



William F. Martin
Mayor

City known as the Town of
GREENFIELD, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1548 ext 3 • Fax 413-772-1309
Conservation@greenfield-ma.gov • www.greenfield-ma.gov

Members:

Blasiak, John (2016)
DeHoyos, Thomas (2016)
Miller, Gail (2017)
Mosher, Timothy (2018)
Nevins, Matthias (2017)

GREENFIELD CONSERVATION COMMISSION

Minutes of Tuesday, November 24, 2015

**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
Thomas DeHoyos
Matthias Nevins
Gail Miller

ALSO PRESENT: Maureen Pollock, Assistant Planner & Conservation Agent

Approval of Minutes:

Approval of Meeting Minutes from October 27, 2015.

MOTION: Moved by Mosher, seconded by Nevins to approve the Meeting Minutes from October 27, 2015

Discussion Blasiak instructed the Commission to specify which words need to be deleted or added. The minutes should be a narrative not interpretive.

DeHoyos, Nevins, and Miller each expressed that they were fine with the wording.

Mosher expressed that the minutes do not need to be a direct transcription, but rather a synopsis.

Blasiak stated the minutes omitted Ouellette's reluctance to work with the Commission because the Commission took too long to approve the Highland Park culvert project and that the Commission imposed unreasonable conditions. The minutes also omit the Commission's response to Ouellette.

DeHoyos, Nevins, and Mosher each agreed that the omissions pointed out by Blasiak are not needed in the minutes.



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Nevins suggested the wording could include Ouellette was reluctant to work with the Commission as he did not want to take on more responsibilities.

Blasiak asked Nevins if that is an interpretation or was that what Ouellette said.

Nevins responded that would be a narrative and perhaps an interpretation.

Blasiak stated providing an interpretation is not the role of the minutes.

Nevins stated that since there is a digital recording of the minutes, he was under the assumption that the minutes do not need to be a direct transcription.

Blasiak stated the digital recording is a reference for formulating the minutes. The only official record of the meeting is the meeting minutes.

Nevins stated there may be a disagreement of who is interpreting the meeting. For instance, the Chair is interpreting the discussion one way and the rest of the Commission members are interpreting the discussion a different way.

Blasiak stated they are omissions of what occurred at the meeting.

DeHoyos stated it says in the 10/27 minutes that “Ouellette mentioned plant selection for Town projects is already reviewed by DPW staff and the Greenfield Tree Committee and does not think another Board/Commission is needed to review plant selection.” Blasiak responded that was another thing he said. The minutes did not mention that Ouellette was reluctant to work with the Commission and it does not mention the culvert project. Nevins stated that those comments were conversational pieces during the discussion and did not necessarily need to be included in the minutes.

DeHoyos stated that the following verbiage: “Ouellette mentioned plant selection for Town projects is already reviewed by DPW staff and the Greenfield Tree Committee and does not think another Board/Commission is needed to review plant selection” is good enough. Stated the minutes did not need to include Ouellette was reluctant and the minutes did not Ouellette’s reasoning or the Blasiak’s response.

Miller says she does not recall Ouellette saying he was reluctant to work with the Commission. DeHoyos stated the Commission does not need to be that nitpicky; Ouellette may have inferred that he was reluctant but he did not specifically say that. Nevins inquired whether Blasiak listened to the digital recording to the 10/27 meeting. Blasiak said no, but he was present during the meeting. Blasiak inquired whether Nevins was suggesting that his memory is faulty regarding this matter. Miller said her memory is faulty in this particular matter.



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MOTION: Moved by Mosher, seconded by Nevins to amend the October 27, 2015 minutes to include the following verbiage under Other Business: Town-owned Tree/Shrub Nursery, “DPW Director expressed reluctance to work with the Commission, citing stringent controls placed on past DPW projects” and voted 1-4. (Opposed by Mosher, DeHoyos, Nevins, and Miller)

MOTION: Moved by Mosher, seconded by Nevins, no further discussion and voted 3-0-1 (Nevins abstained; Blasiak did not vote) to accept the minutes from October 27, 2015, as submitted.

Blasiak stated that he would like the following annotation placed in the minutes, “Although approved by the Commission, the Chair is of the opinion that these minutes are inaccurate and incomplete.”

Approval of Meeting Minutes from November 10, 2015.

MOTION: Moved by Mosher, seconded by Nevins to approve the Meeting Minutes from November 10, 2015.

