

CONSERVATION COMMISSION



Town of GREENFIELD, MASSACHUSETTS
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GREENFIELD CONSERVATION COMMISSION

Minutes of January 13, 2009

7:00 p.m.

Greenfield Police Station
321 High Street

The meeting was called to order at 7:05 p.m. by Chair Alex Haro with the following members:

PRESENT: Alex Haro, Chair; Tim Mosher, Vice-chair; Thomas DeHoyos; Dee Letourneau

ABSENT: None

Also present: Ralph Kunkel, Conservation Agent; members of the public.

Approval of Minutes: December 9, 2008.

DeHoyos pointed out that on page 2, paragraph 6, "Haro was misspelled". Mosher pointed out that on page 2, paragraph 5, the statement should read "PCB's on ballast."

MOTION: Moved by Mosher, seconded by Letourneau, and voted 4-0 to approve the minutes of December 9, 2008 as amended.

Public Meetings/Hearings:

7:00 p.m. Joseph Kwan, Northrop Grumman Space and Mission Systems – to review a Notice of Intent for property located at 11-17 Meridian Street for a proposal to remediate contaminated soil and place soil cap at the former Swarf Disposal Area for the GTD.

Kunkel read into the minutes an e-mail of January 13, 2009 from Dana Himmel of CDM, consultant to the Applicant requesting that the hearing be continued to the meeting of January 27, 2009.

MOTION: Moved by Letourneau, seconded by Mosher, and voted 4-0 to continue the public hearing for Joseph Kwan, Northrup Grumman Space and Mission Systems, DEP File #168-0267, to January 27, 2009 to be held at the Greenfield Police Station Meeting Room.

Other Business:

DPW Request for Emergency Work – Green River Pumping Station

Alan Twarog of the Greenfield Department of Public Works and Cliff Bassett, the Greenfield Water Facilities superintendent were present. Twarog pointed out photos from 2005 wherein the bank had not eroded to the point it had after the 2005 October storm. Bassett added the erosion happened very rapidly. Twarog reviewed the proposed work.

Haro asked if fence would come down. Twarog replied that it would.

Dehoyos asked if the work would be done now with snow on ground. Bassett said it would be better working conditions since the ground would be frozen.

Kunkel asked if there would be an annual maintenance plan. Twarog replied that there would be.

Mosher asked if trap rock could be put under the rip rap. Twarog replied that since it would be smaller, the trap rock might present a problem. Twarog added that the Army Corps Of Engineers had said no trap rock should be used.

Haro reminded the Commission that the question before them was whether or not this situation is a real emergency.

DeHoyos asked if there would be any matting under the rip-rap, Twarog replied that there would not be. DeHoyos asked if the rip rap would be tied in at the top of the bank. Twarog said there would not be water at the top of the bank. Twarog said a lot of the bank had caved in. Bassett said the concern was the erosion from under the foot of the bank.

Letourneau asked if root wads would be installed. Twarog and Haro both replied that the bank was too steep for root wads. Haro added that root wads could destabilize the bank. Haro recommended willows be planted on the top of the bank.

DeHoyos asked if there was a back-up plan in case the proposed plan doesn't work. Twarog replied that there was not a back-up plan.

Bassett emphasized that there are no funds to replace the well. Bassett gave a brief history of the caisson well and concluded by saying it was a reliable system.

DeHoyos asked if there would be a turbidity curtain. Twarog said no because the toe of the slope would be at the low water line.

Mosher said the riverbed has a lot of stone and erosion in the stream may not be an issue. Mosher asked if there was seepage from the well. Bassett replied that seepage does occur and explained the function of the caisson well and that seepage was designed into the system.

DeHoyos asked if the threatened utility pole could be moved. Bassett said that the utilities company had already disconnected and discontinued the pole. DeHoyos asked if it could be removed. Bassett said that it could be removed. DeHoyos asked when work would begin. Twarog replied as soon as possible. DeHoyos asked if there was a plan to counter the redirection of the force of the water once the rip rap was in place. Twarog replied that there were no threatened structures down stream and that any resultant erosion would occur on town owned property.

MOTION: Moved by Mosher, seconded by DeHoyos, and voted 4-0 to approve an emergency certification to include but not be limited to the following conditions:

- 1. Work shall not begin until all other permitting is in place.**
- 2. Monitoring after installation shall be monthly through June, 2009.**
- 3. Thereafter monitoring shall be done annually and after major storm events.**
- 4. Willows shall be planted on the top of the bank at 5' intervals.**
- 5. Remove the utility pole.**
- 6. Work shall be done from the top progressing from the toe upwards.**
- 7. Rip rap shall be installed according to the submitted plans and Mass Highway specifications.**

Public Meetings/Hearings (cont.):

7:30 p.m. 7:30 p.m. Pioneer Renewable Energy, LLC – Matthew R. Wolfe, Principal – Madera Energy – to review a Request for Determination of Applicability for property located at 37 Butternut Street to determine whether the area depicted on the plans is subject to the jurisdiction of the Wetlands Protection Act or to any local Municipal Ordinance; and to determine whether the boundaries of the resource areas depicted on the plans are accurately delineated.

Eric Nelson of SVE, Senior Project Manager and Ward Smith, Wetland Scientist of Valley Environmental Services, were present on behalf of the applicant.

