

# Montague Conservation Commission

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## MEETING MINUTES

Thursday, August 9, 2018 6:30 PM

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

**Commissioners Present:** Mark Fairbrother - Chair, Alex Peterkin, Donna Francis, Laurie Reid-Associate

**Commissioners Absent:** Deb Henson, Justin Fermann, Addie Rose Holland and Sean Werle

**Staff:** Walter Ramsey – Agent and Iliya Shumilov- Planning Department Intern

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

**Approval of Minutes:** July 12, 2018

**Motion** made by Alex Peterkin to approve July 12, 2018 minutes. **Seconded** by Donna Francis. **Motion passed.**

**Public Hearing – Notice of Intent NOI #2018-04 filed by FirstLight Power Resources** to revegetate and restore 275 linear feet of eroded slope and bank on the Connecticut River (Montague Assessors Map 15 Lot 213)

**Guests:** Michael Marcus – SWCA Environmental and Chuck Monmoy – FirstLight Power Resources

Michael Marcus: First Light has been doing slope stabilization on the Connecticut River over the past 25 years. The current site is just down from the Turners Falls Road Rod and Gun Club. There was some previous work done in this area in 2008 (an RDA was filed for revegetation planting and the determination has now expired). First Light has filed this NOI to conduct continued maintenance of the eroding slope (275 linear feet). The site is steep and has a very sandy slope which makes it not accessible by machines. All stabilization work will be done by hand, integrating soil back into the bank, revegetation and reseeding. Given the location of the site, workers and materials will reach it by boat to do the above work. The plan presented shows compliance with performance standards for bank, bordering land subject to flooding, and riverfront area. The work will be constructed by a private contractor working for First Light Power Resources. Natural Heritage and Endangered Species Program has been contacted and there are two species of plants on the site and so they will want plant surveys done and coordinated with them during the months of August/September. The Natural Heritage and Endangered Species Program have determined that this project meets the state-listed species performance standard and an Order of Conditions can be issued. A permit will also be required from the Army Corps of Engineers since the 2008 permit has expired. DEP has issued a file number and comments.

Walter Ramsey questioned why this was not submitted as a “restoration project”; Michael Marcus responded that DEP advised him to file it as a Notice of Intent given there is to be no alterations of the bank or wetlands it didn’t fall into a restoration project. As noted, all the performance standards were met during the process. This is an ongoing issue and the project is not going to “fix-it” but will address the on-going issues currently on the slope.

Walter Ramsey shared with the Commission his recommended findings and special conditions:

Findings:

1. The project consists of stabilizing eroded slope along 271 linear feet of the Connecticut River.

2. The site is not accessible by machines. Work will be done by hand and no heavy machinery will be used
3. The plan demonstrates conformance with performance standards for bank, bordering land subject to flooding, and Riverfront Area.
4. The project will be constructed by a private contractor working for FirstLight
5. Natural Heritage Endangered Species Program has determined that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Special Conditions:

6. The Commission should be notified at least 48 hours prior to construction
7. Work shall not commence until evidence of Army Corps of Engineers Permit and final determination from Natural Heritage and Endangered Species program has been provided to the Commission.
8. Copy of the Order of Conditions provided by the Applicant to the Contractor.
9. There shall be no stockpiling of materials, fueling of vehicles, or storage of oil, fuel or other hazardous materials in resource areas or their buffer zones, including any areas within 100 feet of a Bordering Vegetated Wetland or intermittent stream or within 200 feet of a perennial stream, unless specifically permitted by this Order or approved in writing by the Commission or its Agent.
10. The signatory engineer or landscape architect of the Plans of Record shall conduct a field visit to the site between 45 and 30 days prior to the start of the work, and following any significant storm events after that visit, to determine (a) if the field conditions are properly reflected on the approved Plans of Record and (b) if the proposed work can be implemented as shown on the plans without increased impacts to the Resource Areas (as defined in 310 CMR 10.02) or a change to construction methodology or materials.
  - a. If no revisions are necessary, a brief written report shall be submitted to the Commission
  - b. If field conditions have changed so that elements of the project require revision:
    - i. At least fourteen (14) days prior to the initiation of work, the applicant's engineer shall submit to the Commission a written narrative about how the design will be changed, including photos, sketch plans, and measurements of the area of the site that require revision. No work shall occur until written approval is received by the Commission and all other relevant state or federal agencies.
    - ii. Any revision(s) shall follow the same design principles as the approved project.
11. Any future maintenance activities beyond minor maintenance and care to the proposed vegetation (e.g., seeding, planting, mulching, hand-pulling or invasive) and any repair to the installed wood materials or cables described in the Plans of Record, will require review and written approval from the Commission prior to the start of work.

