

Montague Conservation Commission

(413) 863-3200 Ext. 207 One Avenue A, Turners Falls, MA 01376
Fax: (413) 863-3222 Email: planner@montague-ma.gov

MEETING MINUTES

Thursday, December 10, 2015 – 6:30 pm

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

Commissioners Present: Mark Fairbrother - Chair, Addie Rose Holland, Alex Peterkin, Donna Francis, and Sean Werle (6:52 pm) and Justin Fermann.

Commissioners Absent: Deb Picking

Staff: Walter Ramsey - Agent

Mark Fairbrother called the meeting to order at 6:30 PM. The chair tabled approval of minutes until later in the hearing.

CONTINUATION PUBLIC HEARING Notice of Intent #2015-07 filed by Charles Momnie for FirstLight Hydro Generating Company for property identified as Camp 4E (Assessors Map 17, Lot 12). Applicant plans to stabilize and restore 85 linear feet of eroding bank along the Connecticut River. Votes may be taken

Guests: Beth Bazler- Land Management Administrator FirstLight Hydro Generating Company and Meredith Borenstein – New England Environmental

The purpose of this project is to stabilize an eroding slope directly adjacent to an existing house on the Connecticut River. The proposed project meets the Wetlands Protection Act performance standards for the affected resource area. The project will be constructed by a private contractor working with FirstLight Hydro Generating Company. Natural Heritage Endangered Species Program (File #10-29037) has determined that the project will not adversely affect the actual Resource Area of state-protected wildlife species, however the work must be conditioned in order to avoid a prohibited “take” of state-listed species (321 CMR 10.18 92)(a). DEP has also submitted a letter and (File # 229-245). Hearing was opened on Nov 12, 2015.

A Site visit was done at the site on December 8, 2015 attended by Alex, Donna and Walter. It was hosted by Beth, Meredith, and Chuck Monmie from Firstlight. It is a very steep slope with a lot of vegetation. The vegetation will be removed and then revegetated and stabilized in phases during the projects. It was very clear that the slope was slumping into the river. The camp house is less than 50 feet from the slope. It was also clear that was not an easy project to implement because of access issues. A temporary access road is necessary, but the area will be returned to its existing conditions.

Agent: Natural Heritage Endangered Species Program issued comments that conditions are required for there to be no-taking of protected species. NHESP would like the Conservation Commission to issue it with three conditions 1) If any maintenance is needed after the project is finished NHESP would like to be notified and give approval for any work to be done, 2) The limit of work stated on the plan must be marked in the field and abided by during the project, 3) They wanted to be sure that the machinery/equipment be stored and if refueling is needed that it is done outside the wetlands area. Walter incorporated these comments into the Commission’s standard order. The commission reviewed the special conditions. After debate about what NHESP wanted that was different from a typical order, the Commission agreed with the Agent’s finding and Special Conditions as presented.

Motion made by Alex Peterkin to close the hearing and approve Notice of Intent #2015-07 filed by Charles Momnie for FirstLight Hydro Generating Company for property identified as Camp 4E with conditions as presented. Seconded by Donna Francis. **5- 0 in Favor. Motion passed unanimously.**

6:52 PM Sean Werle entered the meeting

Approval of Minutes: October 8, 2015 and November 12, 2015

Motion made by Sean Werle to approve October 8, 2015 minutes. Seconded by Addie Rose Holland. **Motion passed unanimously.** Donna Abstains from the vote.

Motion made Addie Rose Holland to approve November 12, 2015 minutes. Seconded by Alex Peterkin. **Motion passed unanimously.**

Approval of 2016 Conservation Commission Schedule:

The proposed schedule for 2016 Conservation Commission meetings was discussed and approved. The meetings will continue to be held on the 2nd Thursday of the month at 6:30 pm.

Motion made by Donna Francis to approve 2016 Conservation Commission meeting schedule. Seconded by Addie Rose Holland. **Motion passed.**

Agent Updates:

James Smith Enforcement Order - Walter Ramsey will write a letter addressing the Enforcement Order and the results of non compliance with the order. Mark Stinson (DEP) will be contacted regarding the order.

TGP Pipeline- Walter will be going to the Selectman on December 14, 2015 to see if the board wants to be an intervener in the FERC process with Kinder Morgan. It gives the Town a position in the FERC process as well as the legal ability to appeal if wanted. As it stands now, the pipeline will have to come to each Town's Conservation Commission for an Order of Conditions. Based on the new round of submissions there are no known direct wetland impacts in the Town of Montague. There currently are 3 proposed directional drilling areas that avoid resource areas on the surface. They are proposing to directional drill through a Zone II Aquifer, but that is under the jurisdiction of the DEP, Water District, and possibly the Planning Board. The Town of Montague Selectboard will make the official decision regarding the intervener status. Mark Fairbrother thanked Walter for the update but suggested that the Commission not be involved in the intervenor status since the Commission, as it stands, has regulatory authority. As such, the commission should remain unbiased. Everyone concurred.

Motion made by Addie Rose Holland to adjourn the meeting at 7:13PM. Seconded by Sean Werle. **Motion passed.**

Approved by: _____ Date: _____