

CONSERVATION COMMISSION



Town of GREENFIELD, MASSACHUSETTS
253 Main Street, Greenfield MA 01301

413-772-1548
413-772-1309 (fax)

GREENFIELD CONSERVATION COMMISSION

Minutes of June 9, 2009

7:00 p.m.

Greenfield Police Station
321 High Street

The meeting was called to order at 7:00 p.m. with the following members:

PRESENT: Alex Haro, Chair; Tim Mosher, Vice-chair; Tom DeHoyos; Dee Letourneau

ABSENT: None

Also present: Ralph Kunkel, Conservation Agent; and members of the public.

Approval of Minutes:

MOTION: Moved by Mosher, seconded by DeHoyos, and voted 4-0 to approve the minutes of May 26, 2009 as amended.

Public Meetings/Hearings:

7:04 p.m. Shelburne Falls Congregation of Jehovah's Witnesses – to review a Notice of Intent for property located at 261 Mohawk Trail (Assessors Map R25 Lot 35) for construction of a 4,500 square foot Kingdom Hall on the existing foundation, an addition of an 800 square foot apartment, construction of a 51 space parking lot, construction of a new stormwater management system, and other associated site improvements.

Patrick McCarty, McCarty Engineering, represented the applicant. McCarty submitted the Certified Mail Receipts to the Agent along with two Abutters Notifications that had been returned. McCarty reviewed the site plans and pointed out delineations of the resource areas which the Commission had previously approved. McCarty then gave a brief history of the site. McCarty said the results of the test pits bored in April showed that the soil was a D soil and in other areas of the property the soil was fill; and that the maximum depth to ground water was only 26 inches. The building itself, McCarty pointed out, is exempt from the Rivers Protection Act as long as it is built within the footprint of the building that had been lost to fire. McCarty also pointed out the additional 800 s.f. apartment that would be added. McCarty pointed out the parking and responded to comments submitted by DPW. McCarty pointed out that the dimensions of the parking spaces do comply with city standards and that the DPW reviewer was using the wrong scale when examining the plans. The applicant, said McCarty, plans to abandon the old septic system and tie-in to the Town's sewer system. McCarty also reviewed proposed landscaping features.

Letourneau asked about the DPW comment that the driveway was wider than 30 feet and that regulations only allow for 30 feet. McCarty responded that the entrance and exit driveways were each 24 feet with an 8 ft. turning radius and while that is wider, it allows for easier access for firetrucks or other emergency vehicles; he added that typically for projects of this nature a turning radius of 10 – 15 feet would be added. Kunkel said that is an issue that would be addressed with the Planning Board.

Haro asked about a curve near the resource area and whether that, too, was 24 feet. McCarty

responded in the affirmative.

McCarty submitted his responses to the DEP comments and briefly addressed each comment. Haro said the Commission Members would like to have time to read the responses and that more time could be given to these responses at the continued hearing.

DeHoyos asked if the degraded area referred to in the response was just on the site which would be purchased or the whole site. McCarty replied that as it was not yet subdivided the degraded area referred to the whole site and added that the current owner, Mr. Shibley, had been informed that the degraded area would be used for the calculations for this project.

Letourneau asked for confirmation as to whether the road coming in from the Mohawk Trail would be abandoned. McCarty replied in the affirmative.

DeHoyos asked if they would be taking out the culvert. McCarty said they would not be removing the culvert but that they would be removing the paving atop the culvert.

McCarty said that the applicant had contracted with Eco-Tech to prepare a comprehensive plan to remove and control the Japanese Knotweed along the brook; and in order to have access to control of the invasive species on the other side of the brook, the culvert should be left in place to accommodate the vehicles that would need to access that side of the brook.

In addressing DEP's concern about impact to the cold water fisheries, McCarty referred the Commission to sheet three of the plan set; and pointed out that their outlet pipe would be more than 113 feet from the Mean Annual High Water Line. McCarty said he had spoken to Mark Stinson that afternoon and Stinson had referred him to the definition of "near" in Volume 1, Chapter 1 of the Stormwater Management Policy in protection of Cold Water Fisheries and McCarty reminded the Commission that they would have to make the decision of what "near" would mean for this particular project. McCarty said that due to the distance of 113 feet and the installation of a riprap swale to disperse the energy of the stormwater runoff, there would not be a significant impact. McCarty said to further slow down the water, in the sediment trapping swale there will be a series of check dams.

McCarty closed his comments by saying the applicant would like to have the plans approved, but that they also want to be good stewards of the land.

Haro thanked McCarty and interrupted the proceedings to address the hearing scheduled for 7:30 p.m.

7:30 p.m. Joseph Kwan, Northrup Grumman Space and Mission Systems – to review a Notice of Intent for property located at 11-17 Meridian Street for a proposal to remediate contaminated soil and place soil cap at the former Swarf Disposal Area for the GTD. Continued from May 26, 2009.

