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**CONSERVATION COMMISSION**  
**APPROVED MEETING MINUTES**

**Thursday April 9, 2026, 6:30 PM**  
**Annex Meeting Room, Town Hall and via Zoom**  
**Meeting was recorded**

6:31pm: **ROLL CALL PRESENT:** Anthony Reiber (Chair), Al Averill, Sean Werle, Donna Francis, Margaux Reckard, Mark Fairbrother. **ABSENT:** Justin Fermann, Toby Carter.

**STAFF:** Maureen Pollock (Staff Liaison, Planner/Conservation Agent)

**ALSO PRESENT:** Chris Chamberland (Professional Engineer, Berkshire Design Group), Laura Meyer, Lindsey Gorman, Terri Neal, Lyons Witten (PG, LSP at OHI Engineering), Bradley Stumph (Natural Resource Specialist III, Chloeta), Marty Garcia (Facility Operations Specialist, USGS S.O. Conte Anadromous Fish Research Center)

**MEETING MINUTES:** Meeting minutes from March 12, 2026 were tabled.

**PUBLIC MEETING:**

Request for Certificate of Compliance, filed by Lindsey Gorman, in reference to work regulated under the approved Order of Conditions (DEP #229-0262/NOI #2022-02), to restore an established farm/fire pond, located on the 82 Chestnut Hill Loop (Parcel # 53-0-043) Site Visit Date/Time: Tuesday, April 7, 2026 at 10:00am

Chris Chamberland describes the project to dredge the site, which began under a previously approved Order of Conditions in 2022. That work has been completed; material was kept on site and spread. The site has been stabilized. The applicants would like to close that permit. The Agent and Al Averill conducted a site visit. There were no comments about the fire-pond. Everything looked in order and conditions were met. The Agent recommends that the Commission approve the Certificate of Compliance.

*MOTION by M. Reckard to approve the Certificate of Compliance, filed by Lindsey Gorman, in reference to work regulated under the approved Order of Conditions (DEP #229-0262/NOI #2022-02), to restore an established farm/fire pond, located on the 82 Chestnut Hill Loop (Parcel # 53-0-043). Seconded by S. Werle. VOTE: Anthony Reiber (AYE), Al Averill (AYE), Sean Werle (AYE), Donna Francis (AYE) Margaux Reckard (AYE) MOTION PASSES (5-0). 6:38pm*

**RDA #2026-02 - Request for Determination of Applicability, filed by Laura Meyer** to determine whether the proposed demolition of an existing single-family house and removal of asphalt and whether the wetland boundaries are accurate at 82 Chestnut Hill Loop (Parcel # 53-0-043) is subject to the Wetlands Protection Act. Site Visit Date/Time: Tuesday, April 7, 2026, at 10:00am

Chris Chamberland shares slides of the project which show the position of the existing house and the delineated wetlands. An intermittent stream crosses the driveway and feeds the fire pond. In 2023, Ward Smith (Wendell Wetland Services) delineated the slopes, wetlands, stone walls, vegetation and the edge

of the pond- the site is surrounded by resource area. Chamberland shows that the proposed demolition is outside of the 50-foot buffer. Chamberland believes that this project qualifies as a Negative Determination Exemption 310 CMR Section 10.02; this plan is to demolish the house and reseed as vegetation.

The Agent and Al Averill conducted a site visit and observed 4 trees to be removed. Chamberland shows these trees on the plan. Buffer trees can be replaced 1:1 although the homeowner has planted dozens of trees on the property. Al Averill asks if the replacement house will have the same footprint. The Agent thinks the question is outside the purview of this RDA. Averill responds that if the replacement house is bigger, it will impact hydrology. Chamberland continues that issues like water management will be addressed in the upcoming NOI. The Agent continues that as long as there is erosion control, she understands the project as returning impervious surface to pervious surface-at least temporarily. Chamberland clarifies that it is his hope that the RDA will be clear of the Order of Conditions before construction. Should the Order of Conditions be delayed or the project delayed, they will refresh the erosion control measures. S. Werle asks if the Commission can issue a Negative Determination and then condition it so extensively? Werle does not believe that this falls under the exemption because it clearly is intended to replace (not remove) impermeable surface. Chamberland thinks that a Negative 3 could be issued because of the disturbance is more than 50 feet from the wetland. Erosion controls are shown on the plan.

Mark Fairbrother joins the meeting, 6:57pm

M. Reckard asks if wetland delineation flags are placed- noting they are *just* outside the demolition site. She suggests that flags are replaced if damaged or accidentally removed during demo.

