



TOWN OF  
**MONTAGUE**  
MASSACHUSETTS

TOWN HALL  
One Avenue A  
Turners Falls, MA 01376

CONSERVATION COMMISSION  
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CONSERVATION COMMISSION  
**Approved** MEETING MINUTES

**Thursday, April 11, 2024 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, Sean Werle, Justin Fermann, Al Averill

**ABSENT:** Donna Francis

**ALSO PRESENT:** Maureen Pollock (Staff Liaison, Planner/Conservation Agent), Jon Dobosz of Montague Parks and Rec., Jill Ingrahm

*MOTION by A. Reiber to accept the minutes from February 8, 2024. Second by M. Reckard. VOTE: Fairbrother (AYE), Carter (AYE), Reiber (AYE), Reckard (AYE), Werle (AYE), Averill (Abstain). MOTION PASSES (5-1-0) 6:32PM.*

**PUBLIC MEETING:**

**RDA #2024-02 - Request for Determination of Applicability**, filed by **Town of Montague Parks and Recreation Department** to determine whether the proposed work to dig a well and install a submergible pump identified as Unity Park Garden, Map 4, Lot 12 is subject to the Wetlands Protection Act.

Jon Dobosz describes the project with the goal to create a water source for the community gardens. Currently the gardeners collect rainwater from the shed into a barrel. Water is also hauled across the parking lot from the Parks and Recreation building. A well system would be more convenient for the 30+ people who grow food in the garden.

S. Werle asks if the area is “all bedrock.” Dobosz response that a test dig reached water within 8 feet. The area historically was a swamp.

M. Fairbrother asks about the infrastructure necessary for the project.

An aerial map is shown to the Commission which details the community garden. The well will be dug about 20 feet Southeast of the preexisting shed. The pump, electrical box and tank will be installed in the shed. Digging the 20’ long trench is the only ground disturbance. The Board of Health was notified, and he had no concerns.

A. Reiber asks about contaminated water since the land historically contained coal bins.

M. Fairbrother asks if the plan will be changed if the well needs to be deeper. Dobosz responds “no” based on the test and his experience building the skatepark.

The Agent recommends that Dobosz consult with Assistant Town Administrator Walter Ramsey to review the environmental assessments of the property; they may have some information that is of import relative to the well. The Conservation Agent comments that the water is not labeled potable water.

S. Werle sees a potential issue with a non-potable well.

Dobosz responds that the spigot will be secured.

M. Fairbrother reminds the Conservation Commission of their purview regarding the Wetlands Act but wants the Conservation Agent to draft letter(s) to the appropriate Board of Health staff voicing their concern regarding the water quality.

M. Reckard asks if they will keep the solar powered rain barrel system in addition to the well. Dobosz has not spoken to the garden organizers (Great Falls Apple Corp) about that, yet.

A. Reiber comments that there are other types of smaller wells besides a 36" concrete tile well - like a wash well with a submersible pump.

The Agent asks who specked the plan. Dobosz responds "Cushing and Sons."

Al Averill asks if this well is within the 100-foot buffer/ 200 feet of the riverfront. How would this activity adversely affect the river?

The Agent describes the area around the well including curbing and grass. During construction straw bales could be used to keep erosion into the street.

S. Werle sees this project "just on the line" of 200 feet. M. Fairbrother cannot see how this project could impact the river.

A. Reiber asks how long it will take to dig the well. Dobosz responds "about one day."

*MOTION by S. Werle to Approve a Negative #2 Determination for RDA #2024-02 - Request for Determination of Applicability, filed by Town of Montague Parks and Recreation Department to dig a well and install a submergible pump identified as Unity Park Garden, Map 4, Lot 12. Seconded by A. Reiber. MOTION: Fairbrother (AYE), Carter (AYE), Reiber (AYE), Reckard (AYE), Werle (AYE), Averill (AYE). MOTION PASSES (6-0-0) 6:55PM.*

Jon Dobosz will follow up with the Board of Health and Walter Ramsey.

#### **OLD BUSINESS: Possible Violations**

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

Katia Wilker of 6 Masonic Avenue (abutter) brings a copy of an incident in 2019 sited for the same behavior. She brings a signed letter and photo from Doreen Avery which alleges flooding because of the fill. Wilker also has images from her property which describe the complaints: new piles of sawdust, unregistered vehicles, and equipment.

The Agent requests an emailed copy/scan of the documents Wilker presented. The commission had a site visit in February 2024. The Commissioners were standing on D. Avery's property and had a limited view because of a fence. The Commission did observe a vehicle in/very near the wetlands and added fill. The matter was discussed at the last Conservation Commission meeting. The Agent will inspect the prior permit history with the owner.

K. Wilker believes that the owner will not stop unless forced. She asks the Commission about "next steps." M. Fairbrother responds that the Commission could issue an enforcement order to remove the vehicle. Other Town agencies, like the Board of Health, could be involved with enforcement as well.

Wilker reports that currently there are two unregistered (?) vehicles within the wetlands buffer. She has photos as of 4/7/2024. She invites the Commission to her property to view the situation.

M. Fairbrother would like to definitively establish the edge of the wetland with the help of a wetland scientist. K. Wilker would like to know the edge of the wetland for her own use and mentions that the land is wetter than in previous years.

M. Fairbrother mentions that anyone can file an RDA to determine a wetlands boundary on a neighbor's property, however they may need to pay for the delineation. The Agent will consult Mark Stinson about the legality of filing on someone else's property and the repercussions of granting/refusing access.

### **Turnpike Road (Parcel #21-0-004) – tree cutting within Buffer Zone**

The Agent has received multiple phone calls about forest cutting off Turnpike Road. She conducted a site visit and observed about 2-3 acres of cutting. There is an intermittent stream. A forest cutting plan was not submitted to the Town. The Agent would like to know if a forest cutting plan was approved by DCR and if this cutting was exempt from the local Conservation Commission. It is still unknown if there has been a violation.

Tobey Carter clarifies that a forest cutting plan was supposed to be submitted and the Town would have up to 10 days to respond.

The Agent will contact the DCR Forest Service Worker about if/when a plan was submitted.

Toby Carter discusses a few instances when tree cutting does not generate a forest cutting plan – including times when it is a conversation of land use, or the area is under a certain volume. Carter thinks the intermittent stream (as reported by the Agent) would trigger a forest cutting plan.

A. Carter asks if they could conduct a site visit. The Agent will reach out the Springdale Cemetery Commission for permission. They are creating opportunities for “green burials.”

M. Reckard walked the property and reports that the cutting is extensive. The cutting seems limited to the ridge.

Al Averill shows the depression (stream) area on GIS.

### **Rod Shop Road (Parcel #12-0-052) - Tree cutting within Buffer Zone**

The Agent does not know who conducted the tree cutting; she assumes the new property owner. The cleared area is being used as a parking lot. She believes the activity is within the buffer zone, but not the wetlands. Measuring the distance using the online GIS tool shows that the activity is over 300 feet. The Commission will conduct a site visit to be sure.

\*General conversation about drones\*

The Agent asks for some help reviewing the minutes before the general meeting.

The Agent requests that in-person meetings are held in the Annex because of issues with the upstairs computer technology. The Annex does not seem to have those issues. The Commission agrees.

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

Jill Ingrahm requests that the Agent provides background information for Town Meeting regarding the Henry Waidelich Conservation fund.

*MOTION by Fairbrother to Adjourn. Vote Unanimous (6-0). Meeting Is Adjourned 7:42pm.*