

7/23/15

Open the Public Hearing for NOI at Lot ZG2 Pratt Corner Road /DEP #286-0261 at 8:00pm

Fleischaker explains the public hearing procedure: presentation by the applicant and their representative, Commission questions for the applicant/representative and answers from the applicant/representative until the public hearing is closed; tonight there will be a presentation and SCC questions based on the 100' buffer zone of inland wetland resource area jurisdiction, public testimony will be read, then public testimony of no more than three minutes in length. Maresca announces that meeting is being recorded. Fleischaker: recording is on behalf of the Commission; the court recorder is present on behalf of the applicant/Lake Street Development Partners. Robert Kibler/74 Pratt Corner Road asks if the SCC is only dealing with wetland jurisdiction, what other committees deal with other conservation issues. Stinson: the Natural Heritage and Endangered Species Program. NHESP. Donna MacNicol/Town Counsel: there are criteria within special permit application. Mary Lou Conca/105 Wendell Road asks for three minute limit clarification. Maresca appreciates the members of the public present, notes the need for respect for speakers and that it is new for the Commission to have so many participants; requests participants speak up, ensure all have signed in and that cell phones have been silenced. Miriam DeFant/74 Pratt Corner Road asks to have more than three minutes because she has testimony on behalf of a group. Maresca: yes.

Applicant Presentation: Zachary Shulman and Marnin Lebovits/Lake Street Development Partners, LLC/applicants and Mickey Marcus/New England Environmental (NEE) introduce themselves. Legal and abutter documents are received from Marcus (see file). Jaques: the Commission has agreed to consider a third party review contract this evening after the hearing has been continued. Lebovits states that he believes they have a strong case. Marcus explains the he is a professional wetland scientist and that the Conti Group will be the solar installation contractors; project planning has been in process for about one year. Marcus: Lot ZG2/Wheelock Tract is 755 acres and is owned by Cowls; the plan sets have the correct acreage; the lot is currently managed for timber; the owner wants to lease the parcel to Lake Street for 20-25 years; the decommissioning plan is part of the Planning Board review. Marcus: twenty-one acres will be used for the solar panel installation plus ten acres for shade management; the existing logging road, with no culvert, is now 9'-10' wide and will need to be upgraded to 12'-15' wide and the surface upgraded to gravel. Marcus: tried to stay away from wetlands; entire solar array project is 100' away; one storm water basin is within the buffer zone and part of the shade buffer is within the buffer zone. Marcus: the basins are designed for storm water drainage; the applicants have met with the Planning Board several times; the Planning Board has hired Tighe & Bond to do their third party review for engineering, stormwater, and zoning bylaw concerns. Marcus recommends a wetland review take place. Jaques: the Commission will be doing this tonight; expects public hearing will be continued. Jaques requests that any updates NEE sends to the Planning Board be sent to the SCC as well. Marcus: there will be one set of plans, multiple plan sheets include project components. Marcus: site is about 1200 feet into Reed Road; site is close to the electrical tie-in and sub-station; Cowls has an open policy for hiking and the only way to see the project will be to access Cowls property; the facility will be fenced off. Jaques asks what area will be fenced. Marcus: the 21 acre solar panel site is fenced; panels will all be facing south; this part of the parcel is heavily managed. Marcus: in the shade buffer, tall trees will be cut,

