



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
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John Griffin, Chair
Rachel Lindsay, Vice Chair
Erika LaForme
Douglas Cloutier

Agent: Sarah Brodeur

GREENFIELD CONSERVATION COMMISSION
Meeting Minutes of Tuesday, July 24th, 2018
Greenfield Department of Planning and Development
114 Main Street, Greenfield MA 01301

The meeting was called to order by Vice Chair Rachel Lindsay at 6:03 PM with the following members:

MEMBERS PRESENT: Rachel Lindsay, Vice Chair
Erika LaForme
Doug Cloutier

MEMBERS ABSENT: John Griffin, Chair

ALSO PRESENT: Lenny Roberts, 1450 Spruce Corner Road, Ashfield, MA 01330
Evan Dell'Olio, 1450 Spruce Corner Road, Ashfield, MA 01330
Colin Duncan, 650 Suffolk Street, Suite 200, Lowell, MA 01854
Elyssa Bailey, 650 Suffolk Street, Suite 200, Lowell, MA 01854
Brooke Kenline-Numan, 650 Suffolk Street, Suite 200, Lowell, MA 01854
David Kalinowski, 8 Conway Drive, Greenfield, MA 01301

6:05 PM Administrative Matters: Approval of Minutes from June 12, 2018 & June 26, 2018

Motion made by Erika LaForme to approve the minutes from June 12, 2018 as written
Motion seconded by Doug Cloutier
No further discussion – 3-0-0 – Motion Carries

Motion made by Erika LaForme to approve the minutes from June 26, 2018 as written
Motion seconded by Doug Cloutier
No further discussion – 3-0-0 – Motion Carries

6:07 PM Administrative Matters: Review Mail

1. The GCC received correspondence from MassDEP regarding a Consent Order issued by MassDEP for violations of the Wetlands Protection Act (WPA) at 221 Leyden Road in Greenfield on July 24, 2018. The letter stated that the terms, requirements, and conditions of the Consent Order have been satisfactorily complied with, but didn't include any other information relative to the violations that occurred. The Agent conducted a search of the GCC files and couldn't find any documents related to aforementioned Consent Order. The GCC instructed the Agent to contact MassDEP to learn more about the violations that had been committed.
2. The GCC received correspondence from the Ocean River Institute of Cambridge, MA regarding the impacts on groundwater as a result of maintaining lawns with the use of fertilizers.

6:07 PM Administrative Matters: Chair, Agent & Members Reports

1. Erika LaForme informed the GCC that people involved with the Green River Festival were camping overnight at Wedgewood Gardens, the location for the festival overflow parking, without permission from the GCC. Erika spoke with these individuals who claimed that they did have permission, but the Agent never received an



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inquiry relative to camping overnight on site. Erika also stated that the camping was located outside of the designated festival parking area, close to the Green River, and consisted of three (3) tents and a white bus. Rachel Lindsay requested that a condition be included pertaining to camping at Wedgewood Gardens when the festival proponents submit a new Request for Determination of Applicability (RDA) for the overflow parking; their Determination of Applicability expires in 2019.

6:17 PM Request for Determination (RDA): FirstLight Hydro Generating Company – archeological survey

The Commission reviewed a Request for Determination of Applicability (RDA) submitted by TRC Environmental Corporation c/o FirstLight Hydro Generating Company of Northfield, MA 013602 to determine whether the proposed work pertaining to archeological studies within the Riverfront Area of the Connecticut River and its tributaries is subject to the MA Wetlands Protection Act and the Town of Greenfield Wetlands Protection Ordinance.

Rachel Lindsay opened the public meeting and Colin Duncan, Elyssa Bailey, and Brooke Kenline-Numan were present from the TRC Environmental Corporation to explain the proposed project. Colin Duncan explained that the TRC Environmental Corporation (TRC) will be undertaking an intensive (locational) archaeological study, as necessary, in support of the Federal Energy Regulatory Commission (FERC) relicensing of FirstLight's Turners Falls Hydroelectric Project in Greenfield. Colin Duncan continued to state that the work involved in the archaeological survey is likely exempt from both the WPA and the Greenfield Wetland Protection Ordinance (GWPO), but that TRC wanted to get a conformational Determination from the GCC stating that the work either was or was not jurisdictional.

Colin Duncan described the resource areas present within the Area of Potential Effect (APE), which include: Riverfront Area (RA), Bordering Land Subject to Flooding (BLSF), Bordering Vegetated Wetlands (BVW), 100-foot Buffer Zone to BVW, and the 25-foot No Disturb Zone to BVW; additionally, the APE falls within Priority Habitat designations as determined by the Natural Heritage and Endangered Species Program (NHESP). The work will not result in permanent impacts to any of the aforementioned resource areas, and will consist of approximately 107 soil test pits spanning a linear survey segment of approximately 800 meters (2,625 feet). The soil tests pits will be hand-dug and will be 50-x-50 centimeters (19.7-x-19.7 inches) in size, and will not be located in any saturated soils. The topsoil and vegetated will be carefully removed from the test pit locations and will be replaced upon examination of the substrata.

