



# Town of Wales Conservation Commission

3 Hollow Road, P.O. Box 834, Wales, MA 01081

Tel. (413) 245-7571 Ext. 108

[conservation@townofwales.net](mailto:conservation@townofwales.net)



## Meeting Minutes – March 3, 2022

**Present:** Robert Herbert (**Rob H.**) – *Chair*, Norma Thompson (**Norma T.**) – *Commission Member*, Hugh Brower (**Hugh B.**) – *Commission Member*-, Jennifer Bothwell (**Jennifer B.**) – *Commission Member (Virtually)*, Sarah Ryan (**Sarah R.**) – *Clerk*

**Public Present:** *In Person:* Doug Dickinson, Andre Cormier (Old County Rd.)

*Virtual Attendance:* Dean Dickinson, Liz Dickinson, Sam Dionne (Sunpin), Andrew Vardakis (WOODS), Margaret Washburn, James Martin (Sunpin Counsel), Anonymous Caller

**Robert H.** opens the public meeting at 6:03 PM.

### **Public Hearing Continued:**

**\*\* Agenda item: 24 Old County Rd. (Lot 12)- NOI**

**Rob H.** opens the public hearing for 24 (Lot 12) Old County Rd., Notice of Intent application at 6:08 PM. The commission overviews the application, site visit findings and all delineations and soil testing results. The concerns that **Hugh B.** had regarding the soil that was disturbed by the stumping, but the soil coloration was not applicable to being hydric soils, which would not be classified as wetland soils. The closest point of wetland was behind the brush and mountain laurel. According to the plans, the commission was able to confirm that although the clearing was done within the buffer zone, the clearing did not impact any BVW area. For this application, none of the proposed activities (aside from the clearing) are taking place within the buffer zone. There should be no additional clearing, the proposed septic is out of the buffer zone. If erosion controls are adequate the commission feels that the work proposed should not cause a problem for wetland areas.

**Motion 0332022-01 by Hugh B. to close the public hearing at 6:15 PM for the application for Old County Rd. Lot 12W (24 on application), seconded by Norma T. No discussion, all in favor, 1 abstain.**

**Roll Call Vote:**                      Norma Thompson    Y

Hugh Brower	Y
Robert Herbert	Y
Jennifer Bothwell	Abstains

**Motion 0332022-02 by Hugh B. to approve the application for 24 Old County Rd. (Lot W 12), DEP # WE 314-0172 with conditions stated below, Seconded by Rob H.**

**Conditions 24 Old County Rd:**

1. No additional grading, clearing, or changes in soil profiles beyond what is depicted on the final plans dated 1/19/2022.
2. No construction activities are to be conducted beyond the limit of work depicted on the final plans.
3. The limit of work is to be staked and erosion controls installed prior to the start of any construction on the site.
4. Wales Conservation Commission to be notified prior to the start of construction, and any time that erosion controls are breached, or sediment runoff is observed in the buffer zone or wetlands areas.
5. Wales Conservation Commission reserves the right to inspect the site to assess if the erosion controls are properly installed and maintained.
6. Any soil stockpiles shall have erosion controls erected around the downslope side(s).
7. Disturbed areas shall be promptly seeded upon completion of the construction work and also stabilized by appropriate matting if any erosion is observed.
8. No use of herbicides in the buffer zone or BVW areas without written approval by the commission.
9. No blasting on the site without written approval by the commission.
10. No refueling of vehicles or storage of any waste within the buffer zone.
11. Erosion controls to consist of a double row of staked hay bales.
12. Erosion controls to be checked and repaired weekly and after each storm event of greater than 0.25".
13. Erosion controls shall be cleaned any time there is silt or sediment buildup more than ½ the height of the erosion control.
14. Erosion controls are to be maintained until vegetation has reestablished itself in the disturbed areas.
15. The commission reserves the right to order additional erosion control measures if significant erosion is occurring that affects the buffer zone or BVW areas.

