

Montague Conservation Commission

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MEETING MINUTES

Thursday January 12, 2022- 6:30pm

Meeting held via ZOOM

Commissioners Present: Mark Fairbrother, Anthony Reiber, Sean Werle, Donna Francis, Toby Carter, Margaux Reckard, Al Avrill (alternate).

Staff: Walter Ramsey.

6:30PM Approval of Minutes *MOTION by S. Werle to accept the minutes of November 18, 2021. Seconded by A. Reiber. VOTE: Fairbrother (AYE), Reiber (AYE), Francis (AYE), Fermann (AYE), Carter (AYE), Reckard (AYE). MOTION PASSES.*

6:31 PM: Consider vote to request the Town of Montague transfer care and custody of 2/3 acres of Land in Lake Pleasant to the Conservation Commission (Map 36 Lots 138,143,139,142, Map 37 Lots 1 and 3)

Guests: Sue Richardson (Secretary of LPVA), Mark and Mary Bordeaux (abutters)

The Conservation Agent presented a powerpoint and reported on a December site visit with Commissioners (AA and MR) and members of the Lake Pleasant Village Association (LPVA). Agent described consistency with goals of the 2017 Open Space Plan, benefits of Conservation Commission Custody, the due diligence conducted, and the Commission's stewardship plan. The OSRP plan calls for the Town to protect land with high water quality, scenic, recreation and habitat value. The Lake Pleasant Village Association and the Water Department were consulted. Transferring the Dingle to conservation custody would preclude residential encroachment and tree cutting, insure public access and recreation. The Conservation Commission approved survey of the properties which shows no encroachments. Boundaries have been marked and monumental. The proposed stewardship plan is passive; conservation land will be marked, there will be an annual site visit, and tree cutting isn't permitted without permission by the Conservation Commission.

PARKING- Villagers at the site walk indicated that people do park along the Montague Ave Road frontage and would want to allow that to continue. WR indicated that that use could be continued to be allowed, subject to the approval of the ConsCom (instead of the Selectboard). Just because land is "in conservation" does not mean people cannot park on it.

EROSION- Much of the parcel is steep slopes. TR concerned about exposed steep slopes at adjacent work at 23 Montague Street WR: While the work at 23 Montague Street is narrowly outside the jurisdictional area, some fill has encroached onto the proposed conservation land. If the fill does not hold- I will encroach into a resource area and will result in a violation of the WPA. Situation will be monitored closely. This is an example of why protecting the steep slopes around the Dingle is important. Abutters Mark+ Mary Bordeaux are interested to acquire this parcel for residential parking. They expressed concern about stormwater runoff from Montague Street causing erosion on the conservation parcel. WR notes that the problem has been exacerbated due to their removal of vegetation and unstable fill on the public property.

TRAILS- Sue Richardson asks for clarification about establishing a recreational trail through property owned by the Water Department. WR: No trail is proposed, but there is the possibility of a connection to the existing lower trail on land owned by the Water Department. The frontage for the parcel is off Montague Street- although it is unlikely people physically access the parcel along the frontage. WR notes that it is preserving the viewshed toward the dingle. A private property owned could build a fence or structure and cut that section of Lake Pleasant off entirely from the central Dingle.

PROCESS- Sue Richardson asks for clarification of process pending the Commission vote.

Agent responds that if Conservation Commission recommends that the land be taken into conservation custody, The Selectboard will be notified and if they agree, will ultimately bring it to and Town Meeting. The soonest the transfer could happen is Annual Town Meeting

Abutters Mark and Mary Bordeaux state that they are still interested in purchasing a piece of a parcel under consideration. They also have serious concerns about erosion on Montague Street. The Agent responds that the Bordeaux's could make the case to the Select Board that they want to subdivide the parcel so they can buy it- but that is not advisable from a Conservation Perspective. Sean Werle continues explaining that the Commission vote is only to confirm a willingness to take responsibility of conservatorship. Mark Bordeaux requests that his established right of access (behind the post office) are kept. WR asserts that no existing and established rights will be extinguished as part of the transfer of custody. The Bordeaux are directed to bring this ideas to the Select Board.

