

CONSERVATION COMMISSION

Town of GREENFIELD, MASSACHUSETTS
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GREENFIELD CONSERVATION COMMISSION
Minutes of July 10, 2012
7:00 p.m. Greenfield Planning Department
114 Main Street

The meeting was called to order by chair, Alex Haro at 7:02p.m. with the following members:

PRESENT: Alex Haro, Chair
Timothy Mosher, Vice-Chair
Dee Letourneau
ABSENT: Thomas DeHoyos
ALSO PRESENT: Laura DiNardo, Conservation Agent, and members of the public.

Approval of Minutes: Approval of Meeting Minutes from June 26, 2012.

Haro corrected two typos on last page.

MOTION: Moved by Letourneau, seconded by Mosher, and voted 3-0, to approve the minutes from June 26, 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

Haro explained the amendment; Yablonsky stated that there have been no changes to the project since the last meeting. We were waiting on comments from Natural Heritage which we received July 6, 2012. DiNardo read the formal comments to the Commission and the applicant. Haro asked about comments from Fisheries. DiNardo confirmed that the fisheries comments were included in the July 6, 2012 formal comments letter. The Commission reviewed the 'special conditions' attachment for GRE File No 08-28 to assist in the issuance of the BGC OOC, this will be reviewed in more detail during 'discussion'. The Commission had no further comments.

Discussion

- (1) All vehicles shall be decontaminated. Yablonsky stated that a built in pad will be installed to wash truck tires. This is stated in the NOI. The term 'all vehicles' would be better explained as 'all construction vehicles' since those will be the only vehicles exposed to soils/work site.
- (2) Contaminated water shall have secondary protection. Yablonsky stated that there will be some groundwater retained and removed off-site. There will be no use of chemicals. Only 'chemicals' to consider would be materials to build the wall and the gas/fuel for work equipment.
- (3) Use of storage drums. Yablonsky stated that there will be drums available on site but in general the soil will be deemed clean or contaminated and taken off site if necessary. The soil will be trucked

off-site within 1-2 business days. Mosher stated that DEP would need to be notified if storage drums were being moved. Yablonsky stated that the materials are not considered hazardous waste and that they have no intentions of creating hazardous waste.

- (4) Raised berm. Yes, there will be a raised berm.
- (5) Access fence. There will be no large open trench area since the work will be done in smaller sections. There will be a fence around work site which will be locked and construction vehicles will be secure.
- (6) DEP Summary. Yablonsky stated that they will need to send DEP a follow-up report. The Commission stated they would like to be copied when this is sent.
- (7) Boot washing facility. Yablonsky stated that workers would need to leave contaminated boots on site or wash. They will be wearing ordinary work boots. Yablonsky suggested change 'boot washing station' to 'boots shall be cleaned or left onsite, as needed.'
- (8) Removal of contaminated water. This is already mentioned in the NOI.
- (9) Release of silt. Yablonsky stated that they will be digging deep and soils will change from scenario to scenario. Vibrations may cause silt; auger will be mixing soil and water so there might be some dust created. Mosher suggested a turbidity curtain but the Commission decided it was unnecessary. Yablonsky stated that the River will be protection (dust controls, hay bales, silt fence, etc)

MOTION: Moved by Letourneau, seconded by Mosher, and voted 3-0 to approve the Amended Notice of Intent for Phase I of Remediation at the Berkshire Gas Company Former MGP site at Mead Street, Greenfield, MA under the Wetlands Protection Act with the following conditions:

1. Standard Boiler Plate Conditions apply
2. Applicant must comply with formal comments distributed by the Massachusetts Division of Fisheries and Wildlife on July 6, 2012 to the Greenfield Conservation Commission and Ishwar Muraka (Ish Inc.) regarding Phase I remediation (NHESP File No. 98-3370).
3. Prior to the commencement of work, the applicant shall submit to NHESP a detailed protection plan for the Wood Turtle for review and written approval. This document shall consider timing, turtle barriers, and biologist oversight within the work and staging areas to avoid impacts to Wood Turtles.
4. The Greenfield Conservation Commission shall be copied in all final reports submitted to the Department of Environmental Protection/NHESP.
5. As needed, work boots shall be cleaned or left onsite to prevent contamination.

MOTION: Moved by Letourneau, seconded by Mosher, and voted 3-0 to approve the Amended Notice of Intent for Phase I of Remediation at the Berkshire Gas Company Former MGP site at Mead Street, Greenfield, MA under the Wetlands Protection Ordinance (Chapter 195) with the same conditions under the Wetlands Protection Act.

