

CONSERVATION COMMISSION

Town of GREENFIELD, MASSACHUSETTS
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GREENFIELD CONSERVATION COMMISSION
Minutes of Tuesday May 14, 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
Timothy Mosher, Vice-Chair
Dee Letourneau
Thomas DeHoyos
John Blasiak
Angela Panaccione, Agent

ABSENT:

ALSO PRESENT: Alicia Fleming, Environmental Compliance Services (ECS)
Rich Giseler, Environmental Compliance Services (ECS)
Ishwar (Ish) Murarka, Ish Inc
Ben Staud, Ish Inc. (Key Environmental, Inc)
Jack Yablonsky, The Berkshire Gas Company
Tim Condon, Lightship Engineering
James Toth, PE (representing Lenny Weeks)

Approval of Minutes: Approval of Meeting Minutes from March 12 and April 23, 2013.

MOTION: Moved by Letourneau, seconded by Blasiak, no further discussion and voted 4-0-1 (DeHoyos abstains) to accept the minutes from March 12, 2013.

MOTION: Moved by Blasiak, seconded by DeHoyos, no further discussion and voted 3-0-2 (Letourneau and Mosher abstain) to approve the minutes from April 23, 2013 as corrected.

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.

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.

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

MOTION: Moved by Letourneau seconded by Blasiak, no further discussion and voted 5-0-0 to continue the hearing until 7:00 PM on Tuesday June 11, 2013

7:30 PM - Request for COC (DEP # 168-0247) – Meade Street; Ish Inc/Berkshire Gas:

A request for a Certificate of Compliance (COC) was submitted to the commission by The Berkshire Gas Company (BG) c/o Ishwar (Ish) Murarka, Ish Inc., for property located at Mead Street (Assessors Map 30 Lot 5), for work pertaining to Phase I of the remediation of sediment/soils in the Green River. A site visit occurred with Commissioners Alex Haro, Tom DeHoyos and John Blasiak, Conservation Agent Angela Panaccione on May 14, 2013 at 5 PM. Haro stated the area looks good and the site is relatively stable. No current erosion issues are present, though one area of steep slope has resulted in erosion issues in the past. Haro requested BG continue to monitor the silt fence through Phase II and avoid a repeated failure of the silt fence. Ish informed the commission a stockpile of back-up erosion controls would be kept on site through Phase II to address immediately any failures. He also informed the commission riprap was added to the problematic slope area and would be monitored as well.

Ish presented a PowerPoint detailing the work completed under phase I for the commission. Phase I was completed within 8 weeks, excluding the restoration plans. The restoration work proposed for Phase I was postponed, and will be completed at the end of phase II. They did not plant trees or hydro seed the area.

Overall, 380-feet of non-structural soil mix was put in place, 280-feet of structural barrier wall (20-feet deep) was installed, 900-feet of up gradient groundwater management system was installed and 200-feet of down gradient groundwater management system was installed. 2,500 tons of soil and 80,000 gallons of water were removed and disposed of off site. The gravel drive was restored to a depth of 6-inches and asphalt was laid according to the plans. Additionally, the NAPL separation chambers were installed. Mosher questioned the monitoring and maintenance of the NAPL separation chambers. Ish informed the Commission the NAPL chambers are monitored monthly, and are currently operating better than expected.

Haro expressed concerns about the COC being issued without restoration being complete. He understands why, but wanted the Commission to view the COC as the end of the process, as if Phase II were not proposed. Haro was concerned about the off chance funding was lost and the project stopped there. If that scenario were to occur, the area would be left as is. Ish stated that scenario is near impossible. Funding has already been secured and they are ready to begin Phase II as soon as all the various permits are in place.

MOTION: Moved by Mosher, seconded by DeHoyos, no further discussion and voted 4-0-1 (Blasiak Abstains) to issue the COC for Phase I, based on the following ongoing conditions: #8, #17, #19, #22, #25; and final site restoration being completed as stated in section E.5.6 of Phase II

7:55 PM - Alex Haro Opens the NOI Public Hearing (DEP # 168-0290): Phase II Meade Street; Berkshire Gas (BG)/ Ish Inc.

