



William F. Martin  
Mayor

City known as the Town of  
**GREENFIELD, MASSACHUSETTS**

**CONSERVATION COMMISSION**

Town Hall • 14 Court Square • Greenfield, MA 01301  
Phone 413-772-1551 • Fax 413-772-1309  
Conservation@greenfield-ma.gov • www.greenfield-ma.gov

**Members:**

Blasiak, John (2016)  
DeHoyos, Thomas (2016)  
Haro, Alex (2015)  
Letourneau, Dee (2014)  
Mosher, Timothy (2015)

**GREENFIELD CONSERVATION COMMISSION**

**Minutes of Tuesday December 10, 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 7:00 p.m. with the following members:

**PRESENT:** Alex Haro, Chair  
Tim Mosher, Vice-chair  
Tom DeHoyos  
Dee Letourneau  
John Blasiak

**ALSO PRESENT:** Maureen Pollock, Assistant Planner & Conservation Agent

Approval of Minutes:

Approval of Meeting Minutes from October 22, 2013.

**MOTION:** Moved by Letourneau, seconded by Mosher, no further discussion and voted 4-0-1 (DeHoyos abstained) to accept the minutes from October 22, 2013.

Approval of Meeting Minutes from November 6, 2013.

**MOTION:** Moved by Blasiak, seconded by Mosher, no further discussion and voted 3-0-2 (Haro and Letourneau abstained) to accept the minutes from November 6, 2013.

Approval of Meeting Minutes from November 12, 2013.

**MOTION:** Moved by Blasiak, seconded by DeHoyos, no further discussion and voted 3-0-2 (Haro and Letourneau abstained) to accept the minutes from November 12, 2013, as amended.

Approval of Meeting Minutes from November 26, 2013.

**MOTION:** Moved by DeHoyos, seconded by Blasiak, no further discussion and voted 3-0-2 (Haro and Letourneau abstained) to accept the minutes from November 26, 2013, amended.

Public Meetings/Hearings:



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None

Other Business:

**562 Leyden Road Emergency Certificate (Greenfield #13-11):** The Commission discussed the proposed work associated with the Emergency Permit issued on July 24, 2013 for the culvert replacement at the property located at 562 Leyden Road. According to the Emergency Permit Special Condition #3, “after construction is complete[d], please contact the Conservation Commission to conduct a site visit and verify the project is in compliance of the Wetlands Protection Act [and Regulations (“WPA”).” Based on site visit observations and documented photographs from August 13, 2013, August 23, 2013, and November 19, 2013, the Commissioners expressed concerns whether the work completed under the Emergency Permit is in compliance with the WPA.

When the Commission opens the public hearing for the proposed project, the Commission plans to address whether the work completed under the Emergency Permit is in compliance with the WPA; how the applicant plans to address the amount of sediment eroding into the waterway; and whether the proposed measures and designs meet the performance standards described in the WPA, for each applicable resource area, including:

- Bank 310 CMR 10.54(4)(a)1-5;
- Land Under Water Bodies and Waterway 310 CMR 10.56(4)(a)1-4;
- And possibly, Bordering Vegetated Wetlands 310 CMR 10.55(4)(a)(b)1-7.

Additionally, the proposed work may be subject to Sections 401 and 404 of the Federal Clean Water Act.

According to the New England District of the U.S. Army Corps of Engineers (Corps), “Department of the Army General Permit Commonwealth of Massachusetts” July 2011 Modification, IV. General Permit General Conditions: Section 21. Stream Crossings and Work (e):

“Culvert Extensions: Culvert extensions are eligible for Category 1 provided that after completion the entire culvert conforms to the General Standards for new crossings in the latest version of the “Massachusetts River and Stream Crossing Standards” on our website<sup>1</sup>. The

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<sup>1</sup> New England District Corps website under “Stream and River Continuity”  
(<http://www.nae.usace.army.mil/Missions/Regulatory/StreamandRiverContinuity.aspx>)



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crossings should be designed and constructed in accordance with the methodologies in the stream simulation design and construction manual on our website<sup>2</sup> to achieve this objective.”

If the intent of the proposed work is to only stabilize the slope, and not involve culvert extensions nor any work occurring below the ordinary high water mark (OHWM), then the applicant will not be subject to Sections 401 and 404 of the Federal Clean Water Act.

**Griswold/GTD Conservation Area:** Haro updated the Commission about the proposed bench and kiosk. The bench will be ready for installation in the spring, 2014. Haro is waiting to hear back from the Franklin County Technical School about building the kiosk. Letourneau updated the Stewardship Trail Brochure, and will pass out copies to the Commissioners for comment. Pollock was informed about multiple tree blowdowns along the Stewardship Trail. Pollock will ask a contractor to do some trail maintenance. Pollock suggested the Commission to consider asking the abutting farmer to hold a legal easement for the existing trail that crosses onto his property. Currently, the Town has a verbal agreement with the farmer to allow the Stewardship Trail to cross onto his property.

