

CONSERVATION COMMISSION



Town of GREENFIELD, MASSACHUSETTS
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GREENFIELD CONSERVATION COMMISSION

Minutes of June 23, 2009

7:00 p.m.

Greenfield Police Station
321 High Street

The meeting was called to order at 7:03 p.m. with the following members:

PRESENT: Alex Haro, Chair; Tim Mosher, Vice-chair; Tom DeHoyos

ABSENT: Dee Letourneau

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

Approval of Minutes:

Kunkel reported the minutes of June 9, 2009 were not ready.

Public Meetings/Hearings:

7:04 p.m. Jed Hayes, Sullivan-Hayes Companies, Northeast, LLC – to review an Abbreviated Notice of Resource Area Delineation for property located at 208 Mohawk Trail (Assessors Map 37 Lot 5).

Allary Braitsch, of Vanasse Hangen Brustlin and Jed Hayes of Sullivan-Hayes were present. Braitsch submitted to the Agent the Certified Mail Receipts for the Abutter notifications. Braitsch reviewed the resource areas:

- 1 BVW, a wooded swamp;
- 1 small isolated wetland, approximately 2700 square feet. This wetland does not hold enough water to be designated Isolated Land Subject to Flooding;
- Smead Brook. Braitsch said the banks were delineated according to the first observable break in slope.

Braitsch said most of site was previously disturbed.

Haro reviewed the site visit. Haro said the small isolated wetland has a very clear separation from the BVW.

DeHoyos asked about clippings that had been dumped in the river. Haro responded that Pickart had said there would be remediation of the area and that it would be cleaned up as part of the remediation. Mosher said he would like to see a letter written to the land owner. Hayes said that he would see that the land owner addresses the violations. Mosher said he would still like to have a letter written by the agent to the landowner.

MOTION: Moved by Mosher, seconded by DeHoyos, and voted 3-0 to accept the boundary delineations of the resource areas as accurate.

Project Monitoring:

DeHoyos expressed concern about King Street; construction equipment was parked in the buffer zone; and the structure appeared to be considerably larger

than the proposed structure that had been approved. He asked Kunkel to visit the site and write a letter to the applicant.

Site Visits: Northrop Grumman 7:30 a.m. Tuesday June 30, 2009

Other Business: Kunkel asked the Commission if they wanted to change the format on the agenda and list all meetings as 7:00 p.m. The consensus was to schedule meetings at 15 minute intervals.

Public Meetings/Hearings (cont.):

7:30 p.m. Shelburne Falls Congregation of Jehovah's Witnesses – to review a Notice of Intent for property located at 261 Mohawk Trail (Assessors Map R25 Lot 35) for construction of a 4,500 square foot Kingdom Hall on the existing foundation, an addition of an 800 square foot apartment, construction of a 51 space parking lot, construction of a new stormwater management system, and other associated site improvements. Continued from June 9, 2009.

Dale Putnam was present and Patrick McCarty, McCarty Engineering, was present on behalf of the Applicant. McCarty said he was prepared to present the protocol for treatment of the invasive species and the revised plans. McCarty reviewed the protocol for the Japanese Knotweed control and showed on the plans where the invasive species mitigation would be done. McCarty said one member of the congregation had asked if landscape rock could be mixed in with the mulch for esthetics. McCarty then addressed the inclusion, per request of the Commission at the previous meeting, of check dams to allow cooling in the swale. McCarty said that the applicant had added a provision that these check dams would be inspected after major storm events and cleaned regularly. McCarty reviewed the protocol for snow storage and removal of excess snow. McCarty showed the Commission where the line for the 25 foot no disturb zone in the B series of wetlands flags was added; McCarty also showed modified hay bales line which had been moved so that it would not intrude into the No Disturb Zone; and then showed that he also had moved the outlet pipe outside the No Disturb Zone. McCarty presented a table to answer the Chair's question from the previous meeting regarding runoff for different storm events. McCarty said that the current owner, Mr. Shibley, does not want the culvert removed.

Mosher expressed concern regarding the treatment for the invasive species; he said that the bank would have to be dug up and the bank would as a result be more disturbed and no longer be a natural bank. Mosher said for salting of the parking lot, he would like to see a ratio of sand to salt mix that would be used. McCarty said that he had consulted with Ecotech, and was assured that this was the acceptable protocol for removal of Knotweed. With respect to the sand/salt mix, McCarty said that he was concerned as a Registered engineer to put a limit of the amount of salt that could be used in case someone should fall, break a hip and sue.

