

Montague Conservation Commission

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MEETING MINUTES

Thursday, June 14, 2018 6:30 PM

Upstairs Meeting Room, Town Hall, One Avenue A, Turners Falls, MA

Commissioners Present: Mark Fairbrother - Chair, Justin Fermann, Alex Peterkin, and Laurie Reid-Associate Deb Henson and Donna Francis

Commissioners Absent: Sean Werle and Addie Rose Holland

Staff: Walter Ramsey – Agent

Mark Fairbrother called the meeting to order at 6:30 PM.

Approval of Minutes: May 10, 2018

Motion made by Justin Fermann to approve May 10, 2018 minutes. **Seconded** by Alex Peterkin. **Motion passed unanimously.** Donna Francis and Deb Henson abstained from the vote.

PUBLIC HEARING CONTINUATION from 5/10/18- Notice of Intent NOI #2018-02 filed by Thomas Memorial Country Club to restore an irrigation impoundment on a parcel identified as Montague Assessors Map 10 Lot 29. The work will impact 1,725 square feet of bordering vegetated wetland and up to 90' linear feet of bank.

Present for Applicant: Mark Sicard – Thomas Memorial Country Club

Site visit was conducted 6/14/18 at 5:30. Attended by Commissioners Henson, Peterkin, and Reid and the Conservation Agent. A file number and comments were provided by DEP since the initial hearing.

Mark Sicard updates: The purpose of this application is to restore an irrigation pond at the golf course. This restoration was done about three years ago. Now additional restoration is needed to maintain irrigation. Mark Sicard is now working with consultant Ward Smith who did a site visit and gave written comments that address DEP's written comments.

Report on Site Visit: Site visit was conducted 6/14/18 at 5:30. Attended by Commissioners Henson, Peterkin, and Reid and the Conservation Agent. Alex P. noted that there are potential wetlands within 70 feet up gradient of the storage/dewatering area. There is no conceivable impact to the resource area.

Written comments of Ward Smith: "The irrigation pond is an "in-stream" water body that was created by impoundment. The pond is generally shallow, approximately two feet in average depth, but this is adequate for the irrigation needs of the Country Club. However, due to road runoff, there is a delta of sediment that is reducing the pond's ability to provide adequate water storage. The area that is proposed to be excavated is approximately 45 feet in length and less than 25 feet in width, and is located in the northeastern portion of the pond. Proposed resource area impacts are as follows: less than 1,125 square feet and less than 100 cubic yards of Land Under a Water Body, and less than 45 linear feet of Bank. These amounts are below the thresholds for a wildlife habitat evaluation or a 401 dredging permit. Prior to beginning work, a Self-Verification Notification form will be sent to Mr. Paul Sneeringer of the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.

Process: Access to the area to be excavated will be done across the upland slope to the north of the pond. Work will take place only when the ground is frozen. Work is proposed to be conducted as follows:

1. Prior to beginning work, the water levels in the pond will be lowered via the outlet valve.
2. Sediment and erosion control will be placed around the outlet valve and in three separate barriers across the outlet stream.
3. An excavator, located on the adjacent upland, will remove material from the 1,125 square foot area.
4. All excavated material will be placed in a soil stockpile that is located downgradient of the pond, and more than 100 feet from the downgradient wetlands. An erosion control barrier will be established in a semi—circle on the downgradient side of this stockpile. Over time, these soils will be used in order to patch voids within upland areas located in the existing golf course.
5. The water level in the pond will be returned to normal.

Findings:

1. The irrigation pond is an “in-stream” water body that was created by impoundment prior to the Wetlands Protection Act.
2. Sedimentation is reducing the pond’s ability to provide adequate water storage, despite the initial maintenance done under DEP file 229-0232
3. The commission finds that the project will remove less than 100 cubic yards of Land Under a Water body over a 1,125 square foot area and impact less than 45 linear feet of Bank (*different than initially proposed*)
4. DEP file 229-0232 Montague File 2013-01 received a certificate of compliance for initial irrigation pond maintenance. It is noted that the wetlands mitigation implemented for that project exceeded the amount actually required based on the actual resource impacts (2,193 square feet restored, 1,000 square feet impacted)

Special conditions:

1. Prior to beginning work, a self-verification form shall be sent to US Army Corps of Engineers under section 404 of the Clean Water Act.
2. No mechanical pumping is allowed to drain the irrigation pond.
3. The rock filter dam and erosion control shall be inspected by the Conservation Agent prior to construction.
4. All excavated material shall be placed in a soil stockpile that is located downgradient of the pond and more than 100 feet from all wetlands on site. An erosion control barrier shall be established in a semi-circle on the downgradient side of the stockpile. The soils shall be used for fill within 100 feet of any wetlands.
5. The water level of the pond shall be returned to pre-construction level.
6. Work will only be done when ground is frozen.

Motion made by Deb Henson to issue and Order of Conditions for NOI #2018-02 filed by Thomas Memorial Country Club with special conditions including the need for a self-verification form for the US Army Corps of Engineers under section 404 of the Clean Water Act along with findings. ***Seconded*** Alex Peterkin. ***Motion passed unanimously.***

PUBLIC HEARING- Notice of Intent NOI #2018-03 filed by Jean Conway to construct a single family home with a two car garage with septic and well on Swamp Road in Montague, MA the parcel is identified as Map 44 Lot 20. The work will impact 1,800 square feet of riverfront area.