7:15 p.m. Randall Roberts – Public Hearing to review a Request for Determination of Applicability for property located at 318 Deerfield Street (Map 17, Parcel 17), for work pertaining to the reconstruction of existing porch in floodplain.

Lisa Lesure, applicant's representative

Lesure presented pictures to the Commission displaying the current conditions. Lesure gave the Commission a copy of the Legal Ad. Lesure explained that the structure was sagging and being held up by six (6) cinderblocks. They would like to replace the cinder blocks with three footings.

DiNardo explained that the project is within Riverfront and Floodplain and displayed the GIS map.

30 cubic feet of cinder and concrete will be replaced with three (3) 48" x 12" concrete piers.. Haro asked how the 30 cubic feet was determined. Lesure stated that the contractor calculated. Haro asked if the structure would be propped during reconstruction. Lesure stated that it was already propped. The property was damaged in the flood. Haro asked about change to existing footprint. Lesure stated that less material would be hitting the ground (6 cinderblocks become 3 piers with supports). Some rubble was removed. Homeowner/contractor spoke with structural engineer to design best method. Haro asked about excavation and what would be done with extra soil. Lesure stated that they were hoping to fill low areas that were degraded during flood with soil. Commission would want the soil covered at the end of each work day to prevent run-off and soil was never to be dumped in the River.

Mosher asked if Lesure had proof of Power of Attorney paperwork. Lesure was not aware she needed it and will submit a copy to the Commission.

MOTION: Moved by Letourneau, seconded by Mosher, and voted 3-0 to issue a Negative Determination that the work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require filing of a Notice of Intent. The following conditions apply:

- 1. All spoils/stockpiled materials shall be covered with a tarp at the end of each work day.**
- 2. Proof of Power of Attorney shall be submitted to the Commission before commencement of work.**

Other Business:

- a. Jen Smith, Mount Grace Land Trust – Agricultural Preservation Restriction (APR) Program inquiry for ~14 acre farm located on Colrain Road.

Jen Smith present.

Smith explained the APR process and the section of the application that applies to the Commission. Smith gave a copy of the enclosure to the Commissioners. Charlie Unaitis, Unaitis Farms, owns 14 acres of land on Colrain Road. He was born on farm and bought it from his mother in the 50s. He has a road side farm stand, mostly mixed veggies. He retired and leases the farm to a farmer that owns land to the south of his property, neighbor has APR. The application will be reviewed by the state in August. The property will need to be appraised by the stated and then Charles will need to approve the state's proposal. Haro stated that the Commission is being asked to submitting supporting comments and a donation.

Smith explained that 5-20 percent of the total value of APR must be matched by town of landowner. Landowner would consider bargain sale depending on price. At this time they do not know the price. Jen will update with numbers and certainty in the future. Haro asked when a decision was needed. Jen just wanted to inform the commission and answer questions. This is preliminary the homeowner has not agreed to anything. Haro explained DeHoyos is absent and he might have additional questions. The form would need to be completed by August. DiNardo will prepare the enclosure for the Commission to vote on at the next meeting. The Commission will review what they have donated in the past or leave the money amount TBD. The Commission has no reservations about supporting the APR

- b. Peter LaBarbera representing Leonard Weeks, 312 Adams Road – response to enforcement order.

Peter LaBarbera, Leonard and Susan Weeks present.

LaBarbera asked if we were missing any pages from the 'response to enforcement order' document. Both

documents OK.

Haro explained that the documentation was received last week. The Commission would like to know the intent and the purpose of this document.

Two fold – (1) Leonard and Susan Weeks do not want an outstanding enforcement order. (2) The issues in the enforcement order need to be remediated before the dam repair work can commence. This was discussed conceptually with Mark Stinson, DEP. Letourneau had LaBarbera verify each section of the pond. LaBarbera explained the topography. Haro explained the interactions: (1) Weeks wanted to repair the dam, which was authorized; (2) Work was then done to dredge the entire pond and spoils were piled on BVW/bank of pond; (3) Immediate concern was that that was a violation – spoils in resource area, dredge was not permitted; (4) Spoils were placed on both sides to the pond (east/west); (5) Commission requested that spoils be removed and damaged area be re-vegetated; (6) At this time the remediation has not been resolved in the Commission's opinion. LaBarbera only explored the west bank and the north side of the pond. This was the first LaBarbera knew the Commission was concerned about the east bank. There was discussion about how many cubic yards of spoils were placed on bank. Weeks stated that the spoils were removed within the first year of enforcement.

