

CONSERVATION COMMISSION



Town of GREENFIELD, MASSACHUSETTS
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GREENFIELD CONSERVATION COMMISSION
Minutes of January 26, 2010
7:00 p.m.

Greenfield Police Station
321 High Street

The meeting was called to order at 7:00 p.m. by Chair Alex Haro with the following members:

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

ABSENT: None

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

Approval of Minutes: December 22, 2009

MOTION: Moved by Mosher, seconded by DeHoyos, and voted 5-0 to approve the minutes of December 22, 2009 as amended.

Public Meetings/Hearings:

7:02 p.m. Greenfield Investors Property Development LLC – in response to the Superseding Order of Conditions issued by DEP November 20, 2009, to amend the Local Order of Conditions issued December 1, 2008. Continued from December 22, 2009.

Tim Sullivan, Goulston and Storrs and David Pickart, Vanasse Hangen Brustlin, Inc., represented the applicant. Applicant submitted a letter stating no new information. Sullivan submitted a letter dated January 26, 2010. Sullivan then reviewed the history of the project. Sullivan clarified the issuance of the original Order of Conditions both under the Act and under the Local Ordinance. Sullivan stated that DEP had asked that the local ordinance be amended to reflect changes in the State's Superseding Order of Conditions (SOC). Sullivan said that while the applicant was not subject to the new storm water standards because they had filed in 2007 that DEP had asked the applicant if they would be willing to meet the new storm water standards; and added that the applicant had agreed to do so. Sullivan said that the appeal period for the SOC had expired and that the SOC had not been appealed and added that there would be no changes at that level.

Sullivan said the applicant was asking the Commission to make three findings:

- 1) to verify that the Commission had received and reviewed the Superseding Order of Conditions
- 2) to verify that the Commission had received and reviewed the set of revised Plans submitted to DEP.
- 3) to confirm that pursuant to Special Condition 22 in Part III of Attachment A of the original Order of Conditions, that the Project plans, as approved by the including the expansion of the so-called "Wetland 4" resource area and other revisions in response to comments by the Department and other interested parties, do not require the filing of a new Notice of Intent

Sullivan also said the applicant was asking for modifications in the Original Order of Conditions to reflect the Superseding Order of Conditions issued by the Department:

- 1) Change title and dates of plans
- 2) Delete special Condition 31
- 3) Delete special Condition 41

Sullivan referred to a letter that had been submitted by the appellants and said that letter would not be addressed unless the applicant was specifically asked to address the letter.

Haro opened Public Comment and stated the following policies:

- 1) Haro stated that since 8 people had signed up to speak he would allow each speaker 3 minutes;
- 2) Haro reminded speakers that the focus should be on the Amended Order of Conditions and not peripheral, issues.
- 3) Haro said that unused minutes may not be donated to another speaker.
- 4) Haro reminded speakers that their comments should be addressed to the Commission and not to the applicant.

Verne Sund, 47 Leyden Road – expressed appreciation to the Commission for the care and time they put into addressing this project and asked that the issue be closed as soon as possible.

Sandy Thomas, 50 Crescent Street – said who primary concern was that in the whole procedure no alternative had been submitted.

Diane Crane, 44 Shattuck Street – asked that the Commission consider the impact on the surrounding wetlands of a store as large as the proposed retail store.

Michael Slahetka, 7 Factory Hollow Road – expressed concern that compression of the ground from the proposed fill, store and parking lot may affect the underground aquifer. Slahetka further emphasized that the Centerpiece of Greenfield should be the downtown and that the proposed store should be smaller to accommodate the recovery of downtown Greenfield.

Al Norman, 21 Grinnell Street – displayed a map showing the buffer zones that will be paved over. Norman quoted Norfolk Ram’s letter regarding alternative the need for an alternative. Norman then addressed the purpose of buffer zones and reiterated the potential impact of paving over the buffer zones. Finally Norman expressed concern that the store would be too big.

Donovan Eastman, 7 Oak Street – expressed concern that there would not be enough room on the site for the building; reiterating the size of the building and the concern he had since the initial proposal of the project.

Larry Clark, 40 Peabody Lane – expressed concern about the level of the site and the impact of the fill proposed to elevate the site. Clark reiterated concern about the size.

Diane Clancy, 32 Abbott Street – expressed concern about impacts to the buffer zone as a result of runoff from the treatment of the parking lot; stated that there were too many proposed parking spaces. Clancy said her concern was primarily that the wetlands be protected. Clancy also expressed concerns regarding the size of the proposed building.

