



MONTAGUE CONSERVATION COMMISSION

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Meeting Minutes

Thursday, June 14, 2012

6:30 PM

Town Hall Upstairs Conference Room

Commissioners Present: Deb Picking – Acting Chair, Sean Werle, Donna Francis, Justin Fermann and Mark Fairbrother (7:07 p.m.)

Staff Present: Walter Ramsey- Agent

Meeting called to order by Deb Picking at 6:30 PM

Approval of Minutes:

Motion was made by Sean Werle to accept the minutes of May 10, 2012. Seconded by, Justin Fermann. Motion passed unanimously.

1. Presentation: Solarize Montague

Guest: Susan Conger, Montague Energy Commission

A short presentation was given by Susan Conger about Solarize Montague, a program sponsored by the Town of Montague as part of the Green Communities Program. Montague was 1 of 17 towns chosen for Solarize MA 2012 program to help home owners, business and farms to install PV systems. The Solarize program offers systems priced in tiers. The rate reduces according to how many residents sign up. The MEC's goal is to get to at least tier three. 80 residents have expressed interest in the Solarize Montague program to date. The installer and pricing for this should be determined by the end of July.

2. Public Hearings/Meetings

Notice of Intent #2012-02, by Thomas Bergeron – Montague Highway Department – South Street Right-of Way

Guests: Tom Bergeron-Montague Highway Department, Scott and Emily Ewell-Abutters

The Montague Highway Department is proposing to remove 98 cubic yards of material in the Sawmill River from under the South Street Bridge. The project will be done during one day of the summer low flow period (July - September 14). A town owned backhoe will operate from the bridge and dredge the river bottom.

Scott Ewell of 487 Federal Street, an abutter is supportive of the plan and he will be happy to provide access from his property when and if needed. Access over his land is not, however in the plan.

Similar dredging was done years ago under an Order of Conditions for 98 cubic yards of dredging. Any dredging over 98 cubic yards will require a permit from the Army Corps of Engineers/ACOE.

Tom Bergeron has spoken to Natural Heritage Endangered Species (NHESP) regarding having a routine maintenance plan put in place to address these issues. The NHESP has requested that the activity needs to be done during the July 1- September 15 time frame due to the fisheries concerns; while being able to maintain a level flow in the river. Best practices for sediment and erosion control must be implemented during this project as well.

It was noted by several commissioners that this was a “band-aid” solution. Sean Werle and Deb Picking supported the use of rock veins and bio-engineering methods. Doing this will allow for a channel for water flow located right in the center of the bridge rather than undermining the abutments. The Conservation Commission was under the impression that the state would however require drawings and permitting for the rock veins. It has been noted that a waterway engineer could draw a plan to fix the flooding issue permanently. The Franklin Conservation District is also working on projects further upstream to help with the flooding and erosion issues. Walter will investigate with the Conservation District and appropriate State Agencies if drawings would be required.

The Conservation Commission is still awaiting a file number and comments from DEP and NHESP. The agent advised that the hearing should not be closed until those comments are received.

***Motion** was made by Sean Werle to continue NOI #2012-02 to the next regular Conservation Commission meeting on July 12, 2012. Seconded by, Justin Fermann. Motion passed unanimously.*

- 3. Request for Determination #2012-03 filed by Vladimir Vdovichenko and Nadia Ruby** to determine whether the wetlands resources area boundaries depicted on a plan to develop two single family residences on Map 34, Lots 66 and 63 on Federal Street in Millers Falls are accurately delineated.

Guest: Vladimir Vdovichenko and Nadia Ruby

There was a site visit on June 14, 2012 attended by Walter R, Donna F, Sean W, Justin F and Deb P. Deb P reported that at the site visit the group was able to verify the presence and extent of the jurisdictional wetlands on the submitted plan. The delineation was flagged in the field by the surveyor.

Deb P recommended that the final approved and registered plan should note that the delineations were flagged in the field by a professional wetland scientist. She noted that making a notation on the approved plan creates a chain of command and responsibility. Ward Smith conducted this delineation.

The applicant must still seek permits from the Zoning Board of Appeals in order to create two building lots. Walter will make sure the appropriate delineation reference is on the final recorded plan. Applicant was advised by the Agent to file with Natural Heritage and Endangered Species because his property is in priority habitat.

***Motion** was made by Justin Fermann to issue a positive determination box 2A with the above notations referencing the “Plan of Property in Montague, MA - Vladimir Vdovichenko and Nadia Ruby” dated June 1, 2012. Seconded by, Donna Francis. Motion passed unanimously.*

4. **Notice of Intent #2012-01, by The Franklin Conservation District (Continuation from 5/10/12)** The Franklin Conservation District is proposing to implement a suite of restoration techniques to an approximately 1,700 linear foot reach of the Sawmill River west of the Federal Street (Route 63) bridge crossing in Montague, Massachusetts. Lot is identified as Assessors parcel 192-0-103 and work area includes work in municipal rights-of-way for North Leveret Road and Main Street.

Guest: Deb Shriver

Comments have been received by DEP and NHESP and it has been determined that there will not be a “taking” of rare or endangered species. Also, there is no need for a Chapter 91 filing.

Walter recapped the special conditions discussed at the previous meeting with no changes. The special conditions will be attached to these minutes for future reference.

Motion was made by Justin Fermann to issue an order of conditions with special conditions for NOI #2012-01 by the Franklin Conservation District. Seconded by, Mark Fairbrother. Motion passed unanimously.

5. Other Business

- Discuss North Street Conservation Area Parking Expansion Concept Plan
No residents were present to discuss.

Tabled for later discussion – representatives not present.

- Vote to recommend the Selectmen endorse an amended/restated Conservation Restriction & APR with option to purchase to combine the Tuvek APR (1989) and Red Fire Farm APRs (4/7/2010) into one APR at the request of the Department of Agriculture.

Mark Fairbrother abstained from discussion and vote referencing his dual role as a Selectman.

Walter R reported that this action will not affect the Town’s interest in the property. This is purely an administrative “cleanup” action at the request of Red Fire Farm and the Department of Agriculture.

Motion was made by Donna Francis to recommend to the Montague Selectboard to endorse an amended/restated Conservation Restriction & APR with option to purchase to combine the Tuvek APR (1989) and Red Fire Farm APRs (4/7/2010) into one APR at the request of the Department of Agriculture. Seconded by, Sean Werle. Motion passed unanimously.

Motion made by Deb Picking to adjourn at 7:32 PM. Seconded by, Justin Fermann.

Approved by: _____ Date: _____