the herbaceous layer and saplings will be left. Fleischaker asks if selective cutting will be done. Marcus: yes, the 100' buffer on the east side will be selectively cut; notes need for SCC scrutiny of, and, agreement with the wetland delineation. Marcus: two years ago, two solar projects in construction could not handle rain; this project has been beefed up; solar project areas do not have any impervious areas; refers to photo example in NOI (Figure 5). Marcus: runoff rate is increased – grass versus trees. Jaques: panels concentrate runoff. Marcus: DEP requires a two stage storm assessment: panels and ground; for the same volume of water, the solar panels will have a faster rate of runoff; the storm water plan will decrease the rate of runoff. Marcus speaks to criticism of “under design” during construction: clearing is done five acres at a time; this site will be done in about four segments. Jaques states she thought the whole site would be cleared at once. Marcus: construction is phased so site is controlled; erosion control is installed, trees are cut, stumped, and area is covered with hay or hydro-seeded; further detail will be provided; construction is done in waves. Jaques asks if the clearing and stumping of the entire area is phased. Marcus: you want to avoid bad weather though assume the worst by managing area - cut, stump and stabilize in a checkerboard of four 5acre pieces. Marcus: array can be built on a slope; try to minimize grading and site development work and not disrupt current storm water flow pattern. Fleischaker requests this detail be included in the NOI as it is not currently there. Marcus: no mats will be used initially; area will be stabilized with straw and seeding especially in an unforeseen weather event; road is to be upgraded like most driveways in town. Marcus: expects plan will be tweaked after reviews; NEE wetland scientists and wildlife biologists were on site all spring; work on the plan was started last summer; will confirm vernal pool inspection date. Maresca cites the need to understand how the assessment done. Marcus: have tried to keep project out of the buffer zone and are willing to make changes. Fleischaker asks if different access routes were considered. Marcus: Reed Road is the access route. Fleischaker asks if there is another access route or site. Marcus: project abuts Sand Hill Road; there are a number of trails and site is relatively flat and high; the solar designers thought this was the best site. Fleischaker asks if site could it be shifted to west by ~25' and use the old timber trail. Shulman: road off to the west is too steep. Maresca asks if an alternatives analysis has been done. Marcus: the Conti Group did the analysis; they walked the site and determined area. Marcus: this was not a MEPA (Massachusetts Environmental Policy Act) analysis; project could be moved west a bit but would bump into another wetland. Jaques asks if the size could be reduced and the project moved slightly west. Jaques, citing the plan set, notes that it is difficult to figure out what is going on; notes the need to have most of the information on one map, specifically what the SCC is interested in. Maresca: the SCC will put together a list of needed data-layers. Jaques: other wetlands in the area need to be noted. Fleischaker: maps in reduced form are not accurate and asks if there is a typo on the large map where the scale is indicated to be 1' = 700.' Marcus will verify and states that NEE will work with SCC and their reviewer and the Planning Board and their reviewer. Marcus notes that it will be difficult to work with two storm water reviewers. Stinson: both storm water reviewers should get the same answer if both are using the same standards. MacNicol: the Planning Board signed a contract with Tighe & Bond. Maresca appreciated Steve Johnson/NEE presence during site visit.

Commission Questions: Jaques notes that there is a range of slopes. Marcus will provide the SCC with revised slope map; some slopes are in excess of 15%; panels will go with