**46 French King Highway (Map 119, Lot 10):** At the request of Teresa Conti, property owner of 46 French King Highway, Pollock explained Conti’s concern regarding the existing koi pond located at or near the northern boundary of her property line. Pollock provided photographs of the existing koi pond, showing its location in relation to her house and adjacent property. According to Conti, the koi pond is located on the adjacent property, 52 French King Highway, but believes it is beginning to encroach on her property. The Commission discussed the koi pond, which may be a viable wetland. The Commission cannot do much at this point. The Commission does not have the authority to make specific recommendations in resolving wetland issues located on and adjacent to Conti’s property. The Commission does suggest that Conti speak with a consultant about assessing the problem and finding a solution. Pollock will provide Conti a listing of wetland specialists, engineers and consultants in western MA.

If Conti decides to conduct any work in the wetland and/or within its 100-foot buffer zone, Conti will need to file a Notice of Intent (NOI) with plans, and it will need to be approved by the Commission before any work commences. Additionally, if Conti would like to discuss this further, she is welcome to attend any of the regularly scheduled Commission meetings.

**Greenfield Community Farm (Map R31, Lot 1 and 5):** Pollock updated the Commission regarding the forest cutting permit process. If the intent of the proposed cutting is for forest management, then Jay Lord can file a Forest Cutting Permit through the Massachusetts Department of Conservation and Recreation (DCR), and it would not require wetland delineation.

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<sup>2</sup> See Appendix J, (6)(a) for General Standards information and Appendix J, (6)(b) for stream simulation design and construction manual information.



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The large piles of rocks and tires located within the 25 foot No Disturb Zone along the Glen Brook, which were observed during the November 19, 2013 site visit are not an exempt agricultural activity, because the location of the piles are not in agricultural use. The piles create barriers to wildlife movement within riverfront area and are adding fill to the 100 year floodplain. The rocks and tires must be removed from all wetland resources areas and associated buffers located on the property no later than March 31, 2014. Before the rock and tire removal commences, Jay Lord needs to notify the Commission where piles are to be moved, and how all rocks and tires will be moved.

Regarding the existing footpaths, only the footpaths that are located along riverfront areas but outside other resources areas may be permissible under 310 CMR 10.53(6). In order to mitigate any potential impacts to the resource areas caused by the existing footpaths, the Commission discussed two options that Just Roots shall choose between. Just Roots shall either eliminate the entire footpath system or Just Roots shall delineate the areas on the property for wetlands, file a Notice of Intent for the wetland delineation as well as for the construction, rehabilitation, and maintenance of the footpaths for the Commission's approval.

**Chapter 195: Draft Wetlands Protection Ordinance:** Haro updated the Commission. Mark Wisnewski, Town Council President requested to review the draft Wetlands Protection Ordinance. Haro is waiting to hear back from the Town Council. Until the Town Council approves the draft Wetlands Protection Ordinance, the Commission will continue to operate under the existing ordinance.

Project Monitoring:

**261 Mohawk Trail, Shelburne Falls Congregation of Jehovah's Witnesses (DEP #168-0270):**

Dale Putnam informed Pollock that the construction has now been completed. Pollock will schedule a site visit to inspect the completed work and installed sedimentation and erosion controls. Putnam plans to file a request to amend the Order of Conditions with a restoration plan for the Commission's approval on or before February 28, 2014.

**Log Plain Road (Assessors Map R08, Lot 6):** Pollock is scheduled to inspect the installed sedimentation and erosion controls during a pre-construction site visit on December 11, 2013.

Enforcement Updates/Possible Violations:

**208 Mohawk Trail (Map 37, Lot 5)** At the Commission's request, Pollock mailed Brian Barlow of Barlow Paving & Excavating a certified letter requesting Barlow to submit a restoration plan for 208 Mohawk Trail to the Commission for approval. The restoration measures shall include, soil testing of all piles within the 25 foot No Disturb Zone, which should be specifically tested for



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PCBs, petroleum hydrocarbon, heavy metals, and light nonaqueous-phase liquids (LAPLs). The full test results shall be submitted to the Commission no later than January 10, 2014. Based on the soil testing results, an appropriate disposal facility will be determined for disposal of all piles. All soil testing costs shall be at the expense of the applicant. Pollock will give a Barlow a follow-up phone call if she does not hear back from Barlow.

Correspondence:

None

Site Visit Scheduling:

None

Next Meeting:

7 PM on Tuesday, January 14, 2014, 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 8:31 PM.**

Respectfully Submitted,

Maureen Pollock  
Assistant Planner & Conservation Agent

Alex Haro  
Chair