



TOWN OF
MONTAGUE
MASSACHUSETTS

TOWN HALL
One Avenue A
Turners Falls, MA 01376

CONSERVATION COMMISSION
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**CONSERVATION COMMISSION
MEETING MINUTES**

Thursday, December 14, 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, Justin Fermann (8)

ABSENT:

ALSO PRESENT: Maureen Pollock (Staff Liaison, Planner/Conservation Agent), Representatives to the applicant, including: Joseph Rogers, Simon Hilt, Doug Serrill, 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:

MINUTES: Approval of Meeting Minutes from September 14, 2023 and November 16, 2023 – The Commission will table the approval of these meeting minutes until its January 2024 meeting.

PUBLIC MEETINGS:

Request for Certificate of Compliance, filed by Jonathan Roberge, Sr. Environmental Specialist, in reference to work regulated by a final Order of Conditions (DEP #229-0259/NOI #2020-02) issued to Eversource Energy, for activities associated with the **Eversource Energy Line 1044/1632 – Fairmont Structure Replacement Project**.

Joseph Rogers (GZA) provides an overview of the history of the project, dating originally from October 2020. The work was completed in March/April 2022. GZA continued inspections of the wetlands through October 2022.

The Conservation Agent and Joseph Rogers completed a site visit the week of the meeting. All work within the buffer zones is reported stabilized.

MOTION: Moved by Sean Werle to issue a Certificate of Compliance filed by Jonathan Roberge, Sr. Environmental Specialist, in reference to work regulated by a final Order of Conditions (DEP #229-0259/NOI #2020-02) issued to Eversource Energy, for activities associated with the Eversource Energy Line 1044/1632 – Fairmont Structure Replacement Project. Seconded by Margaux Reckard. No discussion.

Roll call Vote:

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

Motion passes. 8-0-0.

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)**. **CONTINUED FROM NOVEMBER 16, 2023**

The Conservation Agent notes that the Commission did not take any testimony at the November 16th meeting due to a minor error in the abutter notice. A second abutters notice was sent out for this meeting.

Doug Serrill at Berkshire Design Group describes the project at 2 Fosters Road, across from Piwonka's current veterinary clinic. Doug Serrill shows images and maps of the 2 Fosters Road location. About 1/3 of the 4.8-acre property is forested, including 1 area of vegetated wetland and a small pocket of isolated wetlands (well outside of the scope of work). The map presented to the Commission identifies the 100-foot buffer and the border of the vegetated wetlands. (7/23 W. Smith).

The plan is to remove the detached garage and one tree and two clusters of shrubs. The existing home will remain. A second curb cut would be constructed for parking totaling 22 spaces with 12 additional gravel spaces. Work within the wetland buffer area is highlighted in yellow on the plan and totals 17,720 sq. feet. None of the work is inside the actual wetland. Serrill describes the direction of the drainage. Soil is indicated as sandy loam with an A rating. Basins and grading are identified on the plan. Any soil disturbed will be returned to a vegetated meadow. Cold Spring Environmental is working with the Montague Health Department on the location of the septic system. Of note is the existing well for the home, slated to be capped and relocated. Both will be outside of the buffer.

Comments by Mark Stinson of DEP are discussed. Serrill describes the regulations regarding storm treatment chambers. The total suspended solids according to the modeling meets current standards. Berkshire's civil engineer reports that a 25-year event would exceed the underground chambers under the parking area. Stinson provided guidance for level spreaders. UICs require a contractor which should be added to the order of conditions.

Al Averill asks how the roof/parking run-off will be accommodated. Did anyone confirm the soil survey? Serrill responds: He does not know if the engineer visited the site; the NRCS survey shows the soil to be uniform across the property and very well-draining. There were some tests, but Serrill could not speak to them.

Justin Fermann asks if they considered surfaces that are permeable for the parking lots. He wonders how permeable pavement and the infiltration system would operate together (rather than traditional asphalt). Serrill responds that traditional vs. permeable asphalt might be a budget consideration. The design meets standards.

Al Averill asks if the suspended solids are from the parking lot? Serrill responds that asphalt (excluding roofs) is the concern.

T. Reiber asks about the grading of the parking lot on the west. Serrill responds that the entrance to the lot is the high point; water flows downhill/north-west to a triangular basin. Run off is also filtered before it enters the level-spreader tank.

The Conservation Agent notes that there was a site visit on November 7. She and the Commissioners walked the edge of the wetlands and around the garage.

The Conservation Agent asks for the limit of work. Serrill shows the limit on the plan, marked by a dotted line as is the 100-year mark. The Agent shows the full plan, which indicates the limit of work and erosion control. (silt fence with straw waddle). Different parking surfaces are discussed. J. Fermann asks about the dumpster enclosure. (20 x 20' enclosure with a 6-inch concrete slab)

Toby Carter asks if the southern basin has an overflow output. Serrill responds "It does not appear to...it's something they can look into..."

