

Montague Conservation Commission
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MEETING MINUTES

Thursday February 9, 2023- 6:30pm

Meeting Held In-Person and via ZOOM

ROLL CALL VOTE: Commissioners Present: Chair Mark Fairbrother, Margaux Reckard, Toby Carter, Sean Werle, Justin Fermann, Al Averill. Absent: Anthony Reiber, Donna Francis. **Present:** Maureen Pollock, Planner & Conservation Agent. Beth Bazler (FirstLight Power), Peter Wackernagle (Youth Climate Action Franklin County), Larry Rusiecki (Wright-Pierce), Dan Dean (FirstLight MA Assets)

Al Averill asks for clarification from the Agent about when she spoke with the DEP. The Agent will clarify the language about communication with the DEP in the February 9 minutes.

MOTION by M. Reckard to accept the amended meeting minutes of February 9, 2023. Seconded by S. Werle. **VOTE:** Mark Fairbrother (AYE), Margaux Reckard (AYE), Toby Carter (Abstain), Sean Werle (AYE), Justin Fermann (AYE) Al Averill (AYE), **MOTION PASSES.**

PUBLIC MEETING:

6:32PM RDA #2023-03 Request for Determination filed by First Light MA Hydro, LLC Power to determine whether the removal of vegetation at 2 Gatehouse Drive in Turners Falls (Map 4, Lots 5, 6, & 7) is subject to the Wetlands Protection Act.

Beth Bazler introduces Peter Wackernagle the designer of the landscaping plan. Peter works at the Brick House through a program called “Youth Climate Action of Franklin County.” This is the second project that FirstLight Power has worked on with Brick House youth. Beth shows a set of slides which illustrate the project aimed to increase the ecological value and aesthetics to the 40’ x 150’ parcel. There is a honey locust tree on the site that will be evaluated by an arborist. Native species will be planted.

J. Fermann asks if the project qualifies as wetland soils. Beth responds that she doesn’t know, but thought it was jurisdictional because it was in the riverfront area. There has not been a soil sample and FirstLight will not be filing a check list because of the “landscape modification” exemptions.

J. Fermann asks if wetland soils take president over riverfront.

Mark Fairbrother says the puddle is caused by the rail trail. He sees it as a considerable environmental improvement over what’s currently there. The bike path would form a limit of work.

M. Reckardt asks how they considered the species. Peter Wackernagle responds that the plants are native and complimentary to the raingarden species.

Beth Bazler explains the draft plan directly around the fishway building. The plan will be resubmitted with slight modifications- including moving a fence, a paved connector, and the addition of a large gate for a crane. Additional paving will be 500-600 sq. feet.

J. Fermann would like the new paving to be permeable in an effort to limit run off.

Sean Werle says that we don’t have a check box to issue a “negative determination” because the modification is extensive.

The Agent thinks that because FirstLight Power needs to resubmit the site plan for a future meeting. In the interim, the Commission can look into options for a negative determination; perhaps conditions on the negative determination, or maybe an NOI.

Beth Bazler shows an image of where they will be paving. Peter thinks the new planting can be graded into the new plantings.

Mark Fairbrother thinks that re grading puts the project into an NOI. The safety of a crane will require engineer supervision.

The Agent asks for a site plan that is more defined between hard and soft surface types.

Beth states FirstLight's desire to create a plan that allows the public to view the water.

The Commission will require a new plan in the form of an NOI.
FirstLight Power withdraws their application.

OTHER BUSINESS:

Update: Montague City Road Drainage Improvement Project (DEP #229-0254)

Larry Rusiecki, engineer for Wright-Pierce, permitted the project in 2019. The permit package and design plans were submitted to DEP for the water quality certificate. He's also working with Paul Schlesinger of the Army Corp for the PCN application. The DEP is preparing/ close to submitting for the water quality certificate. The general permit expired as of April 1, but there's a grace period until the Army Corp issues a new general permit.

Larry shows the plans Dated January 2023 and discusses the general scope of work; Pan Am railroad gave permission for dredging and the stockpile of sediments on a small sliver of their property. The DEP wanted additional soil samples and Wright-Pierce complied. The project was scaled back to include projects ONLY on Town of Montague property. Impacts have been reduced as a result: dredging volume, bank impact and overall square feet.

Wright-Pierce put the project out to bid. Davenport (contractor) is coordinating with the Town and work will start soon.