MOTION by M. Reckard that the Town of Montague transfer care and custody of 2/3 acres of Land in Lake Pleasant to the Conservation Commission (Map 36 Lots 138,143,139,142, Map 37 Lots 1 and 3) Seconded by S. Werle. VOTE: Francis (AYE), Fermann (AYE), Werle (AYE), Carter (AYE), Richard (AYE), Reiber (AYE), Fairbrother (AYE). MOTION PASSES 6:59PM

The Agent will send information to the Lake Pleasant Village Association about when this matter will be brought to the Selectboard.

7PM: Agent Report

Burn Dump Capping Project Updates and closeout items (NOI 2018-05 by Town of Montague)

The Conservation Agent conducted a site visit in December 2021 with DEP officials and the project engineer. Some action items are being required by the DEP in order for the town to close out the Corrective Action Design. And some work will be in jurisdictional areas.

The Conservation Agent shows an overview of the Burn Dump. He points out erosion on the north- eastern end of resulting the solar array run off and the steep slope, which was already unstable. DEP is requiring that storm water is treated and managed and erosion addressed.

The Conservation Agent points out the secondary retention basin on the south end of the site which was installed to address waste water from the road. DEP is requiring that the Town to engineer a solution that involved an overflow channel to the stream below. Agent reports that the DEP was generally happy with the capping and solar work, and sees the project as a success despite its challenges. The site is being closely monitored by the Agent, DEP and engineers while these solution are being worked on.

Mark Fairbrother restates his concerns that here were two berms at the bottom of the site which were overtopped. The Agent responds that this is exactly the issue that will be resolved.

Tony Reiber asks about the plan for vegetation under the solar panels and over the embankment. Agent confirm that the solar developer will be working on vegetation in addition to more design-work to account for the storm water. That is part of what DEP is requiring.

Correspondence: Forest Cutting Plan 192.357 (Federal Street)

Forest Cutting Plans are issued by the State Department of Conservation and Recreation are mostly informational in nature. The Conservation Commission has only an advisory role. Active forest cutting is permitted for the Federal Street site as well as around the Millers Falls Rod and Gun Club.

Al Avrill asks about taking wood out of a woodland.

The Agent responds the Commission can advise the State, but it is their jurisdiction.

Toby Carter is curious about the Commission's role in overseeing cutting on Town land.

The Agent responds that the Town of Montague does not have any actively managed land. The Water Department is a

large landholder and they actively manage their watershed lands. The Agent notes that the Water Department is a separate governmental entity under the Turners Falls Fire District.

The Commission would like to meet with the Water Department to understand how they implement their mission for the watershed. The Agent will have a conversation with the superintendent to suggest a meeting, or perhaps a joint meeting with the Water District Commissioners.

Annual Review of 2018 Open Space and Recreation Plan

The plan is about 5 years into the 7 year planning cycle. The Agent presents a list of accomplishments including investment in parks, river access, bicycle and pedestrian safety and ADA compliance (See Exhibits). Open Space protection includes land conservation, green burial, farming and tree bylaws, and physical improvements to storm water and Municipal Vulnerability Preparedness. Open Space “gaps” that haven’t been addressed is a town-wide trail network, best practices for road maintenance, public swimming area, and a stewardship plan for Commission properties.

MOTION by S. Werle to Adjourn. Seconded by D. Francis. VOTE: Francis (AYE), Fermann (AYE), Werle (AYE), Carter (AYE), Richard (AYE), Reiber (AYE), Fairbrother (AYE). Meeting is Adjourned 7:48PM

