



TOWN OF DEERFIELD

Conservation Commission
8 Conway Street
South Deerfield, MA 01373

Deerfield Conservation Commission – Meeting Minutes

May 4, 2023

Members Present: Peter Law, Kate Devlin, Sean Libbey, Ben Bryne

Members Absent: None

Town Staff Present: Amy Hahn, Building Assistant;

Notes:

The meeting was called to order at 6:45 pm, virtually via Zoom

Minutes of the 4/27/23 meeting were reviewed and accepted as written with a motion from Sean Libbey, seconded by Kate Devlin. Roll call vote approved, 3-0-0.

Peter Law started the meeting by requesting if Chris Nolan (representing Town of Deerfield's application for an RDA Hearing for 88 Old Main Street) would be amenable to a change of schedule and to follow the Eaglebrook School's ANOI and NOI proceedings. Mr. Nolan agreed with the gratitude of the Commission.

Old Business:

1. Eaglebrook School Track Renovation ANOI follow-up
 - Jesse Moreno (Proterra Design Group) addressed the 5 points from Peter Law's email of 5/3/23 (in meeting packet). Updated designs have been submitted as requested, changes were accepted to allow for the removal of the silt fence "prior to project completion" and to the UIC comment that necessary forms will be filled out "as/if necessary". A copy of the SWPPP will be submitted prior to work.
 - The TDAM filter maintenance contact will be Wes Smith, Director of Physical Plant for Eaglebrook School will be the responsible party for maintenance. Wes's phone is (413) 774-9166. The trench drain and grate shall be inspected twice per year (once in the fall and once in the spring), where leaves and misc. debris is removed and disposed as necessary. The filters will be inspected (estimate 30) with 1/3rd of the filters replaced on a rolling basis so that in a three year period all are changed out. As inspections are made, the frequency of replacement may be altered to reflect the amount of debris and clogging that is field observed.
 - One point Jesse Moreno noted was that the new 2022 General Construction Permit dictates a monitor (with certification) and frequency of monitoring and reporting. Jesse Moreno suggested that we amend our Orders to match those of the new 2022 permit guidelines.

- Jesse Moreno made another request: Can we remove Section IV Environmental Monitor Requirement and Section VIII Wetland Replication from the ANOI Order for the Track & Field Project as no wetland resource impact is proposed? All work is buffer related and generally outside of the 100 ft buffer. This was discussed and agreed upon.

Jesse Moreno then entered into a general discussion of the Commission's Order of Conditions with the intent to clarify and improve them as well as tailor them best to each project (track and dining hall). What follows below are the comments provided by Jesse Moreno with discussion from the Commission added:

General Review of Internal Document Rev 1 01/01/2023

1. On Page 2 in item 6 there appears to be an item 7 regarding native species buried within. There is also a 7 on delineation of flags. This will require renumbering of these conditions.
 - Peter Law recognized a difference between drafts of the OOC and has addressed the numbering.
2. Under Item 13, the use of fertilizers and deicing chemicals etc. are subject to the review and approval by the Commission. Can this be altered to reflect any "new areas" within jurisdiction. This condition seems to suggest approval required for existing field maintenance and deicing that already occurs on the campus. No new impervious surfaces within impervious areas and no new field construction - the work is generally to rebuild existing fields in place at new elevation. Under Item 13, first activities listed as prohibited can we clarify that it is the operation of "construction" equipment and "construction" materials as opposed to equipment and maintenance such as mowing & plowing etc. that is ongoing on the campus.
 - Jesse Moreno in discussion was open to clarifying the first bullet of Condition 13 to state "construction equipment" and "construction materials."
 - It is generally understood that the intention of this condition is tied to the work in the plan and not meant to impede the on-going maintenance of the track and field. Wording will be reviewed by Peter Law and amended as necessary within the 21 day period.
3. Item 16 can we add to the end after plans, "unless approved at later date by the Commission." Without this it would appear otherwise that further future work is prohibited.
 - It was agreed by the Commission to change the wording on Condition 16 from "no future work" to "no additional work."
4. Under Section III, item 31 during construction can we remove "All" and limit the timing in this condition associated with work "in the resource" (not the buffer) to the dates listed. This would appear to only apply to the Dining Hall and the work associated with the culvert near the ice rink and not the remaining work which is generally 50 feet outside of the buffer.
 - It was agreed by the Commission to omit Condition 31 for the Track ANOI and to modify the Dining Hall Order to clarify that this order pertains to work done in the resource area be limited to low flow times.

5. Under IV Erosion and Sediment Control can we add, salt hay and compost socks to the mix. These are both recognized to be weed free and can be used in conjunction with silt fencing for similar purposes as the straw bale and logs.
 - The Commission agreed to this addition provided they can ensure the products are free of invasive plant seeds (product label).
6. Under item 36, 200 feet is reasonable for the Dining Hall, but we would request 50 feet of silt fencing and straw bales for the track/field project as its much smaller and the duration is shorter.
 - The Commission agreed to this request.
7. Item 38 Can we add after each year “or otherwise temporarily seeded or stabilized in accordance with the SWPPP during overwinter activities.” The work on the Dining Hall project will likely span over the winter months.
 - The Commission and Mr. Moreno discussed leaving this Condition as is.
8. Item 39 May we alter the inspection to be consistent with the site inspection frequency noted in the EPA’s Construction General Permit (CGP) Part 4.2 which states:

Option 1 – At least once every seven days

Option 2 – Once every 14 days and within 24 hours after receiving 0.25 inches or more of rain within a 24 hour period.