Mark Fairbrother asks Larry about a drainage system on the opposite side of the road. Larry responds that the sewer is part of the project. It was formally a combined system. The sewer has been separated. There is a designated drain on the west side of Montague City Road. As the drain goes south it ties back into the stream but it's under sediment. They need permission to remove sediment from the headwall.

Update: MassDEP Release Notification and Notice of Responsibility to First Light MA Hydro, LLC regarding observed sheen on water surface of the Connecticut River below the Turners Falls Dam.

The Agent reports that a sheen was reported to Mass DEP/the Town which could be the leak of hydraulics oil from gates 1 pistons 3,4,5. On March 17 a plan was approved by DEP to deploy absorption booms as necessary to control the oil. The Agent heard from Andy Bridges from FirstLight that DEP has approved the removal of booms upon inspection.

Al Averill asks if the leak has been fixed.

Dan Dean, FirstLight MA Assets Maintenance Manager, clarifies that last year's leak (pistons 7,8) has been addressed and fixed. They are still investigating the root cause of the current sheen but have been

limited due to ice on the dam. However, they have employed repairs and mitigations have been to stop further leaking.

Update: Montague Comprehensive Plan

March 9, 2023 Online Workshop Jamboard Summary may be accessed via the following link:
<https://montagueplans.org/wp-content/uploads/2023/03/Online-Workshop-Summary-Jamboard.pdf>

The workshop was seeking clarity on community goals and priorities in the Comprehensive Plan, currently being updated by the Planning Department. The results will be used to inform different chapters in the plan. FRCOG staff will draft these chapters and the steering committee members (including Commissioners Justin and Margaux).

Justin Fermann shares his screen and discusses the comments by the public on climate and sustainability. Justin asks what priorities, from the list, should the Conservation Commission endorse. Justin will email the list to the Agent, who will distribute it to the commission.

With regard to the “Climate and Sustainability” chapter, Margaux believes that the best scenario would be to for the final chapter to align with public input; not to impose the Commission’s priorities but interpret the public’s priorities through the lenses of the Commission’s jurisdictional authority. Margaux can envision a sub-chapter in the final plan with this information.

Al Averill suggests some instructions/preamble about how to think about the comment list.

Sean Werle asks about the scope/mission of the Commission which seems to be only the enforcement of the Wetlands Protection Act. Sean thinks the Commission is often talking about things they can’t DO anything about.

The Agent thinks the mission is broader based on the Town website to include protecting natural resources and planning/ managing open spaces. The Agent reminds the group about the need for updates to the Open Space Plan.

The Agent invites the Commission Members to think about the recommendations they want in the Comprehensive Plan. FRCOG may be able to attend the next meeting to facilitate the conversation.

J. Fermann suggests 1.) Identify public priorities that align with Commission authority, 2.) Additional items the Commission wants to advocate for the preservation of open space.

School Street Pond

The Agent was approached by a Montague Center resident who was wondering about the surface of the pond. The Agent has been to the site several times and emailed photos to DEP for comments. She thinks it’s not petroleum but “bog sheen” which is naturally occurring. The Agent shows the photo and an article from DEP about aquatic invasives and other naturally occurring things like pollen. The Commission would like to see the pond dredged.

OTHER BUSINESS NOT ANTICIPATED WITHIN 48 HOURS:

Jill Ingham addresses the Commission. The Agent sent a certified letter to the owner of Franklin Commons property with an application for a Request for Order of Compliance. Jill reports that the drums and arsenic have been removed in March of 2000 and reported on the DEP Waste Site Reportable Release. Jill wants to know if the land (where the barrels were located) was cleaned. It’s in the wetlands buffer zone. Jill has gained information from the DEP: there was extensive testing on the site in the buffer zone and wetlands and lead (not arsenic) was identified.

The Agent reports that the applicant who received the letter has agreed to submit a request for a

Certificate of Compliance in June or July.

Jill would like to be apprised of the process moving forward.

Sean Werle expresses doubt about issuing a Certificate of Compliance on a 20-year NOI unless there is good evidence that it's been cleaned up.

J. Fermann reiterates that the Commission cannot do anything until the request is filed.

MOTION by M. Reckard to ADJURN. Seconded by J. Fermann. VOTE: Mark Fairbrother (AYE), Margaux Reckard (AYE), Toby Carter (AYE), Sean Werle (AYE), Justin Fermann (AYE), Al Averill (AYE). **ADJURNED: 7:58pm.**