2017 OSRP Successes

Recreation

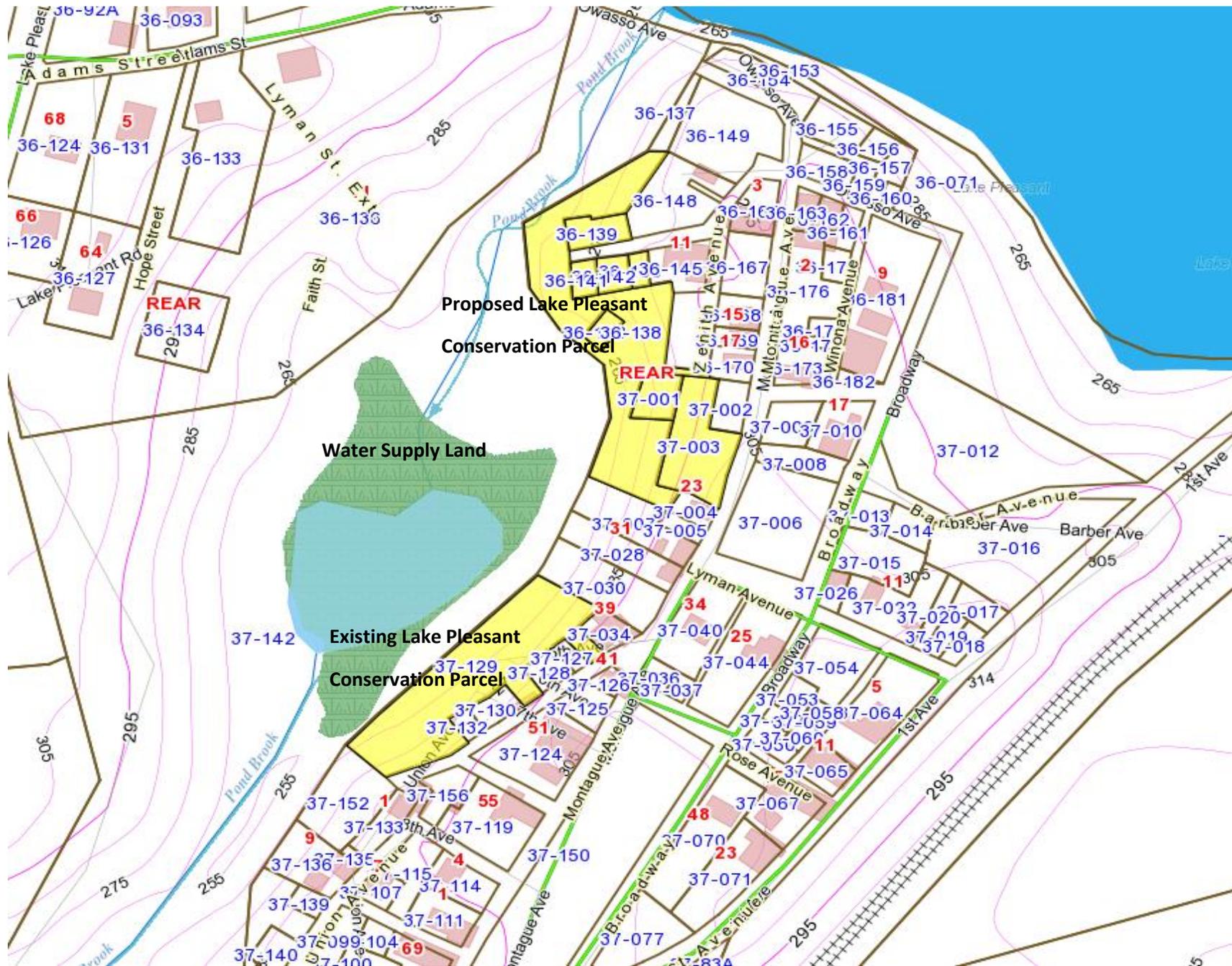
- Parks (roughly \$1M invested to date)
 - Rutters park Rehabbed
 - Spinner Park Rehabbed
 - Design for Hillcrest playground underway
 - Montague Center Park undergoing design
- River Access Points
 - Newton Street Millers Falls River Access
 - Firstlight /FERC agenda to address Cabot Camp, Unity Park River Access, Dam Access, Rock Dam, and Cabot Camp (ongoing)
 - Paddle-in only campsite off Old Greenfield Road
- Connectivity
 - Bike Path and unity Park Connectivity Improvements
 - Updated ADA transition plan
 - Over \$3M invested in pedestrian and bike improvements (ongoing)

Open Space Protection

- Open Space Protected
 - APR Protection of 35 Acres of prime farmland off Old Greenfield Road
 - Eversource Millers Falls Solar led to conservation of 100+ acres on Montague Plains
 - Millers Falls Oxbow 140+ acres preserved by DFW
 - Municipal cemetery acquired with green burial location
- Regulatory Advancements
 - Right to Farm Bylaw passed
 - Tree Protection Bylaw Passed
 - Overhaul Zoning to support compact development and farmland protection
 - FEMA floodplain maps being updated (2023)
- Physical Improvements
 - Planted over 500 street trees with USDA grant (ongoing)
 - LID stormwater project at Town Hall
 - Participation in MA Municipal Vulnerabilities Preparedness Program

