

# CONSERVATION COMMISSION

Town of GREENFIELD, MASSACHUSETTS  
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**GREENFIELD CONSERVATION COMMISSION**  
**Minutes of June 26, 2012**  
**7:00 p.m. Greenfield Planning Department**  
**114 Main Street**

The meeting was called to order by chair, Alex Haro at 7:04p.m. with the following members:

**PRESENT:** Alex Haro, Chair  
Timothy Mosher, Vice-Chair  
Dee Letourneau  
Thomas DeHoyos

**ABSENT:** None

**ALSO PRESENT:** Laura DiNardo, Conservation Agent, and members of the public.

Approval of Minutes: Approval of Meeting Minutes from June 12, 2012.

Haro corrected multiple typos (one on page one and four on page two). Mosher corrected one typo on page three.

**MOTION:** Moved by Mosher, seconded by Letourneau, and voted 4-0, to approve the minutes from June 12, 2012 with corrections.

Public Meetings/Hearings:

7:00 p.m. Berkshire Gas Company c/o Ishwar Murarka, Ish Inc. – Public Hearing to review a Notice of Intent for property located at Mead Street (Map 30, Parcel 5), for work pertaining to the remediation of NAPL in the Green River and impacted soils on banks by excavation and installation of a temporary pumping bypass. In addition, a containment wall will be installed along the north bank to protect from future release/contamination.

Jack Yablonsky, Berkshire Gas Company Representative  
Tim Condon, LSV of record

Haro opened the hearing explaining that the Berkshire Gas Company/Ish Inc. had decided to split the NOI into two separate phases. At this time they are only seeking approval for phase one. The Commission asked the applicant if anything about phase one had changed or if it was just now separated for approval purpose. Yablonsky stated that nothing had changed; the only difference between the original and the amended NOI was that Phase two was removed from the amended version besides being mentioned a few times.

Haro and DiNardo updated the Commission and applicant that the only set back at this time was that the Commission have not received the NHESP comments. DiNardo has been in contact with Misty-Anne, NHESP, and she is planning to submit comments by the next meeting (July 10th). The only comments DEP posted online stated that the Commission was required to wait 30 days for NHESP from receipt. The Army Corp of Engineers is not involved in Phase I and the Massachusetts Historical Commission (MHC) cannot delay the issuing of the OOC; the only setback would be if they found artifacts while conducting work; which Ishwar Murarka is confident will not happen. Yablonsky stated that they hired an architect from UMASS to assess the site and are working with the MHC.

The Commission discussed the possibility of closing the hearing. DiNardo updated that legally we cannot close the hearing until NHESP submits comments. DiNardo printed an email from Misty-Anne regarding the project that stated, "My primary condition would be to implement a Wood Turtle protection plan. Fisheries might add a few comments that boil down to 'do not impair water quality during work'."

The applicant will be in contact with Misty-Anne before the next meeting. The Commission discussed the possibility of holding a public hearing before July 10<sup>th</sup> if the comments were received soon. The applicant was thankful that they would help move speed up the process if possible.

The applicant asked about the ten-day appeal period. DiNardo stated that there was a ten-day (business) period for abutters or aggrieved parties to appeal; they can begin the work immediately but it could propose a risk if someone does appeal and the project is delayed.

**MOTION: Moved by DeHoyos, seconded by Letourneau, and voted 4-0 to continue the hearing until the next regularly scheduled meeting or special meeting if attainable.**

Other Business:

- a. Town of Greenfield Wetland Protection Ordinance (Chapter 195) – Continued discussion and review.

The Commission discussed DeHoyos' 'Definitions' section. Letourneau suggested removing 'agriculture' from the section or replacing 'G.L. Ch. 128 §1A' with the actual definition. Mosher questioned whether 'alter' needed to be defined in such detail. Haro explained that we need to think about what is the most important; why did we define 'pond' and not 'BVW' for example. Haro suggested approving the 'Definitions' section as is and reviewing more when the final Ordinance is drafted. DiNardo suggested that the 'Definitions' section can give us more jurisdiction, if wanted, or define words in more detail than already stated in the WPA. DiNardo uses the proposed 'pond' definition as an example; this could potentially give us jurisdiction over ponds under 10,000 square feet. DiNardo will remove 'see note 8', move the last paragraph so it is the first, and move the whole section after 'Purpose'. Commission approved section with those changes until the final is drafted and can be further reviewed.

'Permits and Condition' section is not ready to review. Discussion moved to next meeting.  
'Enforcement' section is not ready to review. Discussion moved to next meeting.

The Commission discussed DiNardo's 'Security' section. DiNardo read current 'Security' section in Ordinance. Commission decided to keep this section as is and approve.

