

# CONSERVATION COMMISSION

Town of GREENFIELD, MASSACHUSETTS  
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**GREENFIELD CONSERVATION COMMISSION**  
**Minutes of Tuesday April 23, 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 7:05 p.m. with the following members:

**PRESENT:** Alex Haro, Chair  
Thomas DeHoyos  
John Blasiak  
Angela Panaccione, Agent

**ABSENT:** Timothy Mosher, Vice-Chair  
Dee Letourneau

Approval of Minutes: Approval of Meeting Minutes from March 12 and March 26, 2013.

**MOTION:** Moved by Blasiak, seconded by DeHoyos, no further discussion and voted 3-0-0 to table the minutes from March 12, 2013 to the next meeting on May 14, 2013.

**MOTION:** Moved by DeHoyos, seconded by Blasiak, no further discussion and voted 3-0-0 to approve the minutes from March 26, 2013.

Public Meetings/Hearings:

**7:10 PM - Alex Haro Re-Open Continued NOI Hearing (DEP # 168-0289): 574 Bernardston Road; Stoneleigh Burnham School**

The 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), 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.

**Approved Documents & Plans:**

1. Revised Notice of Intent: Stoneleigh Burnham School Drainage and Equestrian Improvements, prepared by SVE Associates, dated 2/12/2013
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
5. Limited Project Description & Narrative of Resource Area Impacts, prepared by Wendell Wetland Services, dated 2/12/2013

Tony Wonseski requested a continuance of the hearing. The applicant is still working of the 401 WQC, which could result in project modifications or variations in resource area impacts. Wonseski did supply the Commission with revised plans delineating the perennial stream located on the property. The bank has also been flagged for commission review.

**MOTION: Moved by DeHoyos, seconded by Blasiak, no further discussion and voted 3-0-0 to continue the hearing until 7:00 PM on Tuesday May 14, 2013**

**7:15 PM - Alex Haro Opens the Public Meeting for the RDA - Mass DOT:** Request for Determination of Applicability submitted by Mass DOT-Highway Division, District 2 for property located along a section of Route 2 (Factory Hollow) (Road ROW), to determine whether the work proposed for traffic safety improvements, consisting of the installation of approximately 435 feet of subdrain, is subject to the Wetlands Protection Act.

A site visit occurred with Commissioners Alex Haro and John Blasiak, Conservation Agent Angela Panaccione and Timothy Meyers from Mass DOT on April 9, 2013 at 5 PM. Meyers explained the project and its relation to the previously issued Determination for road re-surfacing (2008). Both projects may be combined and completed simultaneously. Currently there is a winter safety hazard on Rt. 2, by the Factory Hollow intersection. Seepage from water pockets has been slowly draining down the hill and causes both flooding and icy conditions in the winter. The proposed subdrain will remedy the situation by directing the flow off the road surface and into existing stormwater systems under Rt. 2. The subdrain will provide an efficient way to mitigate against the seepage and will not result in any new point source pollution; and will have no impact to the nearby Bordering Vegetative Wetlands (BVW) or Riverfront Area (RA).

The work will consist of excavating a 20-inch wide trench along the shoulder of Route 2, and installing the new subdrain. The work is anticipated to be completed within two weeks and will most likely be combined with the resurfacing project. The goal is to get in and out as quickly as possible (due to safety concerns). Any soils removed will be taken off site by Mass DOT. There will be storage on site. All equipment will operate from the road, and work in the buffer zone will be as minimal as possible. The subdrain will connect to current storm drains via two manholes along the shoulder of Route 2. If during work ledge is hit, the contractors will chip away the area for installation. If the ledge is greater than anticipated and cannot be removed through chipping, the contractors will only install half the drain, and connect to the first Manhole, approximately halfway through the proposed project area. Upon completion of the work, the disturbed area will be re-graded and covered with stones.

**Approved Documents & Plans:**

1. Request for Determination of Applicability: Mass DOT - Route 2 (Factory Hollow) Project # 606006, prepared by Mass DOT, dated 3/19/2013
2. Proposed Subdrain Site Plan (Pg. 1-2), prepared by Mass DOT, dated 3/18/2013

**MOTION: Moved by DeHoyos, seconded by Blasiak, no further discussion and voted 3-0-0 to make a negative determination, box 3, 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: Standard Boiler Plate Conditions (Attachment A).**

**7:30 PM Alex Haro Opens the Public Meeting for the RDA – Greenfield Housing Authority:** Request for the Determination of Applicability submitted by Greenfield Housing Authority, for property located at Oak Courts (Assessors Map 99-1), to determine whether the work proposed for the construction of 2-unit residential structures and associated site improvements including: grading, paving, and the installation of utilities is subject to the Wetlands Protection Act.

