



MONTAGUE CONSERVATION COMMISSION

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Meeting Minutes

Thursday, July 14, 2011

6:30 PM

Town Hall Downstairs Conference Room

Commissioners Present: Mark Fairbrother–Chair, Donna Francis, Deb Picking, Addie Holland, Sean Werle and Justin Fermann

Commissioners Absent: none

Staff Present: Walter Ramsey

Meeting called to order by Mark Fairbrother at 6:30 PM

Approval of Minutes

Motion made by Sean Werle to accept the June 9 Conservation Commission minutes as edited by email by Deb Picking. Seconded by, Donna Francis. Motion passes.

Motion made by Donna Francis to accept the Minutes of April 14. Seconded by, Sean Werle. Motion passes.

Motion made by Donna Francis to accept the Minutes of May 12. Seconded by, Sean Werle. Motion passes.

Motion made by Addie Holland to accept the June 9 and May 12 Executive Session Minutes Seconded by, Sean Werle. Motion passes.

Request for Determination of Applicability #2011-07 by Nicholas J. Salustri (Map 20, Lot 21).

Present: Nicholas J. Salustri and Linda J. Salustri of 97 Greenfield Rd.

Deb Picking recused herself as an abutter to the applicant.

To determine whether proposed lawn and driveway stabilization at 97 Greenfield Road is subject to the Wetlands Protection Act. The proposed work will occur within the riverfront resource area of Randall Brook.

Walter Ramsey: Applicant owns a single family home built in 1964 with a paved driveway from Greenfield Road that crosses Randall Brook, a perennial stream that runs parallel to Greenfield Road. Driveway runs over a 5 ft diameter culvert for the brook. Over the course of 40 years, the brook channel has transitioned northward toward the lawn (This is common in dynamic streams

like Randall Brook). Brook is currently threatening to undermine the driveway and the sewer line that runs along it. All work will occur north of the driveway. Applicant proposes to protect driveway and sewer line from stream erosion through up to 60 feet of stabilization. Applicant proposes using 3x3 concrete slabs fanned to form a barrier between the driveway and the brook. Applicant will hire a contractor to install barrier. No detailed work plans provided. Site is within estimated and priority habitat. Where Mr. Salustri's driveway is located there is a culvert that is creating a flow restriction which is causing erosion and the brook is encroaching onto his property. DEP would like to see Mr. Salustri to take a bioengineering approach and a more comprehensive look at how to stabilize the bank surrounding his driveway without disturbing the brook.

Mr. Salustri noted that in 1964 the Selectboard required him put in a 5 foot culvert over Randall Brook while the lots downstream were required to install 3 foot culverts. The smaller downstream culvert is causing the stream to back up and deposit material on the portion of the brook in his lawn.

Addie Holland: The commission would not per se require "bioengineering" but there needs to be further review under the Wetlands Protection Act.

Mark Fairbrother: It is suggested that Mr. Salustri bring in an environmental consultant and/or contractor and file an NOI. There is also a possible of filing a limited NOI which has less rigorous standards. The Conservation Commission requires a proposed plan of work with a site plan prepared by a contractor. Walter will assist the applicant or his contractor to make the appropriate filing.

Motion made by Sean Werle for a Positive Determination Box 3 because the proposed work will alter the riverfront area of Randal Brook. Seconded by, Addie Holland. Motion passes.

Request for Determination of Applicability #2011 – 08 by John Durfee (Map 17 Lot 17)

Present: John Durfee , owner of Camp 3E

To determine whether the expansion of an existing licensed private use floating dock from 296 square feet to 448 square feet is subject to the Wetland Protection Act. This property is located on Industrial Blvd and is known as Camp 3E.

Walter Ramsey: On March 7, 2001 the Commission issued a negative determination that allowed Mr. Durfee to attach rebuilt floating docks to pre-existing "seawall" on the bank of the Connecticut River. This process was consistent with Chapter 91 waterways license for the docks. Mr. Durfee has applied for an amendment to the current waterways license. The original design has proven to be inadequate to deal with the exposure to strong winds and waves. The extension and addition of side fingers is expected to dampen the roll to improve stability. Approval of the license amendment is contingent on this Commission decision. Will not remove dredge fill or alter land under water.

Motion was made by Justin Fermann for a Negative Determination because the work is within the riverfront area but will not remove, fill, dredge the area. Seconded by Addie Holland. Motion passes.

Request for Determination of Applicability #2011-09 by Barbara Lee Wicks and Roy Rosenblatt (Map 42 Lot 101)

Present: Barbara Lee Wicks and Roy Rosenblatt of 30 Center Street

To determine whether boundaries of the resource area are accurately delineated on a plan for a parcel of land located off of Swamp Road in Montague Center.

Walter Ramsey: On July 8 2004, the Commission granted a positive determination that confirmed the wetland boundaries on the plan and field markings done by Ward Smith. Technically, the determination has expired and with a sale of the lot pending the future buyer is requesting a current and valid boundary determination. An independent wetlands scientist (Alec MacLeod) reviewed the delineation in June 2011 and wrote a letter stating that in his best professional opinion the mapped wetland boundary shown on the plan remains accurate-particularly because of the extraordinary contrast between upland and wetland characteristics. The wetland boundary has not been reflagged but most markings remain from the 2004 survey. There are also 100' buffer zone area markings (blue) in tact. The buffer zone should be the work limit for the future single family house. They will not be doing any work in the near future and no work will be going on in the buffer zone. Some of the markers do still exist in the area. No endangered species are in this area.

