



# MONTAGUE CONSERVATION COMMISSION

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## Meeting Minutes

Thursday, May 12, 2011 6:30 PM  
Town Hall Downstairs Conference Room

**Commissioners Present:** Mark Fairbrother, Chair, Deb Picking, Addie Holland, Sean Werle, Justin Fermann, Donna Francis

**Commissioners Absent:** None

**Staff Present:** Walter Ramsey

Meeting Called to order at 6:30 PM by Mark Fairbrother

*Motion for approval of minutes from January 13, 2011 by Deb Picking, seconded by, Donna Francis. Motion carries.*

### **Request for Determination of Applicability #2011-05**

#### **Shao Kuo of Jiang Farm Assessors (Map 44 Lot 61)**

Present: Shao Kuo of Jiang Farm and 2 guests, and Dolores M. Branco LSP- Environmental Management Associates, Inc.

Summary-Request to determine if proposed work is subject to the Wetlands Protection Act. The property is identified as the Jiang Farm on 405 Federal Street in the Town of Montague. Work involves the monitoring and excavation of petroleum impacted soils in the buffer zone of a wetland subject to the Wetland Protection Act.

History -On June 11, 2009 the Commission permitted the applicant (RDA #2009-02) to build a structure in a previously disturbed area in the buffer zone of a wetland under the agricultural exemption. Construction was halted in July 2010 by the Health Inspector and Conservation Agent when petroleum odors were detected near the excavated footing trenches. On July 13, 2010, Department of Environmental Protection personnel inspected the site with Montague Board of Health and Conservation Commission personnel. Based on observations the site has been subject to a release of oil/hazardous materials. The cleanup of disposal sites is governed by the M.G.L. c 31E and the Massachusetts Contingency Plan.

Findings- Work will remove contaminated soil in the buffer zone of a jurisdictional wetland. Wetland resource area flags and siltation barrier placed in accordance with RDA #2009-02 remain present on the site as of May 12, 2011. The previous work limit for RDA #2009-02 (represented by the siltation barrier) is the work limit for the currently proposed work. Mechanical actions are limited to existing construction area limits with exception of one hand-installed well to monitor contamination in the wetland resource area. Project is designed to benefit the wetland resource area and public drinking water supply.

**Motion:** Moved by Deb Picking for a negative determination because the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:

*Conditions*

- 1) The Agent and or the Conservation Commission to be notified 5 days prior to excavation.
- 2) Siltation barriers shall be maintained until all remediation activities are completed
- 3) Excavated areas shall be back-filled with clean fill.
- 4) No excavated contaminated soils are to be stored in the buffer zone of the wetland or in the resource area.
- 5) The applicant shall notify the Conservation Commission if additional work is required beyond the defined work area, as additional Wetland Protection Act filings may be required.

Seconded by Donna Francis and voted 6-0 in favor.

**Amendment to Order of Conditions for Notice of Intent of #2009-03  
Jonathan Dobosz of Montague Parks and Recreation – Unity Park (Map 4 Lot  
10,11,12,103)**

Present: Jonathan Dobosz Director of Montague Parks and Recreation, Jen Downs, Elizabeth Carter -Community Garden Committee members, Rachel and Lawrence Roy – 5 Pleasant Street.

Summary- Applicant seeks a provision to allow for a 3,000 square foot community garden within a 5,500 square foot (designated future) restoration area located in the riverfront area of the Connecticut River. Work includes removal of debris, site restoration, and the planting of domestic, non-invasive produce and flowers instead of native plantings. The group wants use through November 2011 to do raised bed gardens. Boxes will be lined with landscaping fabric to hold in the soil. Garden would be a temporary use until Unity Park Improvements as defined in the Order of Conditions is funded.

The Montague Conservation Commission supported the community garden proposal and found the request to require no further action under the Wetlands Protection Act or Riverfront Protection Act provided the following conditions are met:

- 1) The garden is an interim use of the land until construction begins for the Unity Park Improvements described in Notice of Intent 03-09.
- 2) All soil must be contained in raised bed gardens within the garden area
- 3) No construction of any accessory structures shall be allowed in the Riverfront area
- 4) Permanent use of this area as a community garden site would require an amendment to the Order of Conditions.

