

Montague Conservation Commission

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MEETING MINUTES

Thursday November 8, 2018 7:00 PM

Upstairs Meeting Room, Town Hall, One Avenue A, Turners Falls, MA 01376

Commissioners Present: Mark Fairbrother - Chair, Alex Peterkin, Deb Henson, Donna Francis, Laurie Reid – Associate Member

Commissioners Absent: Addie Rose Holland, Justin Fermann and Sean Werle

Staff: Walter Ramsey – Agent

Mark Fairbrother called the meeting to order at 7:00 PM.

Approval of Minutes: October 11 and October 24, 2018:

Note: 10/11/18 minutes were not ready for approval.

Motion made by Donna Francis to accept the minutes from October 24, 2018. ***Seconded*** Mark Fairbrother. ***Motion passed.***

PUBLIC MEETING: Amended 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 lot identified as Assessors Map 23 Lot 67 on Millers Falls Road in Montague, MA is subject to the Wetlands Protection Act. No work is proposed within 100 feet of regulated wetlands.

Guests: Albert and Catherine Lichoulas – Applicant/Owner, Jeremy McDermott – Sunbug Solar and Kevin McCaffrey/Engineer – SWCA Environmental Consultants

A new public meeting was required due to substantial design changes from the previously approved plan (See RDA# 2018-01). The project is located on a 15.9 acre parcel owned by Al and Catherine Lichoulas and the proposed solar array will be constructed on approximately 3.9 acres of the property. Access to the array will be from Millers Falls Road and will involve creating a new driveway. The proposed work does not alter or fill any wetland resource areas and the project will take place outside of the 100 foot buffer zone to Bordering Vegetated Wetlands. All clearing and grubbing at the site will occur at least 150 feet from jurisdictional wetlands. In addition to the solar array area, the total clearing and grubbed area will be 4.4 Acres with a 10 foot maintenance corridor around the fence. The shade management area will now go beyond the 5 acres that was previously requested for maximum solar power. NHESP has reviewed and approved the amended plans.

Stormwater Management- SWCA has prepared a Stormwater Management Report as required by the Montague Planning Board. The site is currently wooded and will be transitioned to a native meadow and ground cover beneath the solar panels. The use of straw wattles and a retention pond (needs to be sited and discharge shown). The Planning Board had previously approved the special permit and site plan approval with specific stated conditions and monitoring requirements (See Special Permit File). Kevin McCaffrey, Engineer for SWCA explained the primary concern he heard was with run off during construction. The proposal is to do a temporary sediment basin during the construction phase only; this would get decommissioned as the site becomes stabilized. It is Mr. McCaffrey's position that this project complies with all the rules and bylaws of Montague.

Public Comment: Ken Morin, resident and Water Commissioner: Concerned about sheet runoff when ground is frozen. In the past, frozen ground in this area and the issues that come with that have impacted Airport and Franklin County Technical School). The commission was sympathetic to Mr. Morin's concern but it became clear that the Commission can't "act" on this until or if a problem occurs that negatively affects the resource area.

Mark Fairbrother asked that the Conservation Commission would like to be copied on inspections/maintenance reports that are submitted to the Planning Board. It was suggested that Planning Board should revisit the issue regarding the frozen ground/sheet issues as stated above. Walter will make a note for the file.

The applicant is seeks a negative determination due to the fact that the project does not come within the 100 feet of any wetlands located on the parcel. The Commission observed that based on the plans there is currently no jurisdictions, however if the results in the field result in an impact to the wetlands-enforcement action can and will be taken.

Motion made by Deb Henson to issue a Negative Determination (Box 4) because the work described in the Request is not within an Area subject to protection under the Act. **Seconded** Alex Peterkin. **Motion passed.**

Notice of Intent NOI #2018-05: filed by Town of Montague to 1) install a MassDEP approved Corrective Action Design (closing/capping) for the former Montague Burn Dump/landfill, and 2) construction of a ground-mounted solar photovoltaic system within and outside the limits of the capped landfill, as a post-closure use. The address of the lot where the activity is located is Rear Turnpike Road, Montague, MA identified as Map 21 Lot 006. The applicant seeks permission to alter an area within 100 feet of an area subject to Protection under the act.

Guests: Brian Huntley – Tighe & Bond and Henry Barrett – Kearsarge Solar, LLC

Brian Huntley: Tighe & Bond has been working with the Town of Montague for a few years to develop a cap design for "burn dump landfill". Kearsarge is presenting a compatible solar PV system for the cap and adjacent land. The cap and PV work will be done together by the same contractor, thus it is being permitted together. The former burn dump is located adjacent to the former Montague Sanitary Landfill on Sandy Lane at the rear of Turnpike Road. The Burn Dump constitutes about 7 acres of 164.5 acres of town land. The proposal is for installation of a soil cover system over the Burn Dump as well as modification of the existing subdrain system, prior to the installation of the solar PV system. The closure system is a soil cap system which includes some regarding of the waste on site and putting 18 inches of low permeable (not a clay material) soil on top of the area then loam and seed. There will be stormwater controls in place as required by DEP. The goal is not to change where the stormwater runoff on the site is going but to clean the water up a bit before it discharges into the wetlands. An important fact to note is that there is an existing drain line that was installed years ago that has been taking the leaching from the land fill and putting it into the wetlands and turning the brook a brown/rusty color. The schedule of the project is approximately 5 months – solar construction (2months) and cap (3 months) with weather having a huge impact on a time line.

