

# Montague Conservation Commission

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## MEETING MINUTES

Thursday, March 12, 2015 – 6:30 pm

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

**Commissioners Present:** Mark Fairbrother - Chair, Alex Peterkin, Sean Werle, Addie Rose Holland and Justin Fermann

**Commissioners Absent:** Deb Picking and Donna Francis

**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 approve the February 12, 2015 minutes. Seconded by Alex Peterkin.

*Motion passed unanimously.*

**Continuation of Public Hearing: Notice of Intent #2015-01 filed by Mass Department of Fisheries and Wildlife, Natural Heritage and Endangered Species Program** for a proposed resource improvement project on the Montague Plains off Plains Road. Portions of the above-referenced activities will occur within Bordering Vegetated Wetlands and the Bank of an intermittent stream Proposed work involves repair a hydrologic connection between intermittent stream and adjacent wetland, roadway maintenance, control invasive species.

Agent noted that the DEP File number has now been received, so an Order of Conditions can be issued tonight. NHESP has issued a comment letter stating that this project will have “no taking” of endangered species. There were only two abutters under the recent Wetland Protection Act updates. The abutters are the applicant and the Town of Montague. No special conditions were recommended by the Agent.

*Motion* made by Sean Werle to issue an Order of Conditions for Notice of Intent 2015-01 filed by Mass Department of Fisheries and Wildlife, Natural Heritage and Endangered Species Program. Seconded by Justin Fermann. *Motion passed unanimously*

**Continuation of Public Hearing: Notice of Intent #2014-03 filed by Franklin Conservation District and Town of Montague.** Proposed work involves re-establishment of banks in the vicinity of the South Street Bridge (South Street Right-of Way).

Agent noted that this NOI has been continued since September 2014. The Commission has been waiting for the Army Corps of Engineers (ACOE). ACOE has a permitting process in place and of January 2015, but has a backlog of permits. They are prioritizing projects that will take place in 2015. ACOE indicated that it will be another 4-6 weeks before they review this project. After the reviewing process it will go back to NHESP which gave provisional comments earlier but wanted the right to do a final review after ACOE. The landowner access from the 4<sup>th</sup> owner (Ewells) is not in hand but they have submitted a

requisite request to the MDAR's Agricultural Protection Restriction program. Once permission is granted by MDAR, the landowner can grant permission for the project to move forward.

Agent shared that National Grid is proposing some line upgrades called the Cabot Taps. The Cabot Taps is the line that comes over from Route 2, crosses the Connecticut River as well as the canal. As part of the project they are proposing local mitigation. Walter sent them both projects (North Street Rec area and the South Street Bridge) and they are very serious in funding both projects, pending pre-approved permitting.

**Motion** made by Sean Werle to continue the public hearing for Notice of Intent 2014-03 filed by Mass Department of Fisheries and Wildlife, Natural Heritage and Endangered Species Program to May 14, 2015 at 6:30 PM. Seconded by Addie Rose Holland. **Motion passed unanimously**

### **Citizen initiated discussion about the proposed Tennessee Gas Pipeline**

**Guests:** Ariel Elan, Lee Wicks and Roy Rosenblatt

Agent summarizes the proposed route and noted the affected landowners. Most of land interest is held by Eversource, Fish and Wildlife, and the Turners Falls Fire District. There is a handful of private property owners affected off Route 63, but the line entirely follows the existing power line corridor.

Ariel Elan, concerned resident, attended to share hers and others concerns regarding the Tennessee Gas Pipeline especially given that it crosses the ecologically valuable Montague Plains.

There was discussion about the FERC process and whether Montague can/should "intervene". The residents question the Commission about their role in the project. There was concern from the Commissioners that their role is the enforcement of the Wetlands Protection Act. Until FERC issues a "certificate of necessity". The proposed work is subject to the WPA. Agent noted that survey work could be subject to the WPA.

Lee Wicks, concerned resident, asked if Montague's drinking water area/aquifer will be affected by the pipeline. Walter responded by saying that the line will cross Route 63 and at a point that bisects the Hannegan Brook Water Supply Protection District. This is a Zone II public drinking water supply for the Turners Falls Water Department that is protected by local zoning. The State Dept of Environmental Protection's role is unknown at this point.

Roy Rosenblatt questioned why the Commission's role was limited to wetlands? It was clarified that Montague enforces the state wetlands law. There is not a local law which can protect additional interests.

Lee Wicks questioned whether pesticides would be used. That is unknown to the Commission at this point.

Alex Peterkin asked Ariel if other Conservation Commissions are being pro-active in other towns. Arianna suggested Pepperell as a resource even though they are not on the route now. Roy R suggested Townsend.

Ariel questioned whether the Commission has 53G rules and regulations. This rule then allows the town to hire a consultant to represent the interests of the Town and be completely funded by the Tennessee Gas Pipeline, should they apply for permit. Agent responded in the affirmative.

Lee Wicks wants to have the pipeline survey the water district land and if it is jurisdictional and temporary in nature they can proceed. Walter offered to follow up with Fire District to see if the surveying has been done.

Lee Wicks asked what the next steps might be for concerned citizens to continue to keep the pressure on Tennessee Gas Pipeline. She would like the drinking water situation clarified and if there is a specific threat to the aquifer. Asked for a letter.

Everyone agreed that the impacts and risks are unknown, but we deserve to know. Addie suspects that some may be quantifiable.

Regarding the AECOM information request, The Conservation Commission has held off on submitting information regarding the Tennessee Gas Pipeline as suggested by The Massachusetts Audubon Society. FRCOG is coordinating a regional response.

Mark Fairbrother stated that The Montague Plains is a major resource and aquifer and that running a pipeline across that would not be a good idea. The Commission concurred. Mark directed the agent to draft a letter to FERC, DEP and other agencies to state the commission's concerns. Walter will bring a letter to the next meeting.

**Agent Updates:**

There will be a couple of Notice of Intent hearings at next month's meeting.

**Motion** made by Alex Peterkin to adjourn the meeting Seconded by Justin Fermann. **Motion passed unanimously.**

Meeting adjourned at approximately 7:48 PM.

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