

Hubbardston Conservation Commission Minutes

April 16, 2014

Library Basement

Meeting called to order at 6:30 p.m. in the Hubbardston Library Conference Room located in the Library Basement.

Present: Steve Mossey, Tony Coppola, Larry Therrien, Tom Larson

Guests: Bill Murray, Brandon Doan, Ken Dow

First Order of Business:

Nexamp Solar came to present to the board regarding the issues that resulted in discharge of sand sediment going into the wetlands. Nexamp called the Conservation office on March 31, 2014 to inform the Conservation Commission of the sand sediment going into the wetlands after the ice melted and we had a warmer day that had over two inches of rain fall. The Conservation Commission then contacted Bill Murray, from Places Associates, to act as our agent to visit the site and make recommendations as to what steps need to take place. Mr. Murray did visit the site on Wednesday April 2, 2014 and filed a report with our office as to what actions need to take place to remediate the site. Nexamp also notified the EPA and the NHESP. The EPA was very happy to hear that Nexamp self-reported the silt fence failure and is working to rectify the situation. Nexamp walked the area and staked it to make a determination as to where and how much sediment infiltrated the wetlands and also what is inside the 50 foot buffer. Nexamp discussed two options of getting into the wetlands and removing the material. The first would be to go in with wheelbarrows and shovels and try to take it out that way. The second and more practical would be to use a vacuum extractor. A turtle biologist will conduct a turtle sweep and develop a status report of impacts on the habitat and turtles prior to any silt removal. If the vacuum silt removal halts for more than one week, a new investigation and report will be made and there will be follow up investigations conducted weekly until the silt removal is concluded. Nexamp stated that a Hubbardston Conservation Commission Member would be present at the initiation of the vacuum operation.

Bill Murray then spoke regarding his role in this process. Mr. Murray stated that when he spoke with the DEP, the DEP stated that the Conservation Commission is the regulatory body. Originally Nexamp was given a Negative Determination of Applicability when they first came before the board. The document was violated when the occurrence happened. Mr. Murray let the Conservation Commission know that it was up to the Commission to decide if they would issue an Enforcement Order or an order to file a Notice of Intent. Nexamp requested that the

Conservation Commission grant an Enforcement Order. Nexamp stated that they are modifying the storm water pollution plan as well as enhancing the erosion and sedimentation control by adding rip rap and hay. Nexamp will reseed the wetlands. There will be an operations and maintenance plan which will get passed on to owner of site.

A discussion began between the board members. Steve Mossey asked to be shown where the reseeding will be taking place. Mr. Dow and Mr. Murray showed the Commission where the reseeding would be. Tony Coppola questioned if there were turtles where the sediment had gone into the wetlands. Mr. Murray stated that there were no turtles there. Tom Larson asked if Conservation went with the Enforcement Order rather than go with the Notice of Intent would the Conservation Commission still have jurisdiction in the future. Mr. Murray stated that the Commission would have jurisdiction.

Motion: Tony Coppola

Second: Tom Larson

Motion made to put into place Enforcement Orders which outline what needs to take place and what the timeline would be. 3 voted for, Larry Therrien opposed. Motion carries.

Motion: Tony Coppola

Second: Tom Larson

Motion made to adjourn at 7:32 pm with no further discussion. All in favor.

Approved:  Date: 5/7/14