



William F. Martin
Mayor

City known as the Town of
GREENFIELD, MASSACHUSETTS
CONSERVATION COMMISSION

Town Hall • 14 Court Square • Greenfield, MA 01301
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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, August 28th, 2018
Greenfield Department of Planning and Development
114 Main Street, Greenfield MA 01301

The meeting was called to order by Chair John Griffin at 6:03 PM with the following members:

MEMBERS PRESENT: John Griffin, Chair
Rachel Lindsay, Vice Chair
Erika LaForme

MEMBERS ABSENT: Doug Cloutier

ALSO PRESENT: Andrea Donlon, Connecticut River Conservancy, 15 Bank Row, Greenfield, MA 01301
Rustin Ingold-Smith, 34 Glenbrook Drive, Greenfield, MA 01301
Tony Wonseski, SVE Associates, 439 W. River Road, Brattleboro, VT 05302
Lisa Appleton, 25 Freeman Drive, Greenfield, MA 01301
J. David Bowles, 36 Phyllis Lane, Greenfield, MA 01301
Mark Ledwell, Green River Homes LLC, 48 Bates Street, Northampton, MA 01060
Kyle Nartowicz, Nartowicz Tree Service, 337 Athol-Richmond Road, Royalston, MA 01368

6:03 PM Administrative Matters: Approval of Minutes from August 14th, 2018

Motion made by Erika LaForme to table the approval of minutes from August 14, 2018 to September 25, 2018

Motion seconded by Rachel Lindsay

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

6:04 PM Administrative Matters: Public Inquiries – 57 Forgeys Way

1. The GCC received an inquiry regarding erosion issues from drainage swales at 57 Forgeys Way and was requested to visit the site to best advise the inquirer as how best to proceed to solve the problem. The inquirer informed the Agent that a combination of water flowing through the drainage swales and stormwater falling from the roof has contributed to the site erosion. The Agent performed a site visit on August 28, 2018 and observed an area of rip-rap at the base of a large Red maple tree which had toppled over, which also revealed a steep drop in topography beyond the landscaped lawn area. The Agent believed that the water moving through the drainage swale, which have not been maintained over time and are now jurisdictional wetlands, in addition to stormwater runoff caused the embankment below the Red maple to erode, thus causing the tree to fall. The Agent instructed the inquirer to retain a wetland consultant to design a Notice of Intent to stabilize the bank to prevent future erosion.

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

1. Meeting recordings:
Rachel Lindsay wanted to discuss the topic of recording GCC meetings, specifically in regard to the notion of members of the public making recordings of the meeting without the GCC's knowledge. She suggested that it



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would be wise to make a statement at the beginning of each meeting requesting members of the public to announce if they are making a recording of the meeting for themselves; this statement would be in addition to the GCC informing members of the public that they are recording the meeting for their own purposes. The GCC and the Agent agreed to make this statement at the beginning of each meeting moving forward.

2. Wedgewood Gardens:

Rachel Lindsay asked the Agent if she has made a request for the DPW to install signs containing the rules and regulations for use of Conservation Commission land at Wedgewood Gardens, similar to the signs at other conservation areas. Rachel also suggested that the GCC review the language on the signs before their installation to ensure that they are uniform and contain the appropriate rules for the each conservation area. The Agent will follow-up with the DPW on this topic and update the GCC at the next meeting.

6:15 PM RDA: Connecticut River Conservancy, Source to Sea Cleanup – Colorado Ave tire cleanup

The Commission will review a Request for Determination of Applicability (RDA) submitted by the Connecticut River Conservancy to determine whether the proposed work to remove surface level tires during the annual Source to Sea Cleanup from a small drainage swale on Colorado Avenue (Assessor's Map 22-8 & 22-7A) is subject to the MA Wetlands Protection Act or the Greenfield Wetlands Protection Ordinance. All disturbance associated with the proposed project is located in the buffer zone to an intermittent stream.

John Griffin opened the meeting and Andrea Donlon of the Connecticut River Conservancy (CRC) was present to describe the proposed project to the GCC, stating that this project was permitted through a previous RDA which had expired, but there is no mechanism for extending a Determination of Applicability through the Wetlands Protection Act regulations. This is the third year that the Source to Sea Cleanup has worked on the Colorado Avenue site adjacent to the Deerfield River, in which a drainage swale was historically filled with tires, probably to prevent erosion issues. There is a dirt access road that is utilized by many different entities that provides access to the drainage swale, in which an excavator will be positioned that will be filled with the surface level tires and transfer them to a dump truck. Andrea stressed the fact that the excavator won't scrape the bank while transferring the tires to the dump truck, and that no construction equipment will be position in the drainage swale. The work will occur over the course of one (1) day, and if all surface level tires are removed before the workday has ended the group will either leave or move closer to the Deerfield River to continue the project because that area has not been addressed by the cleanup to date.