Discussion Nevins and Mosher each stated they were fine with the November 10th minutes.

DeHoyos inquired why Blasiak has all this animosity, is it because the Commission voted against having a Commission member serve as an advisory role for town tree/landscaping planning.

Blasiak responded he is trying to bring some degree of order to the Commission’s action which otherwise have tended to spiral into chaos.

DeHoyos responded that he thought the Commission was a great working board and that everyone got along well together. Stated this is making the Commission spiral. Nevins and Mosher each responded they agreed with DeHoyos.

Blasiak stated the November 10th meeting minutes are improperly structured, inaccurate, and incomplete.

Blasiak pointed out under the approval of minutes, it should state: “MOTION: Moved by Nevins approve the Meeting Minutes from October 27, 2015, seconded by Mosher.” Where it says “Blasiak stated the minutes are inaccurate and incomplete and provided



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examples of where the minutes should better clarified.” The minutes should include the actual examples.

Where it says, “Nevins and Mosher mentioned that the minutes were acceptable and did not require more clarification” Blasiak stated that he is old and forgetful as people often point out but inquired whether there was a motion to amend the minutes. Suggested the Agent to listen to the digital recording for clarification.

DeHoyos stated that he like to say for the record that no one on the Commission has ever called him old and forgetful, except for Blasiak himself.

Blasiak stated there may have been a motion to amend the November 10th minutes. It should be clarified whether that motion took place. Also, where it says the November 10th minutes did not pass, it says “The minutes did not pass and will be re-submitted for the next regularly scheduled meeting.” The verbiage is not correct. The Agent was directed by the Chair to submit revised minutes for the next regularly scheduled meeting.

Mosher stated he retracts his motion to accept the minutes.

DeHoyos stated he believes what the Chair is doing now is not serving anyone. Stated the Chair is going about this all wrong because no one is going to show up at the next meeting. Blasiak responded that is not his responsibility. DeHoyos replied that should be Blasiak’s responsibility, as Blasiak is the Chair of the Commission. Stated he believes the Chair is abusing his power right now. Blasiak stated he has no power, only responsibility.

There is no motion to accept the minutes. Therefore, the Chair directed the Agent to re-write the November 10th minutes and submit them for the next regularly scheduled meeting.

Public Meetings/Hearings: None

Other Business:

- **Leyden Woods Redevelopment (DEP #168-0274):** Blasiak informed the Commission that the Applicant made a request to have the construction of a chain link fence administratively approved. Pollock conducted research about administrative approvals and amended OOCs. Administrative approvals are an informal procedure done by the discretion of local Conservation Commissions. It is not necessarily encouraged by MassDEP. In determining whether an Amended OOC should be issued or a new NOI required, DEP recommends



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considers whether:

- The purpose of the project has changed;
- The scope of the project has increased;
- The project meets relevant performance standards;
- The potential for adverse impacts to the protected statutory interests will be increased.

If the changes are relatively minor, or impacts lessened, an Amended OOC is appropriate and must schedule a public hearing.

The Applicant submitted a sketch which depicts how the Applicant plans to construct the chain link fence that crosses over the intermittent stream along the edge of the property. The fence would be built over the intermittent stream. The current plans depict a fence that extends along the edge of the 178 Leyden Road property that includes a break in the fence as it intersects with the Commission's 25-ft No Disturb Zone for an intermittent stream. The abutter, Kevin O'Neil, has requested that the Applicant extend the proposed chain link fence across the intermittent stream and its associated No Disturb Zone to provide additional security and act as a screen to prevent litter from encroaching onto the 178 Leyden Road property. Location and details of the fence details can be seen in the accompanying sketch entitled "Fence at Intermittent Stream" dated 11/13/15 by Stantec Consulting Ltd. The Applicant's representative from Stantec Consulting Ltd. met on-site with Blasiak and Pollock on October 7, 2015 to discuss the proposed modification and examine the location of the proposed fence extension across the intermittent stream.

The fence design features an extended 12' span across the intermittent stream so the posts can be installed outside of the limits of the stream. The remainder of the fence posts shall be spaced at maximum 10' on center. In order to provide additional support for the extended span, the top and bottom rails of the fence shall be 3" diameter instead of the typical 2" diameter. The design will not inhibit the flow of the stream since there will be a 12" spacing between the bottom of the stream to the bottom of the rail to prevent clogging occurring in the diamond fence fabric. These modifications to a typical chain link fence design shall not alter the natural course of the intermittent stream but will provide adequate protection for the Reid property as required by the Special Permit.

