

# Montague Conservation Commission

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## MEETING MINUTES

Thursday, October 11, 2018 6:30 PM

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

**Commissioners Present:** Mark Fairbrother - Chair, Donna Francis, Addie Rose Holland and Sean Werle

**Commissioners Absent:** Alex Peterkin, Deb Henson, Justin Fermann and Laurie Reid – Associate Member

**Staff:** Walter Ramsey – Agent

Mark Fairbrother called the meeting to order at 6:30 PM.

**Approval of Minutes:** September 13, 2018

Motion made by Sean Werle to approve September 13, 2018 minutes. Seconded by Donna Francis. Motion passed.

**Request for Determination of Applicability RDA #2018-03: filed by Montague Water Pollution Control Facility** to determine whether a proposed ground mounted solar photovoltaic installation serving the facility is subject to the Riverfront Protection Act. Work will occur in the Riverfront Area associated with the Connecticut River.

**Guests:** Robert McDonald, WPCF Superintendent, Carina L. Hart, Senior Project Manager JK Muir and Alex Rosen, JK Muir

Carina Hart provided an overview of the project to the Conservation Commissioners. The proposed solar photovoltaic installation adjacent to the Montague WPCF located at 46 Greenfield Road is on the northern border of the land parcel 20-0-09, which is adjacent to the WPCF facility on the western border and the Connecticut River on the southern border. The Montague Water Pollution Control Facility is the owner of this parcel. The plot of land is located on a river bank, creating a riverfront resource area from the bank to the 200 foot boundary parallel to the bank. The area is set back 25 feet from the road and 10 feet from the neighboring residential lot. A majority of the proposed project will not occur within the riverfront resource area and no work will occur in the buffer zone of the bank

The Montague Pollution Control Facility has requested the installation of a ground mounted photovoltaic system with a battery back up storage for the express purpose of supporting the Montague Water Pollution Facility. The Montague Pollution Control Facility has identified this project as being exempted due that it is a “related facility” to the Water Pollution Control Facility. The project is being funded by Montague taxpayers and through the MA DEP’s Gap II funding

The Applicant wished to confirm that the proposed work would fall under the Riverfront Protection Act exemption found in 310 CMR: 10.58 (6) (h) *Construction, expansion, repair, restoration, alteration, replacement, operation and maintenance of public or private local or regional wastewater treatment plants and their related structures, conveyance systems, and facilities, including utility lines with the exempt utility language.* Agent noted that under this exemption the WPCF is required to employ “best practical measures to avoid or minimize impacts to wetland resources areas outside the footprint of the said facility.”

The Commission offered several recommendations to Bob McDonald, WPCF Superintendent to help protect the nearby resource area and still be compliant with the Riverfront Protection Act.

- The disturbed area should be seeded with a pollinator-friendly, native seed mix.
- The existing drainage culvert on the property must not be disturbed so as to alter or degrade existing drainage patterns in the area.
- Erosion control in the form of a staked hay bale fence with silt barrier must be installed around the proposed limit of work. Alternatives can be approved by the Conservation Agent. The Conservation Agent should also be provided the opportunity to inspect the erosion control prior to the commencement of work. Periodic inspections will be made during construction to ensure the erosion control is functioning. The erosion control must remain up for at least one growing season after completion of work.
- The Commission recognizes that the large trees on the banks of the river will cause shading to the proposed array. Vista Pruning is permitted under 310 CMR 10.02 (b) 2c provided that the activity is located more than 50 feet from the mean annual high water line of the river. Vista Pruning means the selective thinning of tree branches or understory shrubs to establish a specific “window” to improve visibility. Vista pruning does not include the cutting of tree which would reduce the leaf canopy to less than 90% of the existing crown cover and does not include the mowing or removal of understory brush. It is advised that anytime you plan to employ vista pruning that you contact the Conservation Commission to review the plan to ensure that you are within the confines of the exemption. To promote the health of the Riverfront area trees, the Commission recommends the use of a certified arborist to perform the work.