*MOTION by M. Fairbrother to issue a Negative Determination 3 with conditions for RDA #2026-02 - Request for Determination of Applicability, filed by Laura Meyer to determine whether the proposed demolition of an existing single-family house and removal of asphalt and whether the wetland boundaries are accurate at 82 Chestnut Hill Loop (Parcel # 53-0-043) Seconded by S. Werle. VOTE: Mark Fairbrother (AYE), Anthony Reiber (AYE), Al Averill (AYE), Sean Werle (AYE), Donna Francis (AYE) Margaux Reckard (AYE) MOTION PASSES (6-0). 7:02pm*

**RDA #2026-03 - Request for Determination of Applicability, filed by Teresa Neal** to determine whether the proposed construction of a new 16' x 24' screened porch and drainage within buffer zone only, and to determine whether the wetland boundaries are accurate at 199 East Chestnut Hill Road (Parcel # 53-0-075) is subject to the Wetlands Protection Act. Site Visit: Tuesday, April 7, 2026 at 10:30/10:45am

Terri Neal introduces herself and her proposal. She would like to build a screened-in porch that would be attached to her home, and to build a detached one car garage. The Agent shows the plan with current proposed structures. The driveway is steep. Neal describes the need for drainage near the site of the proposed screen porch. A drainage swale (45 feet in length, 6 feet wide) is being proposed as part of the porch project. Ward Smith flagged the wetlands. The Agent and Al Averill met with the homeowner at the site visit. Averill describe the swale as “minimal” and the porch more as “a deck.” The gutter system can handle the water off the roof. There is also a historic, nonoperational drainage system installed, which the homeowner would like to remedy during construction.

A. Reiber asks about the “wet” side of the house. How steep is the slope? Neil responds that it is flat for 12 feet and then drops about 3 feet and is stable.

The Agent recommends a number of conditions. Averill recommends that the swale is vegetated.

*MOTION by M. Fairbrother to issue a Negative Determination 3 with conditions to RDA #2026-03 - Request for Determination of Applicability, filed by Teresa Neal to determine whether the proposed construction of a new 16' x 24' screened porch and drainage within buffer zone only, and to determine whether the wetland boundaries are accurate at 199 East Chestnut Hill Road (Parcel # 53-0-075). Seconded by M. Reckard. VOTE: Mark Fairbrother (AYE), Anthony Reiber (AYE), Al Averill (AYE), Sean Werle (AYE), Donna Francis (AYE), Margaux Reckard (AYE) MOTION PASSES (6-0). 7:12pm*

The Agent reviews the delineation packet submitted by Ward Smith of Wendell Wetland Services.

*MOTION by Al Averill to issue a Positive Determination Box 2A, the boundary delineations of the following resource areas described on the reference plans are confirmed as accurate. Therefore, the resource area boundaries confirmed in this determination are binding as to all decisions rendered pursuant to the Wildness Protection Act and its regulations regarding such boundaries for as long as it's determined. Seconded by A. Reiber. VOTE: Mark Fairbrother (AYE), Anthony Reiber (AYE), Al Averill (AYE), Sean Werle (AYE), Donna Francis (AYE,) Margaux Reckard (AYE) MOTION PASSES (6-0). 7:17pm*

**RDA #2026-04 - Request for Determination of Applicability, filed by Gary Houle** to determine whether the proposed construction of a new 32' x 40' 3-car detached garage within buffer zone and Riverfront Area at 31-33 Randall Road (Parcel # 21-0-141) is subject to the Wetlands Protection Act. Site Visit: Monday, April 6, 2026, at 4:00pm

Gary Houle was not present at the meeting. The Agent recommends that the Commission hold on this review until the applicant is in attendance so that the applicant can introduce themselves and present the proposed work and application, and to answer questions that the Commission may have regarding the proposal. Mark Fairbrother asks Al Averill about the site visit. Averill comments that the proposed garage is well within the 200-foot riverfront boundary. The USGS map shows a perennial stream. The slope behind the proposed garage is steep but stable because of existing vegetation. The soil is permeable with sandy soil. The Agent comments that a few trees have already been removed. Reckard continues that bank stability is her main concern. She'd like to ask the applicant a few key questions about construction; the materials submitted with this application are very limited. S. Werle thinks that the Commission should continue until the applicant is present to answer these questions.

