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**CONSERVATION COMMISSION  
MEETING MINUTES**

**Thursday, July 18, 2024 6:30 PM  
Town Hall Annex, 1 Avenue A, Turners Falls and via Zoom**

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

ABSENT: Justin Fermann, Al Averill

STAFF PRESENT: Maureen Pollock (Staff Liaison, Planner/Conservation Agent)

ALSO PRESENT: Representatives of Falls Farm LLC including: James Arcoleo, Michael Pietras, and Diane McClellan; Representative of the Conservation Commission: Amanda Smith, Wetlands Scientist at the BSC Group; Steve Gowa, Sam Stafford, E. Hoffman (Greenfield Recorder) and members of the public

**Possible Violations: Falls Farm – Old Sunderland Road (Parcels #50-0-18), owner: James Arcoleo; Old Sunderland Road (Parcel #50-0-05, owner: Falls Farm LLC; and Meadow Road (Parcel #50-0-04), Montague, owner: Falls Farm LLC**

M. Fairbrother asks property owner about progress on delineation of the wetlands. A representative for the owner emailed items to the Agent about 4pm the day of the meeting, which she did not have a chance to review. He refers to a past delineation from May of 2020, created by Ward Smith which requested the expansion of the field.

The Agent did not have this information in advance. The Agent requests that all information be submitted in advance and there is ample time to distribute information to the Commission members in advance of a future meeting.

The Agent reviews the last meeting at which time the Conservation Commission voted to approve utilizing WPA filing fees for the administration/enforcement of the Wetlands Protection Act. With the appropriation of funds, BSC Group has been engaged by the Commission. Wetlands Scientist Amanda Smith of BSC Group attended a recent site visit with several Commissioners and representatives of Falls Farm. The purpose of the visit was to take photo documentation and inventory of the conditions. The Agent continues that the DPW has needed to clear sediment from the culvert on Meadow Road originating from Falls Farms on three occasions: June 20-23, July 5-6 and July 16-18. DPW staff time and resources are negatively impacted. An emergency certificate will need to be issued.

Amanda Smith of BSC Group has several findings and recommendations for the Commission to consider. She gives a quick reference to the site and the three parcels. This presentation is not a formal delineation, but a starting point regarding the location of the wetland resource areas. Photos taken on June 27, 2024 correspond to locations on the map. The images reveal areas with erosion issues, sediment accumulation along silt fence, sediment in stream channels, and sediment near the Old Sunderland Road

culvert. (photo: July 2021 FRCOG Culvert Assessment Report: Montague) \*At that time FRCOG assessed the Old Sunderland Road culvert as adequate and in good condition.

Commissioner Sean Werle asks for a clarification regarding the Enforcement Order of the Sunderland Conservation Commission. "Are there two impact areas?" Mark Fairbrother responds "correct." Amanda Smith noted that her review focuses on the subject parcels within Montague only. The review does not account for areas within Sunderland.

Other images taken by permission of the property owner near Meadow Road show over 12" of sediment. The DPW needed to remove the sediment to restore the flow which resulted in channelization. DPW has installed gravel rip rap, as well. Smith does not fully understand the infrastructure of the area but thinks that the DPW will need to clear sediment regularly. A gully has formed on the steepest part of the parcel- likely made worse with snowplow activity. Erosion between Meadow Road and Old Sunderland Road can enter the Connecticut River through catch basins and culverts. Behind (north) of the white trailer located on Parcel #50-0-18, there is a collapsed slope. It could be the result of oversaturation from the change of water patterns across the land. Sediment at a nearby culvert leads Smith to believe it's going to the Connecticut River, as well.

Terry Nolan (300 Falls Road, Sunderland) asks about the harm of the silt going into the river, if any.

Commissioner Werle says it negatively changes the ecology of the stream

James Arcoleo comments that he took a boat ride along the Connecticut River and noticed similar conditions. He asks how it's different. The Agent and Chair return the conversation to the agenda item.

Terry Nolan asks how her water supply is protected. The Chair and Agent return the conversation to the agenda item.

