

# Montague Conservation Commission

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## MEETING MINUTES

Thursday September 9, 2021- 6:30pm

*Meeting was recorded*

**Commissioners Present:** M. Fairbrother, D. Francis, T. Carter and A. Reiber **Zoom:** S. Werle, J. Fermann.

**Commissioners Absent:** L. Reid

**Staff:** Walter Ramsey, Conservation Agent

*MOTION by D. Francis to approve the minutes of July 8, 2021 with typo. Seconded by S. Werle. VOTE: Fermann (AYE), Werle (AYE), Carter (AYE), Francis (AYE), Fairbrother (AYE), Reiber (AYE). MOTION passes 6:35pm*

**6:35PM:** Request for Certificate of Compliance NOI 1019-05/ DEP # 229-0257 Line 354 Structure Replacement Project by Eversource Energy Service Company.

**Guest:** April Doroski (Tighe & Bond)

April Doroski presented on behalf of Eversource. Project involved the replacement of 5 transmission line structures. The project was permitted in October 2019, started in November 2019 and ended that winter. Restoration work in the buffer zone including the planting of native seed mix in the spring of 2020. Doroski reviewed the restoration area in July 2020 but it needed more time to revegetate. In June 2021 the areas had revegetated to satisfaction without signs of erosion.

The Conservation Agent walked the site earlier that week and added that the area has revegetated without signs of erosion from the historic rainfall event of July 2020 that lead to State of Emergency for the town. He thinks the project has been completed in compliance with the Order of Conditions, but he would have preferred for Eversource to have replaced the existing culvert before the field as part of the project..

*MOTION by S. Werle to issue a Certificate of Compliance NOI 1019-05/ DEP # 229-0257 Line 354 Structure Replacement Project by Eversource Energy Service Company. Seconded by J. Fermann. VOTE: Fermann (AYE), Werle (AYE), Francis (AYE), Fairbrother (AYE), Reiber (AYE), Carter (AYE). MOTION passes 6:43pm*

**6:45 PM:** Consider “Farmland of Local Importance” designation to help protect farmland that would not otherwise qualify for protection with support from USDA of Mass Dept of Agriculture’s Agricultural Preservation Restriction Program.

**Guest:** Al Averill, American Farmland Trust

Al Averill introduces himself and work with the American Farmland Trust. Averill works to recognize and designate soil characteristics for the purpose of expanding eligibility of farm preservation. Certain soils that designated as “locally important” can be used by USDA when determined eligibility of specify farms for preservation programs such as APR. Typically at least 50% of a farm must be designated of “statewide importance” to be eligible for such preservation programs, but this does not capture some of Montague farmsteads that are also potentially worth of protection.

The Conservation Agent reviews the APRs owned by the Commission and recent protections of farmsteads. The Town is hitting the main goals for farmland preservation, however this designation could get additional farms to be eligible for the Agriculture Protection Program. There are no downsides or risks to the designation, but it gives farmers the option of going into preservation. The Town and state would still need to support any specific preservation project.

The Conservation Commission is favorable to moving forward and sees it as a valuable tool for land-use planning. Al Averill will prepare the paperwork for approval at the next meeting.

**7:15pm** Ratify/Issue Emergency Certificates for 77 Swamp Road and 24 Highland Street- residential properties impacted by flooding event of 7/18/2021

A state of emergency had been declared by the Montague Select Board for historic flooding on/around July 18.

The Conservation Agent shows a picture of the driveway bridge at 77 Swamp Road which was damaged due to a high water event. Erosion is pronounced around the bridge abutments and the area marked "lawn yard" on the map. A written scope of work was provided by the property owner which includes adding rip-rap armoring, loam, native seed mix. The Conservation agent issued the emergency certificate on July 18, 2021 and is looking for the Commission to ratify.

*MOTION by D. Francis to Ratify/Issue Emergency Certificates for 77 Swamp Road. Seconded by J. Fermann. VOTE: Fermann (AYE), Werle (AYE), Francis (AYE), Fairbrother (AYE), Carter (AYE) and Reiber (AYE). MOTION PASSES. 7:20pm*

Conservation Agent reviews the DRAFT/ Unissued Emergency Certificate for 24 Highland Street in Millers Falls. The small intermittent stream that runs through the property flooded 22, 24 and 26 Highland Street residents on July 19, 2021. The stream is highly manipulated and channeled underground, through a culvert, and out from under Highland Street. The Planning Department has no written record of the stream being channelized. Work was likely done before the Wetlands Protection Act. Chief Zellman gave his opinion that this is an emergency.

A photo is shown of the culvert outlet, the retaining wall, and the resulting erosion affecting lawn and a garage. The owner would like to rebuild the stone retaining wall with concrete. It would match the concrete wall on the opposite side of the channel. The Agent has requested a written scope of work from the homeowner who approached him on August 21, 2021.

Mark Fairbrother does not view this as an emergency. J. Fermann agrees.

The Conservation Agent communicate filing options to the owner.

**7:30PM:** Agent Report

Review preliminary findings of Lake Pleasant Conservation Land Survey  
The Conservation Agent shows the survey results of the existing Conservation Land in Lake Pleasant. An old shed which pre-dates the 1976 land transfer is an encroachment. There are also some irregularities regarding the Drumgool property which could be rectified by the Conservation Commission.

The Agent asks is the Commission if they'd like to remedy these "inherited" encroachments. It could be a complex negotiation and will require legal support.

A. Reiber asks what happens if the Commission does nothing. Agent respond that the survey could simply include individual notations that document the issues so the commission can ensure they do not expand.

The land survey of the second (proposed) Lake Pleasant property has no encroachments. The Commission must consider whether they'd like to consolidate a group of tiny Town-owned parcels and form one larger conservation parcel. This parcel is not contiguous with the previous, but a trail exists through the fire district property connecting the two sites. A trail head could be created off of Zenita Street. The alternative is that the smaller parcels stay under the Select Board jurisdiction. J. Fermann recalls that the neighbors are in favor of the creation of a conservation parcel.

#### Topics Not Anticipated

Commission will move the next meeting back to October 21 due to a Special Town being scheduled for the same date/time (The Town Meeting Date was later re-scheduled and the Commission will retain is regular monthly meeting date of 10/14).

Eversource is under a DEP consent order to upgrade a culvert on Chestnut Hill Brook/Loop Rd with a new box culvert. It's on their land under a transmission line. Plans have been submitted and approved by DEP. Local permitting is not required.

The bridge replacement on Chestnut Hill Loop is in the final stage. The box culvert is functioning. The final walk-through of the project is next week.

*MOTION by to D. Francis. VOTE: Fermann (AYE), Werle (AYE), Reiber (AYE), Carter (AYE), Fairbrother (AYE). MEETING ADJURNED 7:40pm*