

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 May 12, 2022- 6:30pm

Meeting Held In-Person AND via ZOOM

Commissioners Present: Mark Fairbrother, Sean Werle, Margaux Reckard, Donna Francis, Al ~~Averill~~, Averill, Toby Carter, Anthony Reiber, Justin Fermann

Staff: Walter Ramsey

Meeting was Recorded

6:30PM PUBLIC HEARING (CONTINUED FROM 4/14/22) Notice of Intent #2022-01 filed by William Brule for construction of a single family home in the buffer zone of wetlands. The work will occur on West Chestnut Hill Road at Assessors Map 52 Lot 71.

Mr. Brule presented a revised plan that will minimize disturbance of the wetlands buffer zone. A small retaining wall is proposed to minimize grading in the buffer. No grade changes are proposed in the first 50 feet of the buffer. The Commission discussed the unauthorized cutting that occurred on the northern side of the wetlands. The Commission agreed that bringing in machinery as part of remediation/restoration could cause more damage. A more passive approach may suffice to allow the area to rebound. Mr. Brule volunteered to develop a wetlands restoration plan as described in condition #1 below.

The Agent presented a draft of the finding and special conditions:

Findings

1. The 7.85 acres lot is bisected by a linear bordering vegetative wetlands system, as partially delineated on the approved 5/2/2022 plan.
2. The northerly section of the lot was clear cut and grubbed by owner prior to filing of the Notice of Intent. The clearing involved unauthorized disturbance to wetlands and the buffer zone.
3. The proposed house and appurtenant structures are is proposed on the southerly section that was not clear cut, however work is proposed in the buffer zone of the same wetlands system.
4. No grade changes are proposed within 50 feet of the wetlands boundary.

Special Conditions

1. Restoration Plan: To rectify the unauthorized cutting that occurred prior to the filing of the Notice of Intent, the owner, within 100 days of issuance of Order of Conditions, shall file a wetlands restoration plan for the northern section of the property. Said plan shall be filed in writing with the Conservation Commission and shall at minimum include the following:
 - a. A delineation of the affected area by a qualified professional wetlands scientist
 - b. Removal of mulch piles that are within 100 feet of the wetlands
 - c. A plan to restore the affected wetlands and 100 foot buffer zone

Said plan must be executed to the Commission's satisfaction prior to the issuance of a certificate of compliance.

2. 50 foot vegetated ~~buffer:~~The buffer: ~~The~~ first 50 feet from the wetland boundary as shown on the 5/2/2022 plan shall remain naturally vegetated. The removal of any trees on the southern section of the property within 50 feet of the wetlands as shown on the 5/2/2022 plan shall be subject to review and approval of the Conservation Commission. Said trees may be removed sparingly and must be flagged and approved by the Commission's agent prior to removal.

~~Plus~~Plus, other standard conditions

MOTION by M. Reckard to accept NOI Notice of Intent #2022-01 filed by William Brule for construction of a single family home in the buffer zone of wetlands with the findings and conditions as presented. Seconded by S. Werle. VOTE: Mark Fairbrother (AYE), Sean Werle (AYE), Margaux Reckard (AYE), Donna Francis (AYE), Toby Carter (AYE), Anthony Reiber (AYE), Justin Fermann (AYE). MOTION PASSES.

6:45PM PUBLIC HEARING Notice of Intent #2022-02 filed by Lindsey Gorman for Chestnut Loop Realty, LLC to restore an established farm/fire pond. The work will occur at 82 Chestnut Hill Loop (Assessors parcel ID 53-043)

Present: MC Fire Chief Hansen, Lindsey Gorman

Toby Carter recused as the author of the forestry plan for the applicant

A site visit was completed with the Conservation Agent and several commissioners on 5/4/22. The Conservation Agent provides a brief overview. The body of water is classified as a fire pond and thus qualifies as a limited project under WPA. Therefore, the applicant does not need to provide wetlands mitigation. The applicant has requested permission to dredge up to 99 cubic yards to restore the fire pond. The pond is manmade. It has an emergency overflow but no natural outflow.

Lindsey Gorman describes the gravity fed system. The process of dredging the pond should take 5 days. The pond is currently half full. First, they will drain existing water with a pump into the exit pipe, to an adjacent field over a 3-day period. At that point it will be left to dry. The contractor will not be working near the brook when they remove the dredge debris with a truck. The removed material will be relocated to Gorman's farm as fertilizer. Protecting the adjacent brook from turbidity is important. To that effect all water will be pumped into a field instead of into the stream.