Amanda Smith recommends a full analysis before formulating remedial actions: comprehensive impact assessment, changes to the slopes, changes to hydrology and forensic wetlands delineation referencing historic data.

M. Reckard asks about the timeline for the report. Is this a draft? Smith responds "yes."

Sean Werle thinks the report will be an important part of the enforcement order. Smith says the Commission can issue a cease and desist.

S. Werle would like to issue a cease and desist.

M. Fairbrother reads an email from which reports that the site is starting to respond to silt fencing and other remediation. Fairbrother continues to read aloud the email which describes "no siltation" toward the resource areas.

James Arcoleo says they aren't working on the land, except to remediate issues.

The Chair is highly doubtful of the claims made in the email by Michael Pietras. Fairbrother was Meadow Road culvert location site at the most recent large storm (7/17/24) and has video showing significant siltation.

J. Arcoleo has various theories about where the silt originates.

S. Werle stops the conversation: The reason this is occurring is because of illegal clearing and land modification. M. Fairbrother continues that the problem originates from Falls Farm “This is on you...and you’ve done nothing of consequence to correct this.”

S. Werle continues that according to the Sunderland Conservation Commission, the owners of the property have not even hired a qualified erosion specialist with a CPSC license.

The Agent asks Amanda Smith about erosion control licensing. She describes her certification and why it is necessary to have erosion control plans before a project is started.

M. Reckard reviews the timeline of the site visits and reminds the Commission that the erosion control measures were not reviewed or authorized.

The Agent asks Michael Pietras about his license and classroom time. M. Pietras responds that he is in communication with a CPSC licensed specialist. Regarding erosion control measures, he believes the unauthorized erosion control work is necessary because of the “dynamic” erosion situation.

J. Arcoleo asks, “at the end of the day, what’s the best, quickest suggestion to make the correction.”

Amanda Smith reiterates the recommendation that the property owner gets a full site assessment of the before/after conditions, changes in hydrology, and the wetlands impacts.

*MOTION by S. Werle to issue and enforcement order to cease and desist all work not related to erosion control, receive permission for all erosion mitigation from the Montague Conservation Commission, and to hire a CPSC licensed erosion specialist to assess the site and write a report. Seconded by A. Reiber.*

J. Arcoleo mentions that he needs to do some agricultural work to his crops and trees. Amanda Smith recommends that this agricultural property is identified on a map.

M. Reckard thinks a special meeting is a good idea because the Commission hasn’t seen the documents submitted by Pietras that day. She would like to see a “causation” mapped out, which is not possible without a CPSC report.

The Agent schedules a special meeting for Tuesday, July 23, 2024 at 6:30pm in the Town Hall Annex.

The Chair asks S. Werle to withdraw his enforcement order until the special meeting for the benefit of clarity and comprehensiveness.

S. Werle withdraws his motion at 7:31pm.

S. Werle would like to see the BSC report as soon as possible. Amanda Smith will mail it.

T. Carter asks, “What they can do in the meantime?”

M. Fairbrother responds that they could get an CPSC erosion professional to the site. S. Werle agrees.

A. Reiber comments that the silt is the most fertile soil, and it is in the interest of the property owner to protect against erosion.

The Agent reviews communication in which the property owner who agreed to have the wetlands delineated.

**PROJECT UPDATES:**

Approved Order of Conditions for **South Ferry Road Culvert Replacement Project** (DEP #229-0263/NOI #2023-02) M. Fairbrother describes the location, which consistently floods. The Agent gives an update. Construction will start August 12. Letters will go out to residents of South Ferry Road. Work will take about 6 weeks.

Approved Order of Conditions for **2 Fosters Road** (DEP#229-0264/NOI #2023-01) The vet clinic approved last year is starting to mobilize. The Agent reminded them to record the Order, post their Order of Conditions, and install erosion and sedimentation barriers before starting construction.

**PUBLIC MEETING:**

**RDA #2024-03 - Request for Determination of Applicability, filed by Samuel Stafford to determine whether the proposed septic system and associated site improvements at West Chestnut Hill Road (Parcel #52-0-130) are subject to the Wetlands Protection Act.**

An ariel map of the property owned by Sam Stafford is shown by the Agent. An intermittent stream and other wetlands were delineated by Ward Smith.

