



# **Town of Westminster**

11 SOUTH STREET  
MASSACHUSETTS 01473

FROM THE OFFICE OF THE  
**CONSERVATION COMMISSION**

Phone: (978) 874-7413 \* Fax: (978) 874-7411

## **MINUTES of MEETING September 20, 2018**

**To:** Selectmen  
Board of Health  
Building Commissioner  
Town Clerk

**Present:** Chairman Dan Bartkus, Vice Chairman Gary Smith, Members: Robert Gendron, Carrie Monty, Secretary Susan Kalagher, and Agent Matt Marro

**Absent:** Tim Sheehan

**Guests:** Chris Mossman, Jason Ringler, Dave Haschig, William Wintturi, Judy Schmitz, Daniel Romero, Zak Farkes, Dean Smith

### **Documents, Plans and other Exhibits**

1. Plan – Sargent Road Solar
2. Plan – 3 Main Street
3. Plan – Ellis Road
4. Plan – 6 Field Road

Dan Bartkus opened the meeting at 7:05 p.m. The meeting was not being recorded.

### **Mail, Minutes, Voucher**

Mail was read and distributed

The Minutes of August 30, 2018 were approved

### **RFD Continued from August 30, 2018 Sargent Road Solar Oak Square Partners**

7:10 p.m. The continuation of the public meeting for the solar project on Sargent Road was opened. Jason Ringler of ESS Group discussed the plan. After a technical review of the plan, it was revised to access the property from Sargent Road. The ability of the basins to perc was discussed. The Commission would like to wait until Planning Board has reviewed the plan and is satisfied with the drainage before the Determination is issued. Matt Marro and Dan Bartkus both liked the redesign of the plan and Matt recommended a negative

determination pending storm water review. It will not be necessary for them to come to the meeting. The public meeting was continued to October 11, 2018.

**NOI**  
**3 Main Street**  
**Marceau**

7:15 p.m. The public hearing requested by Nicholas Marceau for the construction of a new garage for an existing single family house at 3 Main Street was opened. Chris Mossman represented the applicant and provided proof of notification of abutters. This is the last house on the left before Tophet Swamp. The applicant has revised the plan to build a 22 ft. x 26 ft. garage farther away from the wetland and out of the 25 ft. no disturb area. In addition to the garage, a retaining wall and gravel parking area will be within the wetland. Sufficient erosion protection has been proposed. Matt recommended a standard Order of Conditions with no additional conditions. The plan was unanimously approved upon motion by Gary Smith and second by Carrie Monty. The public hearing was closed at 7:20 p.m.

**RFD**  
**Ellis Road**  
**Wheeler**

7:20 p.m. The public meeting requested by Michael Wheeler for a temporary wetland and intermittent stream crossing for the purpose of accessing upland area for soil testing on Ellis Road was opened. Dan Romaro of David Ross Associates represented the applicant. They intend to use a 12 ft. x 12 ft. metal plate as a temporary span for a mini excavator to cross. Matt Marro made a site visit and found that due to the very limited scope of work for the crossing the wetland, a negative determination should be issued. The plan was unanimously approved upon motion by Gary Smith and second by Robert Gendron. The Public meeting was closed at 7:25 p.m.

**RFD**  
**6 Field Road**  
**Little**

7:25 p.m. The public meeting requested by Mr. & Mrs. Wayne Little for the replacement of a failed septic tank at 6 Field Road was opened. Mr. or Mrs. Little were not present and it was not known if the legal notice had been paid and run as scheduled. The public meeting was continued to October 11, 2018

**Appointments**

**28 Livermore Hill Road / Borrego Solar**

Zak Farkes and Dean Smith of Borrego Solar discussed combining two solar projects into one larger project. (TJA Solar and NextAmp). TJA has an existing Order of Conditions and NextAmp was determined to be non-jurisdictional. Borrego Solar would like to combine the two projects with minor modification. Water management features and buffer area impacts were reviewed. Storm water requirements are being reviewed by Tetra Tech. Matt Marro recommended that a new Order of Conditions be filed as the original project has been changed and the scope of work does not qualify for an amendment. Judy Schmitz of DEP recommended that they look at the DEP comments for TJA Solar. Mr. Farkes and Mr. Smith had concern that starting the process over could put the project into a less favorable position and economically they can't move forward without combining the two projects. The Commission requested that Borrego Solar file a new Order of Conditions.

### **Enforcements**

#### **Docks in need of permits / Wyman's Pond**

Dave Haschig of Camp Pineshore and Bill Winturri were present. It has been noted that both docks should be permitted by a RFD and Chapter 91 due to size restrictions. Both contended that the docks had been in place for many years and should be grandfathered. Matt Marro asked for photos of the docks from years ago and will work with the Mr. Haschig and Mr. Winturri to file an RFD to bring them into compliance.

#### **Gene LeBlanc / Tree planting**

Chris Mossman will discuss this with Gene LeBlanc.

#### **Judy Schmitz / DEP**

The NOI for 7 Overlook Road had been approved on August 9, 2018 and DEP had not issued a number. Judy Schmitz brought the number to the meeting (336-0912). She also recommended that the applicant request a Certificate of Compliance for #336-0653 which had expired and the work was never started.

Judy Schmitz discussed permitting solar projects and recommended that the hearing should not be closed before DEP comments. She discussed the use of fescue mix vs. pollinator mix for ground cover and suggested that the planting mix be one of the conditions. She also cautioned the Commission of possible disasters during the construction phase and discussed cold water fisheries.

The meeting was adjourned at 9:10 pm.

Respectfully submitted,

Dan Bartkus  
Chairman  
(prepared by Susan Kalagher)