

# Granby Conservation Commission (GCC) - Meeting Minutes

Town of Granby, Massachusetts

November 14, 2023

Next Meeting – December 12<sup>th</sup>, 2023

## Members (\*absent)

William Shaheen\* (WS) – *Chair*, Ed Chapdelaine (EC) – *Vice Chair*, Amanda Smith\* (AS) – *Assoc. Mmbr*, Kevin Shewmaker (KS), Robert Fernandes (RF) – *Associate. Member*.

Dave Desilets (DD) – *Scribe for these minutes*.

*The following notes document the writer's understanding of the contents of this meeting. They are considered correct, unless copied members contact the writer and make corrections.*

- EC hosted this meeting which began at 7:00 pm and adjourned at 8:53 pm. This meeting was held at the *Old Carnegie Library on Library Lane* and was accessed online via 'Go to Meeting'.

## 7:00 pm – Open Session / Building Permit & Board of Health Applications

1. USDA / American Farmland Trust – Presentation on *Farmland of Local Importance Soils*, by Al Averill. The purpose of this introductory presentation was to provide information to the GCC regarding a program sponsored by the USDA and American Farmland Trust to help sustain local farmers maintain their farms.
  - a. The presentation focused on the goals of the program and briefly described the process for developing this resource for our local farms. *A recognized official from Granby must be identified to coordinate this development, who will represent the town's values and concerns related to agriculture, open space, small business, and conservation.*
    - i. A request was made to identify this official who could reside on a selectboard, planning board or conservation commission. Once a decision is made, we should contact Mr. Averill.
  - b. The goal of this program is to provide a funding source to local farmers for the continued use of their farms as farms into perpetuity. The following statement from the presentation clearly defines this goal.
    - i. *The farmland owner is paid the 'market value' less the 'agricultural value' of the land in exchange for limiting non-agricultural uses.*
  - c. A digital copy of this PowerPoint presentation was provided to help clarify the scope of this effort. Mr. Averill requested he be contacted with any further questions. His contact information resides within this presentation.
  - d. After this meeting, Mr. Averill supplied additional information to clarify this program. This information is attached to these minutes.

## 7:33 pm – Public Hearing and Appointments

1. 92 Chicopee St. (Continuation) - **Abbreviated Notice of Resource Area Delineation Application (ANRAD)**. Filed by GC & KR, LLC, applicant, and property owner, to confirm a wetland resource boundary on the property, depicted on plan(s) and/or map(s) referenced are accurately delineated with regards this property known as Map 15-B-10 in the Town of Granby.

- a. Application representatives attending this meeting include Gerald Coderre for the applicant and property owner. Attending with Mr. Coderre were Dan Nitsche and Susanna Sousa from GZA GeoEnvironmental, Inc, Springfield Office.
  - b. Speaking for the applicant, Dan Nitsche stated he has received the proposal from Emily Stockman and Associates to represent the Town of Granby in the performance of a Technical Peer Review (TPR) to determine the *Mean Annual High-Water Line* (MAHWL) and a section of the Bordering Vegetated Wetland (BVW) boundary.
    - i. A decision has been made by this applicant not to approve this proposal and no monies will be sent to the town for the preparation of this TPR.
  - c. DD commented that the site plan contained in the ANRAD application was difficult to understand as the actual waterways and wetland borders are not depicted on this drawing.
    - i. Dan Nitsche responded stating that the actual waterways and wetland borders were less important to this application than the actual buffer zones. The goal of this applicant is to stay outside of all buffer zones with any proposed development. The 200' Riverfront Area buffer zone is the most restrictive and it is based on the location of the MAHWL and not the actual waterway location. Therefore, the purpose of this application is to verify that the MAHWL is properly located on the site plan.
  - d. EC stated he had the opportunity to perform a site visit at this property since our last meeting. Based on his observations made during this site visit, he is confident that the MAHWL is properly depicted on the site plan and the Riverfront Area Buffer is accurately shown.
  - e. Dan Nitsche clarified that the intention of this applicant is to remain outside of all buffer zones with any development. However, based on future designs, if any buffer zone is encroached by any development, a Notice of Intent (NOI) application will be filed with the GCC.
  - f. EC questioned the Public if anyone had any further questions or statements of this applicant. There were no further questions or comments from the Public.
  - g. As there was no further comments from either the Public or the GCC, EC motioned to close this Public Hearing and DD seconded it. The motion was unanimously approved, this Public Hearing is closed.
  - h. EC motioned to approve an Order of Resource Area Delineation (ORAD) specific to the MAHWL alone, regarding this application. DD seconded this motion and without further discussion the motion was unanimously approved.
  - i. The approved ORAD will be crafted, signed, and forwarded to the applicant.
2. **35 Barton St. – Notice of Intent (NOI)** application. Filed by Pioneer Valley Paving Corporation as applicant. Application purpose is to determine an Order of Conditions (OOC) for work within a wetland buffer zone to install asphalt paving for a driveway to a single-family residence. Work includes the removal and replacement of an existing culvert pipe with a new 12" ADS pipe with Rip-Rap flared ends and the removal / disposal of Two (2) tree stumps and One (1) tree and stump. This property is known as Map 3H-A-16 in the Town of Granby.
- a. Jesse Saltmarsh, Pioneer Valley Paving Corporation, attended this meeting as Applicant and Nelly Vulpe attended this meeting as homeowner.
  - b. The primary focus of this application is the replacement of the existing 4" diameter culvert with a new 12" ADS pipe.
  - c. Mark Stinson, Wetlands Circuit Rider for MADEP, Western Region offered the following comments related to this application.