the slope. Jaques: plan shows a tight plan for the panels. Shulman: panels can be close on slope; there can be up to a 20% slope. Lebovits: racking can be adjusted. Fleischaker notes her concern about the proximity of the bottom of the panels to the ground and the possibility of snow melt occluding the panels. Shulman: the panels will be positioned higher off the ground. Fleischaker asks for these specs to be included in the NOI. Jaques, referring to the second paragraph of the NOI introduction, notes the project was designed "to avoid direct wetland impacts, and to minimize habitat disturbance." Marcus: in SCC jurisdiction, the only work in buffer zone is one basin, 50' away from the wetland; tried to leave wetlands alone. Jaques ask if "minimize habitat disturbance" is only for SCC jurisdiction. Maresca refers to the map with swales (Sheet 4.0). Marcus: there is a lot of well-drained soil. Maresca asks if the map shows how soil drains now. Marcus: yes; drainage will all stay on Cowls land; instead of letting water just go, everything associated with development is contained within the project; the stone lined ditch discharges into a series of swales and basins. Maresca asks if the swales are based on models. Marcus: there will be a series of sub-basins; these will be reviewed by the storm water reviewer. The Commission notes their need to have copies of the Site Plan Review application. Jon Thompson/Planning Board will have copies for SCC at the 7.27.15 Planning Board meeting. Jaques confirms that the copies are not needed prior to 7.27.15. Jaques confirms that the isolated wetland is not located on the parcel. Marcus: this area was not delineated as is off site; looked at for vernal pools, there was ice in the winter and little water this spring; area is on private property. Stinson confirms that applicant cannot work on someone else's land; this is an isolated wetland. Marcus: area is noted and erosion control will be in place; soil testing has been done. Jaques requests field data sheets for vegetation be included. Marcus agrees to provide. Fleischaker: refers to NOI Section 4.2, confirms area is outside of project site. Jaques asks why grass seed was chosen. Marcus: the solar installers have been using low growing grass seed mixes; some have experimented with mixed seed containing wild flowers and forbs; area mowed once per year; do not want the grass to grow higher than three feet. Fleischaker asks about root structure. Marcus: a good soil stabilizer is needed; once a month site inspections will be done. Marcus: no herbicides will be used; area is low maintenance. Fleischaker states that she wants language in the NOI disallowing use of herbicides. Marcus: anticipates this will be a condition. Maresca: during introduction, it was mentioned that at the end of the lease, the project will be decommissioned; asks if the decommissioning will go through its own NOI process or is it included in current NOI. Marcus: decommissioning is in the lease agreement with Cowls and Lake Street Developers; each year money is set aside for decommissioning when all the equipment is taken out; it is up to Cowls as to what they do with the site after decommissioning. Lake Street provided the Planning Board with terms of the lease. Stinson: unless the storm structures are taken out, decommissioning will probably not come back as a NOI. Jaques asks how seeding will be sure to stabilize site. Marcus: on some sites, it takes up to one year to get the grass to grow; once built, hydro-seeding is done. Jaques: ensure that stabilization of site is in NOI. Marcus: land is stabilized with straw and temporary seeding while site is being worked on; during installation there is a lot of traffic in the area; runoff is controlled by having storm water and erosion control in place. Maresca ask who the point of contact will be for the SCC. Marcus: there will be a preconstruction meeting with the Commission to introduce contacts, usually the contractors, and to set up a plan for reports; the Commission has

access to site. Jaques asks about staging areas. Marcus: yes, within the staging area trucks will be unloading posts; there is little to stock pile. Jaques asks about road upgrade materials. Marcus: it is a nice wood road; upgrade construction will be sequential— scrape off loam and lay gravel. Marcus does not know what will be done with scraped off material; this is not a cut and fill project; there is no need to export products. Fleischaker: road is wet and rutted. Marcus: road will be filled; road is partially owned by Norman Cote/338 Leverett Road. Jaques: during site visit, area beyond chain across the road looks like wetland. Marcus: stream crosses Cote's road further on. Marcus states that he will try to create a one page plan. Jaques: fence is six inches above ground for wildlife. Marcus: access, per NHESP, is for turtles and other small wildlife. Fleischaker, refers to the last page of the NOI, and notes that #8 needs editing to say where accumulated material will be "removed to." Maresca asks for a project timeline. Marcus: there will be a 3-4 month construction period; need to schedule time outside of the newly named engendered bat breeding season (summer); the Commission will be provided with a phasing plan; the plan is to be finished before the end of 2016; National Grid is doing a detailed study. Jaques asks about mud season and winter work. Shulman: will confer with contractor. Jaques: sloping of site is a concern. Marcus: this can be conditioned. Shulman asks the Commission for the data-layers they need. Maresca: topography, footprint, delineated wetlands, potential vernal pools, storm water. Fleischaker: include how the trenching will be done. Jaques: the SCC intends to have the peer reviewer delineate a much larger area to ensure there are no other wetlands that are not on current plans. Marcus: the trenches with conduits go all along Reed Road to connect with poles. Maresca: the SCC wants areas outside of the project area to be included; SCC considers how the site was chosen and if there could be other areas that might have been chosen.