LaBarbera explained the report; west side was explored not the east side. Dee mentioned that they did remediate the east to some degree because there was grass planted and straw. The Commission would have requested a wetland see mix not grass seed.

LaBarbera explained test pits (TP) via auger boring. Artificial material would be very noticeably compact or loose. All borings showed that the soils have not been deposited with the last 5-7 years. The distribution, colors, and texture are all evenly distributed. Vegetation present is consistent throughout bank area. He is convinced that all test pits show no recently artificially deposited materials. LaBarbera delineated the north end. Commission express concern with the east site; can go out with auger to assess the east side the way the west side was tested.

DiNardo will check files for picture of the original violation taken by Ralph Kunkel.

Foreseeable future/long-term goal – would still like to fix the dam.

The Commission recommended that the homeowners speak with and work with the DPW/town about the sedimentation run-off. If dam is not rebuilt it will fall. The Weeks did a site visit with Sara Campbell, recognized the problem, went through records, documented that catch basin were there in the 80s. Weeks would like the dam back and to have standing water.

DiNardo will coordinate a site visit between property owner, representative, and Commission at 312 Adams Road. The Commission would like a site visit to see the current status, look at picture from 2006-2007, look at the soil on the east side to determine whether or not it is deposited, and decided where to go from here with remediation. DiNardo will be in contact via email on dates/times available for a site visit within the next two weeks..

c. Trail Maintenance at the Griswold/GTD Conservation Area.

DiNardo presented a quote from Bob Cook dated July 6, 2012. Brush hogging and mowing of the Stewardship Trail and Main parking will cost ~\$1,500.00. This is based on previous bills; Bob Cook did not assess the site in person. The Commission seemed uneasy about the price especially considering the extent to the work (less than 8 hours needed). DiNardo will review past quotes, Haro will speak with Steve Walk, and the Commission will ask for an updated quote if needed. The Commission will continue discussion at the next meeting.

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

Permits and Conditions section – no progress at this time; will be reviewed at the next meeting.

Violations and Penalties section – Mosher distributed a handout with the current Ordinance, the MACC model, and examples from Northampton and Amherst.

- A. Okay as written
- B. Commission can enter private property ‘as permitted by an Order or Determination or with the property owners consent’. The Commission can also obtain information, documentation, and picture from a right of way or by receiving consent from a neighboring property. This section is described in more detail in ‘D.’. ‘Subject to the constitution and laws of the United States and the Commonwealth of Massachusetts’ should be removed.
- C. This should be replaced with the third paragraph in the MACC model with ‘bylaw’ changed to ‘ordinance’. This section refers to ‘subsection F’, the Commission suggested making this easier to read.
- D. Okay as written
- E. Okay as written
- F. Commission discussion if \$100 maximum per day was the best option. The Commission changed ‘shall’ to ‘may’ so that the fines will be left to our discretion.
- G. Okay as written.

Commission discussed adding the fourth paragraph of the MACC model to the Ordinance so that we will have more support from town/Mayor. This will ultimately be decided by Town Counsel or by the Town attorney. Mosher will compile edits for approval at the next meeting.

Security section – DiNardo read an email from MACC stating that the Commission does not have the power to place a deed restriction on property without the owners permission/consent. DiNardo will change ‘payable to the Commission’ to ‘payable to the Town of Greenfield’. The Commission approved the section with that change.

For next meeting:

- Permits and Conditions
- Violations and Penalties

- e. Annual reorganization.

MOTION: Moved by Letourneau, seconded by Mosher, and voted 3-0 to move the annual reorganization until the next meeting that all Commissioners are present

Correspondence:

Monitoring:

Enforcement Updates: 20 Laurel Street violation – WMECO schedule the property to be surveyed July 6th. DiNardo will follow-up with Mark Snow/property owner.

Site Visits: The Commission is available in the mornings (around 8AM) or in the evening (after 5PM) to meet with Leonard and Susan Weeks/Peter LaBarbera at 312 Adams Road. Mosher is not available Monday, July 16th. DiNardo will confirm a date/time via email.

Next Meeting: July 24, 2012 @ 7:00PM Department of Planning and Development, 114 Main Street.

Adjournment:

MOTION: Moved by Mosher, seconded by Letourneau, and voted 3-0 to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

Laura DiNardo
Conservation Agent

Alex Haro
Chair