Additionally, we would to alter “Any Breach” to a Breach of the limit of work within 100 feet of the wetland resource. For example we have controls several hundred feet from the resource that would not impact the resource directly but would be part of the SWPPP and it would appear to be excessive to notify the Commission so far from the resource.

- The Commission was agreeable to matching the standards of the EPA’s Construction General Permit conditions for scheduled maintenance. It was also agreed to change the language regarding a breach to “within jurisdictional distances of a resource area.”
9. Item 40 Can we replace the word “Continual” with “adequately monitored in accordance with the frequencies dictated in the 2022 EPA Construction General Permit CGP”
 - This was agreed to in addition it was discussed keeping the inspections consistent for both projects in line with the SWPPP requirements.
 10. Item 41 May we alter the removal of silt “when the capacity of the BMP reaches 50% or as required by manufacturer.”
 - The Commission agreed to change this Condition to the verbiage recommended by Mr. Moreno.
 11. Can we clarify that the Environmental Monitor Requirement under VI is for Wetland Replication or Mitigation. This person is separate from the inspector that is reviewing the Erosion & Sedimentation Control. The way that this section reads is that one person is responsible for both when in fact the requirements are different for each. We would suggest removal of VI and add 44, 45, and 47 to Section VIII Wetland Replication. Section 46 should remove the term “environmental consultant” and use “EPA’s Construction General Permit (CGP) Site Inspector”. We also recommend that 46 be placed within Section IV on Erosion Control.

- The Commission will review and amend as necessary this Condition and its location and terms.
12. Condition 52 should be removed or re-written to reflect conditions other than #69 or #70 which does not currently exist.
 13. Remove Section IX because the site is not within a mapped area of species listed NHESP and does not require consultation with this jurisdiction.
 - The Commission acknowledges that this only pertains to projects within known NHESP area at the time of approval, and notes neither project area (track or dining hall) have mapped NHESP areas.

Commented [LS(1)]: I missed the comments referring to this item. Hopefully someone else has our response.

Old Business (Continued):

2. Eaglebrook School Map 62 Lots 13 & 14; Map 68 Lots 5 & 6; Map 69 Lots 52 & 58 Notice of Intent filed for construction of a new dining hall, ballfield, and affiliated infrastructure. Jesse Moreno (Proterra Design Group) and Joe Orzel (Lucas Environmental) were on the meeting representing Eaglebrook School.
 - Jesse Moreno said that there had been no new information submitted since the last meeting. All peer review and DEP comments have been addressed with new plans submitted to the Commission.
 - In response to DEP’s comments regarding the closure of all Outstanding Orders of Conditions. The work is on-going, Jesse Moreno detailed the results so far: 5 are closed out, 1 is active (Whipple Pond maintenance), 2 projects never moved forward and can be closed out, and the remaining 7 Eaglebrook School does not have sufficient information to close them out. Amy Hahn has been reviewing files in storage. The Commission will need to provide additional information regarding these older projects in order to review the Order of Conditions. Eaglebrook School has requested 6 months to finish reviewing these outstanding projects and closing them out when feasible.
 - Jesse Moreno agreed with the Commissions Order of Conditions presented for the Dining Hall project with the exception of allowing work during the low flow timeframe to occur in the uplands (limiting work within the resource area during low flow).
 - It was again clarified that Condition “13” regarding equipment and materials be clarified to “Construction” equipment and “Construction” materials. The Commission reiterated that the Order does not refer to on-going maintenance activities after the project is complete.
 - Kate Devlin made a motion to approve the NOI for the Eaglebrook School Dining Hall project as submitted with special conditions added as discussed. Sean Libbey seconded the motion. Roll call vote approved, 4-0-0.

New Business:

3. 88 Old Main Street Hearing Request for Determination of Applicability (RDA) for creation of tree boxes and a rain garden for the purposes of climate resiliency as detailed in the Town’s Municipal Vulnerability Plan.
 - a. Chris Nolan was there to represent the Town of Deerfield (Chris Curtis the Town’s MVP consultant was unavailable for the meeting). Chris Nolan noted that due to the DEP’s comments regarding the rain garden location (requiring wetland survey and delineation) has been scrapped from the project.

- b. Peter Law inquired as to how the tree boxes work, Chris Nolan noted they are designed to filter water before entering the ground.
 - c. The preferred location for the one tree box this project entails is located in the Town's ROW just North of the Old Deerfield Inn.
 - d. The Commission discussed the need to confer with DEP regarding the removal of the rain garden from the RDA. The Commission will determine whether a new RDA needs to be filed, or whether we can condition the current RDA.
 - e. Kate Devlin moved to continue the Hearing for 88 Old Main Street RDA to the next scheduled meeting of the Commission on May 11th, 2023 at 6:30 PM. Roll call vote approved, 4-0-0.
4. 0 Clark Cross Road update. No site visit is currently scheduled. The Commission would like to review the site prior to the next meeting if possible.

General Discussion:

- The Commission agreed to change the meeting start time to 6 PM starting on 5/25/2023.

Mail:

- Received Army Corps of Engineers DEP Water Quality Certification

Next Meeting:

The next regularly scheduled meeting of the Deerfield Conservation Commission will be held on Thursday May 11th, 2023 at 6:30 pm via Zoom.

A motion was made by Kate Devlin to adjourn the meeting at 8:25 pm, motion seconded by Ben Byrne. Roll call vote approved, 4-0-0.

Respectfully submitted, Sean Libbey, Conservation Commission

All Materials and Documents discussed during this meeting are publicly available on the Town of Deerfield's website (excepting those in draft form).

The link to the Conservation Commission page is:

<https://www.deerfieldma.us/243/Conservation-Commission>.