**Motion** made by Sean Werle to issue a Negative Determination box 5 10.58 (6) (h) an exempt activity for RDA #2018-03 filed by the Montague Pollution Control Facility. **Seconded** by Addie Rose Holland. **Motion passed unanimously.**

**Motion** made by Addie Rose Holland to make a recommendation that the Conservation Agent write a letter to the Town for the file that will state the following comments 1. The need for a review the erosion control plan prior to installation, 2. That they use a native seed mix that is pollinator friendly, 3. Keep existing drainage functioning and 4. Give direction regarding the vista pruning at the site. **Seconded** by Sean Werle. **Motion passed unanimously.**

**Discussion:** Opportunity to review and comment on Special Permit/Site Plan Review 2018-03 to allow construction of a solar energy facility exceeding 3 acres of land n the Industrial District.

Walter refreshed the group that they discussed this solar energy facility a few months ago. This project is located where Industrial Boulevard meets Millers Falls Road and was formally owned by Hallmark. There was a negative determination given at that time but they have altered their plans to an extent that they will have to do another RDA. The applicant has filed a Special Permit/Site Plan Review #2018-03 with the Planning Board along with stormwater management plan. As part of that process the Conservation Commission is invited to contribute comments.

The plan is to clear vegetation to the 100 foot buffer. The site faces north and to be able to get sun exposure for the array they will need to do more clearing. The array as far as Walter knows is staying the same size as was initially proposed.

Mark Fairbrother brought up the concern of “sheet flow” there is a lot of sand but the ground freezes and then in the spring there is a lot of water that needs to go somewhere. Mark believes that there needs to be more thought given to the stormwater management plan. He recommends that the project be done right and the issues addressed otherwise there is a probability that enforcement orders will be given. The Commission concurred and agreed to the following comments for the Planning Board.

The Commission’s primary concern is the health of the bordering vegetative wetlands at the toe of the slope at the eastern edge of the property.

- The Commission has observed that wetlands systems on the edge of the Montague Plains play an important role to mitigate erosion of the sandy soils in the area. Wetlands themselves are also vulnerable to damage from land use change due to these sandy soils.
- The plans presented a 100 foot vegetated buffer from the wetlands system. This is the minimum ‘no disturb’ area allowed without triggering a permit under the Wetlands Protection Act. The Commission is however concerned that the sheer area and the incline of the slope proposed for clear cutting necessitates a greater vegetated buffer than the proposed 100 foot buffer.
- The plans do not appear to adequately address erosion control or stabilization of the slope that is proposed for clear cut. The Commission recommends that the plans include a schedule of native plantings.
- The Commission questions the assumption in the stormwater report that the transition from woods to native meadow ground cover on sloped land will not have an impact on stormwater entering the wetlands system or erosion of the hillside- especially during the first year before the vegetation has (re)established.

Walter shared the new proposed zoning bylaws this would be allowed but in the regulations ½ of a parcel has to remain vegetated and is measured in board feet of wood.

#### **Agent Updates:**

#### **Millers Falls Road Bank Stabilization Update (NOI #2015-02)**

Walter refreshed the Commission that this was the bank that meets the Oxbow/ Beaver Hollow and continues to be an issue with it collapsing again recently. The runoff is from the slope that has been compromised and failed not the roadway. Montague DPW is working with contractors to pull up some of the material that has fallen down again. The Town has gotten permission from the state to procure a contractor on an emergency basis.

1. Issue an emergency certificate or 2. A new NOI

Mark Fairbrother and Addie Rose Holland suggested maybe installation of catch basins or some hardscaping (not trap rock as that was previously done and led to the original issues) be done to help stabilize the slope.

The Commission directed the Agent to notify the DPW and any contractor that the Commission will need to review the proposed repair plan before implementation in the field. Mark Fairbrother wants a special Conservation Commission meeting held before the end of the month to review and consider an emergency action plan to address the bank failure on Millers Falls Road.

#### **Status Update On Ongoing Permits:**

**NOI #2018-03 (New House Swamp Road)** – Walter went to Jean Conway's property a few weeks back to inspect the erosion control. Ms. Conway is in compliance and the project continues to move along.

**RDA #2017-06 (Eversource Right of Way)** Notice has been provided to the Commission that they will be starting work.

Mark Fairbrother requested that Walter Ramsey, Conservation Agent check in DEP regarding Mr. James Smith of 420 Turners Falls Road regarding the Enforcement Order that was issued in the spring.

**Motion** made by Donna Francis to adjourn the meeting at 8:03PM. **Seconded** Sean Werle. **Motion passed.**

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_