- i. Per General Condition 31 of the Army Corps General Permit, crossings shall be installed in such a manner as to preserve hydraulic capacity and flow, sediment transport, and organism passage, between the wetland on either side of the road. The applicant shall take necessary measures to correct any wetland damage resulting from deficiencies in hydraulic capacity, sediment transport and organism passage.
    - ii. This site at the wetland crossing appears to have high ground water and BVW on either side of the driveway. Rip-rap placed at the outlet is considered fill and that square footage would need to be replicated. In the alternative, do not use rip-rap and make the culvert length the same as the existing one. The proposed 12" pipe should be embedded at least 25% into the soil.
    - iii. A Special Condition will be added to this OOC that assures the connectivity of the wetland be maintained during the construction process and in the final installation. The applicant must assure the GCC that the BVW will not become an Isolated Vegetated Wetland (IVW).
  - d. DD added that WS has additional Special Conditions to be attached to this OOC but is unaware of their specifics. These conditions will need to be added to the OOC.
  - e. Jesse Saltmarsh requested the Public Hearing be closed and the OOC be completed. Due to the timing of the season and the desire of the homeowner to pave the driveway this year, he is looking to get permission to begin work next week.
    - i. EC asked if there were any comments from the public. No one from the public added any comments.
    - ii. EC motioned to close this public hearing and KS seconded the motion. There was no further discussion, and the motion was unanimously approved. The public hearing is closed.
    - iii. DD motioned to approve the OOC with the Special Conditions as documented above in c.i, c.ii, and c.iii. Additionally, DD noted his understanding that WS has a Special Condition to be added to this OOC. EC seconded this motion and there was no further discussion. The motion was unanimously approved.
    - iv. DD noted the OOC will be sent to the homeowner who will have the responsibility to record it at Hampshire County and send the recording verification to GCC offices.
3. **0 Philip Circle** – GCC 20-20-12, **Order of Conditions (OOC) #165-0343**, issued 4/13/2021, was never recorded at Hampshire County Registry of Deeds. The property has been sold and the new property owner, Mael Walkowiak, requests GCC to issue an **Amended - Order of Conditions (A-OOC)**. This property is known as Map 4B-2-11 in the Town of Granby.
- a. This application was not represented by the new property owner. Therefore, based on discussions DD has had with the new owner, DD provided a short explanation of the purpose of this request.
  - b. The new property owner requested this A-OOC due to the fact the original OOC listed incorrect Book and Page numbers for this property. This fact made the original OOC unrecordable, so the A-OOC has corrected the Book and Page numbers to the current owner's deed.
  - c. The A-OOC will not change any of the Special Conditions or the completion date of the original OOC, which is 4/13/2024. This completion date can be extended by written permission of the GCC.
  - d. The A-OOC was reviewed and approved with GCC member signatures.

