

# Montague Conservation Commission

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## MEETING MINUTES

Thursday, July 9, 2015 – 6:30 pm

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

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

**Commissioners Absent:** Deb Picking

**Staff Present:** Walter Ramsey - Agent

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

### Approval of Minutes:

**Motion** made by Addie Rose Holland to approve the June 11, 2015 minutes. Seconded by Alex Peterkin.

**Motion passed.**

### 1) General Discussion about Proposed Kinder Morgan Pipeline (taken out of order)

**Guest:** Ariel Elan, Montague resident

Ariel Elan stated that an announcement has been made by Federal Energy Regulatory Commission (FERC) that they are entering the period of scoping. The scoping period consists of the last time information, outcomes from studies, and comments can be altered before issuing an environmental impact statement. Many concerned organizations including the MACC have given resource reports that state the organization feels that Kinder Morgan pipeline project is not ready to enter the scoping period for the project. There will be a public scoping hearing to address any issues the public has along with addressing the previous information and studies that have been presented. The hearing will be held at Greenfield Middle School – Greenfield, MA on July 29, 2015 at 6:30 PM. Individuals are encouraged to attend and it is suggested that if you want to speak to come an hour before the meeting to get your name on the list. Those that want to speak will be given a three minute window in which to address their concerns and point of view.

There is also the ability to do written comments and to lend credibility to the breadth of concerns that are out there. The wish is to continue to be an intervener in the application process and the Franklin County Council of Governments has been very involved and has come up with a list of 17 different study areas that need further investigating. Walter Ramsey will be preparing comments to bring to the July 13, 2015 meeting at the Transportation Center on behalf of The Town of Montague. The commission supported this action.

Mark Fairbrother inquired as how FERC fits with Mass. Department of Public Utilities if there is a ruling that is contrary to the point of view that MA and the agencies have. Ariel responded FERC only issues a certificate of public necessary and convince if there are customers. The FERC wants both export and to see local and regional customer. The local and regional customers are known as “anchor shippers” and if they can get Berkshire Gas, Columbia Gas, Liberty Utilities and Boston Gas (National Grid Company) as customers as allowed by Mass DPU to sign the contract they have a stronger position.

Ariel provided materials regarding the pipeline, power line right of ways, and upcoming meetings to the commission.

- 2) **Notice of Intent #2015-04 filed by David Svobada for the Walnut Street Condominium Association** for property identified as 28 Walnut Street (Assessors Map 13, Lot 9). Applicant plans to stabilize and restore 140 linear feet of eroding bank to protect residential units.  
**Guest:** Sandy Mission – President WSCA, Ed Young – Contractor

A small stream is causing large erosion problems for the condos on Walnut Street. Ed Young helped to present a plan to fix the erosion, along with the list of materials to be used and the scope of work which according to him is “pretty straight forward”.

A site visit was done by Walter, Alex, Addie, and Sean earlier that day. The stream starts less than 1,000 feet away. On the USGS it is not identified as a perennial stream. Over the past four years Walter has been out there several times and the stream seems to always be running. The condo residents did not have any issues until that road was put in as it changed the terrain. The condos have cement patios out back and they have been losing land to the stream. There is threat to property and electrical lines due to the back encroaching on the properties.

Agent’s comments including DEP’s comments:

- The Plan does not include resource delineations and it is assumed the only impact would be the bank. the stream is mapped intermittent.
- The Plan does not clearly identify the location of proposed work, nor the construction sequence.
- DEP advises that the project be redesigned to include best management practices (coir fascines, brush revetments, root wad revetments for toe protection, brush layer benches, geotextile vegetated slopes and interstitial plantings.)
- Assuming that this would not be a limited project, performance standards for banks must be met plus a wildlife habitat evaluation conducted due to the work exceeding more than 50 feet of bank.
- The applicant should submit a narrative that demonstrates that the work on the bank will not impair the following:
  - Physical stability of the bank.
  - Water carrying capacity of the existing channel.
  - Ground water and surface water quality.
  - Capacity of the bank to provide breeding habitat, adequate cover and food for fisheries.
  - Capacity of the bank to provide important wildlife habitat functions.