Kunkel read a letter dated June 8, 2009 from Dana Himmel, Project Geologist of Camp Dresser and McKee, Inc., asking for the hearing to be continued to June 23, 2009.

MOTION: Moved by Mosher, seconded by Letourneau, and voted 4-0 to continue the Public Hearing for Joseph Kwan, DEP File #168-0267, to 8:30 p.m. June 23, 2009 to be held at the Greenfield Police Station meeting room.

Haro reopened the Public Hearing for the Shelburne Falls Congregation of Jehovah's Witnesses.

Letourneau asked for a report on the site visit. Haro gave an overview of the site visit; Haro added that some trees would need to be cut down and they were shown which trees those would be. Haro said they spent time talking about the removal of pavement and the placement of the stormwater basin. Haro said they also had spent time discussing the proximity of proposed construction to the resource areas and what could be allowed as redevelopment. Haro said they talked about treatment of some of the invasive species on the site and habitat improvements that could be made. Mosher and DeHoyos had nothing to add.

Haro opened the hearing to Public Comment:

Bill Griswold, 588 Lampblack Road, stated that he did not have any issues with what was being proposed. He said that in the late 1980's while he was on the Commission, a heavy rainstorm had washed out that culvert and caused extensive damage as a result of that culvert being undersized. He said he wanted the applicant to be aware of that fact.

DeHoyos asked if McCarty planned to address snow storage. McCarty showed on the site plans where snow would be stored and stated that excess snow would be removed from the site. McCarty then showed that the snow melt would drain to the swale and not directly into any resource areas. DeHoyos asked if they would be using salt in the parking lot. Dale Putnam responded that occasionally they would have to. DeHoyos asked for a specific plan for snow removal. Letourneau expressed concern, as well, with regard to snow removal.

Kunkel asked if they had considered permeable pavement. McCarty asked which type, porous or the type with cells in them. DeHoyos responded the type with the least impact. McCarty explained as the principal behind permeable paving is infiltration, it would not be feasible because of the proximity of the groundwater to the surface, the run-off water would not get the proper filtration treatment it needs before reaching groundwater.

DeHoyos asked if they would be sweeping the parking lot. Dale Putnam replied it would be swept as necessary.

Haro asked if there was an O & M Plan. McCarty replied in the affirmative.

Letourneau pointed out that while the 25 ft. No Disturb Zone is depicted on the A series, it was not depicted on the B series. Letourneau asked that it be shown on the revised plans to be submitted prior to the next meeting.

McCarty showed where one outlet pipe extended 7 feet into the 25 foot No Disturb Zone and asked if that was something that could be waived. Haro and each Commission member in turn responded that it was not something that could be waived. Haro advised that when McCarty submits the revised plans, he should take that into consideration.

Mosher mentioned that the lot once purchased and subdivided would become a lot that would have been created after 1996. Kunkel, DeHoyos and Letourneau explained that the NOI pertains to the lot that currently exists.

Mosher then inquired about the Alternatives Analysis and was shown by Letourneau where it could be found in the NOI.

Mosher asked if there would be a berm to prevent water from sheeting down Shelburne Road and into the parking lot. McCarty responded that the existing gutter line on Shelburne Road would be maintained and that the entrance to the parking lot would have a slight crown to direct the water flow back into the Shelburne Road gutter line.

Haro asked how much of the stream channel was proposed to be restored. McCarty said the trash and debris would be removed from the entire length of the stream channel. McCarty pointed out on the plans where the two ends of the stream channel on the property are wooded and showed where the Japanese Knotweed would be controlled; from roughly halfway between wetlands flags R17 & R18 to flag R21. That area also corresponds, said McCarty, to the area that was previously mowed.

Haro then asked McCarty to show in the revised plans how frequently they would expect overflow from the retention basin into the Cold water stream. Haro also asked McCarty to explain in the revised plan the frequency and procedure for cleaning out sediment from behind the check dams within the drainage swale. Haro also asked McCarty to have the applicant consider removing the culvert. Haro went on to say that after the property is sold there may be no other opportunity to do that and it would become a culvert with no function. Tryggvi Jonsson, on behalf of the applicant, said that the culvert would be needed to cross over to access the other side of brook for the invasive species treatments. Haro emphasized that if at all possible he would like to see the culvert removed. McCarty asked if the Commission would entertain replacing the culvert with a 3-4 ft. wide foot bridge to provide access to the other side of the brook. Haro responded that there was a possibility the Commission would consider it.

There was no further discussion.

MOTION: Moved by DeHoyos, seconded by Mosher, and voted 4-0 to continue the Hearing for DEP File # 168-0270, Shelburne Falls Congregation of Jehovah's Witnesses, to 7:30 p.m. June 23, 2009 to be held at the Greenfield Police Station Meeting Room.