Discussion Points:

- Commissioner Deb Henson –Is the intention for the vegetation in the stormwater settlement basin to be vegetated similar to a bioretention area with some level of nitrogen uptake? Huntley: The intention is it to be anaerobic. The slope will be 3:1. It will be loamed and seeded with erosion control blankets put in place.

- Ken Morin- resident- who is responsible for maintenance? Brian Huntley explained that the fence line will divide the responsibilities of maintenance going forward. Since it is a town cap and a town project it will be the responsibility of the town going forward to maintain the cap. Anything associated with the arrays inside the fence such as the mowing of the grass will be the responsibility of the developer.
- Paul Banas- Judd Wire management- expressed concerned with the traffic in and around Sandy Lane while the construction is going on. Walter will refer the concerns to the Planning Board and invited Paul Banas to attend the November 27, 2018 Planning Board meeting so that these concerns can be addressed by the appropriate body.
- Walter Ramsey- Agent – inquired about the proposed fill area in the buffer zone at the northeast of the project. Brian Huntley says they can look at that again and potentially eliminate the grading impacts. Brian will speak for Henry and say this can definitely be looked at again and move things around before the final design.
- Commissioner Donna Francis suggested pollinator-friendly seed mixes with in the vegetated areas. Applicant indicated that this can and will be done.
- Walter Ramsey clarified that there is no shading proposed for this plan but it is not 100% known if it may be needed. How will shading be addressed if it is determined in the field that trees in the buffer zone are shading the array? Brian Huntley volunteered that there shall be no cutting of vegetation for shading in the buffer zone outside of the project limits without prior review and approval by the Commission. Walter also added that this is a construction zone for a cap and at what point and who determines that the cap is stable and safe and sound and ready for the array? Brian Huntley noted that with the cap and the closure project DEP requires 3rd party observation during the construction of the cap. All the construction will be document by the 3rd party including reports and drawings with conditions at grade.

Motion made by Deb Henson to close the hearing for the NOI #2018-05 filed by the Town of Montague and Kearsarge Solar LLC and to issue and Order of Condition with the following findings and conditions. **Seconded** Alex Peterkin. **Motion passed.**

Findings:

1. This project is a joint submittal from the Town of Montague and Kearsarge Solar LLC. The Town is responsible for construction, operation, and maintenance of the burn dump cap as depicted in the “Montague Burn Dump Closure Project” plans. Kearsarge Solar LLC is responsible for the construction, operation, and maintenance of the Montague II Solar Project plans.
2. The project will be constructed by a private contractor employed by Kearsarge Solar LLC.
3. Due to the needs of the proposed capping and the proximity of on-site wetland resource areas, approximately 86,747 square feet of total impacts are required within the 100 foot buffer zone of bordering vegetated wetlands.
4. The cap for the closed landfill is required by state law and will provide an environmental benefit and will help improve the water quality of Randall Brook.
5. The project is not subject to Stormwater Standards, subject to Special Condition 2 (b).

Special Conditions:

1. A copy of this Order of Conditions shall be provided by the Applicant to the Contractor.
2. Prior to issuance of a Building Permit, Kearsarge shall submit a revised site plan for review and approval by the Commission that includes the following elements:
 - a. Remove proposed fill area in the northeast corner of project
 - b. Relocate the stormwater basin outlet pipe so that the point source discharge is outside the buffer zone
 - c. Specify a pollinator-friendly solar seed mix for proposed grassed areas in project area
3. No work shall occur on the burn dump cap prior to DEP’s approval of the Corrective Action Design and no work shall occur on the solar component until a post-closure use permit has been obtained from DEP.

4. *The Commission must be notified at least 48 hours prior to construction in order to inspect erosion and sedimentation controls, review limit of work and participate in a pre-construction conference with town officials.*
5. *The Commission shall receive weekly or bi-weekly construction reports during the construction phase.*
6. *There shall be no stockpiling of materials, fueling of vehicles, or storage of oil, fuel or other hazardous materials in resource areas or their buffer zones, including any areas within 100 feet of a Bordering Vegetated Wetland or intermittent stream or within 200 feet of a perennial stream, unless specifically permitted by this Order or approved in writing by the Commission.*
7. *There shall be no cutting of vegetation for shading in the buffer zone outside of the project limits without prior review and approval by the Commission. This shall be an on-going condition.*
8. *Any future maintenance activities beyond minor maintenance and care to the proposed cap and solar facility and any repair to the cap, will require review and written approval from the Commission prior to the start of work.*

Agent Updates:

- Ratify Emergency Certificate 2018-02 Millers Falls Road Embankment – Walter presented the certificate that was authorized at the last meeting for Commissioner’s signatures.
- Correspondence from DEP regarding composting facility at Water Pollution Control Facility – Walter shared that the WPCF has gotten DEP approval to conduct composting (byproducts from the facility) at the facility. It will be located at the edge of one of the parking lots.
- Montague Center Pond Outflow – Recently a call came in from a resident located at 8 Court Square who is concerned about erosion along a stream in her yard. She believes that this is happening due to the outflow from the Montague Center Pond. Agent concurred that the erosion does appear to be active. He took photos for the file. The upstream pond is currently part of the Montague Center School property but the outflow is the town’s property. There is no indication that there were historically more boards in the outflow culvert to raise pond levels. Commission felt that the Town doesn’t have the right to take any action because it would alter wetlands and land that is not owned by the town. It is clear that the pond is filling in with vegetation and that it has not been dredged in decades. The Commission does not recommend any action at this time but will continue to monitor the situation.

Motion made by Alex Peterkin to adjourn the meeting at 8:27 PM. **Seconded** Donna Francis. **Motion passed.**

Approved by: _____ Date: _____