There were no further comments. Haro closed the public comment period.

7:33 p.m. Haro asked the applicant for permission to continue the hearing until after the Public Hearing scheduled for Mass highway scheduled for 7:30 p.m.

MOTION: Moved by DeHoyos, seconded by Mosher, and voted 5-0 to continue the Public Hearing for Greenfield Investors Property Development LLC, until the close of the Public Hearing for Mass Department of Transportation.

7:34 p.m. Susan McArther, Massachusetts Department of Transportation (MassDOT) – Highway Division Notice of Intent (MA DEP Wetlands File#: 168-0277) for property located at Route I-91 Exit 26/Route 2/2A Rotary, for the replacement of the existing highway lighting system along the Route 2/2A Rotary and I-91 Exit 26

Interchange Ramps with a proposed highway lighting system. The proposed work will not result in any direct impacts to proximate resource areas.

Julia Stearns of AECOM, Jennifer Ducey of FST and Jessica Gaudet of Mass DOT represented the applicant. Stearns pointed out that due to a refining of the line of work to comply with the regulations, there would actually be less impact in the Riverfront than originally proposed.

Stearns reviewed the project stating the state proposed to replace the existing 23 light structures with 51 light structures; 15 of those would be in BVW Buffer zone and Bank; 10 of those 15 would be replacements and 5 would be new structures. Stearns said of the 51 structures 9 would be in the Riverfront area; 5 of those 9 would be replacements and 4 would be new structures. Each structure, Stearns said, would create permanent impacts of 13 square feet; 198 square feet of impact in the BVW Buffer zone and Bank, 68 square feet of which would be new impact and the remaining 130 square feet replacement; within the Riverfront area there would be a total of 117 square feet of impact, 52 square feet of which would be new and 65 square feet would be replacement. Stearns said that temporary impacts from installation would be 5300 square feet. Stearns then reviewed the procedure for installation and subsequent seeding. Ducey reviewed the construction procedures. Stearns then explained the erosion control measures. Stearns said that the state would comply with the Commission's request to install straw bales and silt fence on the steeper slopes.

DeHoyos asked if there would be matting placed over seeding on the steeper slopes. Ducey said they would abide by that if the Commission wished to include it as a condition.

Haro addressed the earlier submission of the RDA and the Commission's comment regarding the type of lighting proposed and asked if the proposed lighting had been changed, Stearns said that it had not. Haro then asked if the State had looked into "down lighting". Ducey said they had looked into it and to install "down lighting" would increase the number of lights by 25 %.

There were no further questions and there was no further discussion.

MOTION: Moved by Letourneau, seconded by DeHoyos, and voted 5-0 to accept the Notice of Intent as Submitted with the following conditions:

- 1. Boiler plate conditions with Hay bales modified to straw bales.**
- 2. Matting shall be placed for protection atop all areas that have been reseeded on the steeper slopes.**

Haro closed the Public Hearing for Mass Department of Transportation, DEP File #168-0277.

7:45 p.m. Greenfield Investors Property Development LLC – in response to the Superseding Order of Conditions issued by DEP November 20, 2009, to amend the Local Order of Conditions issued December 1, 2008. Continued from 7:33 p.m.

Haro reconvened the Public Hearing

Starkey recused himself from the Public Hearing as he had not been part of the previous proceedings. Sullivan said he was authorized to vote on this. But Starkey said he would recuse himself.

Mosher commented on the DEP's statement regarding Special Condition 41 from the original Order of Conditions and stated that that he was interested in keeping the monitoring requirement. Haro replied that as he had made that condition he spoke with DEP and was told that while the Commission could keep Condition 41, that it was outside the Commission's jurisdiction. Sullivan replied that it is there, the applicant had made arrangements to abide by it and it could be kept in. Sullivan said the applicant had asked to have it deleted to be consistent with DEP. Starkey said if it were up to him, he would require more monitoring. Haro responded to Starkey that it was already stringent enough.

There was no further discussion; the Commission proceeded with the Findings and modifications.

MOTION: Moved by Letourneau, seconded by DeHoyos and voted 4-0, to hereby acknowledge that the Commission has received and reviewed the Superseding Order of Conditions issued on November 20, 2009 to Greenfield Investors Property Development LLC for DEP File Number 168-0254 and further acknowledges that the Commission accepts the findings and conditions thereof.

