



William F. Martin
Mayor

City of
GREENFIELD, MASSACHUSETTS
CONSERVATION COMMISSION

City Hall • 14 Court Square • Greenfield, MA 01301
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John Griffin, Chair
Rachel Lindsay, Vice Chair
Erika LaForme

Agent: Sarah Fortune

GREENFIELD CONSERVATION COMMISSION
Meeting Minutes of Tuesday, June 11th, 2019
Greenfield Department of Planning and Development
20 Sanderson Street, 2nd Floor Conference Room
Greenfield MA 01301

The meeting was called to order by John Griffin at 6:15 PM with the following members:

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

MEMBERS ABSENT: None

ALSO PRESENT: John Campbell, Campbell Iron Works; 144 Adams Road, Greenfield, MA 01301
Lawrence Wilson; 181 Main Road, Gill, MA 01354

6:15 PM Request for Determination (RDA) – 144 Adams Road (Map R05-30) – construct storage building

The Commission reviewed an after-the-fact Request for Determination of Applicability (RDA) permit application submitted by John Campbell of Campbell Iron Works for the property located at 144 Adams Road (Assessor's Map R05-30) to determine whether the work to create a 40 by 40 foot storage building out of connex units is subject to the MA Wetlands Protection Act and the Town of Greenfield Wetlands Protection Ordinance. All disturbance associated with the proposed project is located with the 100-foot Buffer Zone and 25-foot No Disturb Zone to Bordering Vegetated Wetlands.

John Griffin opened the public meeting and John Campbell of Campbell Iron Works and Lawrence Wilson were present to describe the project to the GCC stating that several of the connex boxes used to construct the storage building were already on site in the location of the storage building, and the recent work involved pouring a concrete pad and stacking the boxes on top of each other to create the building. The storage building was designed by an engineer and engineered construction plans were submitted to the Building Department to obtain a permit for the structure. The location of the storage building was previously graded in 1995 when the original building was constructed, and no additional grading or fill was brought onto the site.

The Agent conducted a site visit on June 11, 2019 to inspect for possible impacts to wetland resource areas as a result of constructing the storage building without approval from the GCC and reported that silt fence had been installed to serve as an erosion-sediment control between the wetlands and storage building, but also discovered two (2) areas where parking lot material had been pushed beyond the silt fence line into the wetlands and stockpiling of materials beyond the preexisting guardrail wetland buffer. The Agent included the hand-removal of the 2 piles of parking lot material beyond the silt fence and the removal of the stockpiled materials beyond the guardrail wetland buffer as Special Conditions to serve as restoration/mitigation resulting from working in jurisdictional areas without GCC approval.

Rachel Lindsay and Erika LaForme agreed that because construction was nearly complete on the storage building and because it was constructed in a previously disturbed area without the addition of fill or grading that they had no objection to the project. John Griffin opened the hearing for public comment, and no one wished to comment on the project at that time.



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Motion made by Rachel Lindsay to issue a Negative Determination, Box 3 stating that the work described in 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 pursuant to the Wetlands Protection Act, subject to Special Conditions

Motion seconded by Erika LaForme

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

John Campbell requested a waiver of the 25-foot No Disturb Zone regulation pursuant to the Greenfield Wetlands Protection Ordinance at this time.

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

Motion seconded by Rachel Lindsay

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

6:36 PM Cont. NOI: DEP # 168-0329 – 1417 Bernardston Road (Map R10-9) – solar array construction

The Commission will continue to review a Notice of Intent (NOI) permit application submitted by TRC Environmental Corporation c/o Kris Pitney of Pacifico Energy NA for the construction of a .75 megawatt direct current solar array on the property located at 1417 Bernardston Road (Assessor's Map R10-9) in Greenfield. There is 115,958 square feet of permanent disturbance proposed in the Buffer Zone to Bordering Vegetated Wetlands (BVW) and 958 square feet of permanent disturbance proposed in the 25-foot No Disturb Zone to Bordering Vegetated Wetlands (BVW) on the project site.