The Agent inquired as to the relationship between the Turners Falls Hydroelectric Relicensing Project and the archeological study. Brooke Kenline-Numan, archeologist for the project, informed the GCC that because the hydroelectric plant regulates the water level in the Connecticut River, there are impacts to the river Bank and it is likely that significant archeological sites will be lost to erosion; essentially, archeological sites are non-renewable resources that when lost are no longer retrievable. Rachel Lindsay asked if there was going to be mechanized or chemical vegetation removal to access the soil test pits; Colin Duncan stated that due to the specific survey location, which is confidential, it would be extremely difficult to transport machinery or other large equipment for vegetation removal to the site. Moreover, he added that because the survey location is within Priority Habitats of Endangered Species, the project will include a Botanist who will determine the safest means of traveling along the transect so no endangered species or their habitats are impacted. Brooke Kenline-Numan added that work is anticipated to commence in mid-August and will likely last two (2) weeks but not more than twenty (20) days.

Motion made by Erika LaForme to approve issue a Negative Determination, Box 3 stating that the work described within 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 not require the filing of a Notice of Intent, subject to Special Conditions



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**Motion seconded by Doug Cloutier
No further discussion – 3-0-0 – Motion Carries**

Motion made by Erika LaForme to approve issue a Negative Determination, Box 6 stating that the area and/or work described within the Request is not subject to review and approval by the Greenfield Conservation Commission pursuant to the Wetlands Protection Ordinance, Chapter 195

**Motion seconded by Doug Cloutier
No further discussion – 3-0-0 – Motion Carries**

6:45 PM Other Projects, Monitoring, Enforcements & Violations

1. Discuss DPW work on Scout Road:

The Agent received a request from the Town Engineer to perform a site inspection to Scout Road to review work done by the DPW on July 6, 2018. It appeared that the DPW attempted to level the road surface and fix some areas of channelization that had resulted from recent periods of heavy rain, which resulted in new areas of channelization leading directly to the stream that crosses underneath the road. The Agent was instructed to share photos taken during the site visit to the Commission so that corrective measures can be discussed at the next meeting on August 14, 2018.

2. Discuss 166 South Shelburne Road – illegal timber harvest:

The GCC received a Forest Cutting Plan (FCP) for a short-term timber harvest on the property located at 166 South Shelburne Road on July 3, 2018. Upon review of the FCP, the Agent discovered that Smead Brook, a perennial Coldwater Fisheries Resource flows through the property and through a culvert that underlies the truck road that connects the log landing to South Shelburne Road. The FCP didn't list a Timber Harvester contracted to do the work, and didn't indicate the presence of any other wetland resource areas associated with Smead Brook, and included only a fifty-foot (50) filter strip on either side of the Brook, so the Agent decided to search the GCC files to see if there was any information available that would inform her of additional wetland resource areas, and discovered an Abbreviated Notice of Resource Area Delineation (ANRAD) submitted by Bohler Engineering c/o Eastern Retail Properties on October 25, 2016 that was withdrawn on May 2, 2017. The ANRAD showed the presence of extensive wetland complexes on site, both isolated and vegetated that were omitted from the FCP. The Agent contacted Alison Wright-Hunter, DCR Service Forester for Franklin County, to share the ANRAD with her so that the FCP could be amended to include wetland considerations. On July 19, 2018 the Agent received correspondence from the Service Forester informing her that timber harvesting operations had begun without an approved Forest Cutting Plan, and that harvesting occurred in the Isolated Vegetated Wetlands (IVW) which are jurisdictional under the GWPO, which the Service Forester had no prior knowledge of. The Service Forester conducted a site visit with the FCP Preparer and stated that the IVW was dry upon harvest and there were no observable impacts such as rutting or channelization. The FCP was revised and submitted on July 24, 2018 after the site visit with the Service Forester and removed harvesting from all areas proximal to wetlands, primarily because all of the marketable timber from the IVW had already been harvested.

Lenny Roberts and Evan Dell'Olio of Roberts Brothers Lumber Company, Inc. was present at the discussion, and ultimately claimed that he was unaware of the GCC comments on the FCP, so after the ten (10) required business days had passed, he started the harvest. Evan Dell'Olio claimed that the GWPO is overly restrictive with respect to timber harvests, given the exemption from the WPA, but the Agent reminded him that regardless of the legality of the GWPO, the harvest started without an approved FCP so there was no longer an agricultural exemption for the work conducted.



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Lenny Roberts requested that the GCC allow DCR to maintain jurisdiction over the harvest so that the harvest could continue. The GCC compared the revised FCP with the ANRAD site plans and determined that there was very little alteration to jurisdictional areas as a result of the harvest, and agreed to let the harvest continue. Rachel Lindsay requested that the Agent provide a copy of the ANRAD site plans to Lenny Roberts, and that the FCP Preparer include timber harvester information on the FCP in the future.