OSRP Gaps

- Trails Committee/Townwide Trail network planning
- Prioritized list of parcels to protect
- Develop criteria for evaluating offer of CRs, APRs, and land donation offers
- BMPs for road maintenance in Water Supply Protection Areas
- Promotion of local farms and farm products
- Plan for Public swimming area
- Research/consider local wetlands protection bylaw
- Develop stewardship plan for Conservation Commission Properties



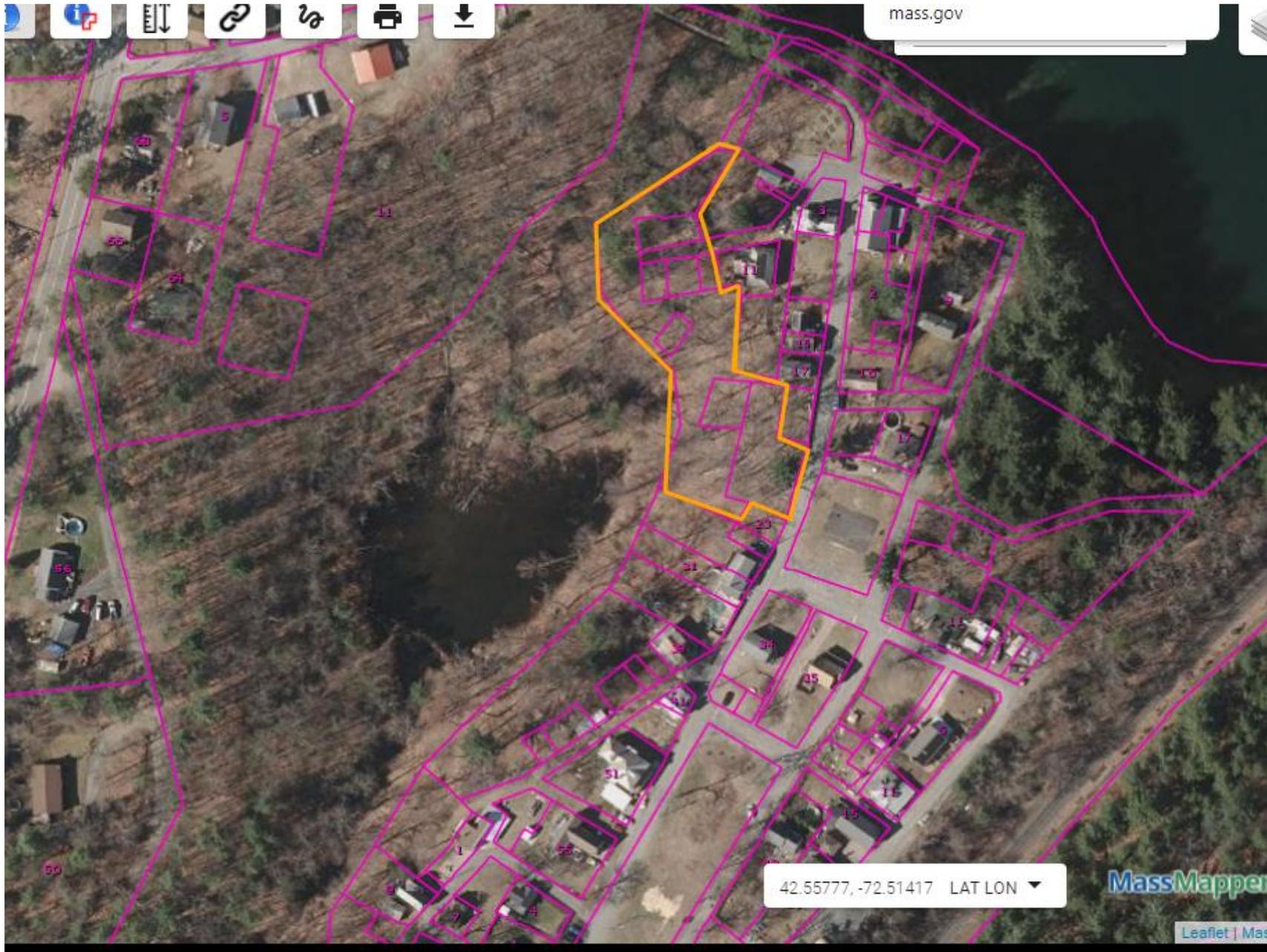
**Proposed Lake Pleasant
Conservation Parcel**