MOTION: Moved Moshier, seconded by Letourneau and voted 4-0, to acknowledge and confirm that the Project plans as approved by the Department (and submitted to the Commission) satisfy Special Condition 8 in Part III of Attachment A of the Order of Conditions issued December 1, 2008 to Greenfield Investors Property Development LLC for DEP File Number 168-0254.

MOTION: Moved by Moshier, seconded by Letourneau and voted 4-0, to acknowledge and confirm that pursuant to Special Condition 22 in Part III of Attachment A of the Order of Conditions issued December 1, 2008 to Greenfield Investors Property Development LLC for DEP File Number 168-0254, Project plans as approved by the Department (and submitted to the Commission), including the expansion of the so-called "Wetland 4" resource area and other revisions in response to comments by the Department and other interested parties, do not require the filing of a new Notice of Intent for the Project

MOTION: Moved by Letourneau, seconded by Moshier and voted 4-0 to modify Special Condition 31 in Part III of Attachment A of the Order of Conditions issued December 1, 2008 to Greenfield Investors Property Development LLC for DEP File Number 168-0254 to reflect the dates of the DEP Superseding Order of Conditions.

MOTION: Moved by Letourneau, seconded by DeHoyos and voted 4-0 to modify Special Condition 47 in Part III of Attachment A of the Order of Conditions issued December 1, 2008 to Greenfield Investors Property Development LLC for DEP File Number 168-0254 to reflect the O & M plan approved in the DEP Superseding Order of Conditions.

MOTION: Moved by Moshier, not seconded, therefore motion did not carry, to retain Special Condition 41 in Part III of Attachment A of the Order of Conditions issued December 1, 2008 to Greenfield Investors Property Development LLC for DEP File Number 168-0254.

MOTION: Moved by Letourneau, seconded by DeHoyos and voted 2-2 (Haro and Moshier opposed), to delete Special Condition 41 in Part III of Attachment A of the Order of Conditions issued December 1, 2008 to Greenfield Investors Property Development LLC for DEP File Number 168-0254.

Moshier argued for the inclusion of Special Condition 41 as a good faith gesture to satisfy one of the Public concerns for the impact of the discharge into the surrounding resource areas. Haro said that this type of monitoring is typically not done but that he agreed with Moshier that it would be a good faith gesture to the Public. Haro emphasized that the Data collected would be for the Commission and not the State, that the Commission would evaluate those Data. DeHoyos expressed concern that if the Commission has a turnover of members, there may not be anyone to evaluate the information. Sullivan said that it would be an increased cost and the applicant would prefer to be consistent with state policy. Moshier reminded Sullivan that he had stated earlier that the applicant was had planned for the monitoring and had been ready to proceed with it.

MOTION: Moved by Moshier, seconded by Letourneau and voted 3-1 (DeHoyos abstained) to reconsider keeping Special Condition 41 as part of the Amended Order of Conditions.

MOTION: Moved by Moshier, seconded by Letourneau and voted 3-1 (DeHoyos opposed) to retain Special Condition 41 in Part III of Attachment A of the Order of Conditions issued December 1, 2008 to Greenfield Investors Property Development LLC for DEP File Number 168-0254.

MOTION: Moved by Mosher, seconded by Letourneau and voted 4-0 to modify A-8 and B-9 on Form 5 of the Order of Conditions issued December 1, 2008 to Greenfield Investors Property Development LLC for DEP File Number 168-0254 to comply with the DEP Superseding Order of Conditions.

Mosher said that he would like to see the most of the Public Comments stricken from the record since they did not apply to the Amended Order of Conditions but instead most comments were about the size of the store. Haro responded that he didn't think the Commission could strike the comments from the record, but that Mosher's observation could be noted in the Minutes. Both Mosher and Letourneau added that they would like to note that they were displeased and dissatisfied with the tone of the letter submitted by the Appellants and to have it noted that most of the letter was irrelevant to this Public Hearing.

Haro closed the Public Hearing for Greenfield Investors Property Development LLC request for an Amended Order of Conditions.

8:50 p.m. DeHoyos requested a brief recess.

8:55 p.m. Haro reconvened the meeting.

Other Business:

Kunkel was asked by DeHoyos to look into the cutting at the site of the former Saddle Shop.

Correspondence: None

Enforcements: None

Project Monitoring: None

Site Visits: None

Set Next Meeting Date: February 9, 2010, 7:00 p.m. Greenfield Police Station, 321 High Street.

Adjournment:

MOTION: Moved by Starkey, seconded by Letourneau, and voted 5-0 to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,

Ralph Kunkel
Conservation Agent

Alex Haro
Chair