<b>Roll Call Vote:</b>	<b>Norma Thompson</b>	<b>Y</b>
	<b>Hugh Brower</b>	<b>Y</b>
	<b>Robert Herbert</b>	<b>Y</b>
	<b>Jennifer Bothwell</b>	<b>Abstains</b>

## Old Business:

### **\*\* Agenda item: 40 Sizer Dr./Sunpin Energy Services-Deliberations/Decision**

The public hearing 40 Sizer Dr. was closed at the last meeting on February 17, 2022. The commission has sent proposed conditions to the third-party reviewer, Lucas Environmental. Lucas Environmental provided feedback to the commission regarding the sets of conditions sent, the commission received these comments earlier that day. Although the commission has started drafting conditions, the commission discusses the individual commission members standing on this application.

**Norma T.** – would approve with conditions with concerns of the proposed tree cutting.

**Robert H.** – would approve with conditions with his biggest concerns of making sure erosion controls are in place with respect to the stream and the tree cutting proposed.

**Hugh B.** – would approve with conditions to include a proposed special condition that the applicant would need to be designating an environmental or erosion control monitor who would inspect and oversee erosion controls, with authority to stop any work that would be compromising that. This would allow the commission to receive feedback and updates when necessary. The performance bond would need to be higher to ensure that the site would be stabilized IF the project needed to be dismantled. In **Hugh B.'s** drafted conditions, it is proposed that no cutting on the SE side of the project take place and that all trees are marked prior to cutting which would require the commissions approval since there is a lot of cutting to avoid shading issues.

**Jennifer B.** – has no comment since she has just come on as a new member but does offer to be a set of eyes for reviewing drafting conditions.

Moving forward the commission needs to review Lucas Environmental's comments, edit the conditions to ensure that it does not become repetitive. A subcommittee consisting of Rob H. and Hugh B. will work to finalize the conditions. On March 24<sup>th</sup>, 2022, the commission will hold a meeting where the application will be approved, and conditions will issued to the applicant.

### **Hugh B. comments on the input from the public:**

- 1.) Concerns on whether all questions from the public were submitted to the peer reviewer:

**The commission feels that the peer reviewer did answer the questions adequately considering that the commission does not have the level of expertise to speak to engineering questions.**

- 2.) Access roadway being owned by the town and not the applicant:

**The commission can set a condition when approved that the portion of Sizer Dr. currently owned by the town must be transferred to the applicant prior to the starts of construction, if this is not the case and the applicant does not convert that section of road to gravel at that time, then the applicant would need to request a revision to issued conditions or submit a modified application to the commission.**

- 3.) Analysis on the potential effects to the stream through tree clearing and the effects of moving soil away, which could disturb the underlying bedrock.

**The commission does have to consider this a possibility since the peer reviewer did not comment on that, but the commission is not sure that it's a probability. A proposed condition could state that the soil profile currently on the hill would not be changed. Although the applicants assured that the hill would not be disturbed the commission would still make this a condition, to ensure that no disruption would be made to the bedrock which would prevent disruption to the soil profile. In addition, the commission would propose a condition that the applicant monitor the stream on a regular basis with water readings conducted.**

- 4.) Status of the Lamprey Brook as a cold-water fishery.

**The feedback that the commission received from Lucas, indicated that the brook has bordering characteristics that would classify it as a cold-water fishery. It would be conditioned that PH readings and water temperatures be monitored as construction progresses. Climate change is another possibility that would contribute to the increase in water temperatures, in which case the fish should be adaptable. If there were protected or endangered species that inhabited the brook that would require a higher level of monitoring.**

The commission discusses the next phase of the project as it pertains to the pre-construction meeting, environmental monitor assigned to the site, contacts with project manager for the site and the site plan review authority per our town's solar bylaw. The use of any chemicals will require prior approval from the commission, as the work is mapped out and before any herbicide is dispersed the commission will need to be notified for approval. Parking and staging areas will need to be depicted on the construction plan.

The conditions will become available to the public after the application is approved and conditions are issued.

The commission will continue deliberations will take place on March 24<sup>th</sup>, 2022, at 5PM.  
The commission will hold its meeting in April on the 28<sup>th</sup> at 6PM.

**Motion 0332022-03 by Hugh B. to close the meeting at 7:07 PM, Seconded by Rob H.**  
**No discussion, all in favor.**

<b>Roll Call Vote:</b>	<b>Norma Thompson</b>	<b>Y</b>
	<b>Hugh Brower</b>	<b>Y</b>
	<b>Robert Herbert</b>	<b>Y</b>
	<b>Jennifer Bothwell</b>	<b>Y</b>