



TOWN OF
MONTAGUE
MASSACHUSETTS

TOWN HALL
One Avenue A
Turners Falls, MA 01376

CONSERVATION COMMISSION
(413) 863-3200 ext. 112
Planner@montague-ma.gov

**CONSERVATION COMMISSION
APPROVED MEETING MINUTES**

Thursday, August 8, 2024 6:30 PM

Town Hall Annex: Town Hall, 1 Avenue A, Turners Falls and via Zoom

ROLL CALL

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

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

ALSO PRESENT: Ward Smith (Wendell Wetlands Services), Paul Porter (Turners Falls Cemetery Commission)

APPROVAL OF MEETING MINUTES:

MOTION by M. Reckard to accept the May 9, 2024 and June 20, 2024 minutes with spelling edits and minor revisions. Seconded by D. Francis. **VOTE:** Mark Fairbrother (AYE), Toby Carter (AYE), Donna Francis (AYE), Margaux Reckard (AYE), Al Averill (ABSTAIN for May, AYE for June), Justin Fermann (AYE), Sean Werle (Abstain) **BOTH MOTIONS PASS 6:34pm.**

PUBLIC MEETING:

RDA #2024-04 - Request for Determination of Applicability, filed by Paul Porter, Turners Falls Cemetery Association to determine whether the boundaries of wetland resource area(s) depicted on submitted plan are accurately delineated; and whether the planting of trees within wetland resource area(s) and buffer zone and remove of tree logs and slash within buffer zone, located at Springdale Cemetery, Turnpike Road, Parcel #21-0-004 is subject to the Wetlands Protection Act.

Ward Smith delineated the wetlands in May of 2024. He describes the land as well-drained sandy gravel except for the ravine in which an intermittent stream is located. Most of the runoff water flows toward some old catch-basins. Smith shows a map of the Springdale Cemetery parcel. The clearing equals 26,084 square feet in the wetlands and the buffer zone. There is some rutting from machinery. Trees removed in the wetland include 12 trees: white pine, black birch, Norway maple. Trees removed in the buffer zone and slope were mostly birch. Smith asks the Commission to remove logs outside of the ravine but leave the logs inside the ravine to prevent further damage by machinery. Additionally, Smith recommends that the slopes and wetland are replanted but not the top of the site. There are about 16,000 square feet that need to be replanted. Smith gives his recommendation about tree specimens and other vegetation for the replanting. They are listed in his report. Smith will provide a report of the first and second seasons.

Draft conditions were emailed to the Conservation Commission and Ward Smith. The Agent reads the conditions aloud.

Al Averill asks if (regarding replanting) it is necessary for a wetland scientist to determine whether the

plants lived or died. Ward Smith responds that he doesn't know who else would make that determination, but a qualified consultant authorized by the Conservation Commission could. Mark Fairbrother cautions against the idea, citing future situations in which the Commission would want a certified wetlands scientist to monitor conditions. M. Reckard agrees.

T. Carter asks for clarification regarding the location of the plantings. Ward Smith clarifies "within the gully, itself...on the slopes of the ravine. It makes the most sense to get that stabilized."

J. Fermann asks if the conditions should state that planting be done by hand- without the use of machinery. Ward Smith agrees.

The Agent asks who will do the planting. A local landscaping company? Volunteers? Are the locations of the trees marked? The Agent will write a condition about how and by whom the trees are planted.

The completion date for the plantings is October 31, 2024.

Paul Porter asks if there are fines against the Cemetery Association? Fairbrother answers "no." Paul Porter asks when the Cemetery Association can start clearing the land outside the buffer zone. Fairbrother responds "any time if it's outside of the buffer zone." Fermann adds that sediment from outside of the buffer zone should not erode inside of the buffer zone. The flat area within the buffer zone (above the ravine) should remain undisturbed, continues Carter.

MOTION by D. Francis to issue a positive 2A determination and a Negative 3 Determination for RDA #2024-04 - Request for Determination of Applicability, filed by Paul Porter, Turners Falls Cemetery Association to determine whether the boundaries of wetland resource area(s) depicted on submitted plan are accurately delineated; and whether the planting of trees within wetland resource area(s) and buffer zone and removal of tree logs and slash within buffer zone, located at Springdale Cemetery, Turnpike Road, Parcel #21-0-004 are subject to the Wetlands Protection Act. Seconded by M. Fermann. VOTE: Mark Fairbrother (AYE), Toby Carter (AYE), Donna Francis (AYE), Margaux Reckard (AYE), Al Averill (AYE), Justin Fermann (AYE), Sean Werle (AYE). MOTION PASSES (7-0) 7:01pm.

OLD BUSINESS:

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

The Agent gives an update: The DPW needed to clear out the sediment from the culvert after a recent rain. An Emergency Certification was issued. The Agent spoke with Mike McHugh from MassDEP about the ongoing issue of sediment/ erosion from Falls Farm. The Agent requests that the Commission consider a request to MassDEP to extend the Emergency Certificate citing the probability of future rain. A copy of the Enforcement Order was emailed and sent by certified mail to James Arcoleo, Falls Farm LLC, and MassDEP. A Unilateral Administrative Order will be issued from MassDEP. The Agent will forward a copy to the Commissioners. The Agent has also reached out to Jennifer Fish and Andrew Rockcliffe from the DCR Chapter 61 program to request a site visit to the Falls Farm parcels.

J. Fermann asks if MassDEP is formally administering the case. The Agent responds that the Unilateral Administrative Order is the confirmation.

Business Not Anticipated

The Agent had a voice message about a beaver dam in Montague City Road. The Agent requested that the individual, possibly an employee of Eversource, submit the information via email.

S. Werle asks if a dam has been breached. The Agent is unsure.

The Agent reports that FirstLight is coordinating with DCR and the Town to install a drainage pipe along the bike path. The bike path will be closed for a period of time. This work was previously approved by the Commission in 2023.

ADJOURN:

MOTION by D. Francis to ADJOURN. Seconded by M. Fairbrother. VOTE: Mark Fairbrother (AYE), Toby Carter (AYE), Donna Francis (AYE), Margaux Reckard (AYE), Al Averill (AYE), Justin Fermann (AYE), Sean Werle (AYE). MOTION PASSES (7-0) 7:16pm.