\*MGL requires the habitat evaluation to be performed by an individual with a masters degree in wildlife biology/ecological science or other competent professional with at least 2 years experience in wildlife habitat evaluation.
- DEP advises that the project may require Mass General Permit from Army Core of Engineers.
- DEP advised charging the project at \$4 a linear foot rather than the baseline \$110 fee for site work (work on docks, piers, revetments, dikes). \$560 total will be due for the project (pay \$225 more to town and \$225 to State).
- Walter noted that a Stormwater management plan is not required because this is affecting a building with 4 units.

Ed Young comments: They just plan to stabilize the bank and no dredging or filling is expected. Peter Moretti & Sons has been hired by Ed Young to help address the plantings and stabilize the slope. He

anticipates a mini excavator, and a lot of hand digging for the installation of the plants. The Commissioners considered a culvert pipe to help direct the 140 linear feet of streams; but quickly realized that would have to go to Army Corps of Engineers. Ed Young: we need common sense on the table which suggests rip rap and gabion baskets and some plantings to help to stabilize the soil and do erosion control.

Sean Werle believes that fill (stone) will be needed to complete the necessary stabilization and save both the buffer of the lawn and the patios. Rip rap the short stretch of the stream and discuss it with DEP or do gabion baskets.

Mark Fairbrother suggested this is an appropriate application for rip rap and gabion baskets. For next meeting, the project area needs to be delineated on the plans to show the scope of work and protection of resource areas along with the use of silt fences that show the limit of work.

Justin Fermann said that they need to reword the application to address the many concerns and the severity of the problem. Justin also requested that mitigation needs to be shown with native plants.

Agent added that the project needs to meet bank performance standards and a wildlife habitat assessment must be conducted.

Ed Young and Mark Fairbrother will walk the project area and discuss what points need to be addressed, in particular the best management practices. The Conservation Commission wants a detailed plan and will accept a stone or rip rap solution to this project.

Ed Young requested a continuation to the next meeting to prepare the requested information.

*Mark Fairbrother stated that the Notice of Intent #2015-04 Walnut Street Condominium Association will be continued to August 13, 2015 at 6:30 PM.*

- 3) **Public Hearing (Continuation): Notice of Intent #2014-03 filed by Franklin County Conservation District** for the Sawmill River Rehabilitation Project at South Street. The South Street project includes the reestablishment of the banks at the South Street Bridge.

The Conservation Commission is still awaiting a general permit from the Army Corps of Engineers. This will be continued at the August 13, 2015 at 6:31 PM.

#### **4) Annual Reorganization of the Commission:**

Discussion among the committee members for appointments for the positions of Chair and Vice Chair of the Conservation Commission.

**Motion** made by Justin Fermann to appoint Mark Fairbrother to be Chair of the Conservation Commission through June 30, 2016. Seconded by Sean Werle. **Motion passed.** Mark Fairbrother abstains.

**Motion** made by Sean Werle to appoint Justin Fermann to be Vice Chair of the Conservation Commission through June 20, 2016. Seconded by Addie Rose Holland. **Motion passed.** Justin Fermann abstains.

#### **5) Agent Updates:**

- Emergency Certificate: The Silvio Conte Fish Research Center has requested an Emergency Certificate be issued for invasive species removal at Barton’s Cove (Montague & Gill sides). They have a weed pulling event coming up next week to rid the area of an invasive species – water chestnut. All volunteers will be trained before the work is started. All water chestnut plants will be removed by hand. Agent issued the EC earlier in the week.

**Motion** made by Justin Fermann to ratify the emergency certificate for water chestnut pulling event in Barton’s Cove with a start date July 10, 2015 and an end date of August 10, 2015. Seconded by, Sean Werle. **Motion passed unanimously.**

- Upcoming Business: 86 Taylor Hill Road – Linda Ackerman property will have an upcoming RDA for a new septic system which is within 100 feet of a wetland area. Because her property burned down and the resident is homeless until the new home gets built, the commission agreed to hold a special meeting tentatively scheduled for July 23, 2015 to hear this forthcoming RDA.

**Motion** made by Alex Peterkin to adjourn the meeting Seconded by Addie Rose Holland. **Motion passed unanimously.**

Meeting adjourned at approximately 7:52 PM.

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