Water Supply Land

**Existing Lake Pleasant
Conservation Parcel**



mass.gov

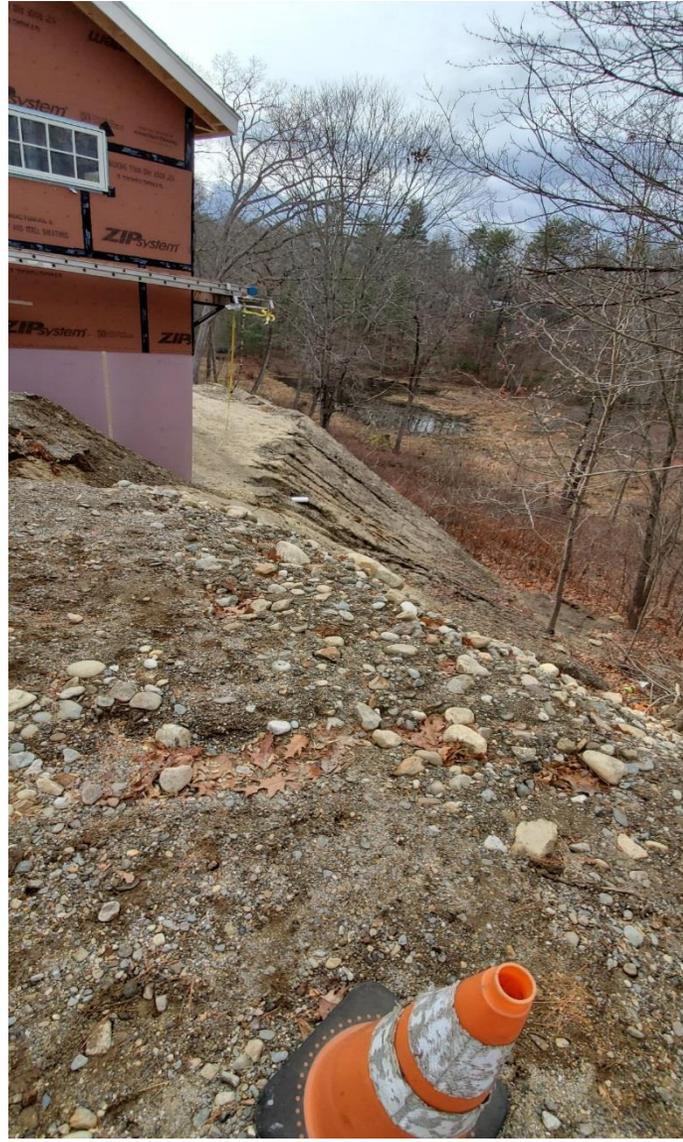


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2017 Open Space Recreation Plan ACTIONS

- Preserve land with high water quality, habitat, and scenic and cultural resource value
- Evaluate town-owned tax-title properties and Chapter 61 Parcels for their conservation and recreation value
- Evaluate potential for walking paths in and around lake Pleasant

Benefits of Conservation Custody

- Conservation buffer to further protect the dingle, slopes, and the wetlands system . Parcel is contiguous to 9+ acre Water Supply protection Land
- Prevents Treasurer/Town from transferring custody for non-conservation purposes
- prevents residential encroachment onto the land, which is primarily composed of slope to wetlands
- Ensure perpetual public access over this land
- Unobstructed public view into the dingle from Montague Avenue
- Possibility for future/reestablished trail connections in Dingle
- Protection from commercial tree cutting activity

Due Dilligence

- Survey Completed. No residential encroachments found. Boundaries monumented
- Public parking off Montague Street can be allowed on Conservation Land under the regulatory approval of the Conservation Commission
- Consultation with Lake Pleasant Village Association
- Consultation with Water Department

Stewardship Plan

- Passive Stewardship
- Mark conservation land boundaries in year one
- Annual site visit to ensure conservation compliance
- Potential for future trail connection/development subject to coordination with Turners Falls Fire District
- No cutting or temporary encroachments without Conservation Commission permission.