Motion made by Erika LaForme to close the meeting for the Colorado Avenue Source to Sea Cleanup

Motion seconded by Rachel Lindsay

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

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

Motion seconded by Rachel Lindsay

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



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Motion seconded by Rachel Lindsay
No further discussion – 3-0-0 – Motion Carries

6:27 PM RDA: Connecticut River Conservancy, Source to Sea Cleanup – Murphy Park cleanup

The Commission will review a Request for Determination of Applicability (RDA) submitted by the Connecticut River Conservancy to determine whether the proposed work to remove four (4) cars during the annual Source to Sea Cleanup from the ravine at Murphy Park (Assessor's Map R27-24-B) is subject to the MA Wetlands Protection Act or the Greenfield Wetlands Protection Ordinance. All disturbance associated with the proposed project is located in the buffer zone to an intermittent stream.

John Griffin opened the meeting and Andrea Donlon of the CRC in addition to Kyle Nartowicz of Nartowicz Tree Service and David Bowles, who is an active CRC volunteer were present the project to the GCC. Kyle Nartowicz explained that the goal of the project is to remove four (4) cars and other large scrap-metal items from a ravine at Murphy Park that drains toward the Green River. The cars will probably be cut into piece in the ravine, which will make them easier to winch out and will reduce the likelihood of the embankment being scoured as a result of the work. The equipment used to perform the work will be staged off of the access road to the baseball fields at the top of the ravine, and a series of pulleys will be constructed to winch the scrap metal items out of the ravine. No vegetation is proposed to be removed as a component of this project.

The Agent inquired as to when the work was scheduled to occur; Kyle Nartowicz stated that October is the ideal time to execute the project. The Agent also asked if there is a procedure to mitigate a spill of oil or other fluids, and Kyle informed the GCC that there are spill kits on every one of his construction vehicles. Rachel Lindsay asked the Agent about the reporting procedure if an unexpected fluid leak is encountered; the Agent stated that the MassDEP Bureau of Waste Site Cleanup must be contacted immediately and a spill must be reported to them.

Motion made by Rachel Lindsay to close the meeting for the Murphy Park cleanup
Motion seconded by Erika LaForme
No further discussion – 3-0-0 – Motion Carries

Rachel Lindsay requested that the Agent provide the number for MassDEP's Bureau of Waste Site Cleanup to Kyle Nartowicz prior to the commencement of this project.

Motion made by Rachel Lindsay 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

Motion seconded by Erika LaForme
No further discussion – 3-0-0 – Motion Carries

Motion made by Rachel Lindsay 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 Erika LaForme
No further discussion – 3-0-0 – Motion Carries



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6:40 PM RDA: 365 Barton Road (Assessor’s Map R19-16E) – construction of patio and planting area

The Commission will review a Request for Determination of Applicability (RDA) submitted by SVE Associates c/o Thomas Doyle and Lisa Appleton for the property located at 365 Barton Road in Greenfield (Assessor’s Map R19-16E) to determine whether the proposed construction of a patio and planting area within the 100 buffer zone to a Bordering Vegetated Wetland (BVW) is subject to the MA Wetlands Protection Act or the Greenfield Wetlands Protection Ordinance. John Griffin opened the meeting, and Lisa Appleton and Tony Wonseski of SVE Associates were present to describe the proposed project to the GCC. Tony Wonseski stated that there is an intermittent stream and Bordering Vegetated Wetlands (BVW) on the adjacent property, so the proposed work to construct the patio and planting area is within the 100-foot buffer zone to the BVW. He informed the GCC that the erosion-sediment control barrier will be moved around the patio and planter area, which is approximately 63-feet from the intermittent stream. He also stated that the patio will be constructed out of pavers or stone so there will be no increase in impervious surface, and that the planting area will act like a rain garden by absorbing stormwater runoff from the patio.

The Agent inquired as to the anticipated timeframe for this project, and Lisa Appleton stated that she is unsure when the work will commence because the house on the project site is still being constructed. Erika LaForme asked if the area in which the patio and planting area is forested or lawn and Lisa Appleton stated that the work area has been brush-hogged before but retains a few trees. Rachel Lindsay asked what species of plants are intended for the planting area; Lisa Appleton said that she was unsure which species would be selected, but that only native plant species are intended.

