



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)
Miller, Gail (2017)
Mosher, Timothy (2015)
Nevins, Matthias (2017)

GREENFIELD CONSERVATION COMMISSION

Minutes of Tuesday February 10, 2015

**7:00 p.m. Greenfield Department of Planning and Development
114 Main Street**

The meeting was called to order by Chair, John Blasiak at 7:00 p.m. with the following members:

PRESENT: John Blasiak, Chair
Timothy Mosher, Vice-chair
Thomas DeHoyos
Gail Miller
Matthias Nevins*

ALSO PRESENT: Jono Neiger, Regenerative Design Group
Peter Rosnick, Greenfield Community College
James Talvy, Casella Organics
Tom Akin, USDA
Randy Facey, Bree-Z-Knoll Farm
Maureen Pollock, Assistant Planner & Conservation Agent

Approval of Minutes:

Approval of Meeting Minutes from February 10, 2015.

MOTION: Moved by DeHoyos, seconded by Miller, no further discussion and voted 4-0-0 to accept the minutes from February 10, 2015.

*Nevins arrived at 7:03 PM

Public Meetings/Hearings: None

Other Business:

- **GCC- Outdoor Learning Laboratory Project:** Peter Rosnick and Jono Neiger were present to informally discuss the conceptual designs for the upcoming outdoor learning laboratory project. The project area would be located on the south side of the main campus building, between parking lot F and a steep slope to the west. There are two wetlands (intermittent stream and bordering vegetated wetlands) within the proposed work area. These wetlands were delineated by Bill Lattrell in the late summer 2014, but have not been approved by the Commission yet.



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Although the designs have not been finalized, some elements that will likely be part of the project include: gravel and ADA pathways, a boardwalk through the wetlands, benches, and native plantings.

The outdoor learning laboratory will offer GCC students an opportunity to learn more about ecology, permaculture, geology, food systems, and identification of plants.

The Commission advised Rosnick and Neiger to provide a site plan with wetland flagging as well as a written narrative which explains exactly what they intend to do and how they intend to do it; as well as specifying what materials to be used for construction. Additionally, the applicants should provide a planting plan and list as well as a maintenance plan.

- **493 Leyden Road (Assessor's Map R21, Lot 1):** James Talvy, Tom Akin, and Randy Facey, (farmer/property owner) were present to explain the proposed work. Facey intends to expand his agricultural field at this location. Casell Organics will be incorporating Short Paper Fiber with soil to produce BioMix® Manufactured Topsoil on the newly expanded field. According to Talvy, the BioMix® Manufactured Topsoil will provide an effective plant growth medium which will increase the crop yield, the soil pH, and soil organic matter. The soil will need to be fertilized for the first growing season.

All work will be conducted outside of all jurisdictional wetland areas.

Blasiak asked to receive a copy of the Material Safety Data Sheet (MSDS), which should list all of the specifications for the material, including its hazard and health ratings, and safe handling procedures.

Blasiak expressed his skepticism that that the disposal of BioMix® Manufactured Topsoil onto the site would increase soil organic matter.

- **Request for Certificate of Compliance – 488 Bernardston Road (DEP #168-0280):** The Commission signed off on the Certificate of Compliance on October 23, 2013, but due to an administrative error, the form needs to be re-signed. Blasiak, DeHoyos, and Mosher originally signed the form, and therefore re-signed it.
- **The Community Builders, Leyden Woods Redevelopment, 24 Aster Court (DEP #168-0274):** Pollock has been informed that the applicant would like to make some modifications to the approved plans. Additional activity within the jurisdictional area and which was not included in the original plans will need to be reviewed by the Commission to determine if the approved OOC needs to be amended. The applicant was not able to attend tonight's meeting and will have to re-schedule at time to meet with the Commission.
- **Local Wetlands Protection Ordinance:** Blasiak wrote up all the proposed changes to the local



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Ordinance and tonight the Commission will vote on which proposed changes they will move forward to the Mayor and Town Council for approval. See below for the proposed changes and motions:

§195-2a Jurisdiction

Currently Written: For activities within jurisdiction, a minimum of a 25-foot "No Disturb Zone," shall be maintained or provided between resource areas and all altered areas. The Commission shall create a wider "No Disturb Zone" **within the 100-foot buffer zone** when deemed necessary to protect the resource area because of the environmental quality or the hydrology of the resource area.

Propose: delete "within the 100-foot buffer zone"

Rationale: this removes a redundancy that might be misconstrued as a special case. The buffer zone refers to the area within 100 feet of any jurisdictional area (310CMR: 10-4), so any extension of the No Disturb Zone would occur within the buffer zone.

MOTION: Moved by DeHoyos, seconded by Miller, no further discussion and voted 5-0-0 to delete "within the 100-foot buffer zone" in §195-2a Jurisdiction

§195-2.a.iv. Jurisdiction

Currently Written: activities currently exempted from the requirements for the riverfront area under 310CMR 10.58(6).

Propose: add "All references to signage in the definitions of Minor Exempt Activities in Buffer or Riverfront as expanded in October 2014 shall be interpreted to apply only to signage erected and maintained by the Town of Greenfield and other government entities."

Rationale: The intention of the state regulation is clearly to refer to municipal and highway rather than commercial signage. Inclusion of this caveat will make this clear to town residents.

MOTION: Moved by Mosher, seconded by Miller, no further discussion and voted 5-0-0 to add "All references to signage in the definitions of Minor Exempt Activities in Buffer or Riverfront as expanded in October 2014 shall be interpreted to apply only to signage erected and maintained by the Town of Greenfield and other government entities" to §195-2.a.iv. Jurisdiction.