Nelson submitted letter of January 5, 2009 requesting that the Commission consider and issue findings for the portion of the delineated resource areas seen during the site visit December 18,

2008. Nelson reviewed the Wetland Delineation Overall Site View Sheets 1 – 4. Nelson showed the plan with all wetlands that were seen and those that will be eventually considered. Nelson said there had been a question of an intermittent stream and stated that since the December site visit, Smith had delineated the watershed for the stream.

Smith said that these wetlands had been delineated in 1998 when there were no specific criteria for determination of whether a stream was intermittent and that the Commission at that time had claimed it was perennial. Smith went on to say that by today's standards the stream was clearly intermittent.

Nelson said that he was asking for a finding on Area A, Area B and Area C which on Sheet 3 was mistakenly labeled Area E.

Haro asked about the watershed area that Smith had referred to and whether it was based on topography, yes. Haro said that during the site visit he had noticed a lot of flow in that stream. Haro went on to say that there had been a lot of disruptions at the site and asked if there might be a hydrological connection between Area B and Area A.

Smith responded that the stream does not meet the criteria for a perennial stream. He said he could not say whether there was a hydrological connection.

Haro commented that only two people went on the site visit. Nelson said that Smith is a professional and competent wetlands scientist. Smith said he had delineated the area 3 times for other projects and was confident in his delineations.

DeHoyos said he was not confident with what he saw the day of the site visit. Haro responded that in his opinion the flags in Area B seemed to be accurate. Haro said he was not comfortable with Area A. Nelson said his client would like as much as possible delineated for accurate site design.

After a brief discussion there was agreement that in Area A the flags from A – 19 to A- 48 could be approved.

Haro closed the public hearing.

MOTION: Moved by DeHoyos, seconded by Letourneau, and voted 4-0 to make a Positive Determination that the area described in the referenced plans is an area subject to protection under the Act and the Greenfield Wetlands Protection Ordinance. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

Letourneau moved that the Boundaries of Areas A, B and E (marked with C flags) be delineated as accurate, after DeHoyos seconded the motion, Mosher said that he had just hear Haro and DeHoyos state that they were not convinced as to the accuracy. Haro said that what he saw of Area B and the Area designated on sheet 3 as Area E, the boundaries were distinct. Haro said that the extent of what he saw in Area A, that in spite of snow on ground, the lines seemed to be accurate. He said at the site visit he had discussed with Smith how the delineation was done. DeHoyos said that he did not have a problem with Area B and the Area designated as E and since only flags from A19 to A48 were being designated as accurate he did not have a problem with the delineation.

MOTION: Moved by Letourneau, seconded by DeHoyos, and voted 4-0 to make a positive determination that the boundary delineations for the following resource areas described on the referenced plans are confirmed as accurate and all others on the plan will be considered at a time to be determined two weeks after the snow pack has melted. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and the Greenfield Wetlands Protection Ordinance and pursuant regulations regarding such boundaries are contained on the plans attached to this Request for Determination.

8:15 p.m. Charles Roberts – to review a Notice of intent for property located at Assessors Map 65 Lot 7 for a proposal to build a new two-family house.

Charles Roberts of 30 Kestral Avenue, Amherst was present. Roberts reviewed the history of the property, reminding the Commission that in 2007 a Determination of Applicability had been issued for the Wetlands delineation. Roberts also briefly reviewed the determination that had been issued to Troy Santerre for the construction of a house. Roberts said that he was asking for a single family house with efficiency apartment 50' long x 22' wide. Roberts asked if he could put garden in the No Disturb Zone. DeHoyos responded that he could only mow the area that was currently lawn.

DeHoyos asked where the roof runoff would go. Roberts said it would be channeled to the street.

Haro said he would like to see more detail on the plan. Roberts said he could adjust any plan. Haro said the plan presented could not be approved because of the 25' No Disturb Zone. Haro suggested that Roberts review the regulations regarding drainage.

Haro opened the hearing to public comment.

Irene Berwick and Cathy Black, 11 Spring Terrace, abutters to the property were present.

Berwick said that her concern was with the height of the building and the adjacent Wetlands. Berwick stated that she was concerned that the building would block the sunlight from her yard. She also emphasized that the back portion of the lot was very wet.

After a brief discussion, Roberts was asked to submit additional materials.

MOTION: Moved by Letourneau, seconded by DeHoyos, and voted 4-0 to continue the Public Hearing for Charles Roberts, DEP File #168-0268, to February 10, 2009 7:45 p.m. to be held at the Greenfield Police Station.

Correspondence: None

Enforcements: None

Project Monitoring: Kunkel reported that the Greenfield DPW had submitted Notification of the Completion of Construction of the Bascom Road Bridge. The consensus among the Commission Members was that the site visit would be conducted in the spring after the snow pack had melted.

Kunkel reported that Chris Wall of Berkshire Design had called regarding Oak Courts and stated that the Zoning Board had asked the contractor to plant 15 trees to replace trees that would be removed for construction. Wall had reported that four of the trees were to be planted in the Buffer Zone at Oak Courts. Kunkel said he had called Haro and that Haro agreed there would not be a problem, but asked that they be planted by hand, adding that no heavy equipment should be in the buffer zone. After reviewing the plans, however, Haro and the other members of the Commission agreed that the trees could be planted using a back hoe, but requested that no track vehicles be used.

Site Visits: None

Set Next Meeting Date: January 27, 2009, 7:00 p.m. Greenfield Police Station, 321 High Street.

Adjournment:

MOTION: Moved by DeHoyos, seconded by Letourneau, and voted 4-0 to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,

Ralph Kunkel
Conservation Agent

Alex Haro
Chair