

CONSERVATION COMMISSION

*Town of GREENFIELD, MASSACHUSETTS
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**GREENFIELD CONSERVATION COMMISSION
Minutes of Tuesday June 11, 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
John Blasiak
Thomas DeHoyos
Angela Panaccione, Agent

ABSENT:

ALSO PRESENT: Carol & Jack Curtiss, 32 East Wayland Drive
Al Shane, Historic Factories, LLC
Amy Ball, Horsley Witten Group
Amy Singler, American Rivers
Andrea Donlon, Connecticut River Watershed Council

Approval of Minutes: Approval of Meeting Minutes from May 28, 2013.

MOTION: Moved by Letourneau, seconded by Mosher, no further discussion and voted 4-0-1 (DeHoyos Abstains) to accept the minutes from May 28, 2013.

Public Meetings/Hearings:

7:05 PM - Alex Haro Re-Opened 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.

MOTION: Moved by Letourneau seconded by Mosher, no further discussion and voted 5-0-0 to continue the hearing until 7:00 PM on Tuesday July 9, 2013

7:15 PM - Request for Determination of Applicability: 32 East Wayland Drive; Jack & Carol Curtiss

The Request for the Determination of Applicability submitted by Jack and Carol Curtiss for property located at 32 East Wayland Drive (R11 33B), is to determine whether the work proposed for the removal of six (6) trees in the buffer zone is subject to the Wetlands Protection Act.

Carol & Jack Curtiss, 32 East Wayland Drive, attended the meeting to discuss the proposed work. A site visit was conducted on Thursday 6/6/13 at 5:30 PM by the Agent, Haro, Blasiak, Letourneau, and Mosher. The commission agreed the trees posed a potential hazard and that justifies removal. The resource area delineations were hard to confirm, given the wetland flags were no longer present. Based on visual assessment, it was determined the trees were not in a resource area or within the 25-foot no disturb zone. The property owners stated they would not remove stumps and would keep all slash and debris outside of resource areas.

MOTION: Moved by Letourneau, seconded by Mosher, no further discussion and voted 5-0-0 to make a negative determination, Box 3: that the work described in the Request is within the buffer zone, as defined in the regulations, but will not Alter and area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent with the following conditions:

1. There shall be no removal of tree stumps. Stumps may be ground down, but must be left in place.
2. There shall be no storage of slash or debris in the buffer zone. Any stockpiled material shall be located at the furthest possible distance from all resource areas to prevent erosion into wetland areas. All disturbed areas shall be stabilized.
3. Material removed from the site shall not be deposited in any resource area under the jurisdiction of the Wetlands Protection Act unless otherwise approved by the Conservation Commission.

And Box 6: that the area and/or work described in the Request is not subject to review and approval by the Greenfield Wetlands Protection Ordinance (Ch. 195).

7:30 PM - Alex Haro Opened NOI Hearing: 142 Mohawk Trail; ExxonMobil

The Notice of Intent submitted by Synergy Environmental, Inc. c/o David Hrinak representing Lehigh Gas Corporation, is for the ExxonMobil Station property located at 142 Mohawk Trail (Assessors Map 35 Lot 15), for the proposed work pertaining to the installation of a retaining wall constructed of gabion baskets (opposed to the previously proposed sheet pile wall).

Several site visits have been conducted in the past few months and the above referenced NOI is in response to Commissions concerns with the site. Chris Horan, of Synergy Environmental, Inc., attended the meeting to present the project. He provided the commission with the new NOI and the specific specs of the new Gabion Wall installation. The project will alter up to 75-linear feet of bank, but will provide more stabilization than the previously proposed Sheet Metal Pile wall. The Gabion wall will also decrease stream flow velocity and will be more aesthetically pleasing. Ten (10) Cedar trees will be removed from the site and not replaced. The curb will also be removed and reset after the new fence is installed. The fence will be located between the proposed gabion walls and the new rest curb. Horan did not provide any plans for the opposite side of the bank, stating it was not their property and not their concern. Several Commissioners believed the erosion occurring on the other side should not be ignored, and should be addressed. The work is anticipated to begin in August.

No DEP number has been filed yet, the Commission cannot close the hearing until DEP file number and comments are received and addressed.

MOTION: Moved by Blasiak, seconded by DeHoyos, no further discussion and voted 5-0-0 to continue the hearing until 7:30 PM on Tuesday June 25, 2013

7:30 PM - Alex Haro Opened NOI Hearing (DEP # 168-0293): Wiley & Russell Dam Removal

The Notice of Intent submitted by Horsley Witten Group, Inc. c/o Eric Twarog representing the Town of Greenfield's Department of Planning and Development, is for the work pertaining to the removal of the Wiley & Russell Dam, located at Meridian Street (Assessors Map 24 Lots 42, 44, 45), as part of the Green River Restoration Project.

