



MONTAGUE CONSERVATION COMMISSION

ONE AVENUE A · TURNERS FALLS, MA 01376 ·
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Meeting Minutes

Thursday, April 14, 2011
Town Hall Upstairs Conference Room

Commissioners Present: Deb Picking, Addie Holland, Sean Werle, Justin Fermann, Donna Francis

Commissioners Absent/Late: Mark Fairbrother, Chair – late (7:40PM)

Staff Present: Walter Ramsey – Agent.

Guests: Turners Falls Water Department - Michael Brown, Mount Grace/MassLIFT AmeriCorps – Sarah Wells

Deb Picking, acting as Chair in the absence of Mark Fairbrother called the meeting to order at 6:30 PM

Motion to approve minutes of March 10, 2011 by Sean Werle, seconded by, Addie Holland. Justin Fermann and Deb Picking abstaining. Motion passes.

Request for Determination of Applicability #2011-02 by Turners Falls Water Department
Assessors (Map 33 Lot 20)
Present: Michael Brown- Superintendent of the TF Water Dept.

Commission will determine if the proposed installation of a new 12” transmission water main from the Hannegan Brook Well to the Lake Pleasant Pump Station is subject to jurisdiction of the Wetlands Protection Act.

There was a site visit by Walter, Deb, Justin, Sean, Donna, and Addie to make an assessment on the isolated nature of the wetland. The area on the plan, was determined that it is isolated and not surficially connected to Lake Pleasant so not subjected to the Wetlands Protection Act (WPA) even though Lake Pleasant is subject to the WPA. Findings note that the determination extends only to the isolated wetland area, and no disturbance is proposed along the Lake shoreline area.

Motion for a negative determination because work is not subject to the Wetlands Protection Act by Justin Fermann, seconded by Sean Werle. Motion carries 5-0.

Request for Determination of Applicability, #2011-03 by New England Central Railroad, Inc. (Rights of Way in Montague)

Discussion of a request for verification of sensitive areas as they pertain to the Mass. Wetlands Protection Act and the Mass. Dept. Agricultural Resources Pesticide Board of Regulations. The

property is identified as the New England Central Railroad Rights of Ways in the Town of Montague.

Walter and Keith Morris (also the applicant's agent in 2005) walked the property on April 6, 2011 to make sure they do not spray in wetland and natural resource areas. The railroad runs north-south through Montague Center. Walter noted that the markings have not been updated but they are still in place and clearly visible. However, there were 2 wetland areas that were found to not be marked; Keith went back and marked those areas as well as updating the plans to show this change (he provided the new map on April 11, 2011). Wetlands North and South of Hannegan Brook (new). It looked as if they were marked previously but were not on the plan. Walter put together some draft conditions for NECR. Keith Morris, the applicant's agent is responsible for the upkeep of the markings, ensuring that they are maintained and still clearly visible. The resource area boundaries (marked on the track) are confirmed as accurate and binding to the Wetlands Protection Act as long the boundaries are defined. The boundaries are the marking on the ties rather than the flags. NECR intends to spray every 24 months – red zone areas are sprayed 1 time every 2 years. Wetlands and Streams don't ever get sprayed.

Motion for a positive 2A determination made by Sean Werle, seconded by Donna Francis. Motion carries 5-0.

4. Request for Determination of Applicability, #2011-04 by Pan Am Railways, Inc. (Rights of Way in Montague)

Discussion of a request for verification of sensitive areas as they pertain to the Mass. Wetlands Protection Act and the Mass. Dept. Agricultural Resources Pesticide Board of Regulations. The property is identified as the Pan Am Railways, Inc Rights of Ways in the Town of Montague.

Walter and Keith Morris (also the applicant's agent in 2005) walked most of the property on April 6, 2011 to make sure they do not spray in wetland and natural resource areas. During the site visit it was noticed that the Railroad had done work around Lake Pleasant area consisting of new ties. The resource areas along this new section of ties in the Lake Pleasant area at the time were not marked. Keith marked the ties during the visit and then returned and marked them officially and sent photos in for documentation. They are now – well marked. Commissioners looked at the maps provided and noted that the river should be a no spray zone. Walter that this section has doubled tracks and is 100 feet wide- so all spraying would be well away from resource area.. Walter again drafted some conditions, these include that at the time of the visit, markings were not present around Hannegan Brook and Lake Pleasant and that there was later documentation that this had been corrected.

Motion for a positive 2A determination made by Justin Fermann, seconded by Sean Werle. Motion carries 5-0

Items not anticipated within 48 hours of meeting:

Free workshop for landowners by Mount Grace and MassLIFT AmeriCorps:

Sarah Wells from Mount Grace/MassLIFT – Organizes workshops for free with landowners. Their focus is land conservation and estate planning options. At this workshop you will get a free publication “your land, your legacy” with 10 local case studies, free advice from attorney (15 min), along with the option for attendees who want to pursue land preservation options can sign up with the land trust officers. 2 local land owners will be present, along with an estate planner. Sarah Wells would like to see if the Conservation Commission would be interested in co-sponsoring the event. Co-sponsorship means the Conservation Commission would be listed on the postcard that goes out of the public and if someone from the commission would sign for local endorsement/recognizable name - this would help with buy in. Those that will get the mailing are those landowners with 20 acres or more. Everyone is invited regardless of the mailing list. Mark Fairbrother will sign the postcard at a later time.

Community Garden in the Unity Park area:

Request to do a community garden (Williams Way) where the skate park will be located in the future. This is a 5,000 square foot lot in the “restoration area” defined on the NOI with an order of conditions. This would be a temporary set up in the meantime before the revitalization of the Unity Park area so there would be a space to use. The area is 140 feet away from the riverfront and Walter will help them write up an RDA.

Executive Session for Purposes of discussing litigation with Boston & Maine Corp et al.

7:15 PM

Motion to go into executive session made by Sean Werle, seconded by, Addie Holland. Donna Francis-Aye, Addie Holland-Aye, Deb Picking-Aye, Sean Werle-Aye, Justin Fermann-Aye.

Mark Fairbrother joined the session at 7:30 PM

Role Call to come out of executive session: Donna Francis-Aye, Addie Holland-Aye, Deb Picking-Aye, Sean Werle-Aye, Justin Fermann-Aye and Mark Fairbrother-Aye.

Motion to adjourn at by Sean Werle seconded by Donna Francis. Motion carries.

Meeting adjourned at 7:56 PM.

Next scheduled meeting: May 12 at 6:30 PM

Approved by: _____ Date: _____