



William F. Martin
Mayor

City known as the Town of
GREENFIELD, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1551 • Fax 413-772-1309
Conservation@greenfield-ma.gov • www.greenfield-ma.gov

Members:

Blasiak, John (2016)
DeHoyos, Thomas (2016)
Miller, Gail (2017)
Mosher, Timothy (2015)
Nevins, Matthias (2017)

GREENFIELD CONSERVATION COMMISSION

Minutes of Tuesday November 25, 2014

**7:00 p.m. Greenfield Department of Planning and Development
114 Main Street**

The meeting was called to order by Chair, John Blasiak at 7:00 p.m. with the following members:

PRESENT: John Blasiak, Chair
Timothy Mosher, Vice-chair
Thomas DeHoyos
Gail Miller
Matthias Nevins

ALSO PRESENT: Ted Johnson
Chris Horan, Synergy Environmental, Inc.
Maureen Pollock, Assistant Planner & Conservation Agent

Approval of Minutes:

Approval of Meeting Minutes from October 28, 2014.

MOTION: Moved by Mosher, seconded by Nevins, no further discussion and voted 5-0-0 to accept the minutes from October 28, 2014, as amended.

Public Meetings/Hearings:

7:10 RDA- 25 Keegan Lane (Assessor's Map R26, Lot 21): Request for Determination of Applicability submitted by College Park Condo Trust c/o Theodore Johnson, for the property located at 25 Keegan Lane (Assessor's Map R26, Lot 21), to determine whether the work pertaining to the vegetation maintenance along an intermittent stream is subject to the Wetlands Protection Act and the Greenfield Wetlands Ordinance.

Ted Johnson was present to explain the vegetation maintenance plan for the College Park Condo Trust. The Trust would like to continue the maintenance and control of the vegetation along intermittent stream. The permit for this work has expired. The maintenance plan includes:

1. No filling or stockpiling of landscape materials will be within the 100-year flood plain area as designated on the accompanying plans;
2. Normal maintenance lawn mowing will not be conducted any closer than 5 feet to the edge of the intermittent stream. Vegetation within 5 feet of the stream will be allowed to grow naturally as it was in the past plan.
3. Any trash, debris, natural or foreign materials that fall into the streambed will be removed by



William F. Martin
Mayor

City known as the Town of
GREENFIELD, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1551 • Fax 413-772-1309
Conservation@greenfield-ma.gov • www.greenfield-ma.gov

Members:

Blasiak, John (2016)
DeHoyos, Thomas (2016)
Miller, Gail (2017)
Mosher, Timothy (2015)
Nevins, Matthias (2017)

- hand by the Trust, to allow the stream to flow naturally;
4. The Trust may maintain a 3 foot wide path along the south side of the streambed to properly maintain the stream and keep it free of any materials that would indeed the natural flow of water;
 5. Vegetation within the wetland resource area will be hand cut and removed (weed whackers and trimmers) as has been done historically over the past 40 years, during a period from November 1 to December 31 each year, after the vegetation has died naturally from frost.

Johnson stated that the Trust does not maintain a 3 foot wide path, and does not intend to start. Therefore, the Trust would be agreeable to remove maintenance item #4, which is stated above.

DeHoyos inquired how maintenance item #5 would be impacted by the local Wetland Protection Ordinance's "25-foot No Disturb Zone."

Blasiak responded this activity could be construed as a minor activity. Therefore, this activity would be exempt under the local Ordinance.

Johnson stated the debris removed from the streambed is for the benefit of the neighbors residing upstream of the intermittent stream.

MOTION Moved by Mosher, seconded by Nevins, and voted 5-0-0 to make a negative determination, box 3, the work described in the Request is within the Buffer Zone, as defined in the regulation, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, with the following conditions:

1. Maintenance item #4, which states: "The Trust may maintain a 3 foot wide path along the south side of the streambed to properly maintain the stream and keep it free of any materials that would indeed the natural flow of water" shall not be authorized;
2. All fueling of equipment shall be performed outside of wetland resource areas and buffer zones;
3. All trash, debris, natural or foreign materials shall be stockpiled outside of wetland resource areas prior to removal off-site;
4. Boiler Plate Conditions.

7:25 Cont. NOI - ExxonMobil, 142 Mohawk Trail (Assessor's Map 35, Lot 15): Notice of Intent submitted by Synergy Environmental, Inc. c/o David Hrinak presenting Lehigh Gas Corporation, for the ExxonMobil Station property located at 142 Mohawk Trail (Assessors Map 35 Lot 15), for work pertaining to the installation of a longer gabion basket retaining wall than previously proposed.

Chris Horan is present to discuss the revised site plan submitted to the Commission on November 3,



William F. Martin
Mayor

City known as the Town of
GREENFIELD, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1551 • Fax 413-772-1309
Conservation@greenfield-ma.gov • www.greenfield-ma.gov

Members:

Blasiak, John (2016)
DeHoyos, Thomas (2016)
Miller, Gail (2017)
Mosher, Timothy (2015)
Nevins, Matthias (2017)

2014. The revisions include the installation of a 90-foot long gabion wall; 3 joint plantings areas which will include large boulders and native plants; and the realignment and extension of the fence. No existing vegetation will be removed for the fence installation.

Blasiak discussed his concerns regarding the placement of boulders, as shown in the submitted plans. The boulders appear to be randomly placed in the joint plant areas, and it appears to have a lack of boulders at the toe of the bank. Inquired whether the boulders will provide stabilization to the bank.

Horan responded once the new plants become established, it will help with stabilizing the bank.

