

CONSERVATION COMMISSION



Town of GREENFIELD, MASSACHUSETTS
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GREENFIELD CONSERVATION COMMISSION Minutes of December 8, 2009 7:00 p.m.

Greenfield Middle School Auditorium
195 High Street

The meeting was called to order by Chair Alex Haro at 7:05 p.m. with the following members:

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

ABSENT: Richard Starkey

Also present: Ralph Kunkel, Conservation Agent; Members of the Public

Approval of Minutes: November 24, 2009

MOTION: Moved by Letourneau, seconded by Mosher, and voted 3-0 to accept the minutes of November 24, 2009 as submitted.

Public Meetings/Hearings:

7:00 p.m. Pioneer Renewable Energy, LLC – to review a Request for Determination of Applicability for property located off Deerfield Street and within existing portions of the Public Rights of Way of Deerfield Street, Washington Street and French King Highway (Route 2A) to determine whether the work depicted on the plans is subject to the jurisdiction of the Wetlands Protection Act or the Greenfield Wetlands Protection Ordinance. Continued from November 24, 2009.

The Applicant, Matt Wolfe, was present along with Cliff Orvedal of Madera Energy. Eric Nelson and Tony Wonseski of SVE were present on behalf of the applicant.

Kunkel announced that Starkey had recused himself due to “Conflict of Interest” from this hearing.

Haro put out a sign-up sheet announcing that it was for the NOI to be opened at 7:30 p.m.

Nelson reviewed the project stating that the pipeline would be a 10” forced water main. Nelson pointed out that the work occurs entirely under currently paved areas. Nelson stated that the applicant was not looking for approval of wetland delineations; that they had been done to make it easier for the Commission to see the proposed work areas in relation to resource areas or their boundaries. Nelson stated that all disturbed paved areas would be returned to pavement with no change in elevation or grade. Nelson stated that some of the proposed works would be within 100 year flood plain, but again it was all under previously paved roads. Nelson reviewed the route of the pipeline and showed the areas on the Request for Determination as they related to the rest of the pipeline. Nelson also reviewed the ownership of the land other than the Greenfield ROW’s that the pipeline would pass through. Nelson explained how drains en route would be protected by gravel bags and other devices to prevent sediment from entering the drains. Nelson said that all work would be outside the 25’ No Disturb Zone. Nelson said the applicant’s Primary Premise was that this would be a utility project. Nelson then showed the details of erosion control measures. Nelson said the applicant would be willing to have a preconstruction meeting.

Haro asked where dirt would be stockpiled. Nelson said they would welcome a condition that stated that all stockpiling should be outside any resource area or buffer zone. Wonseski said that there would not be much dirt stockpiled at anyone time, and added that were it eminent that it would rain, the dirt would be stockpiled. Wonseski added that 0.2 inches of rain in a 24 hour period would require special protection.

DeHoyos asked that any staging areas be outside the resource area. Wonseski said they would have to use available spaces during construction and that as the project progressed the staging areas would have to move. DeHoyos asked to hear more about the dewatering and asked where that would take place. Wonseski said it would be done with pumps and filterbags. Nelson said that in the contract there would be a provision that the contractor would not be allowed to discharge any water to a resource area or storm drain without first removing sediments from it..

7:30 p.m. Haro asked the Applicant for permission to delay the Public Hearing for the Notice of Intent until the conclusion of the Public Meeting for the Request for Determination.

Letourneau asked what dewatering would be used for. Wonseski replied that it would be used for water encountered when the contractor hit the water table during excavation. Letourneau asked why the applicant had submitted a Request for Determination of Applicability and a Notice of Intent. Nelson said all the work in the Request would be within paved area and does not alter any resource area; whereas the Notice of Intent involves some turf areas within Riverfront area. Nelson used the plans to show how each section within the RDA is not a NOI level of disturbance.

Mosher said that while all the work in the RDA is within paved areas, that near Canada Hill Road the contractor would definitely hit water. Mosher said he wanted more detail on where the water goes once sediments are removed. Wonseski replied that would be dependent on where the water was encountered. Wonseski then explained that each day the last segment of the pipe would be open at the end of the day; but up to that segment, the trench would be backfilled at the end of the day as they go. Mosher asked where asphalt would go. Wonseski replied that it would be sent to a licensed facility. Mosher said he would like more information on infiltration of the water from proposed dewatering. Mosher asked if there were specifications as to how the water would be expected to be cleaned. Wonseski said there were specifications and went on to say most of the water would be pumped into storm drains once treated. Nelson said there would be check dams, silt socks and bags around the drains; that in front of Stop & shop grass swales would probably suffice.