Amy Ball, of the Horsley Witten Group; Amy Singler, of American Rivers; and Andrea Donlon, of the Connecticut River Watershed Council attended the meeting to discuss the proposed dam removal and the overall Green River Restoration Project. A site visit was conducted on Tuesday 6/11/13, at 5 PM, with the three representatives as referenced above, the Conservation Agent, and Commissioners Haro and Blasiak. The Town of Greenfield is being assisted in the dam removal effort by the Connecticut River Watershed Council (CRWC), American Rivers, and the MA Division of Ecological Restoration (DER), with funding and technical assistance from the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service, U.S. Fish and Wildlife Service (USFWS) and Fish America Foundation partnership, The Nature Conservancy, and the Community Foundation of Western Massachusetts (collectively, the Project Partners).

Amy Ball began the presentation with a brief history of the project to date. The proposed removal of the Wiley & Russell dam is part of a larger Green River Restoration Project that has been developing since the late 1990's. The goals of the dam removal are to restore fish passage through this section of the Green River, provide an opportunity for new recreational opportunities, and eliminate the maintenance and substantive repair by the dam owner, the Town of Greenfield, by removing a structurally impaired and hazardous dam. This restoration project will ultimately increase the natural capacity of the resource areas and will allow for unrestricted river flow between the southernmost reaches of the Green River and the Deerfield River. The removal of this most downstream dam, in conjunction with future proposed fishway construction on the upper dams along the Green River (Mill Street, Swimming Pool and Water Supply dams), has the potential to ultimately open 94 miles of river habitat in Massachusetts and Vermont to be accessible by anadromous and resident fish species.

This dam itself has been extensively studied and determined to be a significant hazard dam. Given the Dam is town owned, it proves to be more economically and environmentally feasible to remove the dam opposed to repair and maintain the dam. The dam is an old timber crib dam, re-enforced with concrete. The removal will take approximately two months and is not proposed to begin until next year. The dam removal is contingent upon the completion of the upstream Berkshire gas remediation.

The resource areas impacted through dam removal include: 16.9 acres/736,164- square feet of Riverfront Area, 256- linear feet of Bank, 3,485-square feet of Bordering Vegetative Wetlands, 13,000-17,000 cubic yards of Land Under Water and 8712-square feet of Bordering Land Subject to Flooding. The project is being filed as a limited project under 10.53(4); and resource area impacts will be avoided and minimized to the extent practicable, as the overall goal of the project is to improve and restore the riverine habitat and surrounding riparian ecosystems in the Green River, greater Deerfield River, and Connecticut River watersheds. According to the Applicants, because of the improved ecological conditions that are anticipated at the site following project completion, this project serves a proper public purpose and the proposed project will result in a net improvement to the resource areas.

Implementation of this project will require permitting through various agencies, including the Massachusetts Department of Environmental Protection (DEP) Wetlands and Waterways Division (Water Quality Certification), Massachusetts Endangered Species Act (M.G.L. Ch. 131A or MESA) MESA Project Review through the Massachusetts Natural Heritage and Endangered Species Program (NHESP), a Chapter 253 Dam Safety Permit through the Department of Conservation and Recreation, as well as a Programmatic General Permit (PGP) through the Regulatory Division of the Army Corps of Engineers (USACE).

The proposed dam removal sequencing is as follows, and as outlined on the site plans (Sheet 3). Construction and material staging areas will be established outside of wetland resource areas and temporary access points will be constructed to the Green River from both sides of the river. A temporary access way will be constructed from the left bank to the right bank, immediately upstream of the Wiley & Russell Dam in order to access the right dam abutment. The access route is outlined on Sheet 5 of the site plan and will use 4" ballast stone as fill for the access road.

The dam will be notched mechanically by lowering the first section of the dam from the right abutment to the first concrete support wall to the elevation at the top of the sediments (132 feet, NGVD). The water surface elevation will then be allowed to lower until safe in-stream access is provided. The notch will be enlarged, as necessary, to permit the water to be lowered in a safe and controlled manner. The incremental removal (aka removing the dam in sections) will allow the sediment to properly disperse and will allow the simultaneous removal of both the dam and the temporary access route.

Additional cofferdams will be built as necessary to divert water away from the retaining wall location and to dewater the work area. A concrete retaining wall, approximately 14.5 feet in height and 125 feet long, will then be constructed along the left bank to minimize bank erosion and protect the adjacent property and specifically the Town owned sewer line located along the left bank. Portions of the dam will be removed as necessary to install the retaining wall and footing. The dam abutment and intake structure on river right, just downstream of the dam, will be removed. Subsequently, the rock wall will be stabilized and the underground channel will be sealed with concrete as flowable fill.

The Wiley & Russell Dam will be demolished and removed in manageable fragments, working from the right bank to the left bank. The materials of the existing dam include reinforced concrete slabs and timbers. Demolition will involve a backhoe or other appropriate machinery with a hammer attachment to remove these material components, as necessary. As the dam is removed, the temporary access road from the right bank to the left bank will be removed. All demolition debris will be stockpiled in the gravel staging lot off Deerfield Avenue and will be disposed of in an appropriate off-site location or recycled to the extent possible under a DEP Beneficial Use Permit. Remaining impounded sediment will be released downstream upon dam removal.