The Commission discussed Letourneau's 'Security' section. Letourneau passed out a handout with the MACC model and the current/proposed section. The Commission decided to remove the statement 'by recording a determination of applicability or an order of conditions in the registry of Deeds' from the section. The Commission's two biggest concerns were (1) if the Commission had the authority to place a deed restriction on property without the property owner's consent and (2) if money is taken for an application would it be made payable to the Town or the Commission. DiNardo will research these two items and the Commission will continue discussion at the next meeting.

DeHoyos asked the Commission if all of his sections were complete. DeHoyos decided to review 'Appeals' section due to Walk's resignation. DiNardo will send DeHoyos a reminder by email.

For next meeting:

‘Permits and Conditions’ (Haro)

‘Security’ (Letourneau)

‘Enforcement’ (Mosher)

b. Trail Maintenance at the Griswold/GTD Conservation Area

Bill Griswold present

Haro updated the Commission and Bill Griswold on the trail clearing/maintenance at the Griswold/GTD Conservation Area. A neighbor of the property (Griswold later confirmed was Casper), who has horses and uses the area regularly, cleared many of the blow downs on the stewardship trail. Haro visited the household and stated the Commission would like to be informed before work like this is done and that the Commission has funds available to maintain the trails and were in the process of hiring a forester. The neighbors understood and did not seem to want any compensation for the work they had done. Haro, DiNardo, and Ed Klaus (forester recommended by Lincoln Fish) visited the site on Friday, June 15<sup>th</sup> to see the extent of work that was done/needed to be completed. The Commission discussed Ed Klaus’ quote of \$30/hr for a total of approximately three hours to clean up the rest of the Stewardship trail blow downs.

Bill Griswold expressed concern about the parking area (where the sign and maps are); it will need to be mowed soon. Haro added that a section of the trail (Park’s easement) needs to be mowed and other areas need to be brush hogged. The Commission has used Bob Cook in the past for this work and will be in contact with him as soon as possible.

Bill Griswold expressed concern about the culvert project that was abandoned because of costs and the pipe that is on site. The Commission will discuss what to do that the pipe in more detail at another time.

**MOTION:** Moved by Letourneau, seconded by DeHoyos, and voted 4-0 to approve Ed Klaus’ quote of \$30/HR for approximately three hours of work (~\$100.00 total) for trail maintenance of the Stewardship Trail at the Griswold/GTD Conservation Area.

**MOTION:** Moved by Letourneau, seconded by DeHoyos, and voted 4-0 to contact Bob Cook to receive a quote for work pertaining to brush hogging/mowing at the Griswold/GTD Conservation Area Stewardship trail and parking area. The Commission will vote to approve or deny at next regularly scheduled meeting.

Correspondence: DiNardo updated the Commission that Heather Cunningham (Invasiveplantproject.org) had not been in touch with the Commission since the last meeting. DiNardo found her email online and sent her a follow-up email asking if she needed more information or to be placed on the agenda and Cunningham never responded. DiNardo was unable to view the website.

Monitoring:

Enforcement Updates: DiNardo updated the Commission on the 20 Laurel violations. Mark Snow, Inspector of Buildings, is in contact with WMECO (the actual property owner) and was meeting a representative onsite Tuesday (6/26/12) morning. DiNardo was unable to attend but will discuss with Snow and update the Commission more at the next meeting. DiNardo printed pictures and displayed for the Commission.

DiNardo received a packet from Environmental Planning Associates titled ‘Leonard Weeks Response to Enforcement Order 312 Adams Road Greenfield MA’ on Tuesday, June 26, 2012.

The Commission reviewed the information. DiNardo will be in contact with Peter LaBarbera and will request his presence at a Conservation Commission meeting hopefully in July to explain in more detail. Commission seemed concerned that there was no actual remediation (bank stabilization, vegetation, etc). DiNardo will have the original Enforcement Order for next meeting for the Commission to review.

Haro and DiNardo updated the Commission on the Maynard Road violations. Haro explained the history of the issue and the violation. Haro was contacted by a homeowner during Memorial Day weekend that their neighbor was cutting saplings and vista pruning to maintain an area that in years prior was lawn. Haro went to the site to issue a verbal cease and desist and to explain the Commission's jurisdiction and purpose. When he arrived on site most of the work was almost completed. Haro notified the owner that the violation was done but that any more work would need the Commission's review. The homeowner was and still is very upset, he felt singled out, etc. DiNardo will be sending an educational letter to all property owners abutting the pond/resource area on Wednesday, June 27, 2012.

Site Visits: None at this time.

Next Meeting: July 10, 2012 @ 7:00PM Department of Planning and Development, 114 Main Street.

Adjournment:

**MOTION: Moved by DeHoyos, seconded by Mosher, and voted 4-0 to adjourn the meeting at 8:52 p.m.**

Respectfully Submitted,

Laura DiNardo  
Conservation Agent

Alex Haro  
Chair