S. Stafford describes the unusual situation, which was started by his father several decades ago. The foundation was poured but the project was not finished. Stafford submitted his septic system design to the Board of Health for review/approval.

M. Fairbrother did a site visit and thinks the location of the septic is ideal.

S. Werle asks “what, in addition to the septic, is being proposed?” M. Fairbrother refers to the rock, grading and filling. S. Stafford concurs.

S. Werle would like to strike “associated site improvements” because it is vague. He asks how to issue a negative determination for a septic system that doesn’t yet exist. The Agent responds Negative Determination 3. Conditions are discussed and will be recorded.

*MOTION by S. Werle to issue RDA #2024-03 - Request for Determination of Applicability, filed by Samuel Stafford for a septic system and associated site improvements at West Chestnut Hill Road (Parcel #52-0-130) a negative determination box 3. Seconded by D. Francis. VOTE: Mark Fairbrother (AYE), Anthony Reiber (AYE), Margaux Reckard (AYE), Toby Carter (AYE) Donna Francis (AYE) Sean Werle (AYE). MOTION PASSES (6-0) 8:02PM*

**Request for Certificate of Compliance, filed by Thomas Bergeron c/o Town of Montague, DPW, in**

**reference to work regulated under the approved Order of Conditions (DEP #229-0254/ NOI #2019-02), for the Montague City Road stream channel dredging and floodplain restoration project, located on the Montague City Road Public Right-of-Way.**

The Agent did a site visit on June 19, 2024. Dredging has been completed and the plants are doing well. Vegetation has been established and growing. The Agent believes s that the applicant has met their obligations.

*MOTION by A. Reiber to issue a Certificate of Compliance, filed by Thomas Bergeron c/o Town of Montague, DPW, in reference to work regulated under the approved Order of Conditions (DEP #229-0254/NOI #2019-02), for the Montague City Road stream channel dredging and floodplain restoration project, located on the Montague City Road Public Right-of-Way. Seconded by D. Francis. VOTE: Mark Fairbrother (AYE), Anthony Reiber (AYE), Margaux Reckard (AYE), Toby Carter (AYE) Donna Francis (AYE) Sean Werle (AYE). MOTION PASSES (6-0) 8:07PM*

The Agent will sign documents on behalf of the Commission.

**NEW BUSINESS:**

E. Hoffman (Greenfield Recorder) informs the Commission that there is new information about invasive herbaceous annual vine, Mile-a-minute Weed, now spotted in Montague. Cynthia Betman will be talking about the invasive plant on August 11. Commissioners have seen the plant in Montague.

**BUISINESS NOT ANTICIPATED:**

**Issue Emergency Certificates for Meadow Road**

The Agent informs the Commission that the DPW has declared a state of emergency on three occasions because of accumulated sediment coming of Falls Farm and blocking the flow of the culvert, causing the water to flood the road. They will use a backhoe and truck to remove the sediment. These orders date: June 21-23, July 5-6-8, July 16-19, 2024.

A. Reiber comments that someone from Falls Farm (bob?) was trying to dig out the sediment. Shouldn't Falls Farm stay out of work downhill? It's one of the neighbor's property. There could be liability issues. The Commission agrees and will communicate this to the property owner.

*MOTION by M. Reckard to issue the Emergency Certificates to clear culvert on Meadow Road June 21-23, July 5-6-8, July 16-19 2024 to the Montague DPW. Seconded by A. Reiber VOTE: Mark Fairbrother (AYE), Anthony Reiber (AYE), Margaux Reckard (AYE), Toby Carter (AYE) Donna Francis (AYE) Sean Werle (AYE). MOTION PASSES (6-0) 8:17PM*

**ADJOURN:**

*MOTION TO ADJOURN by M. FAIRBROTHER. VOTE: Mark Fairbrother (AYE), Anthony Reiber (AYE), Margaux Reckard (AYE), Toby Carter (AYE) Donna Francis (AYE) Sean Werle (AYE). MOTION PASSES (6-0) 8:19PM*