A site visit occurred with Commissioners Alex Haro, Tim Mosher and John Blasiak, Conservation Agent Angela

Panaccione and John Counter, Executive Director of the Greenfield Housing Authority on April 9, 2013 at 5:30 PM. Counter explained how the project is exactly the same as the approved project from a previously issued Determination from 2008. The project was placed on hold from financial constraints, but Funding has been approved and work is anticipated to begin in the late fall.

Blasiak commented on the sustainability of the project. He felt the project would be better served through developing an onsite stormwater management system; opposed to directing the new runoff to the towns current storm drains. As proposed, roof runoff from the two new buildings will be contained in a closed guttural system and channeled to existing manholes on site.

The work proposed is strictly in the buffer zone and will not result in any resource area alteration. All trees removed will be replaced, in kind, on a 1:1 ratio. The current intermittent stream channel on site will be cleaned (trash and debris removed) by hand and maintained through the project. All mowing and landscaping will be contained to the existing lawn and will occur in the buffer zone only. The commission reviewed the previously issued determination, and agreed to re-issue the same conditions.

#### **Approved Documents & Plans:**

1. Request for Determination of Applicability: Greenfield Housing Authority –Oak Courts Renovations, prepared by Greenfield Housing Authority, dated 3/22/2013
2. Oak Courts Renovations Site Plan (Pg. 1-3) Project # 20742, prepared by Dietz & Co Architects Incorporated, dated 7/9/2008

**MOTION:** Moved by DeHoyos, seconded by Blasiak, no further discussion and voted 3-0-0 to make a negative determination, box 3, 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: Standard Boiler Plate Conditions (Attachment A) and the following:

1. Lawn mowing or cutting of vegetation will not extend beyond the existing mowed lawn.
2. There will be no dumping of clippings, grass cuttings or leaves into the resource areas.
3. The trees that will be removed in the buffer zone will be replaced by the same species.
4. The applicant will additionally clean the resource area, including the stream channel, of the debris therein with the use of hand tools only.

**7:45 PM - Alex Haro Opened the NOI Hearing (DEP # 168-0292) – Greenfield DPW:** Notice of Intent submitted by BETA Group, Inc. c/o Sarah Campbell resenting the Town of Greenfield's Department of Public Works (DPW), for property located Colrain Road at Colrain Street/College Drive (Road ROW), for work pertaining to replacing two-way stop controlled intersection with a four-legged modern roundabout featuring raised deflection islands, a mountable truck apron, and a landscaped center island.

A site visit occurred with Commissioners Alex Haro, Tom DeHoyos and John Blasiak, Conservation Agent Angela Panaccione and Sarah Campbell, of the Greenfield Department of Public Works (DPW) on April 2, 2013 at 5:00 PM. Campbell explained the project and work is anticipated to begin in the late fall/early winter of this year (project will go out to bid in July). During the site visit the commission expressed concerns over the invasive species in the area, the removal (or lack thereof) of dead and diseased trees, and the current state of the culvert under the road. The Commission questioned why the project did not propose a culvert replacement; given this would be the opportune time to complete it. The current culvert is the original culvert, and is eroding in places. Campbell stated she would get the Commission answers for the hearing.

Campbell began the presentation by answering the Commissions' questions from the site visit. The removal of dead and diseased trees was not incorporated into the project initially and Campbell supplied a new site plan detailing the tree's to be removed. Blasiak stated he would want to see the trees replace on a 1:1 ration with in kind species; unless

the tree removed was not a native trees (such as the few Norwegian Maples proposed for removal). In this case, the trees should be replaced with the same type, but native species (Maple with Maple, Oak with Oak). The work is mainly in the buffer zone, with a proposed 50-foot temporary disturbance of the bank in order to recoat the current culvert. The project does not propose to remove or replace the current corrugated metal pipe culvert under the roadway, though Haro did express concerns over the current condition of the pipe. Campbell if the culvert were to be replaced, it would require a much larger work area and increase the complexity and manageability of the project.

