

Board: Water Commissioner / Conservation Commission – Joint Special Permit Hearing
Date: Tuesday, August 21, 2018
Location: Town Hall, 12 East Main Street, Erving, MA 01344

Present: Scott Bastarache, William Bembury, Jacob Smith
Conservation Commission: David Brule, Beth Bazler, Peter Sanders, Carol Gregory
Also, Present: Jack Honor, Andrew Vardakis, Stephen Herzog, Brian Huntley, Mark Stinson
Press: Katie Nolan, Montague Reporter; Melina Bourdeaux, The Recorder

At 7:31 PM **Commissioner Bastarache** called the meeting to order.

Brian Huntley (Tighe & Bond) gave a brief overview of his peer review of the French King Solar Project. Andrew Vardakis (AMEC) and Jack Honor (AMERESCO) gave a report of their responses to the peer review.

David Brule reported that the Conservation Commission consultant, Emily Stockman, stated that there was not enough evidence to change the determination of the stream located in the project from a perennial stream to an intermittent stream. Mark Stinson (DEP) concurred with the findings from Ms. Stockman stating that photos alone were not enough evidence to prove the stream is intermittent. Steven Herzog (AMEC) questioned why it was insufficient. Mark Stinson stated that live video of the entire stream from beginning to end would aide in ensuring that there were no outside factors causing the dry section of the stream.

Commissioner Bastarache reviewed each item that was noted on the peer review presented by Tighe & Bond. Throughout the discussion, the following concerns were addressed:

Items #1 & #2 – no discussion needed

Item #3 – It was noted that the Spill Plan was a draft plan from a similar project. Andrew Vardakis (AMEC) stated that other than title changes, the spill plan content will not change. All agreed on the draft plan. **Commissioner Smith** required that an actual spill plan be completed prior to a permit being issued.

Item #4 – Commissioner Smith stated that the tree replacement needs to be added to the vegetation management plan.

Item #5 – The Commissioners accept the vegetation plan submitted in the memo dated 8/20/18 with the required addition of tree replacement.

Item #6 – Commissioners Smith, Bembury and Bastarache agreed that the Water Commissioners are requiring the project provide the Town with 125% financial surety related to project decommissioning (inclusive of the additional tree replacement discussed in Item #4)

Item #7 – Jack Honor (AMERESCO) stated that the number of actual panels is always in fluctuation depending on the panels being produced at the time of the project. He indicated that as the panels get produced with more efficiency, he will need less panels to obtain the same generation.

Item #8 – Commissioners Smith, Bembury and Bastarache agreed that the Water Commissioners are requiring that vegetable oil be used as the cooling agent for the transformers on this project.

Item #9 – Commissioner Smith required that Mutual Aide departments, as well as multiple training dates be added to the training plan.

Item #10 – Mark Stinson (DEP) questioned the infiltration numbers presented in the Stormwater Management Plan. Andrew Vardakis (AMEC) stated that the numbers were from national data provided. Through discussion, it was agreed that the data was inaccurate. The Water Commissioners require that the developer conduct on site soil testing to ensure that the Stormwater Management Plan is effective for the site. The results of the testing are to be reviewed by Tighe & Bond.

Item #11 – The Water Commissioners stated that the newly formed access road will be considered an impervious surface.

Item #12 – Andrew Vardakis stated that the request to have the fence raised six inches from ground level is code and will be accommodated.

Mark Stinson (DEP) stated that the construction phase is the time of most concern for environmental incidents. He suggested that someone should check on the project throughout construction, which is slated to last six months. Jack Honor (Ameresco) stated that he has no issues with someone performing biweekly site inspections throughout the construction phase.

David Brule asked how the infiltration rates change once the site changes from a forest to a meadow. Brian Huntley (Tighe & Bond) stated that post construction, the rates are very similar.

Commissioner Smith made a motion for the Water Commissioners to approve the permit for the French King Solar Project contingent on all items in the peer review are completed, including an approved Stormwater Management Plan as well as approval from the Conservation Commission. **Commissioner Bembury** seconded. Unanimously approved.

The Conservation Commission has continued the Special Permit Public Hearing to September 10, 2018 @ 7:30pm. All parties in agreement.

Peter Sanders stated that he will be attending the upcoming site visit to video the stream from the beginning to the end.

Adjournment

At 8:45 PM **Commissioner Bastarache** made a motion to close the Water Commissioner Public Hearing. **Commissioner Smith** seconded. Unanimously approved.

Respectfully Submitted



Scott Bastarache
Water Commissioner