Motion made by Erika LaForme to close the meeting for 365 Barton Road
Motion seconded by Rachel Lindsay
No further discussion – 3-0-0 – Motion Carries

Rachel Lindsay asked about the materials that constitute the erosion-sediment control barrier; Lisa Appleton showed the GCC a photo of the barrier which depicted a straw wattle only. Rachel Lindsay requested that a silt fence be installed prior to the start of work because she believes that a straw wattle alone is insufficient to protect the resource area from sedimentation or erosion.

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
Motion seconded by Rachel Lindsay
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 Rachel Lindsay
No further discussion – 3-0-0 – Motion Carries

6:54 PM Notice of Intent: 34 Glenbrook Drive (Assessor’s Map R31-1) – proposed solar array

The Commission reviewed a Notice of Intent permit application submitted by Wendell Wetland Services c/o Just Roots, Inc. for the property located at 34 Glenbrook Drive (Assessor’s Map R31-1) for the proposed construction of a solar array



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within the Riverfront Area associated with Glen Brook, a perennial Coldwater Fisheries Resource. All disturbance associated with the proposed project will occur in the outer 100-foot Riverfront Area; there is no disturbance proposed to other wetland resource areas or to the 25-foot No Disturb Zone regulated by the Greenfield Wetlands Protection Ordinance.

John Griffin opened the hearing, and Rustin Ingold-Smith of Northeast Solar was present to describe the proposed project to the GCC, who stated that the project proposes to install one (1) continuous rack of solar panels extending 68-feet in the outer 100-foot Riverfront Area of Glen Brook. Rachel Lindsay asked how the array is proposed to be mounted; Mr. Ingold-Smith stated that specific ground mounts are required for this array due to the fact that the land is protected under an Agricultural Preservation Restriction (APR), and that there will be approximately 14 ground mounts or earth anchors. Rusty continued to inform the GCC that there will be a 24-inch trench extending from the array to the shed on the project site which will house electrical components. He additionally stated that the project proposes to improve the Riverfront resource area by conducting 50 square feet of invasive species management, which is a requirement of the Riverfront area regulations with respect to proposing new work in this resource area.

Rachel Lindsay proceeded to point out that the site plans submitted with the Notice of Intent were extremely lacking in vital details necessary for the GCC to make a fully informed determination on the project, specifically topographical information, indication that the project site is in Priority Habitat of Endangered Species as regulated by the Massachusetts Endangered Species Act (MESA), the location of the proposed invasive species mitigation, the proposed erosion sediment controls, and the limit of work. Rusty proceeded to request a continuance of the public hearing until the next meeting of the GCC so that revised site plans can be produced and submitted for review.

Motion made by Rachel Lindsay to continue the public hearing for the Notice of Intent submitted for a proposed solar array at 34 Glenbrook Drive until September 25, 2018 at 6:15 PM.

Motion seconded by Erika LaForme

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

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

1. Discuss DEP # 168-0321, Green River Commons wetland mitigation area at Highland Park:

Mark Ledwell, applicant for the Green River Commons project was present to discuss violations of the Wetlands Protection Act as a result of preparation activities to construct a 4,000 square foot wetland mitigation area along the western edge of the parking area off Bears Den Road. The Agent discovered the violations on August 8, 2018 while performing a routine compliance site inspection after receiving notification on August 7, 2018 that the preparation work for the planting area had been completed. The violations occurred due to the site being left without any means of stabilization after the preparation work had occurred, which was followed by severe 100-year rainstorm that caused a great deal of both topsoil and parking lot material to wash into the intermittent stream that flows into Highland Pond. The Agent contacted the project contractor on August 7, 2018 after discovering the violations and instructed that the site be stabilized immediately and required the installation of a straw wattle along the entire length of the mitigation area in addition to the installation of a North American Green DS 150 erosion to install along the slope.

Mr. Ledwell informed the GCC that the contractors were on site on August 9, 2018 to stabilize and that a straw wattle was installed at the top of the slope at the western edge of the parking area, adjacent to the intermittent stream, but the straw wattle was approximately 4 or 6-inches in diameter and there was no effort to stabilize the parking area slope. Another severe storm occurred following the installation of the straw wattle and significant breaches and washouts



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were observed by John Griffin and Erika LaForme, which was confirmed by the Agent during a site inspection on August 14, 2018.

Mr. Ledwell expressed his urgent desire to plant the site, arguing that installing the mitigation plantings is the best method to stabilize the site and prevent future erosion and sedimentation of the resource areas. John Griffin informed Mr. Ledwell that the site needs to be restored to its pre-alteration state before any mitigation planting can commence. Mr. Ledwell proposed to fix the parking area grading to fix the stabilization issues; Rachel Lindsay reminded Mr. Ledwell that site grading was not approved for the site. Mr. Ledwell claimed that a consensus was made by the contractors, the developer of the mitigation area, and the Agent that the intermittent stream was not a stream but rather a drainage swale; the Agent stated that she was unaware of such a consensus, and that ultimately she is not qualified to make such a determination and would therefore never affirm such a consensus.

