



TOWN OF  
**MONTAGUE**  
MASSACHUSETTS

TOWN HALL  
One Avenue A  
Turners Falls, MA 01376

CONSERVATION COMMISSION  
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**CONSERVATION COMMISSION  
MEETING MINUTES**

**Thursday, November 16, 2023 6:30 PM**

**Second Floor Meeting Room, Town Hall, 1 Avenue A, Turners Falls and via Zoom**

**ROLL CALL:**

**PRESENT:** Mark Fairbrother (Chair), Toby Carter, Al Averill, Anthony Reiber, Margaux Reckard, Sean Werle, Donna Francis (7)

**ABSENT:** Justin Fermann

**ALSO PRESENT:** Maureen Pollock (Staff Liaison, Planner/Conservation Agent), Representatives to the applicant, including: Christopher Larose, Virginia Martell, Peter Grandy, Conrad Nuthmann, Jeff Squire, and members of the public

Chair Mark Fairbrother read his opening statement for the record.

Disclosures: none.

At this Meeting, the Conservation Commission conducted the following business:

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**MINUTES:** Approval of Meeting Minutes from September 14, 2023 - Planning Staff indicated the draft meeting minutes from September 14, 2023 are not ready for review and should be postponed until the next regularly scheduled meeting.

**PUBLIC MEETINGS:**

**Request for Certificate of Compliance**, filed by Christopher Larose, in reference to work regulated by a final Order of Conditions (DEP #229-0260/NOI #2021-01) issued to Western Massachusetts Electric Company d/b/a Eversource Energy, for the for activities associated with the **North Leverett Road Reconductor Project**.

Representative to the applicant, Virginia Martell from BSC Group introduces herself and provides an overview of the project. The permitted project started in November 2021 and is now complete. Commissioners conducted a November 7, 2023 site visit, observing that the new poles have been installed and that the areas around each have been restored. Tree debris has been removed, and vegetation is growing. Therefore, the applicant requests a Certificate of Compliance to close the project.

The Conservation Agent and Commissioner Reckard who attended the site visit, agreed that the areas have been satisfactorily stabilized and is vegetating well.

**MOTION:** Moved by Margaux Reckard to approve the Certificate of Compliance, filed by

Christopher Larose, in reference to work regulated by a final Order of Conditions (DEP #229-0260/NOI #2021-01) issued to Western Massachusetts Electric Company d/b/a Eversource Energy, for activities associated with the North Leverett Road Reconductor Project. Seconded by Sean Werle. No discussion.

Roll call Vote:

Mark Fairbrother	AYE	Margaux Reckard	AYE
Toby Carter	AYE	Sean Werle	AYE
Al Averill	AYE	Donna Francis	AYE
Anthony Reiber	AYE		

**Motion passes. 7-0-0.**

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**RDA #2023-07 - Request for Determination of Applicability**, filed by **Town of Montague**, to determine whether the proposed work involving repairs to the steel superstructure, new anchor bolts and concrete patching at the piers and abutments, at the **11th Street Bridge Over Utility Canal**, is subject to the Wetlands Protection Act.

Representatives to the applicant, Conrad Nuthmann and Peter Grandy, both from Weston & Sampson were present.

The Conservation Agent conducted a site visit with a representative to the applicant, Peter Grandy from Weston & Sampson on November 7, 2023.

Conrad Nuthmann shares a map which shows the location of the bridge leading into “the Patch” neighborhood. The DEP wetlands map shows the resource areas. The scope of work is limited to repairs to the bridge at a time when the dam is shut off and water is drawn down. Structural repairs will be conducted on the steel bridge and pier. Nuthmann seeks a Negative Determination Number 3 on the basis that the power canal will not be impacted by planned repairs.

The Conservation Agent asks how the work will be completed.

Peter Grandy responds that it is possible to work off of the land once the water in the canal is drawn down. A number of repairs are above the roadway. The contractor may need to build a working platform. The contractor is responsible for containing the project material.

Donna Francis asks if the work will coincide with the annual canal draw-down. Peter Grandy responds that is the intent, but the timing is not necessary.

Margaux Reckard asks for clarification around the drop cloth controls.

The Conservation Agent comments that the sidewalk over the bridge will be resurfaced with bituminous.

