

Montague Conservation Commission

One Avenue A, Turners Falls, MA 01376 (413) 863-3200 Ext 207 Fax: (413) 863-3222 Email: planner@montague-ma.gov

Thursday, October 12, 2017 - 6:30 PM

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

Present: Mark Fairbrother, Alex Peterkin, Sean Werle, Addie Rose Holland and Justin Fermann

Absent: Donna Francis and Deb Henson

Staff: Walter Ramsey, Town Planner and Conservation Agent

Guest: Laurie Reid, resident

Meeting was opened at 6:30 PM by Chairman Fairbrother

Approval of Minutes:

MOTION by Alex Peterkin to approve the August 10, 2017 minutes as presented. Sean Werle seconded the motion. **Motion passed.**

MOTION by Addie Rose Holland to approve the September 14, 2017 minutes as presented. Alex Peterkin seconded the motion. **Motion passed.**

CONTINUATION OF PUBLIC HEARING Notice of Intent NOI #2017-01 filed by Bruce Young to construct a two-car garage at the residence located at 145 Taylor Hill Road - Assessors Map 51 Lot 89. The proposed project is located in the buffer zone of the Bordering Vegetated Wetland and within a section of the outer Riverfront Area (100-200').

Guest: Bruce Young

The Commission had requested additional information at the September 14 hearing for NOI#2017-01. Specifically the Commission wanted a revised site plan showing the footprint of the proposed garage, topography of proposed conditions, and construction drawing of the cross section of the slope. They also requested a description of the roof water management.

Bruce Young had submitted the requested supplemental information ahead of the hearing. Deb Henson was not able to attend but reviewed the materials and submitted written comments for the Commission to consider; these comments are in the file. The following is a summary of the discussion that took place.

Building Footprint- The footprint was identified on the revised site plan. There was a question about the setbacks from the road as the Montague Zoning bylaws require a 25 foot setback. The plans that were submitted reflect the needed setbacks. A setback variance would be required for less than 25 feet, and ultimately not affect the amount of disturbed area in the riverfront.

Fill Slope- The previous NOI for the house limited the slope to 3:1 for the impacted areas. The garage fill is proposing a 2:1 slope, as shown on the revised site plan. The slope will be vegetated with native species. The fill will come from on-site native materials being stored at neighbor's property. In the original order of conditions the Commission did not want any slopes going towards the wetlands to exceed a 3:1 slope. If there was to be a steeper slope proposed they wanted to see a retaining wall. Walter said that the issue pertained to a different area rather than the area that already exists and currently is at a 1:1. Bruce said putting a retaining wall would break the hydrological connection and not serve a purpose. Justin stated that it would not be about the hydrological connection but about the erosion prevention at the site. The plan for Bruce is to move the sand over as fast as possible, cover the area and plant some fast growing rye on top and put down core netting to prevent any erosion.

Infiltration- storm water is to be managed by an infiltration swale planed with native materials. Driveway is currently ½ paved and may in the future be fully paved. No additional driveway area is proposed.

Net Riverfront Area Impact- The original NOI filing permitted a disturbance of 2,100 square feet in the resource area. For the new garage project the NOI proposal will have 2,000 square feet, collectively these two projects are well under the 5,000 square feet or 10% of the riverfront area on the lot.

Agent presented draft conditions. The conditions would be standard conditions from the previous NOI with the exclusion of a condition stating that a retaining wall if the finished slope between the garage and the wetland shall not exceed 2:1.

MOTION by, Justin Fermann to close the hearing and to issue and order of condition for NOI #2017-01 with the conditions as presented. Alex Peterkin seconded the motion. **Motion passed.**

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PUBLIC MEETING Request for Determination RDA #2017-05 filed by Matthew Lord to determine if the installation of ground mounted residential solar array in the Riverfront Resource Area is subject to the Wetlands Protection Act or Riverfront Protection Act. The property is located at 59 Center Street Montague Center, MA and is identified as Assessors Map 44 Lot 51.
Guest: Matthew Lord

Alex Peterkin recused himself from the discussion and vote due to potential conflict of interest through his employment.

Mr. Lord- The house is poorly sited for solar access, thus the need for a ground-mounted system is needed. The location of the array is maintained as lawn currently so there will be very little impact to the resource. Mr. Lord shared photos of the location of the array.

Walter noted that DEP law regarding the wetlands protection act lacks clear guidance in the area of accessory ground mounted solar. They are not clearly exempt under state law, although some communities do consider them exempt. In reviewing the file prior to the meeting Walter requested that more information was needed in order for the Commission to make a determination that the work will not apply to the Riverfront Protection Act.

1. The distance of the array from the bank of the river – The array is 87 feet from the southwestern corner to the riverbank.
2. Provide photographs of the general location, standing at the proposed location looking towards the river – Matthew Lord provided photographs.
3. Floodplain considerations – The design proposal accommodates applicable 100 year floodplain requirements even though the array is not “a building or a structure” under the regulatory definition for a structure. The contractor will adhere to the protection of mechanical and electrical systems in a flood-hazard zone. A “no rise” evaluation was done by Derek Etkin P.E which stated that the obstruction to flood conveyance by the construction of the proposed solar array would cause no rise in the effective FEMA profile.
4. Will any trees need to be removed for sunlight exposure – No trees will be removed for the project.

It was noted that the array will be located in a previously disturbed lawn area and there will be no removing of any vegetation which helps to make a case that the project will have no impact.

The Commission agreed that a negative determination Box 2 is in order, rather than a determination that this is an exempt activity (negative box 5).

MOTION by, Sean Werle to approve the RDA #2017-05 with a Negative Determination Box 2. Addie Rose Holland seconded the motion. **Motion passed.** Alex Peterkin recused.

Agent Updates:

- **Correspondence with DEP regarding EO 2016-01 420 Turners Falls Road:**
A letter will go out under Mark Fairbrother’s signature to Brian Harrington (DEP) asking for clarity on the penalty collection process and who will be monitoring the collection process in the Boston office.
- **Rod Shop Spill:**
Rod Shop is an old factory building which had a person squatting in a trailer within the building. There was report that there was some type of liquid (30-50 gallons) being pumped out onto Rod Shop Road. The Turners Falls Fire Department, Montague BOH, and DEP were called to the scene to try and determine what the liquid was. After the liquid was tested it was determined it was human waste from the trailer. The Conservation Commission concern is the proximity to a stream; however the waste seems to have stayed within the gutters of the road and did not make it into the wetlands.
- **RDA 2016-10 Update:**
Applicant came before the Commission last year for an RDA to reconstruct a single family home on Lake Pleasant Road. He has his erosion controls in place however he has done a bit more clearing than was thought. Walter left a message for Mr. Reil that the slash and other materials he has been putting in the resource area have to be removed. Walter and Mark to follow-up.

MOTION by Sean Werle to adjourn at 7:53pm. Addie Rose Holland seconded the motion. **Motion passed unanimously**

Approved by: _____ Date: _____