



**CONSERVATION COMMISSION
MEETING MINUTES**

Thursday, February 8, 2023 6:30 PM

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

PRESENT: Mark Fairbrother (Chair), Toby Carter, Anthony Reiber, Margaux Reckard, Donna Francis, Sean Werle, Justin Fermann.

ABSENT: Al Averill

ALSO PRESENT: Maureen Pollock (Staff Liaison, Planner/Conservation Agent), Ryan Johnston (Montague Machine)

MOTION by D. Francis to accept the minutes from January 11, 2024 with suggested amendments. Second by T. Reiber. VOTE: Fairbrother (AYE), Carter (AYE), Reiber (AYE), Reckard (AYE), Francis (AYE), Werle (Abstain), Fermann (Abstain). MOTION PASSES (5-2-0) 6:36PM.

PUBLIC MEETING: RDA #2024-01 - Request for Determination of Applicability, filed by **Montague Machine Company** to determine whether the proposed work to move a sand pile and grade the land at the rear of property identified as Rear Ave A Parcel #09-0-003, is subject to the Wetlands Protection Act.

The Conservation Commission conducted a site visit that afternoon. Tony Reiber reports that the property line and the area where the sand pile will be moved were demarcated. Toby Carter reports that that a silt fence and straw waddles were installed, and he inspected that bike path for erosion issues.

Ryan Johnston (Montague Machine) comments on the make-up of the spent foundry sand which includes a very small amount of ground wood. Photo shows a silt fence and straw waddle installed to prevent erosion in the canal and on the bike path. Johnston is inspecting and repairing the silt fence. His intention is to move the pile within two weeks. FirstLight has signed off on the work and is satisfied with the plan: the sand will be removed 20 away from FirstLight Property and well outside of the 100-foot buffer zone. Once regrades, the site will be planted with New England Wetland Plant Conservation Seed Mix. Johnston has “before” images to help with the re-grading.

Fermann asks if there is a “box” indicating that the scope of work is inside the buffer zone but will not require an NOI. The Conservation Agent reads various descriptions for negative determinations.

R. Johnston spoke with the DEP, who recommended a “Negative Determine 3” with conditions which will include the silt fence.

T. Carter asks if the silt fence will remain after the soil is moved? Johnston responds that he will leave the fence in place until the Commission inspects the project for re-vegetation.

M. Reckard asks for clarifications about the description “returns to prevent the pile from sliding toward the canal.” Johnston clarifies that he is referring to the physical orientation of the fence.

MOTION by J. Fermann to issue a Negative 3 Determination with conditions for **RDA #2024-01 - Request for Determination of Applicability**, filed by **Montague Machine Company** to move a sand pile and grade the land at the rear of property identified as Rear Ave A Parcel #09-0-003. Seconded by M. Reckard. VOTE: Fairbrother (AYE), Carter (AYE), Reiber (AYE), Reckard (AYE), Francis (AYE), Werle (AYE), Fermann (AYE). MOTION PASSES (7-0) 6:54PM.

Johnston will let the Conservation Agent know when he begins work.

OLD BUSINESS:

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

The Commission made a site visit, observing the property from an abutter (D. Avery). The landowner’s son, Ed Chapin, was present. Fairbrother observed some violations. Tony Reiber reports the conditions: it's a small parcel with a lot of vehicles and lots of organic material (mulch). Someone has recently put up a groundcover fabric fence, so the view is currently obstructed. The Agent shows images from December 2023. File images from previous inspections do not show the mulch fill. Fairbrother thinks next steps involve other Town entities, including the Health Department (unregistered vehicles). Mark Fairbrother asks for facts regarding the property line, abutters, and history with the landowner. Getting access from lot 79 would be ideal to view the conditions of the Chapin property. The current wetlands are the site of a previous canal. M. Reckard asks about the “line of trees” which was of some significance to Mr. Chapin (son) at the last meeting. Fairbrother summarizes the situation as Chapin’s misunderstanding of where the wetland begins. T. Carter continues that at the site visit, Mr. Chapin reiterated that "someone from the DEP” told him that he could fill up the tree line. The Agent reports a similar violation a few years ago. Conservation records indicate a certain line that he could go up to with the fill. Mr. Chapin has various theories about why the area is very wet. The Chair expresses strong doubt although recognizing the existence of an underground (piped) stream. General conversation about the mysteries of the Montague City culverts. The Chair believes if anything, the culverts help drain the area. The Conservation Commission will gather facts with the possibility of executive session to determine what to do. Sean Werle thinks that clearing the unregistered vehicle issue (Health Department) might limit what the Commission is required to do. T. Reiber remembers that Mr. Chapin wanted to level the area (with mulch) to cut cord wood. He could submit an NOI/RDA for the fill. His current activity is not permitted but the Commission could authorize the fill. T. Carter states that considering his previous violations the Commission should take a good look at the file to inform an approach.

OTHER BUSINESS NOT ANTICIPATED WITHIN 48 HOURS:

- The Agent updates the Montague City Road drainage improvement project: The stream bed was dredged, and water is draining property. In the spring the contractors will make minor (erosion/vegetation) adjustments. The Agent is monitoring.
- The Town has a pollinator plan to support biodiversity. Residents are spearheading this initiative. The Agent sent a link to a meeting (2/15) to the Commissioners. The Agent requests that all new pollinator gardens have a maintenance plan. It is often overlooked. Tony put in a pollinator garden at GCC and commented on annual pollinator garden maintenance.

MOTION by Fairbrother to Adjourn. Vote Unanimous (7-0). Meeting Is Adjourned 6:28pm