The Commission did receive comments from DEP on this project. A 401 WQC may be required. Both Campbell and Panaccione contacted DEP about this, but neither has received a response. Campbell explained she did not see why this would be required, since this is normally only required for fillings with either filing or dredging proposed (which this project does not have.) Haro stated that it may be a result of the new stream crossing standards and the project is proposing to repair (re-surface) the current culvert. The Agent will investigate this further.

The other area of concern the commission had with the project was the proposed plantings in the center island. Currently the project proposes species such as Rosa Longosa and Japanese Lilac. These species are not native to the area, and could easily spread from the buffer zone to resource areas. Blasiak informed Campbell the state website has a list of resources in regards to native plantings. Haro suggested the Commission incorporate a special condition of using only native species in the center island and suggest possibilities or specific species. Blasiak disagreed; he felt the Commission should only require native species and the specifics should be left to the applicant.

#### **Approved Documents & Plans:**

1. Notice of Intent: Colrain Road/Colrain Street/College Drive Intersection Improvements Mass DOT Project # 606048, prepared by BETA Group, Inc, dated 3/15/2013
2. Colrain Road/Colrain Street/College Drive Intersection Improvements Site Plan (Pg. 1-3, 6, 8-9, 15-16 and 23) Mass DOT Project # 606048, prepared by BETA Group, Inc, dated 3/15/2013
3. Revised Colrain Road/Colrain Street/College Drive Intersection Improvements Site Plan Mass DOT Project # 606048 (Sheet), prepared by BETA Group, Inc, dated 4/6/2013
4. Stormwater Report, prepared by BETA Group, Inc, dated 3/15/2013

**MOTION:** Moved by DeHoyos, seconded by Blasiak, no further discussion and voted 3-0-0 to close the Public Hearing and issue the Orders of Conditions, pending DEP comments on the required 401 Water Quality Certification.

**MOTION:** Moved by DeHoyos, seconded by Blasiak, no further discussion and voted 3-0-0 to approve the project under the Town of Greenfield's Chapter 195 Wetlands Protection Ordinance.

#### 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. The Commission will refrain from enforcement action until it can be determined if the land is in "Agricultural Use". Agent will investigate further and the Commission will monitor the site in the spring for farming activities.

**Exxon Mobile – 142 Mohawk Trail:** Attorney Urs Furrer, retained by both ExxonMobil and Lehigh Gas, along with environmental consultant Chris Horan, of Synergy Environmental, attend the Greenfield Conservation Commission Meeting on Tuesday, April 23, 2013 at 7 p.m. to discuss the matter further, including snow disposal protocol. They were informed by a certified letter, dated March 22, 2013 that the Commission requested a written response by May 1, 2013 describing ExxonMobil/Lehigh Gas, Inc. intended actions to complete the 2008 Stream Bank Restoration Plan (submitted to the Greenfield Conservation Commission on July 17, 2008), including a detailed schedule of work, proposed start date, construction sequence, any changes to the original plans, and the

anticipated duration of project. It was also made clear that that further inaction may result in an Enforcement Order and potential fine.

Furrer stated the company would make the necessary stream bank repairs as soon as possible. After the permit was originally issues, both ExxonMobil and Lehigh Gas “dropped the ball;” each under the impression the other was completing the project. Synergy Environmental has been retained by both Exxon and Lehigh Gas, and supplied the commission with an alternative plan to complete the project. The use of a Gabion wall is proposed to replace the sheet metal. The revised project will have less of an environmental impact, will remove fewer trees from site and will be easier to accomplish given the deadlines set by the Commission. Horan supplies the revised plan entitled “Gabion Installation Conceptual Design” and site photos to the commission for review.

The Gabion wall will be the same size and dimensions as the sheet pile wall, and will be in the same location. The use of a Gabion wall will naturally reduce the stream flow velocity, will not interact with the groundwater to stream flow and will be more aesthetically pleasing. Haro informed Horan that repairs to both the fence and curb need to also be included in the plans. Haro stated the Commission would need to confer with DEP about the revised plans. Due to the steepness of the slopes on site, the Gabion Walls may not be appropriate for this situation. Blasiak commented that Gabion Walls are especially useful and DeHoyos added Gabion Walls are already used in Greenfield, and have held up for over 20+ years.