Public Testimony: MacNicol: written public testimony will be made a part of record; she has reviewed what has been submitted; subjects include requests for peer review, raising issues of vernal pools and wildlife; this testimony will be part of the public record and can be read and supplemented; the Commission will read each one; they will be kept in a "exhibits to hearing" file; this file cannot be removed and someone must be in room when in use; advises making an appointment with the Commission office.

After a 5 minute break, the public hearing reconvenes.

Public Testimony: Maresca asks that comments be kept to three minutes unless for a group, than six minutes; requests public to self-identify and to bring handouts forward when speaking.

Miriam DeFant thanks the Conservation Commission and Marcus and states that she will summarize written testimony on behalf of group. DeFant presents, for the record, "Testimony to Shutesbury Conservation Commission regarding Wheelock Tract Solar Proposal" and supporting documents: "Low-Impact Development Design Strategies" and "Town of Shutesbury Open Space and Recreation Plan Update 2015-2022." DeFant: testifying on behalf of group that signed document; they wholeheartedly support solar and are environmentally aware. Per DeFant, they believe that the decisions made for this project, and the manner in which it is handled, may set a precedent; they ask the Commission to proceed cautiously. DeFant notes the SCC scope of authority as the 100' buffer zone and states that the Wetland Protection Act tasks the Commission with considering impacts on ground water and hydrology; the Open Space Plan and Bylaw speak to these as well. The project siting is in direct conflict with MassDEP, EPA and

DOER; project will affect benefits of forests. DOER had identified over 1000 sites in MA that could be used. They have listed areas they need the reviewer to address. The developers say the project will have no hydrological impact. DeFant asks what models, analysis and data were used to determine this; refers to Stinson comment that the developers relied upon NRCS soils map data. They would argue that the stream crossing on the eastern edge of the project is a perennial stream and falls under the River Protection Act; this is not a seasonal stream. Reed Road is a biologically active area, believed to be connected to water resources and that this area will be disrupted; this area is not being characterized accurately. NEE testifies they did a vernal pool survey; Steve Johnson/NEE was never tasked to do such survey; they are aware of a wetland resource area within project footprint. Michael Suter is in the process of a NHESP application for certification of his vernal pool. DeFant: their group has added concerns about hydrology. DeFant is asked to submit her notes for the record; she denies the request.

Rolf Cachat-Schilling/187 Wendell Road asks questions about the evaluation of the site specifically regarding the vernal pool and notes that we had a record dry period this spring. Asks if any botanists or entymologists were invited to the survey. Has any area outside of the wetland been inventoried for flora and fauna? Asks for an empirical statistical study for the site or the greater property and a ratio of core habitat. Requests that an evaluation of forest types be done and offers the possibly of committing another area as a trade off if the project were to go through and that this area is committed to never being logged; Shutesbury lacks old growth forest.

Stinson: a lot of what was said cannot be done by the Commission; the buffer zone does not have presumptive wildlife value; there are no endangered species as this is not listed as a site of rare or endangered species. MacNicol: Stinson is here to support the WPA regulations.

Andrea Cummings/69 Pratt Corner Road confirms that her emailed testimony was received. Cummings refers to her testimony and to Plan Sheet 3.0/Erosion Control and Clearing. Cummings points out the buffer zone and notes that the map stops and you cannot see topography; complete clearing and grubbing will occur 37' from buffer zone; asks if this area could be moved. Reed Road could be a hydrological connection. Marcus explains that grubbing and clearing is land clearing. Cummings: concerned that shade reduction and clearing will cause evaporation of wetlands; refers to MS comments that soil data was taken from soil maps and notes the need for an actual soil survey and assessment of the vernal pool during the proper season. Stinson: if an area is not a wetland resource area there is no wetland buffer zone. Jaques: a vernal pool is protected; there is no buffer. Stinson: a vernal pool has to be within a wetland resource area to have buffer zone. Cummings notes the need for public site walk with third party reviewer. Jaques: it is clear that SCC will hire a third party reviewer and have asked for a site walk with public. MacNicol: cannot extend site walk to the public; if Cows give permission, the public can be allowed to attend. Stinson: if there is an isolated wetland on site, Water Quality Regulations require them to be shown; if they are not on the project site, they do not have to be shown. Maresca confirms: project site is the full 31 acres. Stinson: yes. Cummings points to an area on the map and states that it looks like water flows to this area. Stinson: this may be something NEE and reviewer can work out. Cummings: concerned work on site may affect well water; concerned about need for blasting which can cause contamination and erosion. Shulman: no blasting at all will occur. Cummings:

in the NOI, it says that the contractor shall correct all deficiencies; asks if there will be test wells and how will homeowners be compensated if well water is compromised. Leslie Luchonok/61 West Pelham Road: regarding question of rare species habitat, is aware that mapping of rare species habitat is anecdotal and that sites may not be identified if they are not visited and there is no inventory. Asks Marcus if the incremental approach to clearing is a concession to work on a sensitive site and can the project be downsized to minimize impact, and, if there is an incremental staging for construction, would not decommissioning need to be staged.

Michael DeChiara/56 Pratt Corner Road, submits written testimony, and states that his comments do not represent anyone else or any particular body; has process questions. There will be multiple consultants with written scope of work proposals; asks who is responsible for the Shutesbury General Wetland Bylaw. Jaques: Bylaw is based on values and the SCC look at these values within the context of the wetlands. DeChiara requests the SCC submit testimony to the Planning Board on 7.27.15 requesting that the Planning Board not close their public hearing until the Conservation Commission can submit the findings of their consultant and determinations the Commission makes based on these findings. Jaques asks the Planning Board to confer on timeline and notes that the review will be a lengthy process. Lacy/Planning Board: the Commission has 35 days from receipt of special permit application to provide comment/feedback and ensures SCC will have this time. MacNicol: the SCC can have more time if they notify the chair of the Planning Board that, for example, that their submission will come when the consultant's report is ready. Fleischaker confirms time can go beyond. MacNicol: yes, though contact the Planning Board within 35 days.

Leslie Cerier/58 Schoolhouse Road states that she is not in support of project noting loss of forest; questions if there are genetically modified organisms in the seeds and pesticides in the mats. Shulman: no mats will be used. DeFant asks about hydro-seeding.

Robert Kibler submits a list of questions for the record and notes that some have been answered. Notes that the flow of water proposes to redirect out of wetland; citing the perennial stream and that the plan calls for flow to go parallel to Reed; flow now goes out onto Pratt Corner into Gurman/Wangh stream. Kibler states that he has been a water control engineer for 40 years.

Genny Beemyn/113 West Pelham Road, submits written testimony and asks if the SCC has hired their third party reviewer. Jaques: no; this will be done soon. Beemyn asks if the public can weigh in on who is hired. Jaques: no. Beemyn asks if the ten acres will be cut. Marcus: tall trees shading the project will be cut; the forest will be left intact.

Beemyn asks how cutting be accessed. Marcus: this is a managed forest and the Cowsls forester will decide on the approach; forester can be asked. Lebovits: State regulations limits size to 6 megawatts. Beemyn asks if there are others of greater size. Shulman: Billerica has a 6 megawatt solar array on a land fill. Beemyn is concerned that this project is out of scope for our town.

William Wells/371 West Pelham Road notes that Round Up ready corn has been approved and states that the proposed solar project will benefit everybody in town with the tax revenue; site has access to substation. Deerfield changed their project from 2 to 6 megawatts.

