

# Montague Conservation Commission

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## MEETING MINUTES

**Thursday, July 9, 2020- 6:30pm**

REMOTE via ZOOM due to COVID-19

Meeting was recorded

**Commissioners Present:** M. Fairbrother (Chair), S. Werle, L. Reid, D. Henson, J. Fermann, D. Francis, A. Peterkin.

**Absent:** A. Holland

**Staff:** Walter Ramsey (Conservation Agent)

**6:30pm Approval of 6/11/20 Minutes** *MOTION* by DH to approve the minutes of June 11, 2020. Second by DF *VOTE: MF(Y), SW(Y), DH(Y), DF(Y), JF(Y), AP (Abstain). MOTION PASSES*

**6:31pm- CONTINUATION OF PUBLIC HEARING: Notice of Intent #2020-01** filed by Town of Montague for the replacement of the bridge on Chestnut Hill Loop Road, affecting a perennial stream and associated resource areas. The work will occur in the municipal right-of way associated with the roadway. Present: Chris Guida (Fieldstone Land consultants) Layla Hazan and Christopher Treveson (abutter), Colleen Puzas (general public)

Hearing was opened 6/11/2020. DEP comments were received. Project engineers have responded in writing. (Both are exhibits in the NOI 2020-01 file). Chris Guida described the comments and response.

WR reported that he met with abutters (Hazan, Treveson) on site to discuss the project. Several trees were flagged to stay and this will be confirmed and during the pre-construction meeting. Abutters would like a more natural slope rather than proposed rip-rap. CG: Rip-rap has void spaces and acts as a stabilizing material and low growing shrubs or wildflowers can be added. WR also met other abutter Patrick Williamson who expressed concern about the loss of large trees in the easement area. They request approval by the Conservation Commission for the removal of trees greater than 8" in diameter.

### Public Comment:

Layla Hazan expressed about not being able to walk on Chestnut Loop during construction and requests a footbridge to cross the stream. She is also concerned about the proposed guardrail. She will submit a letter for the file that includes the impact on the neighborhood. Abutter understands that some of these noted concerns are not jurisdictional to the Commission. WR will receive the letter, consult with relevant parties, and facilitate a response.

Colleen Puzas, not an abutter, expressed concerned about the proposed rip rap and prefers natural materials like logs, branches etc. for stabilization. CG reviews the location of the rip-rap which is on the steep shoulder only, not in the stream. Rip-rap at the footings of the bridge is critical and will be rounded, not angular. WR suggests a condition to include loam and conservation mix (native grass seed mix) as conditions. DH is concerned about loam on-top of rip rap getting washed away in the stream; some additional "pockets" would have to be left for the addition of a woody species to the rip rap.

WR provided a copy of the finding and conditions but needs the additional indicator by the CC Board about an additional condition for loam and natural mix.

#### Findings

- The proposed project will replace a failing bridge with a new 3-sided culvert.
- The permitted work qualifies as a limited project in accordance with 310 CMR 10.53(I) as it relates to the maintenance, repair and improvements to a bridge that existed prior to April 1, 1983.
- Chestnut Hill Brook is a cold water fishery resource. Preventing sediment from entering the water column and maintaining shading of the water are important factors in protecting this valuable resource.

#### Special Conditions (in addition to standard special conditions)

- In an effort to preserve shading of Chestnut Hill Brook, no tree in the work limits with a diameter exceeding 8 inches shall be removed without express authority of the Commission, which may be granted at the pre-construction meeting. Approval shall not be unreasonably withheld.
- The planned rip-rap slopes shall be covered in clean loam and seeded with a native seed mix.
- At project completion, the Owner shall notify the NAACC to update the stream crossing database.- END

*MOTION TO Close the hearing and ISSUE the Order of Conditions for NOI 2020-01 as presented by JF seconded MF(Y), SW(Y), DF(Y), JF(Y), AP(Y), LR(Y). MOTION PASSES.*

*MOTION to authorize the chairman execute the Order of Condition and all other permits issued this evening on behalf of the Commission by JF Seconded by DF. MF(A),SW(Y),DF(Y),AP(Y), LR(Y). MOTION PASSES.*

**7:05pm- PUBLIC MEETING: Request for Determination of Applicability #2020-03** by the Mass. Environmental Police to repair, replace, or abandon a collapsed concrete tank at the rear of the field headquarters building at 316 Turners Falls Road. The work is proposed within the 100' Buffer Zone to a jurisdictional resource area and within the 100' riverfront area.

Present: Terry Smith (MA Office of Fishing and Boating Access on behalf of the MA Environmental Police) Engineer Terry Smith addressed the Conservation Commission. TS is in charge of investigating the site and making the repairs. The collapsed tank could be an abandoned septic tank, sink hole, or a tank in need of repair from the Montague Fish Hatchery. TS requested a negative determination based on CMR 310.02(2) (a) and (b) "minor activities conducted to maintain, repair, or replace existing underground utilities and structures". WR has visited the site and suggests a negative determination because it is a straightforward repair of dangerous situation. The area is previously disturbed and is a safety issue. According to WR the proposed work does not present an adverse impact to the resource area. DF: if this has to be replaced is that still minor activity? TS: Yes, maintain, repair and replace is allowed. The general understanding is that abandonment would also fall under a negative determination. SW suggested a negative determination as presented, unless research in the field shows a more complicated issue. If complications arise, the Commission must be notified to ensure consistency with the Wetlands regs.

*SW makes a MOTION for a negative determination for RDA 2020-03. Seconded by JF. MF(Y), SW(Y), DF(Y), AP(Y), LR(Y). MOTION PASSES.*

#### **7:28pm- Conservation Agent Updates**

##### **NOI 2018-05/ DEP File# 229-252- Sandy Lane Solar II**

WR shows three changes to the approved plans there were submitted in conformance with the approved Order of Conditions. Revised plans show: 1) Outlet pipe is moved outside of the 100 foot buffer zone; 2) No fill is

proposed on the slopes in the norther buffer zone; 3) Notation has been added for plantings/ seed mix. The engineers also reported that they they will need to use more fill which will expand the cap by 2.5 feet in all directions, including into the buffer zone- a minimal impact. WR made a note for the file.

**Follow-up with Ken Morin, Thomas Memorial Golf Course Drainage**

Mark and Walter had a site visit with Ken. MF: Ken’s ideas for improved drainage on the lower portions of the golf course are straightforward. MF ecommends carefully considering drainage plans at the top end of the course for environmental reasons; the cattail marsh is a good filter and it should not be dug out. WR and MF suggested that the golf course file a comprehensive NOI which gives them time to complete the scope of work.

Follow-up to herbicide discussion: WR communicated with Brian Hawthorne, Habitat Manager at Fish and Game about herbicide use on the Plains. Brian reported that the work was supervised and he met with abutters to explain base treatments to plants. The Town can expect better communication with Fish and Game in the future.

***7:34PM MOTION TO ADJURN by DF. Seconded by JF. MF(Y), DF(Y), JF(Y), SW(Y) MOTION PASSES.***

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