

Whately Conservation Commission
Wednesday, April 21, 2021
Via Zoom

Commissioners present: Andrew Ostrowski, Ann Barker, George Owens, Montserrat Archbald, and Scott Jackson (chair)

Commissioners absent:

Others present: Tony Wonseski (SVE Associates), Danielle Michaud (Jankowski & Spencer, P.C.), Becky Jones and Fran Fortino (Whately Board of Health)

Meeting convened at 7:00 p.m.

1. Public hearing to consider a Notice of Intent submitted by John Hannum for construction of a Common Drive at Masterson Road (Map 18, Lot 9) in Whately. The public hearing was reconvened at 7:00 pm. Tony Wonseski (SVE Associates) reviewed the proposed project. The design of the common driveway had not changed since it was reviewed by the Commission at a previous meeting. However, Tony discussed with the Board the permitting process with the Natural Heritage and Endangered Species Program and other town boards. The Commission voted unanimously (5-0) to close the hearing and issue an Order of Conditions permitting the project with one special condition (below).

After erosion control is in place but prior to the start of any construction on the site, the applicants shall request a pre-construction meeting with the Conservation Commission and/or its representative, the project supervisor, and the contractor responsible for the work, to review the conditions of this order and ensure that they are understood.

2. Request for a Certificate of Compliance submitted by Long Plain Solar, LLC. The Chair (Jackson) announced that Tony Wonseski had emailed the Commission requesting a continuance until our next meeting. The Commission voted unanimously (5-0) to postpone the issuance of a Certificate of Compliance until additional work was done to ensure that the stream and wetlands are not degraded by sediment-laden runoff.
3. Request for a Certificate of Compliance submitted by Sharyn A. Holich. Danielle Michaud, representing the applicant, described the situation. The Order of Conditions, for installation of a culverted crossing, was issued in 1987 and registered at the Franklin County Registry of Deeds. The landowner now needs a Certificate of Compliance in order to sell the property. The applicant does not have a copy of the design plans submitted in 1987. Commission Chairman reported that after a search of old Commission files, that he was also unable to locate the plan. Four out of five Commissioners had recently visited the site (on December 13, 2020) as part of a Request for a Determination of Applicability filed by Sovereign Builders, Inc. The Commission voted four "yes" and one "abstaining" (George Owens because he had not attended the site visit) to issue a Certificate of Compliance without conditions.
4. Request for a Determination of Applicability submitted by Pan Am Railways, Inc. This request is solely for the identification and demarcation of sensitive areas to ensure compliance with restrictions on vegetation control methods in proximity to those sensitive areas. Chair Jackson informed the Commission that he had inspected the length of the railroad tracks in Whately and found the sensitive areas to be appropriately marked. The Commission voted unanimously (5-0) to issue a positive Determination of Applicability confirming the identification and demarcation of sensitive areas (wetlands and water bodies).
5. Representative from the Conservation Commission needed to serve on the Resource Replacement Fee Working Group. Chair Jackson explained that the Select Board is forming a Work Group to determine appropriate Resource Replacement Fees for large-scale solar projects, and would like a representative

from the Commission to serve on the Working Group. George Owens volunteers to represent the Commission on this Working Group, provided that the time commitment is not too onerous.

6. Other business. Becky Jones and Fran Fortino, from the Whately Board of Health, engaged the Commission in a discussion about mosquito control. In particular, we discussed whether the town should opt out of a statewide spraying program, and whether Whately should join the Pioneer Valley Mosquito Control District. In order to opt out of the statewide spraying program, Whately would need to develop an alternative mosquito control plan and have it approved by the MA Executive Office of Energy and Environmental Affairs. The discussion covered impacts of mosquito control on the ecology of wetlands and logistical constraints on mosquito control activities in Whately. No formal action was taken.
7. The Commission voted unanimously (5-0) to accept the minutes from the March 17th meeting.

Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Scott Jackson