*MOTION by M. Fairbrother to continue RDA #2026-04 until May 14, 2026 at 6:30pm in the Town Hall Annex and via ZOOM. Seconded by M. Reckard. VOTE: Mark Fairbrother (AYE), Anthony Reiber (AYE), Al Averill (AYE), Sean Werle (AYE), Donna Francis (AYE), Margaux Reckard (AYE). MOTION PASSES (6-0). 7:28pm*

## **PUBLIC HEARINGS:**

**NOI #2026-01/DEP #229-0268 – Notice of Intent, filed by Skyjac Realty, Inc.** for wetland delineation; removal of concrete piles, brush, stump, and wood debris; and proposed restoration plan at Rod Shop Road (Parcel #12-0-052) within the 100-foot buffer zone and 200-foot Riverfront Area. CONTINUED FROM MARCH 12, 2026. Site Visit: Monday, April 6, 2026, at 4:30pm

The Agent gives background information. The Commission has worked with the property owner to remedy unpermitted work (tree removal, debris and equipment near a perennial stream) in the past. The Commission could have issued an enforcement order but chose a friendlier approach by allowing the property owner to file an NOI for a wetland delineation and restoration. The property was not considered degraded by DEP as of 1996; it's advised that the property owner remove debris and equipment out of the 200-foot Riverfront Area, in compliance with the Wetlands Protection Act and its Regulations.

Lyons Witten (OHI Engineering) presents the existing conditions of the parcel for Skyjac Realty. The perennial stream and highwater line are delineated on the map. Flags delineated are also indicated on the plan in addition to the 100-foot buffer and the 200-foot riverfront line. Witten reviews the debris which include concrete block from demolition projects and woody debris. The restoration plan shows permeant markers (metal bollards) along the 200-foot riverfront line of the southern property line for the benefit of future development. Within the disturbed area the applicant is planting 25 trees and 54 shrubs to restore the vegetation. The equipment, concrete block and woody debris will be removed from the riverfront area.

Present at the site visit were the Agent, Toby Carter, Al Averill, Margaux Reckard.

The Agent asks how everything will be removed. Witten answers that removing the debris with machinery will not degrade the area any more than it is. Toby Carter suggested (at the site visit) that it's not raining while the work is being completed. Reckard describes "equipment" which includes part of a tractor and a trailer. Removal, planting, and placing bollards is not complicated.

*MOTION by M. Fairbrother to Approve the Order of Conditions for NOI #2026-01/DEP #229-0268 – filed by Skyjac Realty, Inc. for wetland delineation; removal of concrete piles, brush, stump, and wood debris; and proposed restoration plan at Rod Shop Road (Parcel #12-0-052) within the 100-foot buffer zone and 200-foot Riverfront Area. Seconded by D. Francis. VOTE: Mark Fairbrother (AYE), Anthony Reiber (AYE), Al Averill (AYE), Sean Werle (AYE), Donna Francis (AYE), Margaux Reckard (AYE). MOTION PASSES (6-0). 7:46pm*

**NOI #2026-02/DEP #229-0269 – Notice of Intent, filed by Laura Meyer** for the proposed construction of a new single-family house, and associated site improvement, such as driveway access, utility connections, site grading, and drainage at 82 Chestnut Hill Loop (Parcel # 53-0-043) within buffer zone only. Site Visit: Tuesday, April 7, 2026 at 10:00am

Chris Chamberland (Berkshire Design Group) presents for Laura Meyer. The presentation shows the resource areas, the fire pond, building structures, and buffers. project has two components: demolition of the old house and the construction of a new house and garage. The driveway will be slightly altered for better parking. A new well will be dug. Chamberland also highlights a 100-year-old stone culvert that passes under the driveway. Erosion control is indicated. In two spots the work will be closer than 25 feet of the wetlands. A grading plan is submitted, especially where the old house is removed, and for access. The existing septic tank will stay. Overhead utility lines will be moved to a separate pole; electricity will be dropped underground. The previously mentioned stone culvert will be replaced. A culvert detail was submitted. Work will be done in the summer when the stream is dry. Chamberland shows images of the stream, stone wall, and an inlet area. All have been flagged. Laura Meyer comments on the culvert, and training that the fire department does using the pond, noting the weight of the trucks.

The Agent reviews comments by DEP. Conditions are discussed. Laura Meyer informs the Commission

about planting native tree species planted on the parcel including oak trees, apple and pitted fruit trees. The applicants participate in a forestry program- they are working with a State assigned forester on a sustainable logging plan.

Discussion about the Replacement Stream Crossing Evaluation form from Mark Stinson: the applicant is working toward improving the culvert in all evaluation categories, rather than replacement in-kind.

M. Reckard asks that the pipe would handle 5-year storm events. Does that mean that that the culvert has been overflowing in big storms? Chamberland answers, “yes”, every spring it floods over the driveway.