Jeff Lacy/29 Old Orchard Road states that he is not speaking for the Planning Board and wants to comment on a SCC matter relating to hydrology. The wetlands are fed by slope

and recharge area; with trees, there is less evaporation and more runoff into wetlands; the trench will intercept some of this runoff into a stormwater swale and head it into a different direction. Lacy states that the SCC should ask peer reviewer to evaluate hydrology changes in this area; during construction, sediment laden water needs to be kept away from wetland; once construction is finished, channel could be closed off. Wells: there are no trees in a Town photo from two hundred years ago and asks where the water went then.

Michael Suter/94 Pratt Corner Road: the seasonal pool is on his property; protection is seriously overlooked by regulations; he is deeply concerned about hydrological connection; Reed Road is wet all the time. Suter is concerned how road will be updated and that trenching will connect hydrology to his well and increase sedimentation; that project will open up a Pandora's Box for his property. Suter notes that he will not get pool certified until project may be underway and requests project be held up until certification can be completed; has heard peepers, in March, within the array area; there are seasonal streams that come from the north and ground water may within 1-2 feet of the surface.

Maresca: thanks everyone for participating and ends comment period for tonight. DeFant confirms that future public comment will be possible and asks how record can be reviewed. Jaques: review can be done during office hours; contact for appointments. MacNicol notes that there is no requirement for additional notice regarding continuation of the public hearing. At 10:24pm, applicant and Commission agree to continue the public hearing to 8.13.15 at 8:00pm. Jaques notes that the hearing will likely be continued again.

Maresca asks if the SCC can ask for public comment to be within jurisdiction. MacNicol: yes, they have right to restrict comment to areas of SCC jurisdiction. Stinson: restrict, as a lot of questions are not on SCC jurisdiction; need to ask applicant only for what can be asked for. MacNicol: a Bylaw appeal goes to Superior Court. Stinson: appeal cost is on the SCC.

Jaques: peer reviewer, Emily Stockman/Stockman Associates has been referred by several Conservation Commissions. Stockman's proposal is received by the SCC. Jaques asks MacNicol about Stockman's request the Select Board name her as a special municipal employee. Stinson: this allows her to still have projects in town. MacNicol will check on this status with the Ethics Commission.

Jaques asks Marcus if Cowls will allow public to access site because of their concern that wetlands have not been found. Marcus believes they will; once the NOI was filed, the SCC and those they hire have access; it works best if consultants are allowed do their work with a follow-up site with SCC. MacNicol: site visit cannot be a public meeting; that said, if Cowls gives permission, and applicants okay it, SCC could have a specific site visit for the public to point out their concerns; this can be done with all these permissions; if not allowed, have a public meeting with a presentation allowing them to mark the map with their areas of concern; consider whether you want your consultant to go first and then talk with SCC and, then, with permission, plan a follow-up visit with abutters; SCC must make sure applicant knows; it must be clear the SCC is being impartial and not show favoritism or ex parte activity without the applicant hearing of it.

