

# Montague Conservation Commission

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## MEETING MINUTES

Thursday, May 5, 2016 – 6:30 pm

Upstairs Meeting Room, Town Hall, One Avenue A, Turners Falls, MA

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

**Commissioners Absent:** Deb Picking, Addie Rose Holland, Alex Peterkin

**Staff:** Walter Ramsey – Conservation Agent

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

### Approval of Minutes:

*Motion* made by Donna Francis to approve the April 14, 2016 minutes. Seconded by Sean Werle. *Motion passed unanimously.* Minor Grammatical typos noted to be amended.

**PUBLIC MEETING Request for Determination of Applicability #2016-06** filed by Kathryn Spencer to determine if the location of a proposed residential shed is subject to the Wetlands Protection Act. The property is located at 9 Center Street in Montague, MA and is identified as Assessors Map 43 Lot 19.

**Guests:** Kathryn Spencer-owner, Ed Berry-land surveyor

The owner proposes to replace an existing shed in her backyard with a larger one (15x18) to be used as a studio space. Shed will be on piers. There is an isolated piece of land that gets wet during the springtime then dries out; not located on her property but it is within the 100 feet of a wetland which is currently owned and maintained by the state Division of Fish and Wildlife. Ed prepared plans and ran elevations for site topography. The isolated swale is below the ¼ acre threshold for jurisdiction under the Wetlands Protection Act. Thus Ed Berry believes the project would not be subject to the wetlands protection act. Walter stated that the resource area in question appears to be an isolated wetland. There is clearly no hydrologic connection and does not have typical characteristics of a vernal pool. Agent recommends a Negative Determination Box 1.

*Motion* made by Sean Werle to issue a Negative Determination Box 1. Seconded by Justin Fermann. *Motion passed unanimously.*

**PUBLIC MEETING Request for Determination of Applicability #2016-07** filed by the Connecticut River Watershed Council to determine whether the organization's plans to remove invasive water chestnuts in the Connecticut River in the vicinity of Unity Park is subject to the Wetlands Protection Act. Closest parcel is identified as Assessors Map 4 Lot 7.

**Guest:** Andrew Fisk – Executive Director of the Connecticut Watershed Council

Andy Fisk: This project is also being done in the Town of Gill. This is part of a larger CT River Watershed Council project called Citizen Science to recruit, encourage and educate folks to take action and participate in many different projects from trash pick up, bacteria sample collection to mussel restoration and deploying cultured mussels from the old Cronin Hatchery. The invasive water chestnut removal project is a part of this larger program.

This project was initiated in response to Jeff and Cynthia Boettner at the Conte Fish and Research Lab to have assistance to manage the water chestnuts population. The Watershed Council in conjunction with FirstLight is sponsoring/adopting the Barton's Cove area to help maintain the area in response to the needs and concerns of the Conte Wildlife Refuge. There will be 2 evenings in late June and late July where this program will take place under the title of "paddling with a purpose" with volunteers helping to manage and control the water chestnut population in the area adopted by the CT Watershed Council & First Light. This is a yearly activity. Material to be properly disposed of per best management practices. Work will improve river ecosystem while not impacting any resource area. Agent recommends a Negative 2 determination.

**Motion** made by Sean Werle to issue a Negative Determination Box 2. Seconded by Justin Fermann.  
**Motion passed unanimously.**

**PUBLIC MEETING Request for Determination of Applicability #2016-08** filed by Sandri Realty, Inc. to determine if a proposed septic system replacement within the 100 foot buffer zone of bordering vegetated wetlands is subject to the Wetlands Protection Act. The property is located at 531 Turners Falls Road Montague, MA and is identified as Assessors Map 43 Lot 31.

**Guest:** Jeff Kocsis – Representative for Sandri Realty, Carolyn Manley – L&F Construction

Sandri Realty is proposing to replace the septic system at the Rau's Sunoco Station on Turners Falls Road. The Septic design plan prepared by Shawn Kimberly shows that the septic system is located 84 feet away from the wetland area. The wetland boundary on the plan is approximate, but work is clearly located within 100 from the vegetated wetlands area below the slope. Carolyn Manley, from L& F Construction said that the old septic tank will be removed. The septic plan has been reviewed and approved by the Montague Board of Health. Rau's gas station has been decommissioned and is going to be vehicle repair-only. The gas tanks were outside the buffer zone.

