetated Wetlands and also because the Conservation Commission Wetland Protection Bylaw does not provide exemption for this activity. Ted asked the number of borings, (10 six inch borings approximately 20 ft deep). The Commission voted to issue the following Negative determinations:

*Negative determination #2 The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge or alter that area. Therefore, said work does not require the filing of a Notice of Intent.*

*Negative determination #3 The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions, (straw wattles be installed for the duration of the project).*

*Negative determination #5 The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required: Work described will be temporary and within the roadway*

**Ameresco, Hampden Solar, LLC Town Landfill, Continuation of Public Hearing:** Steve McDonough presented minor modification requests to the Orders of Conditions they had worked on and discussed with Commission chair, Judy McKinley-Brewer. Mickey Marcus presented signage examples that they wanted to use in lieu of Conservation Commission Specification No. NDZ-01: Monuments and Markers for Boundaries of Wetlands No Disturb Zones. After discussion, Commission members agreed that the bounds must be installed. Mickey informed the Commission that will be cutting large trees for shade management and are awaiting a response from Natural Heritage and Endangered Species Program, (NHESP). After completing review and amendment of the Special Orders of Condition, Thom made a motion to accept the Special Orders of Condition with amendments to condition #1, #2, #13 and #14, John seconded, all in favor 3-0.

Approved Special Orders of Condition:

Town of Hampden Landfill Solar  
18 Cross Rd. (Parcel 1: Map 19, Lot 86; Parcel 2: Map 19, Lot 85)  
MA DEP File No: 173-0229, NHESP File No. 04-16669

Documents Referenced:

Hampden Landfill Solar PV Development - Civil Set – 9 Sheets

Issued for Permitting: 0/15/2021; Rev#4, 6/11/2021

W&S Project No: ENG20-0953, W&S File No: Ameresco Hampden

Streamlined Notice of Intent & Massachusetts Endangered Species Act Review for the Hampden Landfill Solar Project – January 2021

Prepared by SWCA Environmental Consultants

Weston & Sampson Engineers, Inc.

EEA No: 163881, NHESP No: Environmental Notification Form Review

MESA Determination of Take: Take (321 CMR 10.18 (2)(b)) within Priority Habitat, Letter of May 10, 2021

Natural Heritage and Endangered Species Program of Mass. Div. of Fisheries and Wildlife, Letter of June 8, 2021: ENF and MEPA supplemental information: Comments (see excerpts below).

These Special Conditions are for a 5.46 MW solar project to be constructed on the Town of Hampden Landfill. A portion of the project work for shade management will be constructed within 100 feet of Bordering Vegetated Wetlands. There is no construction proposed or permitted within wetlands or Riverfront Areas. The proposed storm water management facilities are to be sited more than 100 feet from wetlands. No tree cutting is proposed within 25 feet of wetlands, although shade maintenance, is proposed within the 100-foot wetlands buffer as indicated on the site plans for grading.

1. Hampden Landfill Solar, LLC (HLS, LLC- Ameresco) must place and obtain approval of Permanent Wetlands Boundary Markers, in accord with Hampden Wetlands ByLaw Specification No. NDZ01r1X. These must be identified by GIS coordinates, and entered on the site plans provided to the Conservation Commission.
2. Based on a May 10, 2021 letter by Natural Heritage & Endangered Species Program, “the Division has determined that this project, as currently proposed, will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.”
3. Also in the May 10, 2021 letter by NHESP, “the Division determined that this project, as currently proposed, will result in a Take (321 CMR 10.18 (2)(b)) of the Eastern Box Turtle due to the permanent loss and fragmentation of suitable habitats and interference with the breeding, feeding, resting, migratory and over-wintering activities of this species.” Therefore: “No soil or vegetation disturbance, work, clearing, grading or other activities related to the subject filing shall be conducted anywhere on the project site until the MESA permitting process is complete, including provision of all certificates and materials to the Hampden Conservation Commission.
4. Survey work, field work, and data collection necessary for the submission of documentation for the Conservation & Management Permit is permitted. This includes installation of turtle barriers to facilitate turtle sweeps and other turtle protection activities.

5. Boundaries of the shade management area shall be clearly flagged in the field prior to any tree clearing work, and the Applicant shall confirm to the Conservation Commission that no work will take place closer than 25 feet to the wetland boundaries as confirmed in the ORAD.
6. No stump removal shall be permitted within the shade management areas or 100-foot buffer zone to wetlands, except as specifically indicated on the site plans for site grading.
7. Shade management within the approved area is a non-expiring Condition.
8. Sediment and erosion controls shall be installed immediately following the removal of trees. Note: Turtle barriers will be installed in advance and maintained throughout construction; monitored per the Turtle Protection Plan. See also Condition 4, re: survey work.
9. HLS, LLC must obtain approval of the silt barrier installation from the Hampden Conservation Commission at least 48 hours prior to commencement of further work.
10. No work shall commence before the *OOC have become final*, have been *recorded at the Registry of Deeds* and the *Recording document returned to and received* by the Conservation Commission.
11. Commission members must be allowed on the site as necessary to check conditions (e.g. stability of the silt barriers) and otherwise perform their duties during construction.
12. The Conservation Commission shall be provided with a copy of the SWPPP prior to construction.
13. The conservation commission shall be copied on all storm water inspection reports until the site is fully stabilized.
14. A Report on the status of any open items of the CMP, conservation actions, and continuing orders shall be provided to the Hampden Conservation Commission monthly, until approval of the Certificate of Compliance.
15. Following the completion of the solar project, the Applicant shall request a Certificate of Compliance from the Conservation Commission.

With no further business, *John made a motion to adjourn the meeting at 7:15pm, Thom seconded, all in favor 3-0*

/clc