The applicant requested a continuance of the public hearing until June 25, 2019.

Motion made by John Griffin to grant a continuance of the public hearing for DEP # 168-0329 for 1417 Bernardston Road solar until June 25, 2019

Motion seconded by Rachel Lindsay

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

6:36 PM Administrative Matters: Approval of Meeting Minutes from 3/26/2019, 5/28/2019, 6/6/2019

Motion made by Rachel Lindsay to approve the minutes from June 6, 2019 as revised

Motion seconded by Erika LaForme

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

Motion made by John Griffin to table the approval of the meeting minutes from March 26, 2019 and May 28, 2019 until June 25, 2019

Motion seconded by Erika LaForme

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



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Set Next Meeting Date: Tuesday, June 11th, 2019 at 6:00 PM in the Greenfield Department of Planning and Development, located at 20 Sanderson Street, Second Floor Conference Room in Greenfield.

6:46 PM Administrative Matters: Inquiries – Recreation Department Use of Wedgewood Gardens on 8/4/2019

Christy Moore, Greenfield Recreation Department Director spoke with the Agent on June 11, 2019 to inquire about the use of Wedgewood Gardens for parking during the triathlon on August 4, 2019 and to determine what must be done to get GCC approval to use the property during the event. Parking for the triathlon is normally located off Nash’s Mill Road but the road is closed due to active construction on the bridge so the parking location must be moved. The Agent informed Christy that the GCC could require a permit be obtained for use of Wedgewood Gardens or they could approve use of the property through an Administrative Approval process, but that the decision is ultimately up to the GCC.

The GCC discussed their overall concerns about allowing parking at Wedgewood Gardens due to past issues such as parking cars in the wrong location, trash accumulation, and overnight camping without approval. Rachel Lindsay stated that port-a-potties and trash cans should be on site for the event and that the parking area should be clearly marked so that participants know where they can park. Erika LaForme suggested that they have a parking attendant on-site the morning of the event to direct participants to the correct parking location.

The GCC proceeded to discuss what approval process would be appropriate in this situation. John Griffin and Erika LaForme agreed that the Administrative Approval process seems appropriate in this situation because the event takes place over the course of one (1) day opposed to other multi-day events that use Wedgewood Gardens for parking. The Agent will relay this information to Christy Moore and copy the GCC.

6:55 PM Administrative Matters: Chair, Agent & Member Reports

➤ **Building permit site visit to 107 Verde Drive (Map R17-21) on June 11, 2019**

The Agent conducted a site visit to 107 Verde Drive on June 11, 2019 to confirm that the proposed construction of a single family home on site was outside of wetland resource areas. The Agent spoke to the applicant in May informing him of the likelihood that he will have to file a Notice of Intent for the project, as was done for the two (2) abutting properties at 99 and 115 Verde Drive in 2018. The Agent discovered that approximately half of the 100-foot buffer zone had been cleared, in which the site plan submitted to the Building Department showed that the extent of the buffer zone matched with the existing tree line. The Agent was also unable to locate the wetland flags depicted on the site plan in the field. Therefore, work has already occurred on site in jurisdictional areas without approval from the GCC and the wetland delineation is no longer valid. The Agent expressed this information to the applicant on June 11, 2019.

➤ **River Corridor discussion with Kimberly MacPhee of FRCOG on 6/25/2019**

Kimberly MacPhee of the Franklin Regional Council of Governments (FRCOG) requested the opportunity to discuss recent work on river corridor and flood mapping with the GCC on June 25, 2019. The Agent will contact Kimberly to reschedule the discussion to a later date due to the length of the agenda for June 25, 2019.

➤ **2019 Appointments – John Griffin and Erika LaForme**

The Agent informed the GCC that the Mayor will be issuing reappointment letters by the end of June but to please inform her if they have not received them prior to the end of the month.