Toby Carter asks if there will be equipment (machinery) used under the bridge. Peter Grandy responds “no” except ladders.

**MOTION:** Moved by Toby Carter to issue a Negative 3 Determination for RDA #2023-07 filed by Town of Montague for work involving repairs to the steel superstructure, new anchor

bolts and concrete patching at the piers and abutments, at the 11th Street Bridge Over Utility Canal. Seconded by Donna Francis. No discussion.

Roll call Vote:

Mark Fairbrother	AYE	Margaux Reckard	AYE
Toby Carter	AYE	Sean Werle	AYE
Al Averill	AYE	Donna Francis	AYE
Anthony Reiber	AYE		

**Motion passes. 7-0-0.**

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**RDA #2023-08 - Request for Determination of Applicability**, filed by **NSTAR Electric Company d/b/a Eversource Energy**, to determine whether the proposed work to remove hazard trees or trees not meeting electrical safety clearances along the **312 Transmission Line between Lake Pleasant Road and Green Pond Road**, is subject to the Wetlands Protection Act.

The Conservation Agent, Commissioner Reckard, and representatives of the applicant conducted a site visit on November 7, 2023

Representative of the applicant, Melissa Kaplan of BSC Group is present. Discusses the project which is a little out of the normal cycle and the habitat is sensitive for reptiles and butterflies. The map shows the right of way and scope of vegetation management. Hazard and incompatible trees will be removed within 50 feet of the outermost wire, in addition to trimming along Green Pond Road. All work will be completed off-season for the benefit of the sensitive animal species.

Reckard comments that the area is quite steep and densely vegetated. Quite a few trees need to be removed.

Tony Reiber asks about erosion control practices (regarding the slope) in light of non-freezing conditions.

Kaplan responds that Eversource has a best practices manual which discusses mitigations like silt fencing. They will remove what they can by hand and use low impact vehicles. There should not be much erosion, but they will monitor conditions for compliance. The majority of cut material will be removed. Some will remain for habitat. Kaplan requests a Negative 3 Determination.

Sean Werle asks if a Negative Box 5 Determination is more appropriate because they are modifying the area. The Agent agrees with the Negative Box 5 designation. Kaplan agrees.

**MOTION:** Moved by Sean Werle to issue a Negative 5 Determination for RDA #2023-08 filed by NSTAR Electric Company d/b/a Eversource Energy, to remove hazard trees or trees not meeting electrical safety clearances along the 312 Transmission Line between Lake Pleasant Road and Green Pond Road. Seconded by Margaux Reckard. No discussion.

Roll call Vote:

Mark Fairbrother	AYE	Anthony Reiber	AYE
Toby Carter	AYE	Margaux Reckard	AYE
Al Averill	AYE	Sean Werle	AYE

Donna Francis            AYE

**Motion passes. 7-0-0.**

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**PUBLIC HEARING:**

**NOI #2023-01, Notice of Intent**, filed by **Peg Piwonka**, for the construction of a veterinary clinic facility with associated site work and preparation in the 100-foot Buffer Zone to Bordering Vegetated Wetland at **2 Fosters Road (Map 51, Lot 10)**.

Representative to the applicant, Jeff Squire, professional engineer with Berkshire Design Group is present. Due to a clerical issue with the abutter notice, the applicant requests that the public hearing will be continued until 6:30pm on Thursday, December 14 at the Montague Town Hall 2<sup>nd</sup> floor meeting room and via zoom.

**MOTION:**    Moved by Sean Werle to continue the public hearing for NOI #2023-01 to 6:30pm on Thursday, December 14 at the Montague Town Hall 2<sup>nd</sup> floor meeting room and via zoom, as requested by the applicant. Seconded by Margaux Reckard. No discussion.

Roll call Vote:

Mark Fairbrother	AYE	Margaux Reckard	AYE
Toby Carter	AYE	Sean Werle	AYE
Al Averill	AYE	Donna Francis	AYE
Anthony Reiber	AYE		

**Motion passes. 7-0-0.**

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**PROJECT UPDATES:**

**Montague City Road Drainage Improvement Project:** Drainage improvements along Montague City Road have started, including dredging sediment from the stream. Restoration work will happen in the spring 2024.

**OTHER BUSINESS NOT ANTICIPATED WITHIN 48 HOURS:**

**ADJOURN:** Adjourned at \_\_