Sandra Shields from DPW said there would be a site inspector on the project. DeHoyos asked if it would be an LSP. Wonseski said that would be determined later. DeHoyos asked if there would be a monitor on site to assure that the dewatering plan is used. Nelson said there would be a full time inspector. DeHoyos said there should be a plan in place. Haro said a condition could be included regarding the dewatering plans. Nelson said they could provide several types of dewatering methodologies used. DeHoyos said he would like to see a plan in place. Mosher said he would like to see the methodology spelled out.

Letourneau asked for the diameter of a normal water main. Shields said they are up to 10” in the area where the reclaimed water main would be installed.

Letourneau asked where the water would go if it were not used at the BioMass facility. Nelson said that whatever was not used would go back into the city sewer system.

There was no further discussion.

MOTION: Moved by DeHoyos, seconded by Mosher and voted 3-0 (Letourneau abstained), to make a negative determination that the work described in the Request is within an area subject to

protection under the Act, but will not alter that area. Therefore, said work does not require the filing of a Notice of Intent subject to the following Conditions:

- 1. Boiler plates**
- 2. Prior to the commencement of construction there shall be a Pre-construction Conference specific to this Determination at the site. The Applicant's Consultant and the members of the Conservation Commission and their Agent shall be present at that site visit.**
- 3. Stockpiles shall be kept outside resource areas or their buffer zones.**
- 4. The Applicant's Consultant shall submit at the Pre-construction Conference Dewatering Methodologies to be used during construction.**
- 5. All Staging Areas shall be outside resource areas or their buffer zones.**

8:14 p.m. 7:30 p.m. Pioneer Renewable Energy, LLC – Notice of Intent for property located within the Public Rights of Way at the Intersection of French King Highway (Route 2A), Route 2, Adams Road and portions of Adams Road to review an application to install a 600± foot section of Reclaimed Water Main with Erosion Control and Mitigation. Continued from November 24, 2009.

The Applicant was present along with Orvedal of Madera Energy. Nelson and Wonseski of SVE were present on behalf of the applicant.

Haro reviewed the procedure for the Public Hearing:

1. Presentation by Applicant's Agent
2. Public comment
3. Commission discussion

Nelson reviewed the project; showed the BVW of Fall Brook; outlined the Mean Annual High Water Line; and showed the route from French King Highway across RTE 2 and on to Adams Road. Nelson explained that Mass Highway would not allow a trench to be cut to lay the pipeline under Route 2. Therefore to cross route 2, Nelson said, to cut down on the amount of open cut trench, they would use cross sectional horizontal drilling. Nelson explained that turf areas would be dug and refilled and upon completion would be reseeded. Nelson pointed out on the plans where erosion control and sedimentation control would be in place for the whole area; and pointed out that all disturbance would be remedied immediately. Nelson said there would be no work within the BVW and that there would be no work in the 25' No Disturb Zone. Nelson then pointed out that all work is within previously disturbed riverfront; that where work is being done there are no natural areas that provide any protection. Nelson said the project is in compliance with the Regulations as to Riverfront, because they are returning it to exact existing conditions with some improvements. Nelson said they would plant herbaceous native shrubs, emphasizing this is Improvement and not Mitigation, as there are no adverse impacts from the project. They would not be touching any stormwater drainage. Nelson said there would be silt socks and gravel bags around each inlet. Nelson said in his narrative he addressed each of the 10 Stormwater Standards. Nelson acknowledged that additional permitting is necessary from Mass Highway which will not be received until they have gotten permission from the Commission. Nelson pointed out that the Greenfield DPW was a cosigner of the NOI as they control Adams Road and are the property owner. Nelson then went over his responses to DEP comments.

Haro opened the Public Comment period stating that he would allow 5 minutes per speaker. Haro then read the protocol for the Public Comment period.

Tom Tolg, 12 Walnut Street – Tolg asked how long the laying of the pipeline would take. Tolg also expressed concern about the diversion of traffic during construction and asked who would pay for the police detail during construction. Another concern of Tolg’s was who would monitor the repairs and who would be responsible in the event there would be a break in the line. Tolg added that the Conservation Commission should be concerned about leakage of water that is not clean.

