

# Montague Conservation Commission

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## MEETING MINUTES

**Thursday, March 14, 2013 – 6:30 pm**

**First Floor Meeting Room, Town Hall, One Avenue A, Turners Falls, MA**

**Commissioners Present:** Mark Fairbrother- Chair, Sean Werle, Deb Picking, Justin Fermann and Donna Francis.

**Commissioners Absent:** Addie Holland

**Staff Present:** Walter Ramsey- Agent

**Also Present:** Andrew Bentley- resident, prospective commissioner.

Meeting opened at 6:30 PM

**Approval of Minutes:** No minutes were approved.

**6:32 HEARING CONTINUATION Notice of Intent #2013-01 filed by filed by Thomas Memorial Country Club (TMCC) for a proposal to dredge up to 90 cubic yards of organic material from an irrigation impoundment on a parcel identified as assessors Map 10 Lot 29.**

**Guests:** Mark Sicard –TMCC Superintendant, Stephan Smith – Member of TMCC Board

Walter: DEP comments were received. DEP directed applicant to file a 401 water quality certification, assuming that TMCC would be dredging over 100 cubic yards of material from the irrigation impoundment. However, the application was for less than 100 cubic yards of land under water. Walter R. suggested the real resource area impact is going to be BVW (Bordering Vegetative Wetlands) rather than land under water. The BVW is jurisdictional because a stream runs through the impoundment; removal of less than 5,000 sf of wetland is permissible provided that a 1:1 mitigation is proposed in compliance with standards. Walter R. and Mark S. walked the area and found an area along the fairway (near Montague City Road) that would be ideal for a mitigation area. This area has wetland soils and is hydrologically connected to the impoundment to be dredged. Creating a no-mow zone will allow the adjacent wetlands vegetation to reclaim the area. TMCC will flag the area depicted in the plan and the Agent would do a site visit for the first two years before the first mowing of the season is done. The proposal meets the performance standards which consists of (7) points.

1. the surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area");
2. the ground water and surface elevation of the replacement area shall be approximately equal to that of the lost area;
3. the overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area;
4. the replacement area shall have an unrestricted hydraulic connection to the same water body or waterway associated with the lost area;
5. the replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area;
6. at least 75% of the surface of the replacement area shall be reestablished with Indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily

stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods; and

7. the replacement area shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00.

In the exercise of this discretion, the issuing authority shall consider the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c.131, § 40, the extent to which adverse impacts can be avoided, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40.

TMCC will also need to obtain a 401 water quality certification and file an application with the Army Core of Engineers. An engineering or environmental consultant may be necessary. Determining the jurisdictional resource area will define the permitting the option(s) TMCC will have to take. One challenge will be monitoring the restoration.

Since there is impact on a bank resource area (85 feet) an Appendix A: wildlife habitat evaluation must be submitted. The Conservation Commission reviewed the Appendix A and concluded that the project will not have adverse impacts to wildlife.

Walter asked TMCC about alternatives for the irrigation. Mark S. indicated that TMCC could connect to Town water; however TMCC would be the first to be shut off during summer low-flow which is when the course needs water the most. The other option is to continue to dredge the pond deeper and keep the same foot print but risk breaking the earthen barrier and flooding the course. Neither of these alternatives is seen as viable.

The Commission discussed the following four findings:

1. The Commission finds that the project will remove 2,098 square feet of bordering vegetative wetlands- no land under water will be removed. 85 linear feet of bank will be impacted.
2. The Commission will permit the loss of 2,098 square feet of bordering vegetative wetlands in the irrigation impoundment Per 310 CMR 10.55(4)(b). For the mandatory replacement, a 2,193 square foot area, currently mowed and maintained adjacent to a large wetlands system will be restored to its natural wetlands state per 310 CMR 10.55(4)(b)(1)-(7).
3. The Commission recognizes that the impoundment has historically been dredged on multiple occasions and notes a lack of practical alternative sources for irrigation for the County Club.
4. The Commission identifies no adverse effect to important habitat features per the Simplified Wildlife Habitat Evaluation.

The Commission discussed additional special conditions (in addition to the standard conditions):

1. The 2,193 square foot restoration area depicted in the plan dated 3/11/13 shall be allowed to return to wetlands and remain in that state.
2. The restoration area shall be flagged in the field and reviewed by the Commission or its Agent prior to the first spring mow for the first two years following issuance of this order.
3. The removal of material shall be done between November 15 and April 1
4. Removed materials shall be stored on site, but over 100 feet away from wetlands.
5. No mechanical pumping is allowed to drain the irrigation pond.
6. The rock filter dam shall be inspected by the Agent prior to dredging.

**Motion** was made at 6:55 PM by Justin F to close the public hearing. Seconded by Sean W. Motion passed.

**Motion** was made by Sean W to issue an Order of Conditions for DEP file number 229- 0232 with the findings and conditions as stated. Seconded by Justin F. Motion passed. Deb Picking abstained.

Mark Fairbrother leaves 6:56 PM to attend Selectboard meeting.

**DISCUSSION: Mullin Rule M.G.L. c.39, §23D**

Walter R: The Mullen rule provides that a member of the commission that is holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met. The Planning Board has requested that Town Meeting authorize the Mullen Rule. The Planning Board has invited Conservation Commission to be on the request.

**Motion** was made by Justin F. to request that Town Meeting accept the Mullin Rule M.G.L. c.39, §23 D. Seconded by Sean W. Motion passed.

Sean Werle leaves 7:07 PM.

**DISCUSSION: Suzanne Webber RDA #2012-05 request to revise location of addition at 119 Old Sunderland Road Montague, MA.**

**Guest:** Suzanne Webber

Suzanne Webber's property is about 50 feet from the wetlands. Under an existing RDA she wishes revise her plans to remove the garage and fill portions of her backyard that are in a buffer zone. According to the commissioners the plan would have to be re-drawn with good dimensions and information to see what is now the proposed project including the walk out area, grading, erosion control, slope stabilization and future use of the area all of which can be done with a new RDA. Since there is a significant change from the original RDA another one will have to be filed. Walter R will continue to be in conversation with Suzanne.

**Forest Cutting – FC #2013 – 01 located at 82 Chestnut Hill Loop Montague, MA.**

Identified as Assessors Map 53 Lot 43. Landowner is Samuel A. Calagione III – Milton, Delaware.

The Conservation Commission reviewed the forest cutting plan FC#2013-01 and had no comment to offer to the Department of Conservation and Recreation.

**UPDATE: DEP File 229-230 - Sawmill River Dredging project by Montague DPW. Review Consent Order.**

Walter R. updated the group on the consent order issued by DEP. The Town of Montague is going to have to pay to have a restoration plan done following DEP orders along with a rigorous checklist. The restoration of the bank has to be completed by June 30, 2013. The DPW over stepped their bounds by approximately 50 feet on the bank during the dredging project. Two ecological consultants have looked at the site and will provide the Town with bids to prepare the restoration plan. The Commission would prefer to see a longer term solution to be done since what was permitted was a "temporary" fix to an ongoing issue. The Conservation does not play a role in the consent order but Walter is keeping them informed. The Town of Montague will have to obtain permission from the landowner, Suzanne Kretzenger to be able to access the affected property.

**Motion** made Donna F. to adjourn the meeting. Seconded by Justin F. Motion passed.

Meeting adjourned at approximately 7:42 PM

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