4. **7 Philip Circle** – Continuation of a **Request for Certificate of Compliance (RCOC)** application **#165-085**, aka Lot #21. This application was filed by the previous property owner, but never completed. The property has been sold and the new property owner has completed all Special Conditions stipulated in the original Order of Conditions (OOC). At this time, a request is made to the Granby Conservation Commission to issue a Certificate of Compliance (COC). This property is known as Map 4-E-16 in the Town of Granby.
  - a. This application was represented by the new property owner, Melissa St. Germain Martel.
  - b. Based on a Site Visit conducted on 10/26/2023, all requirements and Special Conditions included in the original OOC have been completed.
  - c. Therefore, this RCOC application is recommended for approval at this time.
  - d. EC asked if anyone in the Public had any questions or comments of this applicant. There was no response. EC motioned that the Public Hearing be closed, KS seconded this motion. There was no further discussion, and the motion was unanimously approved. The Public Hearing is closed for this application.
  - e. DD motioned to approve the COC as noted above, KS seconded this motion. There was no further discussion, and the motion was unanimously approved. The COC was approved with GCC member signatures.
5. **110 North St. – Request for Determination of Applicability (RDA)**. Filed by Leanne Ballou for the repair and replacement of an existing failed septic system with a new septic tank, distribution box and leaching trenches >55' from Bordering Vegetated Wetlands (BVW). All work to be performed in previously disturbed area. This property is known as Map 9E-B-4 in the Town of Granby.
  - a. Neil Jackson, J&P Engineering Services represented this application.
  - b. This property is adjacent to Bordering Vegetated Wetlands (BVW) and a Perennial Stream which places the entire lot within the buffer zone of both.
  - c. Reviewing the proposed location of the new septic system it was determined that there is no other location for this system on the property. EC requested that the soil erosion control system/ silt fence with straw bales be utilized to minimize any storm effluent into the BVW.
  - d. Based on this fact, a decision was made to approve this application with a Determination of Applicability (DOA), Negative Determination #3 which will allow this work to proceed without the need to file a Notice of Intent (NOI).
  - e. EC requested comments from the Public and there were none.
  - f. EC motioned to close the Public Hearing, KS seconded this motion. There was no further discussion, and the motion was unanimously approved.
  - g. DD motioned to approve the application as noted in item #d above. EC seconded the motion, there was no further discussion, and the motion was unanimously approved.
  - h. The DOA was approved with member signatures of the GCC.
6. **19 Forge Pond Road – Request for Determination of Applicability (RDA)**. Filed by Paul & Katherine Pawlak for the repair and replacement of an existing septic system with a new septic tank, pump chamber, distribution box and Elgen GSF leaching bed >50' from the shore of Forge Pond. All work to be performed in previously disturbed area. This property is known as Map 14C-A-1 in the Town of Granby.
  - a. Neil Jackson, J&P Engineering Services represented this application.
  - b. This application includes the new septic system and the installation of a new private well.

- c. Located on the shore of Forge Pond, this entire property is located within the buffer zone of this pond and it's Bordering Vegetated Wetland (BVW).
- d. Based on this fact, a decision was made to approve this application with a Determination of Applicability (DOA), Negative Determination #3 which will allow this work to proceed without the need to file a Notice of Intent (NOI).
- e. EC requested comments from the Public and there were none.
- f. EC motioned to close the Public Hearing, DD seconded this motion. There was no further discussion, and the motion was unanimously approved.
- g. EC motioned to approve the application as noted in item #d above. DD seconded the motion, there was no further discussion, and the motion was unanimously approved.
- h. The DOA was approved with member signatures of the GCC.

### **8:35 pm – Public Hearing and Appointments Closed**

**Old Business** – Updates on the following applications are as noted.

1. 61 Pleasant St. – Halon Property, DEP Non-Compliance issue, WS will report at the next meeting.
2. Stocking Fish @ Forge Pond – DD will make a report at the next meeting.
3. 150 Batchelor St. – Continued to the next meeting.
4. 128 Taylor St. – Continued to the next meeting.
5. Batchelor St. Culvert Repair – Continued to the next meeting.
6. Gravel Pit Site Inspections – Continued to next meeting.

### **Administrative Duties**

1. Commentary – Candidate for the Shared Conservation Commission Agent position being advertised for the Town of Granby and the Town of Hamden attended this meeting virtually, via GoToMeeting.
  - a. Questions were asked of and by Alex Grigorov regarding a few items discussed at this meeting. He mentioned his current place of employment is in Marlboro, MA which has a two hour commute, which he hopes to rectify with this new position.
  - b. Alex resides in Amherst, MA.
2. Post next meeting – **December 12<sup>th</sup>, 2023 @ 7:00 pm.** All public hearings continuing to this meeting will begin at or around 7:30 pm.
3. Approve meeting minutes – Minutes from the October 10<sup>th</sup>, 2023, meeting were reviewed and approved without change. The minutes will be forwarded to Cathy Leonard to place on the website.
4. Bills to Pay - No Bills to Pay to review at this meeting.
5. Financial Accounts Update – *No Financial Accounts to review at this meeting.*
6. Outreach/Education/Plant of the Month – *No discussions at this meeting.*
7. News / Announcements – *None at this time.*
8. Site Visits – *To be scheduled.*
  - a. 35 Baggs Hill Rd.
  - b. (3) - Gravel Pit Sites, for Nawrocki, Orlon and Ondrick.
9. Correspondence - *None at this time.*