➤ **Agenda format**



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Rachel Lindsay stated that the agenda could be revised to be more concise. John Griffin reported that the agenda format is dictated in the City code and that he addressed this issue with the Agent in April. The Agent will reformat the agenda per the Chair's request and send a draft agenda to the GCC for approval.

7:04 PM Administrative Matters: Other Business (New/Old)

➤ **270 Turners Falls Road – sedimentation of Connecticut River**

There was no update on this agenda item.

➤ **Discuss development of fee schedule**

The Agent informed the GCC that she is still working to develop a fee schedule for wetlands permit applications, such as Requests for Determination of Applicability, for which no fees are currently collected, and will update the GCC when she has completed a draft fee schedule.

7:04 PM Administrative Matters: Approval of Documents

➤ **Certificate of Compliance – DEP # 168-0307, 1 College Drive – construction of outdoor learning lab**

The GCC scheduled a final inspection for the issuance of a Certificate of Compliance on Tuesday, April 18, 2019 at 4:30 PM.

Motion made by John Griffin to table the issuance of a Certificate of Compliance for DEP # 168-0307 for the construction of an outdoor learning lab at 1 College Drive until June 25, 2019

Motion seconded by Erika LaForme

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

7:04 PM Other Projects, Monitoring, Enforcements & Violations

➤ **Update: DEP # 168-0319 – 195 Mill Brook Road (Map R11-84) – solar project**

The GCC received correspondence from the MassDEP Drinking Water Program on June 4, 2019 pertaining to the denial of the proposed solar project at 195 Mill Brook Road due to impacts to the Mill Brook public water supply wells that are located on the property. The project was denied because it does not meet MassDEP drinking water supply and solar policies that were updated in 2018 and poses a threat to the public water supply. The project could receive approval in the future if it was redesigned to eliminate ground penetration and tree removal within the 200-foot no disturbance area around the public water supply. A complete written Public Water Supply (PWS) certification package must be resubmitted as well.

➤ **Discuss Enforcement: 637 Colrain Road (Map R35-7) – unauthorized filling of wetlands**

The Agent reported that the GCC received a public records request from Dennis Menard, property owner of 637 Colrain Road on June 4, 2019 so that he could review them in preparation for tonight's discussion of the unauthorized filling of wetlands on his property. The Agent contacted Dennis on June 4, 2019 to inform him that public records can be furnished either electronically or in hard-copy form, but requests for hard-copies of public records must be made through the City Clerk due to the Open Meeting Law regulations that essential require compensation for time expended and funds used to furnish and mail public documents through certified mailing. Mr. Menard called the Conservation office on June 5, 2019 to confirm his request for hard-copies of documents related to the enforcement that can be used in a court of law, to send the documents to his residence, and not to bother calling him back. The Director of Planning and Development proceeded to contact Mr.



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Menard in response to his voicemail and reiterated that requests for hard copies of public records must be made through the City Clerk and official channels so that it is documented under the Freedom of Information Act. Neither the Director of Planning and Development nor the Agent have been contacted by Mr. Menard since June 5, 2019.

Mr. Menard was not present for this discussion which now makes him in violation of the Enforcement Order issued on May 30, 2019 which required his attendance at tonight's meeting.

➤ **Upcoming public hearings and meetings on 6/25/19**

The Commission will review two (2) new permit applications at the next meeting on June 25, 2019.

➤ **Set next meeting date: Tuesday, June 25, 2019 at 6:00 PM**

The next regularly scheduled meeting will occur on Tuesday, June 25, 2019 at 6:00 PM at 20 Sanderson Street in the Second Floor Conference Room.

Meeting Adjourned at 7:23 PM

Motion made by Erika LaForme to adjourn at 7:23 PM

Motion seconded by Rachel Lindsay

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

Respectfully Submitted,
Sarah A. Fortune
Conservation Agent

John Griffin,
Chair