Haro said he understands this was standard protocol for removal of knotweed and was willing to accept the protocol as an experiment, but emphasized to the applicant that there has to be a commitment for following through with this treatment. McCarty said that with the issuance of an Order of Conditions they would have a commitment for three years, and that after three years they would come back to the Commission for further advisement. Haro replied that if the treatment was unsuccessful after 3 years they would have to reappear to have the protocol further evaluated.

Putnam asked for clarification on the specific area for which they were responsible. DeHoyos responded that they were responsible for the area depicted on the plan.

Haro interrupted the Hearing to address the agenda item scheduled for 8:00 p.m. – MA Division of Capital Asset Management, Greenfield Community College – to review a Request for Determination of Applicability for property located at One College Drive. The applicant agreed to continue until the close of the current Hearing.

Haro reconvened the Hearing for Shelburne Falls Congregation of Jehovah's Witnesses.

DeHoyos asked for clarification regarding the discharge pipe that McCarty had shown as being moved out of the No Disturb Zone. McCarty showed DeHoyos where it was located on the plan.

Haro asked for the planting scheme. McCarty reviewed it from the protocol. Haro asked if any ground cover would be planted in mulch over the fabric. McCarty replied that there would not be. Haro suggested that the Knotweed that was not under the fabric could be injected.

Putnam asked why the Commission would not consider riprap. Haro explained that riprap was not appropriate and should not be used on the banks of perennial stream. DeHoyos added that it could lead to scouring.

There were no further questions. Haro closed the public hearing.

MOTION: Moved by Mosher, seconded by DeHoyos, and voted 3-0 to accept the Notice of Intent DEP File # 168-0270, Shelburne Falls Congregation of Jehovah's Witnesses, as revised with the following special conditions:

- 1. Boiler Plate Conditions**
- 2. After 3 years the Commission will evaluate the success of the mitigation proposed for control of the invasive species along the resource area and riverfront. The Commission reserves the right to request additional mitigation at that time if necessary.**
- 3. The snow removal plan shall stipulate that any salt used on the premises shall be mixed with sand at a mixture of not greater than 25 % salt.**
- 4. In the event of heavy snowfall, seven of the nine northwestern most parking spaces shall be reserved for additional snow storage.**

8:16 p.m. MA Division of Capital Asset Management, Greenfield Community College – to review a Request for Determination of Applicability for property located at One College Drive to determine whether the boundaries of resource areas depicted on the plans are accurately delineated and to determine whether the work depicted on the plans is subject to the Wetlands Protection Act.

Sandy Brock, of Nitsch Engineering. Kenneth Fisher, Architect of Gensler, Phil London, of London Environmental and Glen Haywood, of Greenfield Community College were present on behalf of the applicant.

Brock showed the delineated areas and three wetlands: C series of wetlands flags for BVW; B series for the duck pond; and A series for an Isolated Wetland. Brock pointed out that the Isolated Wetland and the duck pond both have stormwater coming into them

and leaving. Brock said that the BVW also had some storm drainage flowing into it. Brock discussed the portion of the project that would be the renovation of an existing building; that the altered pavement would be the access to the utility dock and would be the only work done in the buffer zone – 85 feet from the resource area. Brock said that the project would result in a reduction in the impervious area; the large stairway would be eliminated and a long sloped access would be provided instead. Brock pointed out that they would be putting in an underground infiltration system for roof runoff.

Haro reviewed the site visit. Haro asked for a description of the inlet protection device that Brock had mentioned at the site visit. Brock responded that they use CMU blocks with crushed stone placed over the blocks, similar to a stone check dam.

8:30 p.m. Joseph Kwan, Northrup 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. Continued from June 9, 2009.

Kunkel read into the record a letter dated June 23, 2009 from Dana Himmel of Camp Dresser McKee on behalf of the applicant requesting a continuance to July 14, 2009.

MOTION: Moved by Mosher, seconded by DeHoyos, and voted 3-0 to continue the Public Hearing for Joseph Kwan, DEP File #168-0267, to July 14, 2009 to a time to be determined to be held at the Greenfield Police Station meeting room.

8:32 p.m. Haro reconvened the Hearing for MA Division of Capital Asset Management.

DeHoyos asked where the staging area would be. Fisher said they did not have a final answer. Haywood said it would probably be in Lot C. DeHoyos asked where the excavated material would be stored. Haywood said there was an area where it would be used as fill; he added that some would be stored for future use. DeHoyos said he wanted a plan to show where it would be stored.

Mosher asked for the length of the slope that would replace the stairs. Brock said it would be approximately 120 feet.

DeHoyos asked where the where fill mentioned by Haywood would be placed and was concerned whether it would encroach on the 100 foot buffer. Brock replied that it would not encroach on the buffer zone.

