

# Montague Conservation Commission

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## MEETING MINUTES

**Thursday, September 11, 2014 – 6:30 pm**

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

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

**Commissioners Absent:** Deb Picking

**Staff Present:** Walter Ramsey

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

### **Approval of July 17, 2014 Minutes:**

**Motion** made by Justin Fermann to accept the July 17, 2014 meeting minutes. Seconded by Alex Peterkin.

**Motion passed.** Sean Werle abstained from the vote.

### **Approval of August 14, 2014 Minutes:**

**Motion** made by Sean Werle to accept the August 14, 2014 meeting minutes. Seconded by Justin Fermann.

**Motion passed.**

**Continuation of Public Hearing: Notice of Intent #2014-03 filed by Franklin Conservation District and Town of Montague.** Proposed work involves re-establishment of banks in the vicinity of the South Street Bridge (South Street Right-of Way).

**Guest:** Deb Shriver- Franklin Conservation District

Weston & Sampson contacted both Deb Shriver and Walter Ramsey to say that the General permit from the Army Corps of Engineers will not be issued until after January 1, 2015. They will transition to a new permit system and will not issue a permit for new projects under the old permit. Agent noted that because the construction of this project is not scheduled, there is no down side to delaying the issue of the Order of Conditions.

NHESP has not issued their comments because they need to wait for Army Corps of Engineers. They have, however, issued draft comments and a file number.

Deb Shriver requested a continuance for this project. The commission and applicant agreed that March would be appropriate in order to receive the necessary paperwork from Army Corps and NHESP.

*Mark Fairbrother declared the hearing for Notice of Intent #2014-03 filed by Franklin Conservation District and Town of Montague be continued to March 12, 2015 at 6:30 PM.*

**Public Hearing: Notice of Intent #2014-04 filed by Franklin Conservation District and Town of Montague.** Proposed work involves the removal of concrete debris from the Sawmill River in the vicinity of the pedestrian bridge at the Sawmill River Recreation Area (Map 192 Lot 117.1).

**Guest:** Deb Shriver- Franklin Conservation District

Agent indicated that this project is ready for an Order to be issued. Comments have been received by NHESP. Agent recommended the following findings:

### ***Additional Findings***

1. *The purpose of this project is to restore the natural qualities of the Sawmill River by removing a concrete bridge pier lying in the middle of the river directly below the wooden bridge in the Montague WMA off North Street.*
2. *The project will be conducted by a private contractor working for the Franklin Conservation District or Town of Montague.*

The commission discussed and approved the following special conditions. #s 8, 9 and 10 incorporate NHESP comments, with minor editorial changes.

### ***Special Conditions***

1. *A copy of this Order of Conditions shall be incorporated into the bid specifications for the construction contract for this project. All contractors and subcontractors bidding on the project shall receive a copy of this Order of Conditions.*
2. *Changes in the scope, design or construction methods that affect areas within the jurisdiction of the Conservation Commission shall be submitted to the Commission for review and approval **prior** to implementation in the field to ensure that they are consistent with this Order and the Wetlands Protection Act and Regulations. The Commission shall have the right to impose additional conditions to ensure compliance with the Act and Regulations.*
3. *There shall be no fueling of vehicles or storage of oil, fuel or other hazardous materials in resource areas or their buffer zones, including any areas within 100 feet of a Bordering Vegetated Wetland or intermittent stream or within 200 feet of a perennial stream, unless specifically permitted by this Order or approved in writing by the Commission or its Agent.*
4. *The Contractor shall provide watertight tanks or barrels to dispose of chemical pollutants, such as drained lubricating or transmission fluids, grease, soaps, concrete mixer washwater, or asphalt, produced as a by-product of the construction activities.*
5. *Supplies for cleanup of oil, gasoline and other hazardous materials to be used during the project shall be kept onsite at all times from the start of the project to its completion. Spills of hazardous materials shall be reported immediately to the Department of Environmental Protection and the Commission and cleaned up in accordance with DEP guidelines.*
6. *There shall be no stockpiling of soil or other materials in Bordering Vegetated Wetlands, on Banks of streams or rivers or within one hundred (100) feet of these areas unless specifically provided for in this Order or approved in writing by the Commission or its Agent.*
7. *No machinery shall enter the River*
8. ***Wood Turtle Protection:** Prior to commencement of work, the applicant shall submit a detailed protection plan for the Wood Turtle for review and written approval. This document shall consider timing, turtle barriers, and biologist oversight within the work and staging areas to avoid impacts to wood turtles.*
9. ***Stream Bottom Stabilization:** If the contractor finds that stream bottom stabilization is necessary, the source of those materials must be offsite and the geologic composition and size of the materials should be compatible with those present in the stream.*
10. ***Vegetative Restoration:** If seeds or vegetation are necessary to restore the site to pre-work conditions, Perennial Rye and Blue Gramma shall be excluded from any seed mix utilized for this site. All seed used for stabilization shall be composed primarily of native ecotype-forbs listed as native to Franklin County, MA as listed in the Vascular Plants of MA: A County Checklist, First Revision.*

**Motion** made by Sean Werle to issue an order of conditions for Notice of Intent # 2014-04 with special conditions as discussed filed by Franklin Conservation District and Town of Montague. Seconded by Justin Fermann. **Motion passed.**

### **Items not anticipated in the 48 hours of posting:**

**Request for reimbursement:** Alex Peterkin has requested to be reimbursed for expenses for a workshop from MACC.

**Motion** made by Sean Werle to pay \$95.00 for the MACC workshop from the wetlands protection fund. Seconded by Addie Holland. **Motion passed.** Alex Peterkin abstained from the vote.

Enforcement Update- South Street Bridge: DPW did enforcement work on South Street Bridge last week under the guidance of Latrell Ecological Consulting. Karen Hirschberg from DEP enforcement was on-site. Project will be completed in October once plantings are installed.

**Motion** made by Sean Werle to adjourn the meeting Seconded by Justin Fermann. **Motion passed.**

Meeting adjourned at approximately 7:10 PM.

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