

CONSERVATION COMMISSION

Town of GREENFIELD, MASSACHUSETTS
14 Court Square, Greenfield MA 01301

413-772-1551
413-772-1309 (fax)



GREENFIELD CONSERVATION COMMISSION
Minutes of Tuesday February 12, 2013
7:00 p.m. Greenfield Department of Planning and Development
114 Main Street

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

PRESENT: Alex Haro, Chair
Timothy Mosher, Vice-Chair
Thomas DeHoyos
Dee Letourneau
John Blasiak
Angela Panaccione, Agent

ABSENT:

ALSO PRESENT: Mark Stinson, MA Department of Environmental Protection
Tony Wonseski, Senior Project Manager, SVE Associates
Ward Smith, Wetland Scientist, Wendell Wetland Services
Leslie Brown, Director of Finance and Operations, Stoneleigh-Burnham School
George Halkett, Director of the Equestrian Center, Stoneleigh-Burnham School

Approval of Minutes: Approval of Meeting Minutes from January 8, 2013.

MOTION: Moved by Blasiak, seconded by Letourneau, no further discussion and voted 5-0-0 to approve the minutes from January 8, 2013 as amended.

Public Meetings/Hearings:

7:00 PM NOI (DEP # 168-0256): 574 Bernardston Road –Stoneleigh Burnham School

On January 22, 2013, the Commission received an NOI submitted by SVE Associates c/o Leslie Brown representing the Stoneleigh-Burnham School, for property located at 574 Bernardston Road (Map R15, Parcel 2). The NOI is for work pertaining to four (4) separate projects: 1) stream maintenance dredging operation 2) equestrian improvements, 3) pond maintenance and new fore bay construction and 4) construction of a new outside arena.

A site visit occurred at 4 pm on Thursday February 7, 2013 with Chair Alex Haro, Commissioner John Blasiak, Agent Angela Panaccione, Mark Stinson (DEP), Tony Wonseski (SVE) and Ward Smith. All projects areas were reviewed.

Approved Documents & Plans:

1. Notice of Intent: Stoneleigh Burnham School Drainage and Equestrian Improvements, prepared by SVE Associates, dated 1/11/2013
2. Site Plan (Pg. 1-7), prepared by SVE Associates, dated 1/7/2013
3. Wildlife Habitat Evaluation, Stoneleigh-Burnham School, Greenfield, prepared by Wendell Wetland Services, dated 8/2012
4. Technical Memorandum (Stormwater Report), prepared by Tony Wonseski, SVE Associates, dated 1/8/2013

Tony Wonseski (SVE Associates) and Ward Smith (Wendell Wetland Services) attended tonight's hearing as consultants for Stoneleigh-Burnham School. Also in attendance were Leslie Brown (Director of Finance and Operations) and George Halkett (Director of the Equestrian Center) of Stoneleigh-Burnham School.

Wonseski began the presentation by submitting new information to the commission, including:

1. New Notice of Intent: Proposing the project as limited under 310 CMR 10.53(4) Resource Area Improvement (Fisheries)
2. Narrative of Resource Area Impacts
3. A letter of request was sent to MEPA for an Advisory Opinion on the proposed routine maintenance project. MEPA filing is required when a project proposes to alter more than 500' of bank along a fish run or inland bank.

Wonseski then presented the four projects separately.

Project #1 - Stream Maintenance/Dredging: The stream is overgrown and loaded with sediment. The project proposes to dredge 2800-feet of land under water and alter 1400-linear feet of bank. 120 cubic yards of sediment will be dredged from the stream and a portion of the dredged materials will be used within the new sediment fore bay. Issues included:

1. Stream is classified as perennial on the USGS quads; but our determination classified it as intermittent. According to site visit notes and information provided in the request, the stream does run dry at points in time but this may be due to the high sediment loads in the channel. The motion made for the determination referred to it as intermittent. DEP recommends the commission fix this in the determination and SVE agreed to amend the determination to properly classify the stream as perennial.
2. The project is subject to 401 WQC and in order to avoid any conflict between permits the Commission should continue the hearing until the permit is issued. It is up to the applicant as to whether they would like to close the hearing, have the commission issue a decision and risk that the certification will require additional work. If additional work is required because of the Water Quality Certification the applicant will be required to file a new notice of intent.
3. Bank is not flagged, and in some portions of the stream, it is hard to differentiate between the bank and the BVW. Bank (first observable break in slope) and MAHWL (10.58 2(a)2(a) and 2(b). No information was submitted regarding how the riverfront area was determined (riverfront starts at mean annual high water line). Applicant should provide explanation of how MAHWL was determined and flag the bank accordingly.
4. Also, NOI does not propose any impacts to BVW, but stream bank and BVW are hard to differentiate in some sections.