§195-4.D.a. Application and Fees



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Currently Written: At the time of filing an application, the applicant shall pay a Town filing fee specified in *Rules and Regulations of the Commission*. This fee is in addition to that required by the Wetlands Protection Act and Regulations. This fee shall be deposited in the *Greenfield Conservation Commission Ordinance Account*.

Propose: delete this section.

Rationale: There is no fee for this process. Therefore, including a reference to a non-existent fee leads to confusion for applicants.

MOTION: Moved by Mosher, seconded by Nevins, no further discussion and voted 4-1-0 (Mosher opposed) to delete §195-4.D.a. Application and Fees

§195-5.C. Notice and Hearings

Currently Written: The Commission shall conduct a public hearing on any wetland permit application (NOI, **RDA**, ANOI, or ANRAD). Notice of said hearing shall be published in a local newspaper of general circulation at least five working days prior to said hearing at the expense of the applicant. The published notice, which shall be prepared by the Commission, shall contain the following information: the date, time, and place of hearing: the location of the property affected: the name of the applicant, and the action requested from the Commission. The Commission shall have authority to continue the hearing, with the applicants' approval to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission.

Propose: Re-word: **The Commission shall conduct a public meeting on any RDA application. The Commission shall conduct a public hearing on any other wetland permit application (NOI, ANOI, or ANRAD).** Notice of said hearing shall be published in a local newspaper of general circulation at least five working days prior to said hearing at the expense of the applicant. The published notice, which shall be prepared by the Commission, shall contain the following information: the date, time, and place of hearing: the location of the property affected: the name of the applicant, and the action requested from the Commission. The Commission shall have authority to continue the hearing, with the applicants' approval to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission."

Rationale: As currently written, this conflicts with 195-5 B. ("When submitting any wetland permit, **other than a Request for Determination of Applicability** applicant shall notify by certified mail all abutters and owners of property within 300-ft of the property lines, as determined by the most recent assessor's maps, of nature and intent of proposed project and dates of applicable public hearing, if known. The notice to abutters shall also state where copies may



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be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice of abutters, shall be filed with the Commission.)

Since, in the general laws of the Commonwealth, a public hearing requires notification of abutters, these two sections conflict. Determinations of Applicability are most frequently sought in situations where the activity is minor and has no impact on the resource areas. Examples include replacement of porches of residences within the buffer zone, or roadwork by DPW or MassDOT on existing roadways within the riverfront areas. Any project that is found to impact the resource area is ordinarily addressed through a NOI, which requires a public hearing. It is the opinion of the Commission that removing the expense of notifying abutters for limited activities helps applicants avoid an onerous expense that does not provide any additional protection to the resource areas, while addressing an RDA in a public meeting protects the interests of the community.

MOTION: Moved by DeHoyos, seconded by Miller, no further discussion and voted 4-0-1 (Mosher abstained) to re-word §195-5.C. Notice and Hearings with the following: “The Commission shall conduct a public meeting on any RDA application. The Commission shall conduct a public hearing on any other wetland permit application (NOI, ANOI, or ANRAD). Notice of said hearing shall be published in a local newspaper of general circulation at least five working days prior to said hearing at the expense of the applicant. The published notice, which shall be prepared by the Commission, shall contain the following information: the date, time, and place of hearing: the location of the property affected: the name of the applicant, and the action requested from the Commission. The Commission shall have authority to continue the hearing, with the applicants' approval to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission.”

§195-7F Permitting Conditions: Riverfront

Propose: change to "Riverfront Area."

Rationale: This would conform to the language within the WPA and the other sections of the Greenfield Wetland Protections Ordinance.

MOTION: Moved by Mosher, seconded by DeHoyos, no further discussion and voted 5-0-0 to add “Area” to “Riverfront Area” in §195-7F Permitting Conditions: Riverfront.

§195-7L Permitting Conditions: Proposing a new section (§195-7L) regarding permit requirements for wetland delineations



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Propose: add the following: “All delineations of wetland boundaries that come before the Commission for approval shall include the submission of the MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form used to determine these boundaries”

Rationale: Currently, there is no standard for the information provided to the Commission in determining wetland boundaries. This would correct that deficiency and establish a uniform and objective standard for these determinations.

MOTION: Moved by Mosher, seconded by DeHoyos, no further discussion and voted 4-0-1 (Nevins abstained) to propose a new section (§195-7L Permitting Conditions) with the following verbiage: “regarding permit requirements for wetland delineations: “All delineations of wetland boundaries that come before the Commission for approval shall include the submission of the MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form used to determine these boundaries.”

- **Baseline Reports/Annual Monitoring for Town-Owned Conservation Land:** An Umass student would like to assist with the baseline reports, as part of his senior keystone project. The student will come to an upcoming meeting to discuss specific tasks he would contribute and timeline.

Project Monitoring:

- **Northrop Grumman, 11-17 Meridian Street (DEP # 168-0281):** Pollock has been informed that the 4 Cottonwood trees did not survive; therefore the applicant will not be able to receive a certificate of compliance until new trees have been successfully replaced. The applicant anticipates more excavation needed as part of this project. Depending on the extent of the new work, the applicant may need to request to amend the OOC or file a new NOI.
- **ExxonMobil, 142 Mohawk Trail (DEP 168-0294):** the applicant hopes to start the project in March 2015.

Enforcement Updates/Possible Violations:

Correspondence:

Site Visit Scheduling:

Next Meeting:



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7:00 PM on Tuesday, March 24, 2015, at the Greenfield Department of Planning and Development; 114 Main Street

Adjournment:

MOTION: Moved by DeHoyos, seconded by Miller, no further discussion and voted 5-0-0 to adjourn the meeting at 8:52 PM.

Respectfully Submitted,

Maureen Pollock
Assistant Planner & Conservation Agent

John Blasiak
Chair