A. Reiber comments that the new structure goes slightly into 50-buffer zone. The reason for extending into that area was to extend subsurface drainage from around the foundation. Chamberland discusses the foundation and drainage plan. In the spring, drainage pipe will have “solid trickle” of water; in the summer probably nothing. A splash pad will spread out the water. The house will have gutters and a drip line. Erosion control notes are listed in the plans.

The Agent and Al Averill had a site visit. Neither has anything to add to the presentation.

The Agent reviews Conditions.

*MOTION by M. Fairbrother to approve NOI #2026-02/DEP #229-0269 with conditions filed by Laura Meyer for the proposed construction of a new single-family house, and associated site improvement, such as driveway access, utility connections, site grading, and drainage at 82 Chestnut Hill Loop (Parcel # 53-0-043) within buffer zone only. Seconded by S. Werle. VOTE: Mark Fairbrother (AYE), Anthony Reiber (AYE), Al Averill (AYE), Sean Werle (AYE), Donna Francis (AYE), Margaux Reckard (AYE) MOTION PASSES (6-0). 8:20pm*

**NOI #2026-03/DEP #229-0270 – Notice of Intent, filed by US Geological Survey**, for the proposed installation of approximately 4,500 - 5,000 feet of force main for the Conte Anadromous Fish Research Laboratory, to be connected to the municipal wastewater system at 1 Migratory Way (Parcel #08-0-3) within buffer zone. Site Visit: Monday, April 6, 2026, at 5:00pm

It’s unlikely to be built before January 2027. There has been an archeological survey curated by a USGS Tribal consultant. They are starting the environmental assessment of the route then they will look for funding. They will proceed with directional drilling, not open trench. A small excavation will be made and equipment lowered, which is minimal compared to an open trench. They’ll go down about 15’ deep. There is a Town waterline that runs through the woods. It has to be below the waterline. They don’t understand the location of the waterline, but a survey will be done to show these details. They have to work out water easements with FirstLight Power. FERC will also be involved because of the dams. The project is over a decade in the works.

Bradley Stumph (Natural Resource Specialist III, Chloeta) and Marty Garcia (Facility Operations Specialist, USGS S.O. Conte Anadromous Fish Research Center) introduced themselves and explained the proposal.

The Agent, Al Averill, Toby Carter, Donna Francis and Margaux Reckard joined Marty on the site visit. He invites the Commission for a more thorough site visit in warmer weather. He is yet to mark the waterline for the Commission.

Marty discusses the new easement agreement with FirstLight which will allow them to work.

The Agent shows a map of the project. The sewer line is indicated in green. At times the sewer is under the wetlands. Four drill pits are indicated. Those pits have been placed in a manner to avoid the buffer zones. All the disturbance is sub surface. Marty discusses the benefits of directional drilling.

Al Averill asks if the waste is under pressure. Marty answers, yes, it can't be gravity fed. It's flushed out with air once a year. DEP will approve the maintenance plan.

The Agent reviews comments by DEP. DEP made a request for an emergency frac-out plan to contain drilling fluid. M. Reckard asks why a frac-out plan is needed if they are implementing horizontal drilling, which does not cause surface disturbance. Stumph responds that it is a contingency plan. Werle continues that the drilling lubricant is water. Stumph clarifies that he is not a professional engineer but that it is not 100% water being used in the drilling.

The Agent discusses conditions, like a weekly monitoring report and announcements to the public about the potential disruptions to trail usage to members of the public. Marty responds that FirstLight will announce public use/trail disruption. Mark Fairbrother would like to have a condition related to how the Lab will handle emergency drilling issues, if they come up. The emergency frac-out plan would have to be submitted before work starts. Brad Stumph and the Conservation Agent clarify emergency communication with the Montague Conservation Commission, DEP, and the Natural Resource of Endangered Species Program.

*MOTION by M. Fairbrother to Approve an Order of Conditions for NOI #2026-03/DEP #229-0270 – Notice of Intent, filed by US Geological Survey, for the proposed installation of approximately 4,500 - 5,000 feet of force main for the Conte Anadromous Fish Research Laboratory, to be connected to the municipal wastewater system at 1 Migratory Way (Parcel #08-0-3) within buffer zone. Seconded by D. Francis. VOTE: Mark Fairbrother (AYE), Anthony Reiber (AYE), Al Averill (AYE), Sean Werle (AYE), Donna Francis (AYE), Margaux Reckard (AYE) MOTION PASSES (6-0). 8:40pm*

**OLD BUSINESS:**

**EmergCert 2026-01 – FirstLight Power Services LLC** – Review/discuss weekly monitoring report submitted from applicant.

**ADJOURN:**

*MOTION by M. Fairbrother TO ADJOURN by Seconded by A. Reiber. VOTE: MOTION PASSES (6-0) 8:44pm.*