5. Time of Year, this type of project should be completed according to DEP GEIR for Eutrophication and Aquatic Plant Management in Massachusetts.
6. Wildlife Habitat Evaluation: Detailed Wildlife Habitat Evaluation (Appendix B) could be required

Project # 2 - Expanded Equestrian Gate: This project proposes to widen/expand the three (3) current equestrian gates along the stream. The first two gates are along the stream and will be restored through the use of TRG mats. The third gate to be expanded is at the beginning of the channel, across the street from the pond drainage. This gate will increase the stream bottom (Land Under Water) by 3,730-square feet. The work will require excavation, removing the current timber walls, expanding the current gravel/stone bottom and installing new shorter timber walls. Resource areas that are temporarily affected include 130-linear feet of bank and 875-square feet of Land Under Water.

Project # 3 - Pond Maintenance and new Fore Bay Construction: The current catch basin located by the barns discharges directly into the pond. Over the years, this has resulted in aquatic growth and sediment overloads in the pond. Additionally, the discharge of manure is affecting water quality, though no tests have been conducted to determine contaminants present in the water. This project proposed to replace the current catch basin by the barns with a deep sump catch basin to intercept the discharge. The new catch basin will drain into the proposed sediment fore bay, then into the pond. This project will require 401 WQC from DEP. Issues included:

1. Stormwater Management – Standard 7 applies since the project is proposed as a redevelopment project. New stormwater system (deep sump catch basins and a sediment fore bay) will be installed to mitigate nutrients overloads entering the pond. Agent pointed out that according to the stormwater V2C2, the BMP for treating horse manure/bacteria are rain gardens and detention basins, not a fore bay. Fore bay will not treat bacteria problem (e-coli etc.) Project must be completed according to BMP for stormwater if proposed as redevelopment. Wonseski stated rain gardens are not feasible on site due to soils. The clay soils will not infiltrate the water properly. Mechanically, there is not a way to accomplish rain gardens. Additionally, the installation of rain gardens would not be economically feasible at the time. Blasiak: want vegetation in fore bay
2. Fore bay Maintenance: will occur four (4) times a year or when the sediment reaches a depth of 18-inches. The maintenance plan and schedule are located in Attachment F: *Storm Water Management Plan Long-Term Operations & Maintenance Plan*.

Project # 4 - New Outdoor Arena (Future project): This project proposes a new outdoor arena. No impacts to resource areas are proposed and all work is in the buffer zone. Additionally, all work is outside of the 25-foot no disturb zone as well. No additional impervious surfaces are proposed in the project. The arena will be constructed by rough grading the surfaces and covering it with mats. A sub-drain system is proposed for stormwater management, which will drain to existing storm drains. No maintenance plan for the sub-drain system was included.

DeHoyes: How much additional flow can the current storm drains handle?

Wonseski: A lot

The dredging of the pond and stream will occur at the same time and be completed in approximately 1 week. The stream will be dredged 700-feet and to a depth of approximately 1 bucket width. Matting will be used on the banks for stabilization. The pond will be dredged to a depth of 2.5-feet.

Blasiak: Will they be dredging the channel or making a channel? The bank is currently not flagged and it is hard to differentiate between the bank and the BVW in several sections. The major concern is with the hydrological stability of the bank, specifically unintended bank tearing due to the maintenance dredging.

Wonseski: The depth and width of the stream does vary along the channel, but past USGS maps have provided a basis for the desired restored channel. The bank and MAHWL will be flagged and reviewed by the commission before any work begins. If resource areas impacts are anticipated to occur in the BVW due to new delineations, the applicant will re-fill the NOI to include impacts.

Mark Stinson commented on the current stream classification. The NOI and USGS quad maps classify the stream as perennial; but the determination classifies it as intermittent. There was discussion at the determination meeting of the stream running dry at times, but the applicant attributes this to the heavy sediment loads present. The current stream maintenance project proposes to remedy this situation and restore the channel to a more natural state.

MOTION: Moved by DeHoyos, seconded by Letourneau, no further discussion and voted 4-0-1 to amend the Determination of Applicability issued on November 28, 2012 due to a scripter's error, to classify the stream present on the property as perennial, not intermittent.