***Motion*** made by Alex Peterkin to issue an Order of Conditions NOI #2018-04 filed by FirstLight Power Resources with the supplemental findings and conditions as presented by the Conservation Agent. ***Seconded*** by Laurie Reid. ***Motion passed.***

**Consideration of Chapter 61 – Right of First Refusal Option to Town of Montague for Map 17 Lot 50 – Weaver/Old Sunderland Road- 4.91 acres.**

The property owners, Barbara L. Craven/Shirley R Sheehan intend to sell the parcel of land known as Map 17 Lot 50. The property is in Chapter 61, so the Town has right of first refusal (ROFR) when land goes to sale. This ROFR can also be re-assigned to a land trust. It is standard policy for the Commission to review and offer a recommendation to the SelectBoard. It is a wooded lot in a triangle shape with frontage on all sides (Fosters, Weaver, and Old Sunderland Roads). Walter Ramsey recommends not exercising this right the property fails to meet any of the town's conservation priorities under the 2018 Open Space and Recreation Plan (preservation of prime farmland soils, water supply protection, riverfront areas, or lands contiguous to existing protected open space). The Conservation Commission discussed and debated over the right of first refusal option on this parcel. A sale price had not yet been determined. The Commission was reminded that a majority of the current

Conservation Fund has been dedicated to the preservation of farmland on Old Greenfield Road (Garbiel). That transaction is expected to occur this summer which will leave the town with less than \$20,000 in the Conservation Fund.

**Motion** made by Donna Francis that the Conservation Commission recommends to the Selectboard not to execute their Right of First Refusal to purchase the land for Conservation Purposes. **Seconded** by Alex Peterkin. **Motion passed.**

**Agent Updates:**

**a. Emergency Certificate 2018-01 to breach Beaver Dam behind 212 Montague City Road**

This is an ongoing situation where a pond leveler has been in place and is now negated by the beavers building a second downstream dam on Eversouce property. This area has been an issue over the last 12 years and continues to be one. The Montague Board of Health has provided a written statement that this constitutes a threat to health and safety of at least one nearby residence. DEP had reached out to Walter to remind the Commission that this statement (from Board of Health or other public agency) is compulsory. A statement from Utility will not pass muster. The Board of Health has also issued a permit to trap the beavers in the area. Walter clarified that this is for the removal of the new beaver dam leaving the main beaver dam that has the leveler in tact and in place. Since this is not an immediate emergency, Walter chose to wait for the commission to issue the certificate, rather than have them ratify it after the fact. The work is to be completed as described in the Emergency Certificate that was submitted.

**Motion** made by Donna Francis to issue the Emergency Certificate 2018-01 to breach the secondary beaver dam located behind 212 Montague City Road. **Seconded** by Alex Peterkin.

**b. Review amended site plan for RDA 2018-01 solar facility at 0 Millers Falls Road Map 23 Lot 67.**

Walter: RDA 2018-01 came to the Commission 2 months ago. The RDA confirmed that proposed solar project across from Industrial Boulevard on Millers Falls Road is outside any jurisdiction resource area. The project's engineer reached out to Walter to discuss some changes to the site plan. They would like feedback as to whether a new filing will be required. The area of clearance now approaches the 100 buffer from wetlands, whereby previously there was a more substantial vegetated buffer. Chairman Fairbrother re-iterated his concern for stormwater management and erosion damage to the wetlands. The Commission agreed that this new submittal does not address the erosion and runoff concerns- which are now increased by the new layout. After discussions, it was determined that it is a new solar company with a new plan so a new RDA will have to be filed. Walter will advise Lori Johnson of SWCA Environmental Consultants of the Commission's decision.

**c. 7 Orchard Street house relocation – Building Permit 18-035**

This property is located in Montague Center and is a private street. There is one house that will be relocated on the same street. Walter did a site visit to make sure they were siting the home outside of the 100 foot resource area. During the site visit, Walter was not able to find an outlet to see if it is BVW or an isolated resource area. However, he determined that the site location is just over the 100 foot buffer zone needed and no RDA would have to be filed. Given the new site location, Walter asked them to install a silt barrier fence with hay bales between the corner of the driveway and the house to define the work area during the relocation. The reason for the house move was that there was ongoing flooding in the current location so the owners wanted to move upland on the parcel they own. There is no action that is needed by the Commission at this time.

**Motion** made by Donna Francis to adjourn the meeting at 7:16PM. **Seconded** Alex Peterkin. **Motion passed.**

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