

Whately Conservation Commission
Wednesday, July 21, 2021
Via Zoom

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

Commissioners absent: George Owens

Others present: Todd Cellura (Sovereign Builders), Christopher Karney (R. Levesque Associates, Inc.), Anthony Wonseski (SVE Associates), Jennifer Dukett (Nexamp), Justin Baronas, Robert Cimini & Chris Cimini (Whately RE Holdings, LLC)

Meeting convened at 7:00 p.m.

1. Public Hearing for a Notice of Intent submitted by Sovereign Builders, Inc., to construct a self-storage facility on State Road, across from Tom's Hot Dog stand. The public hearing was reconvened at 7:00 pm. Christopher Karney presented a revised set of plans that and other documents, including a revised Stormwater Draining Report, an Alternatives Analysis for Work in the Riverfront Area, and a letter responding to comments from MassDEP. The new plans and storm water report include the elimination of the infiltration basin within the Riverfront Area in favor of country draining. Q&A and discussion followed. The Commission identified additional information needed before it could issue an Order of Conditions.

- A revised Form 3: Notice of Intent showing revised estimated of impact to Riverfront Area
- Determination of the stream's bankfull width based on measurements at appropriate points on the stream
- Detailed plans for the construction of a stream bed and low-flow channel within the proposed road-stream crossing

With permission from the applicant, the Commission voted unanimously (4-0) to continue the hearing until August 4, 2021 at 7:00 pm.

2. Request for a Certificate of Compliance submitted by Long Plain Solar, LLC. Tony Wonseski (SVE) described the site after several days of intense rainfall and indicated that the site looked good. He discussed the elevation contours recently recorded for the site and recommended against any modification of the access road to allow water to move across the road at a location further north, closer to the solar farm. Jackson reiterated his concern about how runoff from the solar farm might affect the farm road that is currently used to access farmland behind the solar farm. Tony suggested that perhaps Nexamp could reinforce the farm road with stone in the area where flooding is likely to occur. Jennifer Dukett (Nexamp) indicated that she would look into the possibility of using stone to stabilize the farm road, and report back to the Commission. No action was taken by the Commission.
3. Request for a Determination of Applicability submitted by Whately RE Holdings, LLC, to confirm the boundaries of resource areas at 23A Lasalle Drive. A site visit for this Request was held on July 17. After reviewing the revised site plan delineating the Mean Annual High Water, Bordering Vegetated Wetland, and Riverfront Area on the site, the Commission voted unanimously (4-0) to issue a positive Determination of Applicability approving the delineation of these resource areas.
4. Request for a Certificate of Compliance submitted by Backyard ADUs for construction of a 525 sq ft accessory dwelling unit at 148 Westbrook Road. A site visit for this Request was conducted on July 21. The Commission voted unanimously (4-0) to issue a Certificate of Compliance without conditions.
5. Updates and Other Business

- Justin Baronas addressed the Commission with questions about installing a new well and cutting two hazard trees in his yard within the Riverfront Area adjacent to the West Brook. The Commission vote unanimously (4-0) to consider the work described as a minor activity under the MA Wetlands Protection Act regulations and, thus, did not require a filing with the Conservation Commission.
- The Commission considered the issue of whether to recommend that the Town exercise its Right-of-First-Refusal associated with the impending sale of the Full Bloom Market Garden, LLC property on Christian Lane. The Commission decided that, given that the land is currently in agricultural use, it would defer to the Agricultural Commission on whether to recommend that the Selectmen exercise the Right-of-First-Refusal.

6. The Commission voted unanimously (4-0) to accept the minutes from the June 16th meeting.

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Scott Jackson