

Hubbardston Conservation Commission Minutes

January 6, 2015

Library Basement

Meeting called to order at 6:34p.m. in the Hubbardston Library Conference Room located in the Library Basement.

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

Guests: David Thomas, Rory Walker, Tom Christopher, William Murray, Jassy Bratko

First Order of Business:

Dave Thomas came to discuss the Seaboard Solar project. Mr. Bill Murray asked to go over the Enforcement Order. The Enforcement Order states that there are several violation items. First, the Order of Conditions did not get filed. Seaboard Solar has offered proof of filing at tonight's meeting. At the December meeting, the Commission required immediate site stabilization which Seaboard has done. Item three of the Enforcement Orders is that Seaboard Solar is required to file an Amended Notice of Intent to address the cutting. Supplemental fees will be required for this filing. The new NOI needs to address the alterations beyond where they have been. A remediation plan will be developed and filed. Mr. Murray says that the remediation plan they filed is insufficient and need to add more plants and more diversity. The plants need to be planted by June 1, 2015. The NOI needs to be filed by our March meeting and the differential fee paid by then as well. The storm water prevention plan needs to be updated and given to the Commission. A check needs to be given to the Town of Hubbardston in the amount of \$4,800.00 for Mr. Murray's services. The one thing that needs to be addressed is the fines. Mr. Murray stated that the Commission could go \$20,000 dollars and upward for a fine. Mr. Murray stated that we can request a donation for a Conservation purpose that they would agree to fund. The Conservation Commission could also fine as well as receive a donation. Mr. Coppola asked how the donation could be used. Mr. Murray stated that Seaboard could restrict how it's used. Mr. Murray stated that he could only give us guidance and it is ultimately up to the Conservation Commission on what we choose to do. Mr. Thomas asked if he could address this now. Mr. Thomas stated that this is their first job and he takes responsibility for what was done. Mr. Thomas stated that he would like to make an unrestricted donation. Chairman Mossey asked how the Commission would like to proceed. Would they like to fine or accept a donation? Mr. Coppola stated that he's not sure he'd like to fine or if he does how much he would like to fine. Mr. Larson stated that he looked at different options and feels that \$2000 to \$2500 would be what we were looking at for monies owed. Mr. Coppola asked we were talking about donation or fine. Mr. Thomas stated that he would like to discuss a donation. Mr. Thomas offered a donation, which is unrestricted for use by the Conservation

Commission, of \$5,000.00. The Conservation Commission gave permission for Bill Murray to speak with Seaboard Solar and Bertin Engineering with regards to their plans for planting of trees and shrubs and any other items that may need to be addressed.

Motion: Larry Therrien

Second: Tom Larson

Motion made to accept the donation from Seaboard Solar in the amount of \$5,000.00 for unrestricted use by the Conservation Commission. Three in favor, Chairman Mossey opposed. Motion carries.

Motion: Tony Coppola

Second: Larry Therrien

Motion made not to impose any fines to Seaboard Solar. Three in favor, Chairman Mossey opposed. Motion carries.

Open Space Discussion:

Jassy Bratko came before the Commission to update everyone on the Gates Hill Trail in Hubbardston State Forest. The Conservation Commission had originally given Mrs. Bratko the okay to put rubber mats down over some wet areas. When Open Space brought the plan to DCR, DCR said no to the plans. Mrs. Bratko asked DCR to come look at the area in question to get some advice as to how they could proceed to rectify the situation. DCR came to look at the area and there are two mucky areas which DCR suggested putting a drainage culvert, cover it over with gravel and some mats and take care of the problem that way. DCR stated that since it is in the State Forest, they will provide all the supplies necessary and they would apply to have the work done. DCR is requesting a Negative Determination of Applicability to send to AmeriCorps with the application for work to be done. Chairman Mossey spoke with the Commission about these plans and looked at the area. After discussion, the Commission agreed to give the Negative Determination of Applicability.

Mrs. Bratko also would like to reserve October 4th for the Bay State Trail Riders. The Commission stated that would be fine but insurance would need to be provided. Mrs. Bratko will provide insurance information as it gets closer. Mrs. Bratko also wanted to update the Commission as to the plantings which Open Space will provide for an abutter who was upset about some trail clearing done. The Open Space Committee decided that they would not be planting apple trees as the abutter had requested, but would plan evergreens instead.

POA: Toni will type out form and give to Mrs. Bratko.

Motion: Tom Larson

Second: Tony Coppola

Motion made to provide a Determination of Applicability to include trail maintenance including bridge maintenance and also the project with AmeriCorps. All in favor, motion carries.

Christopher Environmental:

Mr. Tom Christopher came before the Commission to request a Certificate of Compliance for the Faline property on Route 68. Mr. Christopher requested that he be allowed to keep silt fence and hay bales up for now until he is done with the earth removal which he needs to complete for the planning board. The Commission has no objection to keeping the hay bales and silt fence up for now. Mr. Christopher assured the Commission the hay bales and silt fence would come down and he would call the office to let us know when this has been done. The Commission agreed to issue the Certificate of Compliance. Mr. Christopher also showed the board the next project to be done on the property which would be a man-made pond. Mr. Christopher has flagged the wetlands. The wetland area is less than 2000 square feet. The water flows across the area. The idea would be to excavate the land to make a pond which would use the water that is flowing over it and that water would fill the pond. Mr. Christopher plans on staying 25 feet away from the wetland area. Hay bales and siltation fence would be added before beginning excavation. The pond will be less than 6 feet deep. Mr. Christopher and the property owner discussed the possibility of the pond drying out during different seasons and the owner was ok with that. Excavation for the project would probably begin in August or September. Chairman Mossey requested that Mr. Christopher bring in two plans that show ways he plans on filling and draining the pond along with a construction schedule. Mr. Christopher will be in touch with the Commission before this project begins to have them weigh in on the plan.

Motion: Tom Larson

Second: Larry Therrien

Motion made to grant Mr. Christopher a Certificate of Compliance. All in favor, motion carries.

Motion: Tom Larson

Second: Larry Therrien

Motion made to accept the minutes of December 3, 2014. All in favor, motion carries.

Lovewell Pond Discussion:

There has been a complaint issued regarding the Lovewell Pond dam. Ms. Sharon Begley came to the office and stated that she would like to talk with the boards. The Conservation Clerk asked if Ms. Begley would like to come to tonight's meeting. As of 7:55p.m, Ms. Begley has not come in. The Conservation Commission asked that the clerk email Ms. Begley and Lovewell

Pond Sporting Club and ask permission to walk each of their properties. Once the office receives permission, the Conservation Commission will make an appointment to walk the property. The office will let Chairman Mossey know when permission is received.

Motion: Larry Therrien

Second: Tom Larson

Motion made to adjourn at 8:05 pm. with no further discussion. All in favor.

Approved:  Date: 2-7-15