Where the fence intersects the 25' No Disturb Zone to the intermittent stream and on the south side of the stream, the fence posts shall be installed with a compressed air pneumatic post driver which eliminates the need for heavy equipment in the buffer. The post driver shall be operated by workers on foot. Outside of the 25' No Disturb Zone on the north side of the fence alignment, the fence posts shall be installed with a post driving attachment to a Bobcat. No machinery shall cross the intermittent stream during the installation of the fence.

Miller stated she believes this proposed plan changes the scope of the project. The applicant will do work within the 25-ft No Disturb Zone. Inquired what is the point of filing an OOC if you can



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just receive an administrative approval. Pollock stated that she believes the proposed fence does not change the scope for the overall project. Nonetheless, the Commission could require an amended OOC in lieu of an administrative approval. Mosher suggested this could be a separate project. Pollock stated the fence is part of the original project; therefore, it should be part of the same OOC.

MOTION: Moved by DeHoyos, seconded by Miller to respectfully deny the Applicant's request to have the construction of a chain link fence administratively approved, and voted 4-0 (Blasiak did not voted).

- **369 Federal Street:** Pollock informed the Commission that the property owner has piles of soil located behind his building with the intention to level out the parking area. According to MassGIS, there is a wetland located at the rear of the property. Mosher suggested it would be good to inspect the wetland and proposed activity before making any decisions on this property. Nevins suggested the Commission could bring an auger to inspect the soil type.

Pollock responded an auger and Munsell Soil Color Chart could be purchased.

MOTION: Moved by Mosher, seconded by Nevins to purchase a Munsell Soil Color Chart and auger, and voted 4-0 (Blasiak did not vote).

Project Monitoring:

Enforcement Updates/Possible Violations:

- **398 Deerfield Street, Meadows Golf Course:** DeHoyos observed tree cutting and soil disturbance along an intermittent stream on the Meadows Golf Course property on November 24, 2015. DeHoyos informed Pollock who drove by the property later that day and observed the recent activity. DeHoyos suggested that a cease and desist order be sent to the property owner. Pollock recommended that the Commission to take an informal approach as a first step and request that the property owner attend a regularly scheduled meeting to discuss recent activities. Pollock cited that the Commission has been taking an informal first step for possible violations for the last year or so, and it would be good to keep with the same process. Nevins stated he would be in favor of sending an informal letter. Mosher recommended the Commission send a cease and desist order to the property owners, citing this is not a homeowner who committed this activity.

MOTION: Moved by DeHoyos, seconded by Miller to issue a cease and desist order to the property owner from any activity affecting the wetland resource areas, and voted 3-0-1 (Nevins abstained; Blasiak did not vote).



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- **Silvercrest/SVE/Penfield (DEP # 168-0232):** Pollock informed the Commission about a possible violation behind 71 Silvercrest Lane. Pollock, Nicole Zabko, and a concerned resident conducted a site inspection of the area on November 13, 2015. Debris was found behind the property in the woods. Items observed include: trash, glass, old mattress springs, and metal pieces, among other things. Items found were exposed above the ground and also embedded. According to the approved site plan and on-site observations, the dumping area is adjacent to a wetland. Blasiak inquired whether the approved Order of Conditions (OOC) included conditions to clean up the dumping area. Pollock responded no, the approved OOC did not. Blasiak stated that the lack of conditions regarding the dumping area is a failure of the Conservation Commission at the time of approval. The current Commission cannot now condition it.

The Commission determined that this matter is a Board of Health issue. Therefore, it should be addressed by them. If any remediation work is to be done, then the Commission will have the authority to review and approve any work before commencement.

Correspondence:

Site Visit Scheduling:

- **369 Federal Street, meet on-site at 4:00pm on December 1, 2015**
- **62 Barton Road, meet on-site at 3:00pm on December 8, 2015**
- **42 Scout Road, meet on-site at 3:30pm on December 8, 2015**

Next Meeting:

7:00 PM on Tuesday, December 8th, 2015, at the Greenfield Department of Planning and Development; 114 Main Street

Adjournment:

MOTION: Moved by Mosher, seconded by Nevins, no further discussion and voted 3-0-0 to adjourn the meeting at 8:28 PM.

Respectfully Submitted,
Maureen Pollock
Assistant Planner & Conservation Agent

John Blasiak
Chair