Phil Teahen, 198 High Street – Teahen asked what the pipe would be made of. Teahen also asked if the trench would be ventilated. Another concern of Teahen’s was whether the water would continually flow. Teahen asked how deep the trench would be. Teahen admonished the Commission to consider the potential disruption of Police station & ambulance service during construction. Teahen’s final question to the Commission was why the applicant would be using sewage treatment water.

Mike Slahetka, Factory Hollow – Slahetka asked if there would be any additional enhancements protecting the pipes; expressed concern about additional support for the culverts to bear the weight from extra trucks that would be traveling that route. Slahetka asked whether the area would be contaminated were the pipe to break.

Patrick Devlin, Greenfield – Devlin asked whether the culverts in that area would be reinforced.

S. Quickchange, Turners Falls – Quickchange requested to sing a song she had written about “Biomass”. Haro reminded her that the public comment was restricted to the impacts to the resource area at the particular intersection mentioned in the NOI. As she was not permitted to perform, her only comment was on the lateness of starting the Public Hearing. Haro commented that Public Hearings and Meetings must be heard when a previous application is complete.

Geoff Brown, Deerfield – Brown said the Commission should be concerned about the pipe contents being distributed to the surrounding area via evaporation or leakage. Brown said a study should be done to determine how much of the contents would go into the wetland. Brown also recommended that a study be done of the wastewater product.

There were no further comments

Haro closed Public Comment

9:25 p.m. DeHoyos requested a 5 minute recess.

9:33 p.m. Haro reconvened the Public Hearing.

Haro asked the Length of project. Wonseski replied it would probably take from 9 months to a year. Nelson said that the portion addressed in the NOI would probably take only 4 weeks. Nelson added in response to questions posed to the Commission during the Public Comment period that all costs, police details, etc. would be borne by the Applicant

Letourneau asked what the depth of the pipeline would be within the bridge. Wonseski explained the various levels at which utility lines are situated; explaining that pipes containing cleaner water would be at the top and pipes carrying dirtier water would be placed below the water mains up to 8 feet. Wonseski said since this would contain treated

water it would be 6- 7 feet deep along the route, but over the culvert 3 – 4 feet deep. Wonseski added that were something unforeseen to happen, they may drill under the culvert. Wonseski added that the pipe used would be either standard metal pipe or a standard PVC pipe.

Haro asked if they expected leakage. Wonseski said that the pipe that would be used would be standard and the seal prevents leakage except in unusual stress circumstances. Shields said that unlike most lines (i.e. water mains and sewer lines), this line could be shut down immediately to address a leak. Shields went on to say that it would be more difficult to detect a leak in a normal sewer line or water main than in this line.

Haro asked how the limit of work would be defined. Nelson said that the silt sock and silt fence would define the limit of work.

Haro asked to have the construction equipment described. Wonseski described the entire process of cross-sectional horizontal drilling.

Haro asked if turf would be removed from the entire area or just where work was being done. Wonseski said that the whole turf area around the intersection would be considered the work area.

Mosher asked Shields what class water is being dumped into river at the treatment plant. Shields said Class B water and that it can be used for recreation, boating, swimming. Shields added that Pioneer will be treating the water to bring it to Class A standards before returning any water to the river. Shields said that Pioneer would be running the water through biological treatment and sand filters and that the water would be chlorinated before being used at the cooling tower. Mosher asked the Applicant what goes into the water at the Biomass Plant. Orvedal said they would control the pH and that would be essentially all that would be added.

Mosher asked about the strength of the culvert relative to the extra trucks. Shields said that the culvert is for an industrial park and meets all criteria.

Mosher asked Nelson to address the Regulations in the ACT which prohibit further alteration. Nelson replied that alteration is defined as a permanent change. Nelson explained that there would be no increase in the degraded area as a result of this project; that in fact there would be improvement.

Mosher asked how many shrubs would be planted. Nelson replied there would be 9 of each – Winterberry and Silky Dogwood.

Letourneau asked about the use of the word “mitigation” in the narrative. Nelson said it refers to the mitigation of erosion in the section on erosion control. Nelson again explained that area where work will be done will not be altered; therefore there are no adverse impacts. This Nelson said results in improvement when the reseeding and planting of native vegetation is complete.