Agent noted that there are no alternative areas to locate septic outside the buffer zone. The commission reviewed and approved the erosion control measures. No trees to be removed, as the work will occur in previously disturbed areas.

**Motion** made by Donna Francis to issue a Negative Determination Box 3. Seconded by Sean Werle.  
**Motion passed unanimously.**

**PUBLIC HEARING Notice of Intent #2016-01** filed by Louis Ekus to dredge a canal pond at a residence. The proposed work will dredge approximately 800 cubic yards of sediment; temporarily alter 20 feet of bank and affect 12,750 square feet of Riverfront Area. The property is located at 44 Center Street and is identified as Assessors Map 44 Lot 54.

**Guest:** Lou Ekus – owner

Lou Ekus submitted a letter of support from the abutting neighbor, Bob Bray who is also allowing access through his property to maintain the canal. It also was brought to the attention of the Commission that the materials Mr. Ekus sent to MESA and NHESP were returned as their address changed in the last year so Mr. Ekus has brought new materials showing a new mailing that went out today.

The mill pond 44 Center Street is located behind the mill (their home). The pond is 66 feet at its widest and 165 feet in length. The pond is in need of dredging as 15 years of water, river silt and the swift traveling of water down the narrow canal has filled in the lower portion of the pond. According to Mr. Ekus, the silt has lowered the depth on the upper end of the pond which means 2 things:

- 1) The pond has lost its flood holding capacity – volume has been reduced by about ½. This is an estimate since 1999.
- 2) The lower holding capacity of the pond compromises the utility of the fire hydrant associated with the pond thus less water means less firefighting capability.

The result of the project would be a restored pond and canal system with the holding capacity to reduce flood impact on the area and create a useful firefighting resource associated with the connected dry hydrant.

Agent: Since this is maintenance of an active fire pond, this qualifies as a “limited project” and therefore does not have to meet all the performance standards under the Wetland Protection Act. The “fill” area appears to be located in a FEMA flood plain. If so, an alternate spot would need to be found depending on DEP’s comments. The Commission is waiting for comments from DEP and NHESP. Lou has petitioned NHESP for exemptions (dry hydrant, adjacent farm land, maintenance of a storm water system) Lou has also field for a dredging permit from DEP.

Mr. Fairbrother noted that the project should fall under doing general maintenance of the existing structure. Some concerns initially noted by the Commission included the dredged material “fill” location, dewatering methods, and erosion/siltation control.

There will be a site visit set up so that the Commission can better understand the mechanics of the canal system and the impact over time of conditions to the canal and Sawmill River. Given the need for state agencies to comment, Mr. Ekus requested a hearing continuance.

*Mark Fairbrother declared the hearing for NOI #2016-01 to be continued to the next scheduled Conservation Commission meeting on June 9, 2016 at 6:30PM at Town Hall.*

**PUBLIC MEETING Request for Determination of Applicability #2016-05** filed by Kenneth Lively to determine if a proposed floating dock on the bank of the Connecticut River is subject to the Wetlands Protection Act. The property is located at West Camp Road – Camp 11 E and is identified as Assessors Map 17 Lot 34.

**Guests:** none

Walter: Ken is planning on putting in a recreational floating dock at his leased camp on the CT River. He concurrently submitted a Chapter 91 waterways license which makes it exempt from the riverfront protection act. The commission’s only concern for jurisdiction is on the bank under the Wetlands Protection Act.

The dock is new and has no footings, but is being anchored by a new 4’x 8’ concrete slab on the bank of the river. The Commission feels that there is enough of an impact on the bank resource area to warrant the filing of a NOI under the Wetlands Protection Act.

**Motion** made by Justin Fermann for a Positive Determination Box 3. Seconded by Donna Francis.

**Motion passed unanimously.**

**Motion** made by Sean Werle to adjourn the meeting at 7:50 PM. Seconded by Mark Fairbrother. **Motion passed unanimously.**

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