The Commission requested the proposed Stream Restoration project be implemented no later than August 31, 2013, before further degradation to the resource area occurs. The Commission further requested ExxonMobil/Lehigh Gas, Inc. attend a site visit on Thursday May 9, 2013 to view the damages and the proposed restoration.

**MOTION: Moved by DeHoyos, seconded by Blasiak, no further discussion and voted 3-0-0 to continue the discussion and new site plan review until 7:00 PM on May 14, 2013.**

Other Business:

**Possible Violation – Colrain Rd:** DeHoyos informed the commission of a possible wetlands violation around the intersection of Colrain Rd and Colrain Street. It appears the property owners are filling in the wetlands and expanding the current driveway without a permit. There are piles of fill on site, very close to what appears to be an intermittent stream (though it could be a drainage ditch). The Agent will investigate this matter further.

**Regulation of Environmental Impact:** The Commission was requested by the Board of Health to provide comment on the proposed “Regulations of Environmental Impact” by April 24, 2013.

The Commission has several concerns in regards to the proposed “Regulations of Environmental Impacts”, including:

1. Regulations apply to “Any” activity that could “potentially” cause noisome trade. This definition is so broad, the commission feels it could be applied to everything.
2. There is no clause attached for pre-existing businesses.
3. No specific standards are in place and there is no definition of what constitutes “noisome”. What is noisome to one, may not be to another. The commission standards need to be developed to detail the potential

**MOTION: Moved by John Blasiak, seconded by DeHoyos, with no further discussion and voted 3-0-0 to send a recommendation to the Greenfield Board of Health regarding the proposed “Regulations of Environmental Impacts” and request the Board of Health re-write the “Regulations of Environmental Impacts” more narrowly, and to include objective standards for determining whether an impact is noisome.**

The Commission also agrees the Board of Health should either change the regulations accordingly, or reject them.

**Mass Dot:** The commission reviewed and discussed the Mass DOT 2013 Yearly Operational Plan and proposed plan for the reconstruction of Route 2A/River Street/Shelburne Rd.

**Northrop Grumman:** The commission discussed a request to amend OOC DEP # 168-0281. Applicant wished to conduct an additional 20 geo-probe samples at the 11-17 Meridian Site. DEP said it should be OK to amend, but it is ultimately up to the commission. The commission reviewed the request. The commission also requested to check on the yearly reports, and see when we have last received one. The Commission also requested an update on the progress at the site as well.

**MOTION:** Moved by DeHoyos, seconded by Blasiak, no further discussion and voted 3-0-0 to allow Northrop Grumman to amend the current Orders of Conditions for 11-17 Meridian Site, DEP # 168-0281.

**100 Mohawk Trail:** In regards to Sept 2012 gas leak at the Shell Station. Applicant request to conduct approximately 10 soil borings samples, on bank, by hand in next few weeks. The work will occur in a 30' X 10' area of the bank and BVW. Sampling is to check for contaminates still present and to determine the degree of restoration required in order to prepare an NOI for remediation. They will submit sampling data to con com. The Commission stated this would normally require a filing to conduct the samples.

**Request for COC – 15 Spring Terrace:** DEP # 168-0268; construction of a two family house.

**Town of Greenfield Wetland Protection Ordinance (Chapter 195):** The commissioners postponed the discussion and revisions of the draft chapter 195 ordinance until all commissioners are present.

Site Visit Schedule:

1. **15 Spring Terrace Request for COC:** Meet Thursday May 2, 2013 at 5:00 PM on site
2. **142 Mohawk Trail – ExxonMobil Station:** Meet Thursday May 9, 2013 at 5:00 PM on site
3. **100 Mohawk Trail – Shell Station:** Meet Thursday May 9, 2013 at 5:30 PM on site
4. **Berkshire Gas Phase I COC & Phase II NOI:** Meet Tuesday May 14, at 5:00 PM at site off Meade Street

Next Meeting: 7 PM on Tuesday, May 14, 2013, at the Greenfield Department of Planning and Development; 114 Main Street.

Adjournment:

**MOTION:** Moved by Blasiak, seconded by DeHoyos, no further discussion and voted 3-0-0 to adjourn the meeting at 8:45 PM.

Respectfully Submitted,

Angela Panaccione  
Conservation Commission Agent

Alex Haro  
Chair