Additional stabilization measures will be installed along the left bank, where the existing gabions along Mead Street are structurally deficient and are in need of repair and/or reinforcement. Upon completion of dam removal and stabilization of banks, a minimum of five days will be allowed for the reach to stabilize. After this waiting period, the project engineer and partners will determine if bedrock removal is necessary to restore functional passage by the target diadromous species. If necessary, the contractor will remove limited bedrock as directed to provide conditions suitable for fish passage. All means of temporary construction access will be removed. Any areas of disturbed and/or exposed sediment will be seeded with an appropriate native seed mix and stabilized as necessary to restore all areas within the limit of work to pre-construction conditions. Upon stabilization of exposed soils, erosion and sedimentation control measures will be removed and disposed of properly.

Haro asked what the difference in the stream channel was predicted to be, and Ball responded a 20% reduction in channel width as demonstrated in Sheet 6. Ball further stated the project anticipates removing little to no trees if possible.

Mosher inquired if any additional sediment testing has been conducted since the last few major storms and floods. Singler replied no new sediment tests were conducted and they are leaving it up to Berkshire Gas to demonstrate all contaminants have been removed upstream before this project begins.

At 8:45 PM Alex Haro Opened the Public Comment: Al Shane, of Historic Factories, LLC was the only abutter present.

Shane raised several concerns with the project including the possibility of increased erosion on the “Cemetery Side” of the river, and the potential for mudslides. Shane provided documentation of the soils on site being highly erodible. Blasiak responded to Shane by stating the project would actually help with the erosion in the area, given the channel width is decreasing by 20% thereby placing the river edge further away from problem areas. Singler also commented the erosion at the Cemetery is a top down problem, not from the river up.

Al Shane informed the commission he hired an outside consultant from New England Environmental (NEE), who has demonstrated the Cemetery erosion is a problem that will only be furthered by dam removal. The Commission requested a copy of the Report and Mr. Shane said he would forward it to the commission. Shane’s final question to the Commission was if we could deny the project and Haro answered “technically we could”.

The commission agreed with the applicants to continue the hearing for one month in order to allow the Commissioners sufficient time to review the filing in depth. It was also requested a representative from Princeton Hydro, the engineering firm that designed the plans, attend as well.

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 July 9, 2013

Enforcement Updates:

Lot 20 C Phyllis Lane: On May 31, 2013, the commission received a request to sign off on a building permit for 20C Phyllis Lane. On Tuesday June 4, 2013, the Agent conducted a site visit and noted land clearing and tree removal directly up the edge of an isolated wetland and potential vernal pool. Large trees were also removed within the 25-foot no disturb zone. An additional site visit was conducted on Thursday 6/6/13 at 6pm with the Representative, the Conservation Agent, Haro, Mosher, Letourneau and Blasiak. The representative informed the commission that last August, the previous Agent Laura DiNardo, conducted a site visit and determined no resource areas present.

Currently, there is a large pooling of water on site with noticeable invertebrate life. It was determined a potential vernal pool could be present on site and the commission would meet with the property owners to discuss the resource area and appropriate ways to manage it. The Agent will sign the Building permit with the condition that a silt fence be installed 25-feet from the pool, to serve as the limit of work.

33 Overland Rd: On Tuesday June 4, 2013 the Commission received a complaint about unauthorized tree removal in Riverfront Area, buffer zone to Maynard Pond, and potentially in the 25-foot no disturb zone. The Agent conducted a site visit and noted equipment working within the 25-foot no disturb zone and request all activity stop, and the equipment be immediately moved. She also requested all slash and debris be removed from the buffer zone immediately. A notice of a possible wetlands violation was issued. An additional site visit occurred on Tuesday June 11, 2013 with the Agent, Haro and Blasiak. All slash and debris were removed from the buffer zone and the area was cleaned up. The trees removed were Black Locust (invasive) and no stumps were pulled. The property owner was informed he did need Conservation permission to conduct any additional work. Blasiak stated they did a good job with the tree removal, and the cleaning of slash and debris from site.

80 Homestead Ave: On Thursday June 6, 2013, the Agent was notified of equipment working within wetlands, and tree removal occurring within the BVW and the 25-foot no disturb zone. The Agent conducted a site visit and noted equipment parked directly within the BVW. A notice of a possible wetlands violation was issued. On Tuesday June 11, 2013, the Commission was notified all work has stopped and the equipment has been removed from site. Then property owner granted the Commission access to the property for a site visit on Thursday 6/13/13 at 4 PM.

Other Business:

Right of First Refusal (Ch.61 B) - Golf Course: The Commission has 120 days, until September 19, 2013 to provide comments on the foreclosure and subsequent sale of 398 Deerfield Street. The property currently has a Recreational Land Tax Lien by the Town

Site Visit Schedule:

80 Homestead Ave: Meet Thursday 6/13/13 at 4 PM at 80 Homestead Ave to review a violation

Next Meeting:

7 PM on Tuesday, June 25, 2013: Greenfield Department of Planning and Development; 114 Main Street.

Adjournment:

MOTION: Moved by DeHoyos, seconded by Blasiak, no further discussion and voted 5-0-0 to adjourn the meeting at 9:05 PM.

Respectfully Submitted,

Angela Panaccione
Conservation Commission Agent

Alex Haro
Chair