An image of West Chestnut Hill Road is shown which shows the farm, the pond, and the location of the temporary storage of the dredged material. The applicant will dump the material outside of a resource area, behind his barn.

Chief Hanson states his strong support of the project, which is a vital water source for fire protection purposes. The fire chief will inspect the pipes from the fire hydrant during the course of this project.

D. Francis asks about amphibians in the pond. Gorman responds, "not much" and no fish. The site is very exposed and there is nowhere for animals to hide. The Agent agrees that this issue is minimal.

DEP commented that the applicant and contractor are responsible for staying within the 99 cubic yards of dredged material, otherwise a water quality certificate may need to be issued by the State.

Al Averill asks if the depth of the pond is the same height as the stream and wonders if the applicant can actually get the pond ~~dry.~~The dry. The pond is in fact higher than the stream.

Margaux Reckard asks about the size of the rocks in the pond and where they will be relocated. Gorman responds that the large boulders will be removed and will be relocated and reused elsewhere on the property (not within a resource area).

The Agent will add language regarding the overflow going to the field during the final stages.

MOTION by D. Francis to accept Notice of Intent #2022-02 filed by Lindsey Gorman for Chestnut Loop Realty, LLC to restore an established farm/fire pond as amended with special conditions. Seconded by M. Reckard. VOTE: Mark Fairbrother (AYE), Sean Werle (AYE), Margaux Reckard (AYE), Donna Francis (AYE), Al Averill (AYE), Anthony Reiber (AYE), Justin Fermann (AYE). MOTION PASSES.

T. Carter rejoins the Commission.

7:15PM- Request for Certificate of Compliance NOI 2015-04 filed by Walnut Street Condominium Association. Bank Stabilization. Project Site: 28 Walnut Street (Assessors Map 13 Lot 91) DEP File 229-242.

The Conservation Agent describes the outcome of a bank stabilization project on Walnut Street. The Agent reports that the rip rap measures were successful, and the site has stabilized. The Association is requesting an order of compliance for the first phase of 150' and will return to the Commission for permission to start the second phase of another 150 feet of bank stabilization.

MOTION by S. Werle to issue a Certificate of Compliance NOI 2015-04 filed by Walnut Street Condominium Association. Bank Stabilization. Project Site: 28 Walnut Street (Assessors Map 13 Lot 91) DEP File 229-242. Seconded by D. Francis. VOTE: Mark Fairbrother (AYE), Sean Werle (AYE), Margaux Reckard (AYE), Donna Francis (AYE), Toby Carter (AYE), Anthony Reiber (AYE), Justin Fermann (AYE). MOTION PASSES 6:17pm.

Agent Report

Field change to NOI 2021-01 North Leveret Road Distribution Line upgrade project

Natural Heritage is requiring Eversource to relocate the power lines running along the stretch of former roadway. This will move the lines away from the river, which is better for shading of the brook, but will result in a net increase of trees removed for the project.

Compliance review RDA 2020-02- Falls Farm- Old Sunderland Road

A silt fence was put up to prevent further erosion and the landowners are in the process of forming a plan to remove the timber at the top of the bank. They are waiting until the ground is dry to remove the timbers. The Agent notices that the stumps they dumped in the stream on the Sunderland line were removed.

Withdrawal of petition for potential Lake Pleasant Conservation Land

A statement by the Lake Pleasant Village Association outlined some concerns from some of the villagers about putting the land into preservation, including future parking and storm water erosion. For that reason, it did not make it to Town Meeting but the completed survey work has proved helpful. WR asked the Commission to shelve the proposal to conserve the parcel because there is not strong support from the neighborhood to protect the land at this time. The Commission agreed.

Commented [AA1]: Should WR be identified as either Walter Ramsey, or Conservation Agent? The reader may not make the connection as to who WR is, and Walter is referred to as "Conservation Agent" I the rest of the document.

WR announced that Town Meeting did ~~appropriate~~ appropriate \$10,000 to replenish the ~~the~~ Conservation Fund fund-which now carries a balance of \$16,000.

MOTION by Donna Francis to Adjourn by D. Francis. Seconded by Sean Werle. VOTE: Mark Fairbrother (AYE), Sean Werle (AYE), Margaux Reckard (AYE), Donna Francis (AYE), Al Averill (AYE), Meeting Adjourned 6:35pm.