The GCC voted to issue and Enforcement Order for the wetlands violations at Highland Park during the August 14, 2018 meeting but the Agent did not issue it prior to this meeting due to a directive from the Planning Department Director to make an attempt to work with the applicant to bring the project site into compliance with the Order of Conditions. The Agent did attempt to work with the applicant but due to resistance from the applicant and contractors with regard to site stabilization, the Agent recommended that the GCC issue the Enforcement Order. The GCC issued the Order at this time.

The Agent proceeded to review the Enforcement Order with Mr. Ledwell, specifically bringing his attention to Part C. of the Order entitled, "Order" which states that: all activity in the Buffer Zone and other resource areas shall immediately cease and desist; resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition; and a restoration plan shall be filed with the GCC on or before October 9, 2018.

2. **Discuss Enforcement Order – 270 Turners Falls Road:**

The Agent updated the GCC on the Enforcement Order issued for erosion and sedimentation of the Connecticut River and alteration of Priority Habitats of Endangered species to Matthew Smith and Lindsay Reed of 270 Turners Falls Road on August 7, 2018. Lindsay Reed scheduled a site visit with the Agent on August 16, 2018 in which the Agent was going to explain the actions required by the Enforcement Order to bring the site back into compliance with the Wetlands Protection Act and the Massachusetts Endangered Species Act, but due to personal circumstances the Agent was only able to verify that the silt fence was properly installed and to instruct the property owner to stabilize the site with straw until they could schedule another site visit. Lindsay Reed contacted the Agent on August 23, 2018 to schedule a site visit but said that she would call the following week to schedule a meeting when she knew her work schedule. The Agent had not heard back from the property owner at this time.

3. **Discuss Scout Road Emergency Permit:**

The DPW asked the Agent about the possibility of replacing the culvert on Scout Road through an Emergency Permit due to the threats to public safety and private property resulting from the culvert being undersized in addition to the severe precipitation events experienced recently. The Agent will continue to work with the DPW to develop the emergency permit so that the culvert can be replaced as soon as possible.



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4. Discuss Wedgewood Gardens overnight camping:

The GCC asked the Agent if there were any updates on the Wedgewood Gardens overnight camping issue, in which the town was proposing to relocate homeless individuals from the town common to Wedgewood Gardens until they could be provided with alternative housing. The Agent still had not received any formal communication from the Town requesting approval to allow overnight camping on the property to date. Regardless, the GCC informed the Agent that the people were vacated from the town common and were not camping at Wedgewood Gardens, so the issue seemed to be resolved.

5. Violation updates, 449 Country Club Road – septic system installation:

The Agent provided an update on the septic system installation violations discovered at 449 Country Club Drive. The Agent obtained the property owner’s phone number, Anthony Martino from the Building Inspector after she had not received a response from the violation notice that she issued to Mr. Martino on July 31, 2018. The Agent requested that Mr. Martino meet with her so that she could explain that the septic system was installed within 100-feet of wetland resource areas without an approved Determination or Order of Conditions having been obtained from the GCC, resulting in a violation of the Wetlands Protection Act. Prior to meeting the property owner, the Agent determined that the septic system was installed 80-feet from the Bordering Vegetated Wetlands on the property, and explained to Mr. Martino that a septic system cannot be installed within 50-feet of any resource area, so that was at least a start. The Agent made copies of the septic system site plan and percolation test information, and requested that the property owner provide her with the contact information for Joe Burke, the contractor so that she could work with him directly to bring the project into compliance; the contractor in this situation is directly responsible for the violations on site. The Agent instructed Mr. Burke to install erosion sediment controls in the form of a silt fence and straw wattle along the edge of the landscaped lawn area between the septic system and the Bordering Vegetated Wetlands to prevent the resource areas from experiencing erosion. The Agent will continue to work with Mr. Burke and Mr. Martino to bring the site into compliance, and will provide the GCC with an update at the next meeting.

Set Next Meeting Date: Tuesday, September 25th, 2018 at 6:00 PM in the Greenfield Department of Planning and Development, located at 114 Main Street in Greenfield.

Meeting Adjourned at 8:05 PM

Motion made by Rachel Lindsay to adjourn at 8:05 PM

Motion seconded by Erika LaForme

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

Respectfully Submitted,
Sarah A. Brodeur
Conservation Agent

John Griffin,
Chair