Lebovits: with Planning Board, there was peer review contract confusion; asks for clarity on the process. MacNicol cites Chapter 44 §53G: specific contracting authority is given to the Planning Board and Conservation Commission to hire a third party consultant; the applicant appeals to the Select Board for reasons specified in 53G; Boards sign with consultant. MacNicol feels contract fee amount may be too low; more may be needed to cover attendance at two meetings. Jaques: based on the concerns of residents, the SCC may ask for a third site visit and more meetings if necessary; there will be an extra cost if more than two meetings as would come for duration of the public hearing. Proposal estimates 3 field days. Fleischaker asks if Stockman would be accompanied by NEE. Marcus: this would be helpful for initial orientation. Fleischaker asks about SCC site visit attendance with Stockman. MacNicol suggests SCC give Stockman their areas of concern. Fleischaker: this could be done on maps; if applicant is going to be present at site visit, SCC needs to be present. Marcus: Stockman reviewed one of their projects in Great Barrington; she concentrated on erosion control staging plan and was very thorough. MacNicol: Stockman should not tie who SCC has as another consultant into her contract; her contract should stand alone. Jaques: SCC considering Fuss & O'Neill for stormwater review. MacNicol: respected firm and will work with Tighe & Bond so that their recommendations concur. Fleischaker suggests scratching name in contract. MacNicol: unless there is something the SCC wants to add, Stockman is basically reviewing the wetland delineation. Fleischaker is concerned scope is too loose. MacNicol: peer review will be completed and SCC can say whether or not it is sufficient; for more review, coordinate with applicant for fee; need to have field work broad enough to review, walk 30 acres and confirm NEE's work in total and what is missing. Fleischaker will review and refine contract prior to Jaques' next contact with Stockman. MacNicol verifies with NEE that all Stockman's site marking requirements are met. Marcus: yes. MacNicol confirms that map with soil and vegetation sampling sites is marked; contract needs expected start and completion dates. Maresca: needs more clarification of key deliverables; we may want revisions to her report and we will want a map with discrepancies to be included with her findings. MacNicol: Stockman's recommendations may be for conditions; need for her sense of the construction schedule, i.e. erosion, bats, and problems with clearing a forest for industrial use. Maresca asks if the report is public. MacNicol: yes, a public record; Stockman should do her report relative to the WPA and Bylaw, review of NEE's work, and her concurrence or non-concurrence with their work, recommendations for non-concurrence and conditions. MacNicol: there is no individual liability for Commissioners; if abutters don't like project and OOC is issued, they will appeal to Superior under Bylaw and to DEP under the WPA, the (Planning Board's) special permit is appealed to Superior; applicants will be expert witnesses; goes through process of about 6-18 months and is decided upon the law; file is testimony; once SCC makes decision, they are not actively part of appeal; the SCC is to do the job the best way they can. Jaques: when ready, SCC will sign contract. Lebovits: will drop off check tomorrow \$4,505 for Stockman Associates and Fuss & O'Neill or Tighe & Bond on Monday. Once services are provided, requests for payment are submitted to the Treasurer who will keep track of amounts for each contract. MacNicol and Shulman: Tighe & Bond is looking at stormwater for the Planning Board. Jaques: SCC was given the Stormwater Management Report to review; the Planning Board went ahead with Tighe & Bond without consulting

with SCC. MacNicol: suggests going to Planning Board meeting; would want a separate contract with Tighe & Bond and SCC. Maresca: from a process and public perspective, it may be clearer to have the same reviewer for stormwater for both boards. Jaques: concerned how about report will be handled if using the same stormwater reviewer. Marcus: notes additional costs; has never had two engineers review a plan and make revisions to the plan; every engineer does things differently. MacNicol: it is the SCC's call; they could have a separate contract with Tighe & Bond with a different report focusing on retention basins and how is it designed for decommissioning; makes the most sense to get things moving and suggests the SCC make a motion contingent on Monday's Planning Board meeting; SCC can have a vote on Monday after seeing Tighe & Bond with the Planning Board. Need for a quorum and need to amend agenda for 7.27.15. MacNicol: SCC did not anticipate this was an issue before tonight; would be surprised if either firm did not have a certified erosion control specialist. Lebovits: it will be very helpful if SCC decides to use Tighe & Bond. MacNicol affirms that decision is the work of SCC. MacNicol: panels stay alive is there is a fire; need for fire break around array. Jaques asks what happens if Stockman is hired and plan changes in a substantive way. MacNicol: you ask for more money to pay for further review. Per Lacy, Chief Tibbetts, is okay with array. MacNicol: OOC clearly applies to the lessor and leasee; need for construction schedule; SCC comments to Planning Board will be very important; it's very possible, reviewer may find calculations are fine, however, plan needs revision. All Commissioners agree to attend the 7.27.15 Planning Board public hearing, review the Stockman proposal in preparation for a vote 7.27.15, and further consider firm for stormwater review.

On 7.24.15, Jaques and Scott will prepare the Leonard Road/SHD Determination for signing on 7.27.15.

Meeting is closed at 11:25pm.

Respectfully submitted,

Linda Avis Scott

Clerk