

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

225 Turnpike Road, 3rd Floor, Southborough, MA 01772
www.mass.gov/agr



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Notice

Pursuant to the provisions of the Rights-of-Way Management Regulations, 333 CMR 11.00, to apply herbicides to control vegetation along rights-of-way (ROW), the Massachusetts Department of Agricultural Resources (MDAR) must approve a five-year Vegetation Management Plan (VMP) and a Yearly Operational Plan (YOP). Notice of receipt of a YOP for the Town of Athol and procedures for public review is hereby given as required by Section 11.06 (3).

Vegetation Control Service, Inc. (VCS) of Athol, Massachusetts submitted a YOP to MDAR for the Town of Athol in January 2023 along with the following commentary:

In 2023, the Town of Athol will conduct an Integrated Vegetation Management (IVM) program along select locations on the town's public ways to control vegetation that poses a public nuisance and/or poses a safety risk to pedestrian or vehicular safety.

The intended vegetation control program will be consistent with Athol's VMP. Therefore, in accordance with the guidelines set forth in Athol's VMP and YOP, herbicides will be selectively applied to target vegetation by licensed/certified applicator(s) with hand-held equipment.

In regulated sensitive areas, Athol will only use herbicides recommended by MDAR for use in these sensitive areas. Pursuant to 333 CMR 11.04, no herbicides will be sprayed within any designated "no spray sensitive area" instead mechanical only methods will be used to control vegetation.

Public notification will be provided to the Board of Selectmen, Conservation Commission, Board of Health, and Water Department at least twenty-one days prior to any herbicide application.

In accordance with 333 CMR 11.06 (2), Athol's YOP includes the identification of target vegetation; methods of identifying, marking and protecting regulated sensitive areas; application techniques; the herbicides, application rates, carriers and adjuvants proposed for use; alternative control measures; the individuals responsible for supervising the YOP and applying the herbicides; procedures for handling, mixing and loading herbicides; emergency resources including local, state and federal emergency telephone numbers; a town wide street listing and map of the town's downtown public ways which includes mapped sensitive areas, herbicide fact sheets and manufacturers' labels.

PUBLIC REVIEW

The MDAR seeks to verify the location of sensitive areas defined in Section 11.02 reported in the YOP. MDAR itself has a limited ability to survey geography, land use and water supplies. Municipalities have most of this information readily available, and the knowledge with which to better certify the Sensitive Areas in their communities. MDAR, therefore, requests, and urges the assistance of in reviewing the completeness and accuracy of the map contained in the submitted YOP.

MDAR has established the following procedures for this review:

Copies of the YOP and this *Notice* will be sent by the applicant to the Conservation Commission, Board of Health, and the Board of Selectmen, and the Massachusetts Department of Conservation and Recreation. Municipal agencies and officials will have forty-five days, following receipt of the YOP, to review its map for inaccuracies and omissions in the location of "sensitive areas not readily identifiable in the field."

Municipal agencies and officials are requested to forward the YOP to the appropriate official(s) in their municipality qualified to certify the accuracy of the sensitive areas indicated on the maps. The maps should then be "corrected" and returned to the applicant and a copy should be sent to MDAR at the address listed below within the forty-five-day review period.

If the town needs more time to conduct this review, it should send a written request for an extension to MDAR and cite why there is a "good cause" for requesting additional time.

The applicant is required to make all corrections and the corrected maps will be sent back to the city/town that requested the disputed changes within fifteen days of receipt of the request. MDAR will decide whether the YOP should be approved without the requested changes.

The twenty-one day public review period of the Municipal ROW Notification Letter may serve concurrently with the forty-five day YOP review period in order to provide public notifications as required by 333 CMR 11.07, if the applicant has an approved VMP and if all the requisite city-town offices that received copies of the YOP completed their review and all corrections were duly made by the applicant and approved by MDAR.

A failure to respond to the applicant's submission of the YOP within the forty-five-day period will automatically be considered by MDAR to indicate agreement by the municipal officials with the Sensitive Area demarcations provided by the applicant in their YOP.

Any questions or comments on the information provided in this *Notice* and the procedures established for the municipal review outlined above should be addressed to:

Clayton Edwards
Right of Way Program
Massachusetts Department of Agricultural Resources
Pesticide Bureau
225 Turnpike Road, 3rd Floor
Southborough, MA 01772

Any questions or comments regarding the YOP should be addressed to:

Dick Kilhart
Superintendent
Department of Public Works
584 Main Street
Athol, MA 01331
(978) 249-4542

COMMENT PERIOD ENDS AT THE CLOSE OF BUSINESS (5pm), Monday, April 10, 2023