Haro asked if there would be erosion control. Brock and Fisher replied that there would be.

DeHoyos asked if there would be an O & M plan. Brock stated that it was part of the SWPPP.

In response to a question from DeHoyos, Brock reviewed the TSS. DeHoyos inquired about ongoing maintenance of the systems. Haywood said they would call the city for maintenance. DeHoyos asked how often. Haywood replied once per year. Brock said it should be done four times per year.

Haro asked where the drain pipe from the isolated wetlands drains. Brock said that it ends up in a 42 inch drain further down Colrain Road. Haywood was unsure of exactly where it went.

DeHoyos asked for clarification about the planter boxes. Brock said that roof runoff would be channeled through the planter boxes with perforated pipes.

There was no further discussion.

MOTION: Moved by DeHoyos, seconded by Mosher, and voted 3-0 to make a positive determination that the boundary delineations of the resource areas described on the referenced plans are confirmed as accurate. Therefore the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

MOTION: Moved by DeHoyos, seconded by Mosher, and voted 3-0 to make a negative determination 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, subject to the following conditions:

- 1. Boiler plate conditions for a negative determination**
- 2. If any additional work is required, the applicant shall contact the Conservation Agent.**
- 3. The Commission recommends the use of the Inlet Protection Devices (employing CMU Blocks) as proposed by the Applicant.**
- 4. The Commission shall be notified prior to the beginning of construction of the location where all excavated and stockpiled material shall be located.**
- 5. Prior to the beginning of Construction the Commission shall be notified of where the Contractor plans to have the staging area for equipment and materials**

9:00 p.m. Franklin County Chamber of Commerce – to review a Request for Determination of Applicability for property located at Assessors Map 48 Lot 24 to determine whether the activity depicted on the plans is subject to the Wetlands Protection Act or to the Greenfield Wetlands Protection Ordinance.

Rebecca George, Franklin County Chamber of Commerce, reviewed the plans. George said that Eric Nelson thought it would be wise to request the use for two days in the event it is needed. George said the spaces would be clearly delineated and parking attendants would be present. George added that since the application had been submitted Greenfield Community College agreed to provide an additional 300 spaces. George said they would provide trash barrels and porta-toilets; and clean up when festival was over. George emphasized that area would be used only as a parking area.

Mosher said that the area would be approximately the same as the area where the Commission had permitted snow storage for the DPW. Mosher and Haro expressed concerns over the potential of some autos dripping oil onto the pavement or the grass.

DeHoyos asked if Wedgewood Gardens was designated as use for parks and recreation. Kunkel said it was designated for passive recreation. DeHoyos asked if this would be considered passive one day a year. Kunkel said that it probably would be considered passive.

Mosher asked about several other areas in town and whether George had considered any of those as possible satellite parking areas. George responded that the reason they were requesting Wedgewood Gardens was its proximity to the College where the Festival would be held.

MOTION: Moved by DeHoyos, seconded by Mosher, and voted 1-2 (Haro and Mosher opposed) to issue a negative determination that the activity described in the Request is within the riverfront, 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.

MOTION: Moved by Mosher, seconded by DeHoyos, and voted 3-0 to issue a negative determination that the activity described in the request is within the riverfront, as defined by the regulations, but will not alter an Area subject to protection under the Act subject to the following conditions:

- 1. The Applicant shall be permitted to use the former Wedgewood Gardens as an area for satellite parking during the Green River Festival 2009. This use will be allowed on a one-time trial basis from July 16, 2009 through July 19, 2009 to allow for set up prior to the Festival, parking during the Festival and clean up after the Festival.**
- 2. A final inspection of the site by the Commission shall occur within the week following the event and shall occur no later than July 25, 2009.**
- 3. Porta-potties shall be set up near the Shuttle Bus loading area, close to the entrance to the property.**
- 4. A sign shall be placed at the entrance clearly stating**
 - a. This is Town of Greenfield Open-space Area;**
 - b. No Tail-gating Parties are allowed in the parking area;**
 - c. Parking is allowed only in designated areas (as depicted on the plans).**
- 5. In the event of rain no parking shall be allowed.**
- 6. For future use of the area as satellite parking, the applicant shall come back before the Commission.**

Enforcement Updates: None

Correspondence: None.

Set Next Meeting Date: Greenfield Police Station, July 14, 2009, 7:00 p.m.

Adjournment:

MOTION: Moved by Mosher, seconded by DeHoyos, and voted 3-0 to adjourn the meeting at 9:31 p.m.

Respectfully Submitted,

Ralph Kunkel
Conservation Agent

Alex Haro
Chair