Limited Project – The project could be submitted as a limited project under 310 CMR 10.53(4) Resource Area improvement

- Notwithstanding the provisions of 310 CMR 10.54 through 10.58, the issuing authority may issue an Order of Conditions for projects which will improve the natural capacity of a resource area(s) to protect the interests identified in M.G.L. c. 131, § 40 (although no such project may be permitted which will have any adverse effect on specified wildlife habitat sites of rare vertebrate or invertebrate species as identified by procedures established under 310 CMR 10.59). Such projects include, but are not limited to, the removal of aquatic nuisance vegetation to retard pond and lake eutrophication and the thinning or planting of vegetation to improve habitat value.
- Interests possibly improved by project: protection of wildlife habitat, protection of fisheries
- Also monitor for invasive

MOTION: Moved by DeHoyos, seconded by Mosher, to accept the request to classify the project as a limited project under 310 CMR 10.53(4): Resource area improvements.
Further discussion: Blasiak does not agree enough information has been provided to substantiate the request to classify the project as a resource area improvement. The applicant should demonstrate how the four projects would improve the natural capacity of the resource area(s) to protect fisheries and wildlife habitat.
Voted 4-1-0 (Blasiak opposed)

MOTION: Moved by DeHoyos, seconded by Letourneau, no further discussion and voted 5-0-0 to continue the hearing until 7:30 PM on Tuesday March 12, 2013

Enforcement Updates:

Colrain Street: Several unauthorized structures are present along the perennial stream and a pen and shed is located within the riverfront zone, NHESP priority habitat and the flood plain. The owner is Elena Pirozhkov and the property is assessors map R26 4 0. According to Mark Snow, building Inspector, within the past five years, the land has been used for raising animals and growing produce for commercial purposes. There were approximately 25 chickens and 15 goats on the parcel last spring when he conducted a site visit over a building code violation. The location has also had a produce stand in the past, for commercial purposes. If there was a farm stand, there should be a record of proceeds. Agent will check with the assessor's office to see if a "profit" has been documented in the past from agricultural productivity. Land could be considered a "working farm" in "agricultural use" under the WPA, but the burden of proof is on the applicant to demonstrate they meet the requirements of an agricultural exemption, under 310 CMR 10.04 (Agriculture).

Exxon Mobile – 142 Mohawk Trail: In response to a possible violation, Haro and Panaccione conducted a site visit at 9:00 a.m. on January 10, 2013 and found evidence of the snow disposal into the stream below. They spoke to the station clerk and explained that disposing of snow into a resource area is a violation of the Mass DEP snow disposal guidelines and a violation of the Wetlands Protection Act. The clerk responded that the snow would be removed from the edge of the lot adjacent to the stream channel and that snow would not be piled there in the future. Haro and Panaccione requested all snow piled along the south edge of the parking lot be removed immediately and that future plowing does not pile snow in this location.

The site visit also verified there has been continued significant erosion of the north bank of the stream channel, to a point where the parking lot pavement will soon be undercut. Furthermore, the wooden fence on the property between the parking lot and stream has completely disengaged from the ground and is at the point of falling into the stream. At this rate of erosion, the fence and parking lot are liable to collapse into the stream at any time, potentially blocking the stream channel, aggravating bank erosion, and introducing runoff from the lot directly into the stream.

A letter was sent to ExxonMobil, Lehigh Gas, and Faist Engineering informing them of the violation of the Mass DEP snow disposal guidelines. An immediate written response to this situation was requested from Lehigh Gas/Exxon Mobil. Additionally, a time line and intended actions to be taken for the "Sheet pile Stream Bank Restoration" project (DEP # 168-0262) were also requested.

A quick response came from attorney Urs Furrer, retained by both ExxonMobil and Lehigh Gas. He informed the commission they are working on a schedule for project completion and will send it as soon as possible. He requested a copy of the NOI and OOC, along with any photos of the area at the time of filing. The requested materials were mailed Thursday February 8, 2013. Mr. Furrer did state a representative would be viewing the site and would contact the commission to coordinate the visit. Both ExxonMobil and Lehigh Gas are willing to cooperate fully in this matter to avoid possible enforcement actions.

Snow Disposal Violation: We received a complaint from Karen Hirschberg (DEP) about someone dumping snow from a parking lot into the Green river in Greenfield. She received a call from an EPO Tiner who is investigating this. The reported location is Conway Drive, the David Kalinowski Property, across from enterprise. DEP spoke with Mr. Kalinowski and told him it was illegal to dump snow in a river and a violation of DEP Snow Disposal Guidelines. DEP will not investigate further

unless another complaint is issued. I also spoke with Officer Tiner, who received the complaint initially from Greenfield PD. He did not think Mr. Kalinowski was intentionally plowing the snow into the river, it was just a matter of circumstance due to the amount of snow. To the officer it appeared that snow was falling on its own accord down the bank. Panaccione inspected the site at 10 AM on Tuesday February 12, 2013 and did not concur with Office Tiner findings. Blasiak also conducted a site visit and did agree with Officer Tiner.

MOTION: Moved by Blasiak, seconded by Letourneau, no further discussion and voted 4-1-0 to send an informal letter to Mr. Kalinoski informing him of the complaint, requesting he exercise care in the future and providing him with a copy of the *DEP Snow Disposal Guidance (2008)*.

Other Business:

Berkshire Gas: The Commission received an update and revised information for the proposed remediation of the sediments and the banks of the Green River as the next phase of the remediation work to be performed by the Berkshire Gas (BG). BG successfully completed the landside construction work last year and is completing the construction report for submission to the various agencies They will be submitting a request in February for the certification of compliance for the last NOI so that the new NOI request can be processed.

