



**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
MEETING MINUTES**

Thursday, June 12, 2025 6:30 PM
Annex Meeting Room, Town Hall, 1 Avenue A, Turners Falls and via Zoom
Meeting was recorded

6:30PM: ROLL CALL

PRESENT: Mark Fairbrother (Chair), Sean Werle, Margaux Reckard, Justin Fermann, Toby Carter, Donna Francis, Anthony Reiber (7). ABSENT: Al Averill

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

ALSO PRESENT:

Minutes for May 8, 2025 were tabled.

NEW BUSINESS Notifications:

1. On May 12, 2025, The Connecticut River Conservancy, American Rivers and a 12-Person Citizen Group ("CRC Group") has filed an appeal for MassDEP's April 22, 2025 Water Quality Certification with Conditions for the FirstLight Hydroelectric Projects.

The Agent read an email describing the legal situation, parties involved, and objections filed related to water flow, fish populations and climate change impacts. FirstLight made a motion to dismiss. A settlement discussion will be scheduled.

M. Reckard asks if the Commission will get updates if the case goes to trial. The Agent responds "Yes." She will provide the Commission with summaries.

2. On June 3, 2025, FirstLight's Turners Falls facility leaked at least 300 gallons of oil into the Connecticut River due to an equipment malfunction. Sinkhole forming at 42 Canal Road (Parcel #03-0-086)

The Agent reports that there have been four oil leaks reported since 2021. In 2022 about 300 gallons were released. In this latest case, 445 gallons of hydraulic oil were released. FirstLight employees reported a sudden loss of hydraulic pressure with the gate system and saw an oil sheen on the water. MassDEP was notified. Tighe and Bond were assigned to the cleanup. The incident is under investigation.

3. Sinkhole forming at 42 Canal Road (Parcel #03-0-086)

M. Fairbrother describes the location of the sinkhole, near 6th Street/White Bridge. The Chair saw this "impressive hole" several months ago...the property owner is probably not in a position to do very

much.” Fairbrother spoke with someone onsite from Berkshire Gas, who has pipes in the ground. The Agent shows an image of the hole, which is very near both the canal and the river. No one knows where the soil went or if it should be filled. Fairbrother reports that there could be a catastrophe. The hole is not the jurisdiction of the Conservation Commission, but what is done to fill the hole IS under the purview of the Commission.

The Agent gives a timeline. In March, 2025 the Public Health Director Ryan Paxton gave a 24-hour order to correct to the property owner. FIRC was notified of the situation, and they submitted a memo on May 13 indicating it is not within the hydropower project boundary and the sink hole is related to the old mill foundation. A site visit was conducted by Emergency and Town Staff on May 29. After the inspection, Walter Ramsey sent an email to Berkshire Gas, owner Curt Sherer and FirstLight engineers citing emergency and public safety concerns. The hole continues to grow wider and deeper. The Town strongly encourages a timely concern of this eminent threat. Any restoration work will require a permit from the Conservation Commission. On June 9 the Agent sent an email to the State Geologist Brian Yellen (UMASS/Amherst) who also expressed serious concern. The Mass Office on Dam Safety was notified; they think this issue is FERCs jurisdiction. John Zellman, the Montague Emergency Management Director, was notified. A follow up email was sent to the building owner who installed a fence but did not address the issue.

Sean Werle asks if the building owner has insurance? The insurance company should be notified. The Agent is most curious about what is causing the sinkhole, which might change the liability. Mark Fairbrother wonders if the test boring for the new bridge was done in that spot. He knows there were tests on the other side of the river. “Maybe they punctured something.” S. Werle thinks that it is interesting that in the original image looks like flooding. The Agent continues that Google Earth and Google Street both show puddles.

Toby Carter asks if anything is “coming out” in the river. (unknown)

The Agent thinks the next step is to speak to the Town Attorney.

The Agent shows GIS from past year; the issue seems to be developing over time as seen by the depression and failing asphalt.

S. Werle asks about the water main and sewer line. Running water lines would be a likely suspect. The Agent will reach out the Water District.

OLD BUSINESS:

Possible violations –0 Rod Shop Rd (Parcel #12-0-052)

The owner of the property did some clearing last summer and is storing cars. A recent site visit shows that there is much more activity on the property including more clearing. The Agent encouraged the property owner to file a wetlands delineation with the Conservation Commission.

MOTION by S. Werle to Adjourn. Seconded by A. Reiber. VOTE: MOTION PASSES (7-0) 7:17pm