The agent recommended the following conditions: 1) The boundary delineations for Bordering Vegetated wetland, 100 foot buffer zone and 200-foot Riverfront Area shown on plans filed with this RDA are confirmed as accurate. 2)This determination does not confirm or deny the existence or boundaries of other resource areas on the same or adjacent properties not shown on plans filed with this RDA.3) The property owner is responsible for seeking a determination as to whether work on the property identified in the RDA is subject to the Wetlands Protection Act.

Agent will review future house lot plan or proposed work for compliance with the Wetlands Protection Act. As long as no work occurs in the buffer zone for the future house lot, Mr. Rosenblatt will not need to come before the commission again.

Motion was made by Sean Werle for a Positive Determination Box 2 (boundary delineations of the following resource area are confirmed as accurate) Seconded by, Addie Holland. Motion passes.

Notice of Intent #2011-01 by Western Massachusetts Electric Company (Map 53; Lot 23,26,36,44 and 5)- Line 354 Reconstruction Project

Present: Adam St Martin – WMECO, Mathew Varrell –Environmental Consultant for Vannesse Hanglin Brustlin

WMECO is proposing to replace eight existing power line structures inundated by a beaver impoundment with four replacement structures suitable for a water environment on the WMECO

354 Line. Property is located off Richardson Road in Montague MA. Commission and DEP confirm that this qualifies as a 'Limited Project'. There has been substantial opportunity for public input throughout the planning process for the project. Three commissioners, the agent, and the applicants conducted a site visit the week of the hearing.

The applicant described the following resource proposed in the NOI:

160 square feet of permanent wetlands impact
1.01 acres of temporary wetlands impact
.32 acres of land under water temporary impact
16 feet bank temporary impact

Swamp mats will be used to work on the proposed structures through to Chestnut Loop Road. These provide large vehicle access over wetlands with negligible permanent impacts. Pond levelers will be maintained on the Leveret and Montague side.

Work Time line: Work platform and access road construction to begin in August. Hope to have lines re-energized by December. ISO New England Outage planned for November 11. Structures and mats will be removed while they back out of work areas.

In reviewing DEP's comments, Walter Ramsey noted that there are other permits active. Comments from DEP were reviewed. The 401 Water Quality Certification will be processed by the end of July. The Army Core Permit expected to be issued by mid August. DEP noted that these are not expected to alter the scope of the project. Applicant would prefer to close the hearing that night.

Mitigation: Applicant has looked into several mitigation site including on and off site in Montague and Leverett to no avail. DEP had worked with them to identify a site in the Town of Amherst that would meet the required mitigation. The project is at Owen Pond in the Wentworth Farm Conservation Area. The pond is leaking and there is no control of water levels in the pond. Applicant will build a natural overflow stream channel which will allow the pond act in a more natural way as well as encouraging fish from the Fort River. Mark Fairbrother recommended adding American kestrel Boxes in the area. He stated that the habitat would be a haven for tree swallows love the water open field, wetland forest, open forest. The commission expressed no objections to the proposed off-site mitigation

Agent presented recommended conditions

- Montague's standard conditions
- Prior to the issuance of a Certificate of Compliance for DEP File# 229-0227, the applicant must provide a copy of the Certificate of Compliance from the Amherst Conservation Commission for the approved mitigation at Wentworth Farm.
- The Conservation Commission or its agent shall be notified upon completion of construction in order to review restoration of the resource area.
- A financial contribution of an undetermined amount to be used for local wetlands mitigation project in the Town of Montague. (ultimately not required)

Walter noted that applicant is willing to pay a small sum for a local mitigation project. Upon commission request, it was described by the applicant that there are no threatening invasive species at the Richardson Road Beaver pond that could benefit from the payment. No off site projects are in the works. Ultimately the commission agreed that a monetary contribution for a local mitigation project was not necessary or even legal, despite DEP's approval for such a transaction. The commission determined that the applicant is compliant with the required mitigation as a 'limited project'.

Adam St. Martin requested a letter of support for the proposed off site mitigation be directed to the Amherst Conservation Commission.

Motion by Deb Picking to close the public hearing and issue an Order of Conditions to include the standard order of conditions, and Walter's recommended conditions with the exception of the monetary piece and to sign a letter of support for off-site mitigation. Seconded by Sean Werle. Motion passes 6-0.

Emergency Certificate #2011-01 by Western Massachusetts Electric Company (Map 9 Lot 86)

Guests: none

Walter Ramsey: Ratify Emergency Certificate issued June 29, 2011 to breach and remove an inactive beaver dam below a main beaver dam behind 212 Montague City Road on land owned by WMECO. Debris from the deteriorating secondary dam is clogging downstream trash rack and flooding neighboring residences during heavy rains. Gina McNeely, Director of Public Health verbally attested to the fact that this particular situation is a threat to the public health and welfare because of flooding. She will write a letter for the file. On May 25 2006 the Commission issued an EC to remove a new beaver dam in the same location. Work was performed by Ruth Callahan on behalf of WMECO. Walter conducted staff site visit to confirm. Chair has already signed and the EC has been issued. Laws require the Commission to ratify the action.

Mark Fairbrother: The Conservation Commission has been aware and continues to be involved with the beaver dam issues in that area.

Motion was made by Sean Werle to ratify the emergency certificate #2011-01 issued on June 29, 2011. Seconded by, Justin Fermann. Motion passes

Motion by Justin Fermann to adjourn at 8:33PM. Seconded by Deb P. Motion passes.

Next scheduled meeting: August 11, 2011 at 6:30 PM

Approved by: _____ Date: _____