*The amendment to an order of conditions for improvements to Unity Park (DEP File# 229 0224, issued 2/4/2010 was withdrawn by the applicant in the presence of the Commission*

Next step is to draft a letter to bring to Selectboard saying that the Conservation Commission endorses the community garden proposal with yearly re-approval and proper soil containment until the Unity Park project progresses.

**Request for Determination of Applicability, #2011-06**

**Raymond Sebold and Donna Francis. 130 Meadow Road (Map 41, Lot 14)**

**Present:** Donna Francis and Raymond Sebold, 130 Meadow Road

To determine if the construction of a 676 square foot single family residence at 130 Meadow Road is subject to the Wetlands Protection Act. Work will occur within the 100 foot buffer zone of a bordering vegetative wetland. Planned residence will replace existing residence.

Donna Francis (applicant) and Mark Fairbrother (abuttor) recused themselves.

***Motion** by Sean Werle for Deb Picking to be acting chair for this item. Seconded by Addie Holland.  
Approved 4-0.*

The applicants presented the plan to construct a single family home structure approximately 90 feet way from a suspected BVW. The project site was visited by A. Holland, D. Picking, and Walter- Ramsey (Agent). The suspected bordering vegetated wetland area (suspected BVW)

described in the Sebold/Francis Site Plan dated 5/3/2011 were not flagged by the applicant. Suspected BVW is adjacent to an intermittent stream. Suspected BVW is upgradient from the proposed single family home structure. The land area in between the proposed structure and the suspected BVW are previously disturbed lawn and garden. Proposed activity will not remove, fill, dredge, discharge into or otherwise alter a Bordering Vegetated Wetland. Because project is within Priority Habitat, Applicant shall seek compliance under Massachusetts Endangered Species Act (MESA).

The commission requested that Walter draft findings that the applicant can use when filing with Natural heritage.

***Motion:** Moved by Sean Werle for a negative determination because the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent. Seconded by Addie Holland. Motion approved 4-0. Donna Francis and Mark Fairbrother abstaining.*

**Review Stormwater Management Plans per Airport Industrial Park Covenants.  
Applicants Jay DiPucchio & Tommas Luck representing Nutri-Systems Corporation  
(Lot 14 Industrial Blvd)**

**Present:** Jay DiPucchio and David Vreeland – Engineer for Vreeland Design Associates

To review storm water management plan for compliance with Airport Industrial Park covenant guidelines. Plan submitted by Nutri-Systems Corporation for the construction of a 42' X 96'

industrial building with 10 parking spaces in Lot 14 of the Airport Industrial Park. This project is not in

the jurisdiction of the Wetlands Protection Act. This review is conducted solely on behalf of the Planning Board's request that the Conservation Commission review stormwater management proposals to ensure compliance with Airport Industrial Park covenants.

Several aspects of the Stormwater management plan were noted for the record:

- Several trees are slated for removal to allow the building (to be situated due south) to receive unobstructed solar radiation. There are existing trees that will stay.
- The proposed detention area will include some tree removal and grubbing the area to take out stumps. Bob Deane will be doing the excavating. The "basin" will be 6-7 inches to act as a detention area
- Basin will be planted with 5 different grasses that are drought tolerant and will grow in sandy soil .
- An infiltration trench system is proposed for roof run-off. The trench system would be a stone drip line along side of building 3 ½ feet with a run off with 6 inches of stone to an underground trench 3 feet down. That hopefully will help as run off won't run through a snow bank.
- The structure has a center ridge line gable with a double pitched roof – duplicate detail on both the North and South side. These meet conveyance standards.

*Mark Fairbrother asked Walter to draft a letter stating that the Conservation Commission has reviewed the stormwater plans and has no objections. Letter to be sent to the Planning Board as the final approving authority. The applicant shall notify the Conservation Commission should the plans need to be changed or altered.*

**Motion** to adjourn by Sean Werle seconded by Donna Francis. Motion carries.

Meeting adjourned at 8:01 PM

**Next scheduled meeting:** June 9, 2011 at 6:30 PM

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_