Notice of Intent submitted by The Berkshire Gas Company c/o Ishwar Murarka, Ish Inc., for property located at Mead Street (Assessors Map 30 Lot 5), for work pertaining to Phase II of the remediation of sediment/soils in the Green River. The impacted sediments in the streambed and soils located on both the north and south riverbanks will be removed and replaced with clean material. The applicant will work on one bank at a time, using a temporary cofferdam system and diverting the Green River using the stream water bypass system.

A site visit occurred with Commissioners Alex Haro, Tom DeHoyos and John Blasiak, Conservation Agent Angela Panaccione on May 14, 2013 at 5 PM.

Ish presented a PowerPoint detailing the work for Phase II. Phase II requires 16 different permits, including: MEPA, MESA, 401 WQC, 404 Army Corps approval, Ch.91, USFWS approval, NHESP, MHC, Tribal review, Con Com OOC and a property access agreement (for the south bank cemetery property). Phase II is divided into two separate stages and is anticipated to take approximately 10-12 weeks to complete.

Phase II will begin with the installation of a pre-fabricated bridge; to serve as a temporary stream crossing for access to the south bank area. The bridge will sit on the retaining wall and extend 40-feet across the river to the south bank. The bridge will have a solid steel deck and will be lined with silt socks to prevent dirty contaminated soils and water from getting into the River. The barrier wall installed in Phase I will be tied back during Phase II to ensure stability and to protect the wall from damages. All historical impacts are avoided, including a historic wall that is currently buried on site.

Stage I will occur on the south bank and involve the removal and stockpiling of 5-6 feet of top soil. An estimated 10,000 cubic yards of soil will be excavated and backfilled. The top soil will be kept, and reused during restoration. The soil will be checked for contaminants and invasive species before reuse. The work area is beyond the contaminated area and represents the maximum extent of work to be completed. The area was determined through soil borings completed in 2006, and the proposed work area is 75% clean borings. The work area proposed is the best estimate given sampling and analysis.

Stage I restoration will be completed before work on stage II begins. All trees removed from the south bank will be replaced, in kind, on a 1:1 ratio. Trees at least 5-feet tall will be planted. A list of tree species to be used in the south bank restoration are shown on the right side of the plate 12-13 diagram. Very little riprap will be placed on the south bank. The majority of the restored area will come from the saved top soils.

Stage II will occur on the north bank and the work will be similar to that proposed in stage I. The soils will be removed to the barrier wall installed in Phase I and removed from site. Clean soils will be replaced and riprap will be laid along the entire bank to stabilize the slopes. Tree plantings will occur on the opposite side of the barrier wall, with careful attention paid to location. Restoration of the north bank will also include the planting of several different species shown on plate 11, 14 and 15.

The down gradient groundwater system installed in PHASE I will be kept in place and the new proposed 300-foot system for Phase II will not be installed. The restoration will ensure the current flood storage capacity and the flow capacity of the river will remain the same.

Jack Yablonsky (BG) informed the commission that the town is requesting BG pave the gravel section of Meade Street during the work, to serve as a portion of the proposed Meade Street Bike path to Deerfield Street. The Commission stated that work would require new stormwater calculations and a separate filing from the town.

Haro inquired about a dewatering plan and Ish stated he would forward it to the commission. Haro also asked if the

rocks and substrate present on the river bottom would be kept and replace as is. Ish stated they are planning to keep all the rocks and substrate and replace them as close to when they were removed from as possible. Ish also informed the commission an Archeologist and a turtle specialist will be on site throughout the entire process.

Mosher questioned the machine specs and questioned if biodegradable hydraulic fluid would be used in the machines. Ish stated yes, they would do that if the commission wished. Ish informed the commission that three machines would be working on the south side and excavation would be complete within 10-12 days. Machines used would be a 300-CSX with a 4-foot bucket for excavation. Only one truck will be crossing the bridge with contaminated soils. An engineering specialist would also be on site to address immediately any equipment failures or leaks. The re-fueling of the trucks would occur on average every other day and will occur out of any resource areas.

Blasiak raised concerns over the monitoring of invasive species on site and during restoration. Japanese Knotweed is present further down the bank on the north side and is very easily spread. Additionally, once it colonizes it is almost impossible to remove. Ish stated they would regularly monitor for invasive species and supply reports to the commission at 6-month intervals. Ish also stated the top soils stockpiled would also be screened for invasive species before they were reused. If invasive species are present, clean soils would be purchased from a local supplier and would be from the same River.