8:03 p.m. Adesta, LLC – to review a Request for Determination of Applicability for property located along I-91 from the Deerfield/Greenfield Town Line to the Bernardston/Greenfield Town Line (approximately 7.1 miles) to determine whether the work depicted on the plans is subject to jurisdiction of the Wetlands Protection Act. Continued from May 26 2009.

Mike Nolan, Adesta, LLC was present on behalf of the applicant.

As Mosher was the only member who had been able to attend, he gave a brief review of the site visit. Mosher expressed concern about one area where the trench would be close to the road and would have to be cut through ledge.

Haro asked if there were areas where hay bales would be required. Mosher replied in the affirmative. Nolan said that they had a wetlands scientist who had flagged all the resource areas; that they would be aware of their proximity to the resource areas while working. Nolan said they prefer to use silt fence in lieu of hay bales.

Nolan said they had applied to Natural Heritage because of the Black Maple in one area and that they had received a letter saying there would be no take. Haro asked if Black Maple was the only endangered species in the area. Nolan replied that Natural Heritage

said it was the only species they were concerned could result in a take of the species, but in evaluating the project saw that there would be no take of Black Maple.

DeHoyos asked if all the staging areas would be away from the resource areas. Nolan said there would be no staging areas, occasionally they will store equipment overnight if need be.

Haro asked if there would be any fill coming in or if there would be any dirt or other excavated materials being hauled away. Nolan replied that generally speaking there would not be any fill brought in, but occasionally if they had to remove a rock, the rock would not be placed on top of the conduit, but would be removed and a very small amount of fill brought in to replace it.

Mosher asked how Adesta would handle the excavation around the ledge near Exit 27. Nolan responded that the consensus of the engineers is that the ledge had been blasted out to a depth of six feet to put in the road and that they would only be going down 4 – 5 feet. Mosher was of the opinion that they would hit ledge when they began excavating for the trench, and that he would like to see a contingency plan in the event they should hit ledge. Haro expressed concern that if there did have to be excavation at that site, a major rain event would cause run-off. Haro suggested that if there was additional work in that area the applicant should come back before the Commission. Mosher said he thought calling the agent in the event of additional work would be adequate; if the agent thought the Commission should be involved, the agent would notify the members of the Commission.

There was no further discussion.

MOTION: Moved by Letourneau, seconded by DeHoyos, and voted 4-0 to make a negative determination that the work described in the Request is within the Buffer Zone, as defined by the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does require the filing of a Notice of Intent subject to the following conditions:

- 1. Erosion control devices shall be installed to protect resource areas.**
- 2. Should additional excavation be required in any areas, contact the Conservation Agent.**

Other Business:

8:15 p.m. Bill Griswold was present on behalf of the Griswold/GTD Conservation Area. Griswold addressed the following items:

- The sign. Kunkel said that Lincoln Fish had told him Marcheterre Fluet was having the new sign made in time for the July 11th event.
- Usage of the area – the Conservation Area is being used by hikers and horseback riders.
- The status of the culvert installations. Kunkel said he would contact Alec MacLeod. Haro added that he would speak to Steve Walk, the Griswold/GTD Liaison and have him contact MacLeod, as well.
- Report on the mowing and maintenance.
- The July 11, 2009 workshop and whether the new mayor would be in attendance. Kunkel said the occasion is on the Mayor's calendar.

Project Monitoring: 143 Munson Street: Kunkel reported that Chris Wall of Berkshire Design had called to clarify two terms in the Boiler Plate attachment to the Order Of Conditions:

- Complete Compliance vs. Substantial Compliance. The Commission agreed Substantial Compliance would be an acceptable term. Letourneau added that she would like to see it written as “Complete (i.e. Substantial) Compliance” to show that there was a change in the terms being used.
- The requirement of an As-built Plan – Wall had asked Kunkel if the Commission wanted a totally new plan showing the final building or an overlay of the approved plan showing any changes. The Commission agreed that the original approved plan with changes would be acceptable.

Enforcement Updates: Kunkel reported that Joseph Santos, 23 Woodland Drive, had left a message saying that he would call back when Kunkel was in the office.

Correspondence: None.

Site Visits: Candlelight Inn, 7:30 a.m., Tuesday, June 16, 2009
GCC, Tuesday, June 16, 2009, immediately following the Candlelight Inn.
Northrop Grumman, Swarf Disposal Site, 7:30 a.m., Friday June 19, 2009.

Set Next Meeting Date: Greenfield Police Station, June 23, 2009, 7:00 p.m.

Adjournment:

MOTION: Moved by Mosher, seconded by DeHoyos, and voted 4-0 to adjourn the meeting at 8:36 p.m.

Respectfully Submitted,

Ralph Kunkel
Conservation Agent

Alex Haro
Chair