BG also sent a revised set of figures and plans for the proposed “Phase II” and is working to complete the Phase II NOI for official submission in February. Their goal is to obtain the necessary permits by the end of May to implement the remediation work beginning sometime in June 2013, and completing it by the end of October 2013. Included in the NOI will be the Essential Fish Habitat (EFH) Assessment report request by the USACOE and the locational (intensive) archeological survey completed by UMASS.

Green River Festival Parking: Commission received a letter of request, from the FCC Events Manager and Festival Coordinator, to use the Wedgewood garden open space for parking on July 20 and 21, 2013. They will be using the same parking plan as in 2012 that worked exceptionally well.

MOTION: Moved by DeHoyos, seconded by Mosher, no further discussion and voted 5-0-0 to accept the request by the Franklin County Chamber of Commerce to use Wedgewood Gardens again for satellite parking for the Green River Festival, July 20 and 21, 2013, provided they follow the approved 2012 map and parking plans.

GTD Conservation Land – Boy Scout Bridge: Bill Griswold inquired about purchasing a plaque for the footbridge in GTD, to acknowledge the Boy Scout Troop that built it. He said he would take the lead on the project, find a sign maker, and send the commission a quote. The commission is on board with purchasing a plaque. Panaccione will contact Griswold to request he provide a design and estimate of costs for the plaque.

Additionally, Griswold expressed concerns over the trail work completed last year, stating there are still several piles of slash and debris on the trails that has yet to be removed; and a field also in need of

mowing. Haro walked the trails recently and does not remember slash piles. Haro agreed to walk the trail again in the spring to investigate further.

Development at 140 French King Highway: The Commission received a RDA for wetlands delineations from Jason Horowitz, of GBT Realty Corporation for the property located at 140 French King Highway (northeast of the power lines between French King Highway and the old Gill Road). Upon initial review, the Agent determined the application to be incomplete, due to the following missing information:

- 1) Perennial stream (bank resource area) that run behind the parcel, parallel to Gill Road.
- 2) The Riverfront Area, including how the riverfront area was determined (riverfront starts at mean annual high water line)
- 3) Any bordering lands subject to flooding
- 4) Buffers from the wetlands across both streets
- 5) Appendix G data sheet showing how the BVW delineation was done.

The Agent informed the applicant the Commission would not review/approve any delineated boundaries until spring (probably mid-March at the earliest). The Agent also informed the applicant that if they want the commission to verify the delineations in the spring all these resource areas must be accurately defined. The applicant then stated that he only wishes to know if the parcel is developable, specifically with a new retail store. Agent explained the commission could not make any determination without a site plan for the project. Additional information was provided to the applicant regarding the performance standards for working both in the buffer zone, and in resource areas.

Surplus Property Disposition: The Commission was requested to supply a written recommendation to the Planning Department about the sale of two parcels of land, by the Town, to private individuals. The recommendation shall indicate if the property is needed for any Town purpose, if the proposed use of the property (if know) is appropriate, if any special conditions should be attached to the site; and any additional information which may be appropriate and useful for a determination. The properties and the Commission's recommendations are as follows:

- 1) A portion (0.2 acres) of parcel 75-45 off Walnut Street

The Greenfield Conservation Commission does not have any recommendations or concerns in regards to this sale. There are no resource areas or unique natural features present on the parcel. The Commission does not feel the property is needed for any Town purpose and does not recommend any special conditions be attached to the sale.

- 2) A portion (or all) of parcel R20-21 at the end of Stetson Drive.

The Greenfield Conservation Commission does not have any recommendations in regards to this sale. There are significant resource areas (wetlands) on the parcel, but no unique or distinct natural features that would warrant the town maintaining possession. The Commission does not feel the property is needed for any Town purpose and does not recommend any special conditions be attached to the sale. The Commission would like to note that the majority of the parcel is undevelopable and should be recorded as such.

Agent Angela Panaccione met with the proposed buyer, Eric Yetter, on site Thursday February 8, 2013. Mr. Yetter and Ms. Panaccione walked the property, identified the resource areas and discussed Mr. Yetter's intentions. Mr. Yetter wishes to purchase the parcel to increase the property value of his own and protect the land as open space. Based on this discussion, the Commission agrees the proposed use of the property is appropriate.

Next Meeting: 7 PM on Tuesday, March 12, 2013, at the Greenfield Department of Planning and Development; 114 Main Street.

Adjournment:

MOTION: Moved by Blasiak, seconded by Letourneau, no further discussion and voted 5-0-0 to adjourn the meeting at 8:48 p.m.

Respectfully Submitted,

Angela Panaccione
Conservation Commission Agent

Alex Haro
Chair