DeHoyos asked whether any other pipes would be going over the culvert. Wonseski said there exists a 12” water main that feeds the Industrial Park. DeHoyos asked if the culvert would be exposed during construction. Wonseski replied that it would be. DeHoyos asked what would happen if there were damage to the culvert during construction?

Wonseski said Mass Highway would have an inspector on site, because the culvert is in their ROW. DeHoyos asked how many feet from the asphalt to the top of the culvert. Wonseski said there would be adequate cover over the culvert and that it would be strong enough to support traffic going over it.

DeHoyos asked that all staging areas and all fueling of vehicles be located outside of resource areas or their buffer zones.

Haro addressed the question of whether there would be significant impact or whether this would be considered redevelopment. Nelson replied that the question is whether the area would be considered significant to the Act; and that in his opinion it would not. Mosher read the definition of No significant Impact from the Act. Mosher talked about the area: it is currently mowed grass; already disturbed; and added that there would be no significant impact. Mosher said in his opinion the Applicant demonstrated that they have met the standards.

Haro wanted to clarify the shrubs that would be added. Haro talked about proposed improvements: shrubs and conservation mix. Haro asked why those species were selected. Nelson said that they had been picked because they provide food and cover and that they are adaptable to the conditions. In addition, said Nelson the species are hardy and would have long term viability. Haro asked if they were to be planted at the proposed sites due to sight lines and to keep them away from landscaping maintenance. Nelson replied in the affirmative.

Haro asked Nelson to address the letter he had submitted regarding permitting from the Native Americans. Nelson responded that an Archaeological Permit would require oversight by Native Americans.

MOTION: Moved by Letourneau, seconded by DeHoyos, and voted 4-0 to accept the Notice of Intent as submitted by Pioneer Renewable Energy, LLC, DEP File Number 168-0276 subject to the following special conditions:

- 1. Boiler plate**
- 2. Prior to the commencement of construction there shall be a Pre-construction Conference at the site. The Applicant, the Applicant's Consultant and the members of the Conservation Commission and their Agent shall be present at that site visit.**
- 3. Any future work proposed for this project would have to come before the Conservation Commission.**
- 4. The Applicant's Consultant shall submit at the Pre-construction Conference Dewatering Methodologies to be used during construction.**
- 5. All exposed soils and other fills shall be permanently stabilized at the earliest practicable date. Only upon completion of this project, and when The Commission and/or its Agent is assured that there is complete stabilization of all areas, shall erosion control measures be removed.**
- 6. Seeding and planting shall be done with a Natural Resources Conservation Service-approved seed mixture in accordance with the measures outlined in "Vegetative Practices in Site Development: Massachusetts Conservation Guide, Volume II," or other acceptable stabilization method to assure long-term stabilization of disturbed areas. Woody species should be appropriate to the site, as proposed by the applicant Silky Dogwood and Winterberry. Maintenance of these areas shall be in a manner that assures permanent stabilization and precludes any soil erosion and shall be the responsibility of the owner of record of the property or the responsibility of the applicant.**

7. The applicant shall remove all debris, but retain any trees or other mature vegetation.
8. There shall be a two year seasonal monitoring of the improvements.
9. All necessary permitting shall be in place before going forward with any work.
10. The Sign with the DEP File Number shall not be posted on a live tree.

Haro closed the Public hearing for Pioneer Renewable Energy, LLC, DEP File number 168-0276.

Other Business: Kunkel asked the Commission if they planned to cancel the Conservation Commission for January 12, 2010, as he would be not be available for the meeting.

MOTION: Moved by DeHoyos, seconded by Letourneau, and voted 4-0 to cancel the regularly scheduled meeting of the Greenfield Conservaton Commission for January 12, 2010.

Project Monitoring: Kunkel updated the Commission on work being done at the former Swarf Disposal area of the GTD.

Enforcement Updates:

Site Visits:

Set Next Meeting Date: Greenfield Middle School Auditorium, 195 Federal Street, December 22, 2009, 7:00 p.m.

Adjournment:

MOTION: Moved by Mosher, seconded by Letourneau, and voted 4-0 to adjourn the meeting at 10:46 p.m.

Respectfully Submitted,

Ralph Kunkel
Conservation Agent

Alex Haro
Chair