Approved Documents & Plans:

1. Notice of Intent for Phase II of Remediation at the Berkshire Gas Company Former MGP Site at Meade Street, Greenfield MA, prepared by Ish Inc. Team, dated March 2013
2. Site Plan (Plates 1-16), prepared by Ish Inc. Team, dated March 20, 2013
3. Appendix E: Wildlife Habitat Analysis, prepared by Christin McDonough, CWB, dated November 20, 2011
4. Appendix F: Essential Fish Habitat Assessment, prepared by Donald Pugh, NEE, Inc., dated March 2013
5. Appendix H: Stormwater Pollution Prevention Plan, prepared by Ish Inc. Team, dated March 20, 2013
6. Appendix J: Green River Pebble Count and Sieve Analysis Data, prepared by Ish Inc., dated March 2013
7. Appendix K: Contingency Plan, prepared by Ish Inc. Team, dated March 20, 2013

MOTION: Moved by DeHoyos, seconded by Blasiak, no further discussion and voted 5-0-0 to close the Public Hearing and issue the Orders of Conditions for Phase II contingent upon the approval of the 401 WQC, 404 Army Corps approval and the MHC determination.

Enforcement Updates:

Exxon Mobile – 142 Mohawk Trail: The applicant will submit a new NOI for the installation of a Gabion Wall per DEP recommendation.

Possible Violation – 221 Colrain Rd: Upon further investigation the Agent determined no violation was present.

Possible Violation – Elm Street Sidewalks: The town is replacing the sidewalks on Elm Street. The area in front of Oak Courts is approximately 65-feet from determined intermittent stream (Per Oak Courts 2008 RDA) and there was never a filing for the work. Currently, no erosion controls are present on site. Panaccione will speak with DPW and request erosion controls be installed.

Other Business:

Lenny Weeks – 322 Adams Road; DEP# 168-0285: Jim Toth, P.E. attended tonight's meeting to discuss the current failure of the stabilization measures and proposed further action with the commission. The work was completed last November, under an NOI, but the dam is not holding water and is still leaking. The applicant is requesting they be allowed to remove the installed rocks and membrane from the reservoir and reset them. They were working under water last time and may not have properly sealed the area; they were "working blind". The

wishes to hand dig the dam (with a spade) to a depth of 1-foot below where it is currently and reset the membrane. They also wish to use a mud pump to drain a 6-inch wide by 15-foot long (3-foot depth) area so they do not have to work under water again. The water removed will be pumped into a silt sock and fully contained. All work will be completed within a day. Mosher required a secondary containment system for the water removed. He stated he has seen silt socks bleed out sediments on numerous occasions. He requested a silt fence be installed down gradient of the work area. Toth stated the intent is to complete the work with as minimal effort and disturbance as necessary.

MOTION: Moved by DeHoyos, seconded by Mosher, no further discussion and voted 4-0-1 (Blasiak Abstains) to allow the proposed work under the current Orders of Conditions for DEP# 168-0285; including Mosher recommendation of secondary sediment controls.

Gas Leak at Shell Station - 100 Mohawk Trail: Alicia Fleming and Rich Giseler of Environmental Compliance Services (ECS) attended the meeting to discuss the current remediation project for the Sept 2012 gas leak at the Shell Station. Last week ECS conducted approximately ten (10) soil borings samples at five (5) different locations by hand with a spade and shovel. The work was limited to a 30' X 10' area of the bank, BVW, and LUW which was shown of a supplied map. The samples were taken from the top soil and the volume of each sample was less than 8oz. The sampling was to check for contaminants still present and to determine the degree of restoration required in order to prepare an NOI for remediation. The Commission has received very little communication about the initial spill and the proposed remediation work. The Commission also requested the sampling data be supplied for review and ECS cc the Commission on all relevant documents pertaining to the site.

