

# Montague Conservation Commission

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## MEETING MINUTES

Thursday, June 13, 2013 – 6:30 pm

Second Floor Meeting Room, Town Hall, One Avenue A, Turners Falls, MA

**Commissioners Present:** Mark Fairbrother, Deb Picking, Donna Francis, Justin Fermann, Sean Werle  
**Commissioners Absent:** Addie Holland  
**Staff Present:** Walter Ramsey- Agent

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

### Approval of Minutes:

**Motion** made by Justin Fermann to accept the February 14, 2013 minutes. Seconded by Sean Werle.  
**Motion passed unanimously.** Deb Picking abstained from vote.

**Motion** made by Sean Werle to accept the March 14, 2013 minutes as amended. Seconded by Donna Francis. **Motion passed unanimously**

**Motion** made by Donna Francis to accept the April 11, 2013 minutes. Seconded by Deb Picking.  
**Motion passed unanimously.** Justin Fermann abstained from vote.

**6:30 PM PUBLIC MEETING CONTINUATION -Request for Determination #2013-02** filed by Leslie Matilainen to construct a 10x11 deck and egress in the rear of the house located at 6 Newton Street Location in Millers Falls, MA (Assessors Map 29 Lot 9). Resource areas adjacent to the proposed work include riverfront associated with the Millers River and an unnamed intermittent stream.

**Present:** Leslie Matilainen

The Commission visited the site earlier in the week. The work area was flagged. Mark F. did some reconnaissance on the origination of the intermittent stream. Leslie Matilainen has hired a new contractor.

The Agent reported the following information:

The commission was not asked to make a determination of the stream, but rather if the proposed work to build an attached deck/egress is subject to jurisdiction. Notably, this work is exempt from the Wetlands and Rivers Protection Acts under 310 CMR 10.00, section 10.58(6)) provided that a residential deck or patio is over 50 feet from a MAHWL of a riverfront area and uses erosion control. The Project is within the Millers River riverfront area but is well beyond the 50 foot threshold.

The status of the smaller waterway within 10 feet proposed deck remains undefined and unidentified on commonly used resources (USGS, MassGIS, etc). In 2003 the Commission made a de facto determination that an upstream (southerly) segment off Grout Circle is intermittent (NOI 2003-03).

The criteria of intermittent vs. perennial are laid out in 310 CMR 10.58(2)(2)(1)(a-f). It is important to note that only a river defined as perennial can have a regulatable Riverfront area.

According to the regulations: A stream not shown on a current USGS map or a stream that is shown but has a watershed size of less than one square mile can be considered intermittent. The waterway in question is neither on a USGS map nor is possible watershed greater than 1 square mile. USGS Stream Stats data are not available for this unmapped section of stream.

The Conservation Commission reached consensus that the project should be a Negative Determination Box 3 because the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:

- All stone walls to remain intact
- Temporary staked hay bale fence shall be installed between proposed egress and bank
- After construction, the area between proposed egress and bank should be reseeded with native vegetation mix.

***Motion** made by Deb Picking to issue Negative Determination Box 3 for RDA 2013-02 with three conditions as stated. Seconded by Justin Fermann. **Motion passed unanimously.***

**6:45 PM HEARING -FirstLight Hydro Generating Company Request for Determination #2013-03 filed by FirstLight Hydro Generating Company to locate a steel storage locker within a Riverfront Resource Area. Project is located at 26 Power St (Assessors Map 5 Lot 151).**

**Guest:** Joshua Hodges –Environmental Coordinator for FirstLight Hydro Generating Company.

The request is to install a prefabricated outdoor drum containment locker on the paved surface of the parking lot area at Turners Falls hydro Station #1. This satellite storage will be divided into 2 parts to accommodate waste oil from the ongoing work at the station as well as clean oil. The capacity is 119 gallons/55 drums. The storage methods meet all State fire and Hazmat codes. The transportation of the drums would be by forklifts or by transport to Cabot station. There are precautionary measures in place, including a spill kit located inside the building along with yearly employee training on procedures. No new impacts are anticipated. Storage is outside the flood zone.

The Conservation Commission reached consensus that the project should be a Negative Determination Box 2 because the work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge or alter that area. Therefore, said work does not require the filing of a Notice of Intent.

***Motion** made by, Donna Francis to issue a Negative Determination Box 2 for RDA 2013-03. Seconded by Justin Fermann. **Motion passed.** Sean Werle abstained.*

### **Correspondence and other business**

- 86 Turnpike Road- Discuss possible encroachment onto wetlands

Walter Ramsey has drafted a letter to Joanne and Richard Blier regarding an encroachment of personal property onto the wetlands. It was suggested to add a sentence to remove all materials from the wetlands and an offer to help define the wetlands area. The letter is to be signed by Mark Fairbrother, Chairman. Agent will mail the letter.

- DEP file 229-228- FirstLight Hydro CT River Camps Restoration NOI 2011- Discuss improvements made at Camp 3E.

Camp 3E residents were permitted to install bank stabilization in the parking lot area. The camp lesee chose to install crib walls as part of the bank stabilization. They were afforded the ability to do this in the NOI, but FirstLight wanted confirmation. Walter visited the site and shared a photograph of the work area. He reported that the work is consistent with the Order of Conditions. The commission should expect a year end report in 2013 from FirstLight.

**Topics not anticipated**

- South Street Bridge Repair DEP file 229-230 – The town has not had any response from Suzanne Kretzenger regarding the South Street reconstruction project and the DEP order to fix it by the end of June 2013. The Conservation Commission requested that Walter Ramsey draft a letter to DEP on how to proceed with the South Street project with the upcoming deadline approaching.

***Motion*** made by Sean Werle to adjourn meeting. Seconded by Deb Picking. ***Motion passed.***

Meeting adjourned at approximately 7:16 PM

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