



**CONSERVATION COMMISSION  
MEETING MINUTES**

**Thursday, January 11, 2023 6:30 PM**

**Second Floor Meeting Room, Town Hall, 1 Avenue A, Turners Falls and via Zoom**

**ROLL CALL:**

**PRESENT:** Mark Fairbrother (Chair), Toby Carter, Anthony Reiber, Margaux Reckard, Donna Francis (5)

**ABSENT:** Al Averill, J. Fermann, S. Werle

**ALSO PRESENT:** Maureen Pollock (Staff Liaison, Planner/Conservation Agent), Representatives to the applicant, including: John Zimmer, Ryan Ruoff, Brian Johnston, Wayne Chapin, Andrew Hicks, including members of the public

**MINUTES:**

Minutes from September 14, 2023 were tabled.

Motion by M. Reckard to accept the minutes of November 16, 2023 with spelling corrections. Seconded by T. Carter.

Roll call Vote:

Mark Fairbrother	AYE	Margaux Reckard	AYE
Toby Carter	AYE	Donna Francis	AYE
Anthony Reiber	AYE		

**Motion passes. 5-0-0.**

MOTION by A. Reiber to accept the meeting minutes from December 14, 2023 with spelling corrections. Seconded by M. Reckard.

Roll call Vote:

Mark Fairbrother	AYE	Margaux Reckard	AYE
Toby Carter	AYE	Donna Francis	AYE
Anthony Reiber	AYE		

**Motion passes. 5-0-0.**

**PUBLIC HEARING:**

**Request Amendment to Order of Conditions (DEP # 229-0263)**, filed by Montague Department of Public Works, for proposed modification to the previously approved **South Ferry Road Culvert Replacement Project**, including modifications to the culvert design and layout, grading, wetland restoration work, and resource impacts to Bordering Vegetated Wetlands, Bank, Land Under Waterways, and Riverfront Area to the Sawmill River, located in proximity of 29 South Ferry Road (Map 39, Parcel 42).

John Zimmer describes the project which dates to June 2022. There is an existing culvert under South Ferry Road that cannot accommodate loads. A 3-sided box culvert with walls was originally indicated. Upon further analysis it was determined that the soil conditions could not support the footings needed for the walls. The new recommendation is for a chambered box culvert 5 x 8' wide with a 3-foot clearance 8' wide. There will be small inlets of rip rap. The stream channel will need to be realigned. As part of the work there will be an extra 900 (total) square foot impact to the wetlands. A planting plan was submitted with the amended plans. Disturbed soil will be reseeded. The original Order of Conditions did not have any special conditions. Based on the redesign, the applicant requests they issue the amended Order of Conditions with special conditions as required by the Commission. The work will be approved by Town Meeting in March 2024. Work is expected by midsummer depending on weather.

The Conservation Agent and several Commissioners conducted a site visit. Also in attendance was abutter Andrew Hicks.

Mark Fairbrother comments on the overgrown nature of the area.

If possible, a mature cherry tree will be saved, but it is in the work zone. Other vegetation will be removed, as well. Zimmer shows a map of the replication area to the Commissioners.

D. Francis asks for the definition of a "chambered" culvert. Zimmer responds that it's a rectangular culvert with two or three sections that are fitted together.

T. Reiber asks about the substrate. Zimmer responds 2' of natural material, cobble, and sediment with 3' of clearance to the top of the culvert.

Bryan Ruoff (Stantec) clarifies that the culvert is necessary to distribute the load more evenly in a way that does not settle. There is no or low strength clay under the road. The previous culvert had settled.

Andrew Hicks asked how close the grating will come to his house. Ruoff responded 10-12 feet away from his house; the slope will not be significantly changed. Potentially Hicks could lose one arbor vitae.

T. Carter asks if an excavator will be used. Ruoff responds "yes" on the upstream sides, which is out of reach from the road. Low impact tires or construction matting will be used. The soil is very wet in that area.

M. Reckard asks if the asphalt curb (for run-off) is included in the new design. Ruoff responds "no" the road will be widened, and that curb is not needed because of the new grading.

The timeline for the project is 30- 45 days (to close the road). The abutters will be notified about the timeline of the work.

The Agent suggests conditions regarding construction matting and/or low impact equipment, stabilization of disturbed soil, 2 year monitoring post-construction, and a report.