Motion made by Erika LaForme to accept the revised Forest Cutting Plan for 166 South Shelburne Road and to not exert jurisdiction over the harvest at this time

Motion seconded by Doug Cloutier

No further discussion – 3-0-0 – Motion Carries

3. Violation updates – DEP # 168-0233 – McHard Acres – 99, 22 & 115 Verde Drive:

The GCC will be receiving after-the-fact filings for single family home construction at the aforementioned lots to mitigate the violations of the WPA and the GWPO.

4. Violation updates – 8 Conway Drive – fire pit and fill next to Green River:

David Kalinowski of 8 Conway Drive was present to discuss possible violations of the WPA and the GWPO, including alterations to the Riverfront Area, Bank, Buffer Zone to Bank, 25-foot No Disturb Zone, and Bordering Land Subject to Flooding associated with the Green River. David Kalinowski explained that he operates a landscaping and firewood business on the property, and that many of the activities on site are agriculturally exempt from the WPA and GWPO. On the other hand, the GCC explained to him that any new construction, such as roads or other structures are not necessary exempt from the WPA and GWPO, and such exemptions are often only valid if best management practices are being implemented to ensure that no impacts or alterations occur to the aforementioned resource areas. For example, David Kalinowski had created a kayak access along the bank of the Green River by putting sand along the bank to make the access safe for passage, but the GCC explained to him that placing the sand on the bank is ultimately a violation of the WPA and GWPO, so he agreed to remove the sand. He also claimed that the fire pit on the site was constructed per the request of the Fire Department, who told him that he was unable to have uncontained fires on site. Finally, he addressed the pile of woodchips that serves as the support structure for a greenhouse adjacent to the Mohawk Trail, stating that he had received a building permit for the structure and that the wood chips make heat that facilitates the growth of tomatoes and other crops in the greenhouse. Ultimately, David Kalinowski stated that he has been working with MassDEP for years regarding the activities on his property. The GCC instructed the Agent to forward all future complaints regarding possible violations of the WPA to MassDEP.

5. Violation updates – 449 Country Club Road:

The Agent discovered the installation of a septic system at 449 Country Club Road that is within 100-feet of wetland resource areas. The GCC was not aware of this septic project and was not asked by the Board of Health or other municipal department to comment on the project. The Agent informed the GCC that she had discussed the notion of septic system review with the Director of Planning and Development, and stated her general concern about the fact that she has not reviewed any septic system site plans during her time as Agent; the Planning Director instructed the Agent to contact the Board of Health to determine the specific process that that dictates site plan review in similar situations. The GCC instructed the Agent to issue a cease and desist letter for all work within 100-feet of wetland



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resource areas, and to invite the property owners to the next GCC meeting to discuss the matter. The Agent will update the GCC as more information is revealed in this situation.

6. Project updates – DEP # 168-0321 – Green River Homes mitigation area:

The Agent met with the Green River Homes project proponents on July 12, 2018 to discuss the construction and planting schedule for the Green Homes mitigation area at Highland Park, specifically to determine the most ideal time to install the wetland plants to ensure their survival. The ideal time to plant would be in September, as wetland plants aren't likely to survive if planted during the height of summer when ground and surface water are at their lowest points. On the other hand, planting could proceed as early as middle to late August due to the specific conditions of the site; the site is heavily shaded, and it is likely that the planting area would only receive about two (2) to three (3) hours of sunlight a day. Ultimately, the decision to begin work on the mitigation area is up to the project proponents, so they will contact the GCC when they have made their final decision to begin this final aspect of the Green River Homes project.

7. Schedule site visits – 244 Country Club Road:

There was no action taken on this agenda item.

8. Upcoming public hearings/meetings:

The GCC will review a Notice of Intent (NOI) permit application submitted by Wendell Wetland Services c/o Kris Warner of All Season Modular Homes, Inc. for an after-the-fact filing to the construction of a single family home, septic system, garage and patio at 99 Verde Drive in Greenfield. The public hearing is scheduled to occur on August 14, 2018 at 6:15 PM.

9. Discuss Agent absence: 9/11/2018-9/25/2018:

The Agent will be taking a leave of absence from 9/11/2018 to 9/25/2018, and has received approval from the Director of Planning and Development for this absence.

Set Next Meeting Date: Tuesday, August 14th, 2018 at 6:00 PM in the Greenfield Department of Planning and Development, located at 114 Main Street in Greenfield.

Meeting Adjourned at 8:33 PM

Motion made by Erika LaForme to adjourn at 8:33 PM

Motion seconded by Doug Cloutier

No further discussion – 3-0-0 – Motion Carries

Respectfully Submitted,
Sarah A. Brodeur
Conservation Agent

John Griffin,
Chair