The Chair asks for public input. There is none.

Al Averill asks if the wetlands will be negatively impacted if the south basin overflows. Serrill responds "no," the water would head across the driveway and across to the treatment chamber."

Jessi Burge asks if trees and other vegetation in the drainage area would help with overflow. Serrill responds "Yes-flood plain trees (sycamore) are proposed.) J. Fermann continues the basin is 3' deep and holds a lot of water.

Mark Fairbrother reminds the Commission that they would be approving the plan as designed.

Jeff Squire is asked about the "soil test" question brought up by Al Averill. Squire responds that there was a test in the southern rain garden location, and there was a decent layer of well-draining material-about 48 inches.

The Agent adds that the application is going through the Zoning Board of Appeals.

Sean Werle asks if the septic system would be separate NOI, and if it would be large enough to accommodate the existing building and the new building. Serrill responds "no" because it is outside of the buffer zone and the system designed by Cold Spring Environmental will be large enough. Serrill shows the proposed leach field, which is outside of this scope of work.

The Chair asks the Conservation Agent if the ZBA is anticipating any kind of change that would affect the Conservation Commission. The applicant responds that they are considering whether to reduce the size of the parking lot along 47 and reduce the amount of pavement. Any potential changes would be outside the 100-foot buffer and therefore, outside the Commission jurisdiction.

The Agent does not think that the reduction of pavement would impact the size of the stormwater system. Serrill agrees; in that case the storm water system would be over-sized. He suggests that any change as required by the ZBA be reported to the Conservation Commission as an Order of Condition.

The Agent reviews standard orders. Justin Fermann would like to encode the points from DEP, possibly time of year, 5c registration, coordination with ZBA, and monitor/maintenance in the Order of Conditions.

Mark Fairbrother asks if they need an Order of Conditions to vote or if the hearing should be held open until the conditions are written.

Sean Werle thinks that the Order of Conditions “seems standard” and the plan is well designed.

Public Comments: None

MOTION: Moved by Sean Werle to close the public hearing and to approve an Order of Conditions for the submitted 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), with special conditions. Seconded by Margaux Reckard.

Discussion:

Al Averill asks about the location of the spreader. Can it get clogged and not function? Serrill clarifies by mentioning the maintenance plan.

Toby Carter asks if there is a part of the maintenance plan to keep the fill material in place north of the new structure, noting the 3:1 slope. Serrill responds that the topsoil will be clean and as part of the specifications. The slope will be seeded within several months of grading. Seeding directions could be added as part of the Special Condition.

Roll call Vote:

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

Motion passes. 8-0-0.

NEW BUSINESS:

Request \$10,000 funding to Waidlich Conservation Fund for FY2025 Annual Town Meeting - The Conservation Commission is requesting to supplement the existing balance in the Waidlich Conservation Fund with an additional \$10,000. The fund is used to leverage the protection of priority farmland and other open space as identified in the current Open Space and Recreation Plan.

Town Meeting has supported the Henry Waidlich Conservation Trust Fund for over 40 years. The fund is dedicated to the purpose of protecting important land and resources in Montague. It is stewarded by the Conservation Commission. Expenditures from this fund have helped protect over 500 acres of the Town’s most important agricultural properties from development since 1989. Since 2000, the Town has leveraged \$1.7M of funding from outside sources for every dollar contributed by the Waidlich Conservation Fund.

The fund was last used in 2020 to purchase an Agriculture Preservation Restriction on 36 acres of prime farmland off Old Greenfield Road. In that instance, the fund’s investment of \$32,500 leveraged \$392,500 from Mass Department of Agriculture and Franklin Land Trust to protect high priority farmland with an iconic tobacco barn.

The availability of these funds allows the Conservation Commission to be nimble and responsive to sometime rapidly moving real-estate opportunities. The fund does accept donations and bequests.

Public Comment:

- Jill Ingham, Millers Falls Road: stated that she is a Town Meeting member. Requests that Town Meeting members receive a more detailed proposal with background information in advance of the May 2024 Town Meeting.

As part of the Town Meeting request, staff will provide a more detailed proposal with background information for Town Meeting members.

MOTION: Moved by Donna Francis to request the request \$10,000 funding to Waidlich Conservation Fund for FY2025 Annual Town Meeting. Seconded by Justin Fermann. No discussion.

Roll call Vote:

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

Motion passes. 8-0-0.

OTHER BUSINESS NOT ANTICIPATED WITHIN 48 HOURS:

ADJOURN: Adjourned at 7:57pm