MOTION by D. Francis to close the public meeting and issue a **Revised Order of Conditions (DEP # 229-0263)**, filed by Montague Department of Public Works, for proposed modification to the previously approved **South Ferry Road Culvert Replacement Project**, including modifications to the culvert design and layout, grading, wetland restoration work, and resource impacts to Bordering Vegetated Wetlands, Bank, Land Under Waterways, and Riverfront Area to the Sawmill River, located in proximity of 29 South Ferry Road (Map 39, Parcel 42). Seconded by M. Reckard. VOTE

Roll call Vote:

Mark Fairbrother	AYE	Margaux Reckard	AYE
Toby Carter	AYE	Donna Francis	AYE
Anthony Reiber	AYE		

**Motion passes. 5-0-0.**

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#### **NEW BUSINESS:**

##### 143 Taylor Hill Road (Parcel 51-0-01) – disposal of equipment and debris within Buffer Zone

A resident contacted the Conservation Commission about a possible violation. The Agent, Building inspector and Health Inspector conducted an inspection in December 2023. Disposal and equipment and debris where is the buffer zone area. Mark Stinson (MassDEP) and Mark Fairbrother were consulted. It is in the opinion of the Agent that there was no fill or dredging and therefore no infraction. The Health and Building Inspectors are still investigating the property as it relates to their jurisdiction.

The Forest Cutting Plan for Dry Hill Road will be discussed in a future meeting.

##### Rear Ave A (Parcel #09-0-003)

Ryan Johnston (Owner, Montague Machine) was in attendance. The Agent shows an aerial and identifies the land owned by FirstLight Power and Montague Machine. The Agent met with Johnston and Beth Bazler (FirstLight Power) to discuss the tree clearing and soil that was moved- as reported by a neighbor. The bottom of the piles of soil is within 66 feet of the canal. The banks of the canal are considered a wetland resource. Beth and Ryan created a plan/timeline for removing the soil out of the buffer. The plan was presented to the Commission which includes a silt fence and waddle. The area will be reseeded. Images of the soil piles along the bike path were shown.

Ryan lets the Commission know why the land was cleared. The pile is spent foundry sand from 30 years ago. Montague Machine was reported to the DEP for dumping hazardous material. The DEP tested the pile and reported it as clean, however (as a solid waste) the soil needs to be removed to an approved location, or capped and be treated as a landfill. Montague Machine is working with the DEP on a solution.

Mark Fairbrother asks about the location of the property line. Johnston responds that the tree line is the property line. Johnston has agreed to bring the material 20 feet away from First Light property and

return the land to natural grade, reseeded with conservation mix. An RDA will be required. Work will be done by July, 2024.

Sherman Drive (Parcel #19-0-78) – filled area within Buffer Zone

Some local residents notified the Conservation Agent about a possible violation. The Agent conducted a joint inspection with the Building Inspector, Health Inspector and Fire Chief on December 19, 2023. They were given access to the property and observed added fill to the back of the property as well as vehicles and tires. It appears that the land is being leveled, possible for parking. There was an enforcement order issued to the owner for similar activities in 2019. The Agent observed wetlands close to the added fill (and within the buffer zone).

Mark Fairbrother recounts the 2019 order in which Walter Ramsey was acting as the Conservation Agent. The property was ordered clean-up at that time but has returned to a noncompliant condition.

Edward Chapin, son of the owner, addresses his actions in 2019. He reports installing a fence and does not know that it was a wetlands. Chapin claims that he is being harassed by neighbors. Champin reports that “somebody” from the Town told him he could “fill it up to right about the last tree.” His work, as he reports, is further back from that tree.

The Agent shows images from 7/2/2019 when the site was resolved, Walter Ramsey’s contemporaneous notes from his inspection. The Agent shows images taken in December which do show additional fill. Ed Chapin claims that the discrepancy is due to the angle at which the various images were taken. Chapin wants to make it level for splitting cord wood, not a parking lot. He believes he was told “he can go the same height as the road.” Chapin put down 6” of wood chips, soil loam and saw dust.

The Chair will have a discussion with the Agent and possibly a site visit with the commission. The Agent asks if she and the Commission can visit the property. Chapin responds “What for? To look at it? You’re looking at it.” The Agent continues that she had limited angles to view the site. Chapin reports that she “had perfect angles.”

Chapin agrees that he will allow the Commission on his property. The Chair conveys next steps with Ed Chapin. This item will be on the February 2024 agenda.

**OTHER BUSINESS NOT ANTICIPATED WITHIN 48 HOURS:**

The Conservation Agent asks if there are any Commissioners who would like to form a pollinator plant advocate. She mentions that the DPW does not have the capacity to maintain new gardens. Tom Sullivan is looking for volunteers.

*MOTION by T. Reiber to Adjourn. Seconded by M. Reckard. Vote Unanimous (5-0). Meeting Is Adjourned 7:40pm*