Blasiak suggested that in addition to the proposed planting list, that the applicant considers planting shade tolerant ferns such as Ostrich Fern, Matteuccia struthiopteris and/or Interrupted Fern, Osmunda claytoniana.

Mosher discussed his concerns regarding the incorrectly drawn silt fence on the submitted site plan. Stated he would like to see this corrected. Horan agreed to correct the error and resubmit the plan to the Commission.

Horan stated the applicant does not intend to use a coffer dam during construction. Instead, the contractor will place sand bags. If needed, areas behind the sand bags will be pumped to ensure all work is being done in the dry.

DeHoyos noted that the site plan shows the handicapped parking space will be used for stockpiling soil. Stated he would like a temporary handicapped parking space provided on-site until the permanently located spot is restored.

MOTION: Moved by Mosher, seconded by Nevins, no further discussion and voted 4-0-1 (Mosher abstained) to close the public hearing and to issue an Approved Order of Condition with the following conditions:

1. In addition to the submitted planting list, Joint Planting Area #2 shall be planted with Ostrich Fern, Matteuccia struthiopteris and/or Interrupted Fern, Osmunda claytoniana;
2. All new plantings shall be monitored with status reports submitted to the Commission biannually for the first two growing seasons. The status report shall include photo documentation and a written narrative describing how many plants are healthy; how many plants have died; and how many plants have been replaced. Monitoring and submitted status reports shall occur in June and September, respectively.
3. Joint Planting Area #3 shall be monitored with status reports submitted to the Commission biannually for the first two growing seasons. The status report shall include photo documentation and a written narrative describing the level of stabilization to the Bank as well as any deteriorating conditions. Monitoring and



William F. Martin
Mayor

City known as the Town of
GREENFIELD, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1551 • Fax 413-772-1309
Conservation@greenfield-ma.gov • www.greenfield-ma.gov

Members:

Blasiak, John (2016)
DeHoyos, Thomas (2016)
Miller, Gail (2017)
Mosher, Timothy (2015)
Nevins, Matthias (2017)

submitted status reports shall occur in June and September, respectively. All deteriorating conditions to the Bank shall be corrected.

- 4. A temporary handicapped parking space shall be located on-site until the permanent handicapped parking space is restored.**

Other Business:

- **The Berkshire Gas Company c/o Ishwar Murarka, Ish Inc., Phase II of the Remediation of Sediment/Soils in the Green River, Meade Street (DEP #168-0290):** As per requirements of the approved OOC and the scope of the restoration work performed, a New England Environmental (NEE) consultant inspected the vegetative cover and overall condition on October 10, 2014. NEE has submitted a corresponding report based on the inspection observations. An additional site inspection will be conducted in spring of 2015 to evaluate the progress of this work site. The applicant hopes to submit a Request for Certificate of Compliance in the next month. Once the Commission receives this request, the Commission will review the conditions and conduct a site visit.
- **MassDEP Workshops on the Wetlands Protection Act, Regulatory changes:** MassDEP has updated the Wetlands Protection Act Regulations. These changes became effective on October 24, 2014. MassDEP will be holding regulatory update workshops in Franklin County throughout December. Pollock will be attending the December 3th workshop in Turners Falls.
- **Local Wetlands Protection Ordinance:** It has been discovered that the updated local Ordinance (effective May 21, 2014) requires a public hearing not a public meeting for Request for Determination of Applicability (RDA) applications. MassDEP only requires a public meeting for RDAs. Mosher noted that the verbiage came from the MACC Model Bylaw. The Commission will review the local Ordinance for all potential errors, and may request the Town Council to consider any recommended changes to the Ordinance. Until the Ordinance is amended, the Commission will require all RDA applications to adhere to the public hearing process, which includes the 300-foot abutter notifications and the public hearing notice advertisement.

Project Monitoring:

Enforcement Updates/Possible Violations:

- **Property Identified as Assessor's Map 49, Lot 25, Mohawk Trail:** It has come to the Commission's attention that a new wood chip stockpile is located at this property. The stockpile is located within 100-year floodplain and Riverfront Area to the Green River. The Commission and MassDEP have a long history regarding the wood chips stockpiles, though nothing has been resolved.



William F. Martin
Mayor

City known as the Town of
GREENFIELD, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1551 • Fax 413-772-1309
Conservation@greenfield-ma.gov • www.greenfield-ma.gov

Members:

Blasiak, John (2016)
DeHoyos, Thomas (2016)
Miller, Gail (2017)
Mosher, Timothy (2015)
Nevins, Matthias (2017)

Blasiak discussed violation routes that can be taken under the local Ordinance. There are two routes: non-criminal and criminal. If the non-criminal route is taken, a fine would be filed with the District Court. If the respondent can prove he/she is not in violation, then the fine is dropped. Otherwise, payment is required and the dispute would be over. If a criminal route is taken, the respondent may face criminal prosecution. The Commission would need to submit a written statement describing the violation and submit it to the local police. At which time, the statement would be handed over to the District Attorney and the court system.

If any action will be taken, the Commission would need to provide evidence of the violation (e.g. photo-documentation) and explain how the activity is in violation of the local Ordinance.

- **River Street (Assessor's Map 32, Lot 2):** The unauthorized vehicle and multiple lawn mowers that were placed on Town-owned conservation land have been removed.

Correspondence:

Site Visit Scheduling:

Next Meeting:

7:00 PM on Tuesday, December 9, 2014, at the Greenfield Department of Planning and Development; 114 Main Street

Adjournment:

MOTION: Moved by Miller, seconded by Nevins, no further discussion and voted 5-0-0 to adjourn the meeting at 8:36 PM.

Respectfully Submitted,

Maureen Pollock
Assistant Planner & Conservation Agent

John Blasiak
Chair