MOTION: Moved by DeHoyos, seconded by Blasiak, no further discussion and voted 5-0-0 to allow Environmental Compliances Services, Inc. to continue their site assessment and soil sampling providing they supply reports to the Commission as requested

Request for Emergency Certification – Cherry Rum Brooke; Greenfield DPW: The commission was notified a few new beaver dams are present across Cherry Rum Brook behind the Silvercrest project. The DPW stated this is causing water to back up and inundate manholes of the existing 18-inch sewer interceptor running through this area, and is affecting the 14-inch water transmission line running through this area. Due to the public health and safety issues concerning the water and sewer mains as well as stopping infiltration of water into the sewer system, the DPW is requesting the issuance of an Emergency Certification to allow trappers to remove the beavers and to allow DPW staff to breach the dam. The last time an Emergency Certification was issued for this location was August 31, 2009. At that time, the dam was fully breached with an excavator from the bank in a slow and controlled manner with no downstream impacts. Any amount of standing water in this area will cause infiltration to the sewer system, which the Town is under order by DEP to reduce. After a site visit with Alan Twarog of the Greenfield DPW, the Agent issued the Emergency Certification on May 2, 2013 for the breaching of a beaver dam behind. Pictures can be provided upon request.

MOTION: Moved by Letourneau, seconded by Mosher, no further discussion and voted 5-0-0 to ratify the Emergency Certificate issued to the Greenfield Department of Public Works on May 2, 2013 for the breaching of a beaver dam.

Request for permission to collect seeds - New England Wild Flower Society: The Commission received a request from the New England Wild Flower Society to collect seeds on Town of Greenfield Lands. They wish to collect at least 30 seed heads, pods, or other fruiting structures from each population, but always no more than 20% of the seed produced by a given population in one year to ensure that the species is conserved at the site. The seed collected will be processed by New England Wild Flower Society, Nasami Farm in Whately, MA. The commission requests a map be supplied detailing the exact locations of seed selection and a list of the potential species to be harvested.

Surplus Property Disposition: The commission has been asked to provide written recommendation to the planning department about the sale of nine 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 Agent reviewed the parcels and determined none of the parcels had resource areas or were of special concern. The Agent did recommend possibly keeping the three parcels on the Mohawk Trail as Open Space as town forestry lands.

Richard Parks – GTD Wildlife Area Problems: Mr. Parks complained about unleashed dogs in the Conservation Lands and them harassing and scaring his cattle. He requested larger signs be put in place, specifically stating all dogs must be leashed. He also inquired about policing the area and fining violators. He reported two weeks ago over 100 of his cows were harassed by a dog, whose owner had it off leash and could not control the animal. The cows broke the fence and ended up in his back yard. Haro stated he would check the posted rules and regulations to see if it explicitly states all dogs must be leashed.

DeHoyos also mentioned it appears someone has been dumping leaves in the parking lot, and Haro said he would look into that as well.

ENF – Wiley Russell Dam: The Commission received the Environmental Notification Form (ENF) for the dam removal. The applicant is requesting an exemption from MEPA. The public comment period is now open, if the Commission has any concerns. No concerns were expressed by the Commission.

Art Sculpture Project: The Commission received an inquiry about the placement of the first art sculpture as part of the Mayor’s Gateway to Greenfield Project. A map showing the area and resource areas (including priority habitat, wetlands, and riverfront area) was supplied. The parcels are out of the 100-year floodplain (SFHA). Currently, there is an existing Activity and Use Limitation (AUL) on the entire three parcels under the Massachusetts Contingency Plan (MCP) that limits the use of the property to open space. Placement of the awarded sculpture would involve digging footings 3 feet in the ground (3 feet is the limit as specified in the AUL). The sculpture will be about 10 feet high. The planning department wishes to know what type of approval if any will be required from the Conservation Commission to install the sculpture and if the sumacs and bittersweet be cut down to provide a better view to the River. If you are familiar with the site, there are trees just on the other side of the fencing toward the Green River. The Commission requested a site visit with the planning department and recommended the planning department submit an RDA for the work.

Town of Greenfield Wetland Protection Ordinance (Chapter 195): The commissioners postponed the discussion and revisions of the draft chapter 195 ordinance until May 28, 2013.

Site Visit Schedule:

Next Meeting: 7 PM on Tuesday, May 28, 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 5-0-0 to adjourn the meeting at 8:45 PM.

Respectfully Submitted,

Angela Panaccione
Conservation Commission Agent

Alex Haro
Chair