Present for Applicant: Jean Conway – Owner, and Steve Greenwald - Renaissance Builders

The site encompasses a section of Goddard Brook, which is shown as a perennial stream on the U.S.G.S. topographic map, an unnamed perennial stream connecting to Goddard Brook and bordering vegetated wetlands.

Report on site visit: Commission conducted site visit on Monday, June 11, 2018 at 4:30 PM. In attendance were Deb Henson and Walter Ramsey. Deb augured some soil samples to check delineated boundaries. The unnamed stream at rear of property was flowing and showed evidence of incision that indicates perennial status.

Findings:

5. The site encompasses a section of Goddard Brook, which is shown as perennial on the U.S.G.S. topographic map, an unnamed perennial stream connecting to Goddard Brook and bordering vegetated wetlands. This Order of Conditions is not a confirmation of resource area boundaries
6. A site visit was conducted by Commissioners and their Agent on June 11, 2018.
7. The lot existed prior to the Riverfront Protection Act.
8. The Commission finds that there are no practical alternatives to locate the septic system on site in a manner that will lessen resource area impacts, nor is the extension of public sewer practical or feasible.
9. The meadow/pasture area has been maintained as such for over 4 decades.

Deb suggested adding language that the Order is not a confirmation of resource area boundaries.

Special Conditions: One special condition was discussed (in addition to the standard conditions). It related to preservation of the meadow on the lot. The Commission elected not to set standards for frequent or timeframe of mowing of the meadow and opted for the following language: “In order to promote wildlife habitat in the riverfront area and mitigate resource area impacts, the meadow outside the limit of work identified on the final approved plan shall be maintained as meadow or natural vegetation, and in no instance shall this area be converted to lawn. This condition shall be in perpetuity.”

Motion made by Deb Henson to issue an Order of Conditions for NOI #2018-03 filed by Jean Conway with findings and special conditions as discussed. ***Seconded*** Donna Francis. ***Motion passed unanimously.***

PUBLIC MEETING – Request for Determination of Applicability RDA #2018-01 filed by Al and Catherine Lichoulas to determine if proposed work associated with the construction of a proposed 4.5 acre solar energy facility on a parcel identified as Map 23 Lot 67 on Millers Falls Road in Montague, MA is subject to the Wetlands Protection Act.

Present for Applicant: Colleen Puzas - SWCA Environmental Consultants and Al Lichoulas – Land Owner

The project consists of a 0.994 MW (DC) solar energy facility proposed in the northwest portion of Map 23 Lot 67 on Millers Falls Road. The proposed solar array will be constructed on approximately 4.5 acres of the 15.9 acre lot. Access to the array will be from Millers Falls Road by creating a new short access road onto the property. The BVW wetlands on the site were delineated in April, by Colleen from SWCA Environmental Consultants. Colleen observed that there is a stream running south to a culvert under Millers Falls Road. The project has been planned and sited to be outside of the resource areas and buffer zones. There is an erosion control and operations plan in place.

Mark Fairbrother noted that there was past work by an abutter that negatively impacted the wetlands system in question. He raised concern that improper stormwater management and erosion control from this work could alter the resource area. He also raised the issue of needing FAA clearance due to proximity to the airport.

Agent: The Commission has to make a determination this proposed work is 100 feet outside the wetlands. Agent visits the site and can confirm that the proposed work will be outside the buffer zone. The project would be in violation of the WPA if the Commission can prove that the wetlands are being negatively affected after construction. Because this is outside the resource area, the Commission has little leverage. However, site plan review and stormwater management review will be conducted by Planning Board.

The applicant, Al Lichoulas said he had gotten both a letter from the FAA and one from NHESP stating a no take at this site.

Motion made by Deb Henson for a Negative Determination Box 4 for RDA #2018-01 filed by Al and Catherine Lichoulas. **Seconded** Justin Fermann. **Motion passed unanimously.**

The Commission asked the Agent to convey the Commissions stormwater and erosion control concerns to the Planning Board when they consider the project. Walter will do that and notify the commission once the application is submitted to the Planning Board so that they may offer more substantive comment.

Conservation Agent Updates:

- The Commission received correspondence from residents at 23 Grout Circle Montague, MA. Concerning vegetation maintenance on Eversource electric transmission easement. The owners of the property have not been happy with the previous maintenance of this transmission line and had their lawyer write a letter to both Eversource and cc'd the Conservation Commission to everyone aware of the past situation and trying to ensure that Eversource complies with all regulations and their Yearly Operation Plan. Walter will review the Plan and gather more information.
- Municipal Vulnerabilities Preparedness Plan
Walter announced that Montague recently adopted its MVP Plan. The plan addressed Montague's top hazards which are: severe weather events: snow, wind, ice and rain, drought, extreme temperatures: high heat and freezing along with manmade hazards: dam failure and hazardous materials. The plan is available on the Town Website.

Motion made by Justin Fermann to adjourn the meeting at 7:42PM. **Seconded** Donna Francis. **Motion passed.**

Approved by: _____ Date: _____

Documents:

NOI #2018-02

NOI #2018-03

RDA #2018-01

Correspondence – 23 Grout Circle