

**Deerfield Conservation Commission – Meeting Minutes**  
*October 27, 2022*

**Members Present:** Peter Law, Kate Devlin, Sean Libbey

**Members Absent:** Ben Byrne

**Town Staff & Other Board Members Present:** Amy Hahn, Building Assistant; Analee Wulfkuhle, Planning Board

**Notes:**

The meeting was called to order at 7:00 pm, virtually via Zoom

Minutes of the September 22, 2022 meeting were reviewed and accepted as written with a motion from Kate Devlin, seconded by Peter Law. Roll call vote approved, 3-0-0.

**New Business:**

- Peter Law introduced the need to formally accept the Commission’s use of electronic signatures through Adobe Sign documents.
- Kate Devlin made a motion for the Commission to accept the use of electronic signatures as legally binding per MGL Ch 110 g, seconded by Sean Libbey. Roll call vote approved, 3-0-0.

**Old Business**

1. Public Hearing Continuation for a Notice of Intent filed by NUPRO for construction of a 124,680 square foot building, parking area, loading dock apron, site lighting, site landscaping, utilities, stormwater management, riverfront resource area improvements on property identified in the Assessors records (Map 168 Lot 21 and Lot 21.2).
  - Mark Stadnicki (SVE) represented the landowner and is currently reviewing the peer review documents.
  - Derek Helie asked the Commission for permission to work in the riverfront area from 100’ to 200’ prior to approval, to start laying the foundations.
  - Peter Law commented that the Commission had not received the peer review comments from Berkshire Design prior to the meeting.
  - Greg Henson (Berkshire Design) addressed the primary concerns of the peer review relate to the level of the building’s foundation relative to the water table. Greg Henson expressed additional concerns related to roof drainage structures being potentially submerged, and the necessity for the foundation drainage to be “daylighted.”
  - Derek Helie addressed the roof drainage concerns by stating there is an air gap built in and further stated he’d be willing to raise the foundation by 1 ½ feet (with permission).
  - Peter Law recognized a member of the public (Thayer St. resident) who voiced their concerns related to the construction process and the permanent impact on the neighborhood of a factory that runs 24 hours a day 7 days a week. Concerns cited related to sound and light pollution and questions regarding the byproduct from the polyurethane process. Peter Law recognized the

citizen's concerns and highlighted the role the Conservation Commission plays in relation to the Wetlands Protection Act (WPA) and that the planning board / select board (due to expedited permit) would be the appropriate bodies to address such concerns. Peter Law then recognized a second concerned citizen who had inquired about reviewing the impact study. Amy Hahn highlighted the documents that are available both at Town Hall and on the Town's website. Derek Helie added that many of these questions were addressed at last month's select board meeting (available on the Town's YouTube channel). Derek Helie went on to explain the process used in the facility to address the pollution concerns raised.

- A motion to continue the Public Hearing for the NOI for Map 168 Lot 21 & 21.2 filed by NUPRO to the next regularly scheduled Conservation Commission meeting, or an earlier scheduled special meeting (11/10/22) if approved, was made by Sean Libbey, seconded by Kate Devlin. Roll call vote approved, 3-0-0.
2. Public Hearing Continuation for a Notice of Intent filed by Daniel Hartman/All States Materials Group for 901 River Road (Map 21 Lot 1). NOI to make improvements to an existing gravel road, including widening the road, replacing the stream crossing and constructing a pad site for parking.
- Daniel Hartman recapped the redesigned plans which further reduce impacts in response to the peer review comments provided by Stockman Associates.
  - Eileen Piskura (Kleinfelder) representing All States Materials Group presented their revised plans including the additional wetlands identified and the plan demonstrating the widening project "flipped" from the original submission to the north side of the current roadbed. They are currently waiting on stormwater test pit data to be collected.
  - Emily Stockman (Stockman Associates) Representing the Town's peer review commented that she concurred with the placement of the flags in the field corresponding to the labels on the revised plan. She also commented that neither of the newly depicted BVWs on the plan have been field verified.
  - Peter Law commented that the Commission has not had sufficient time to review the revised NOI. It was further discussed that Section 11 referring to the stream crossing standards that would require an 18-foot span was confirmed to be much larger than what is currently in place (twin 18" corrugated plastic culverts) and would be beyond what is necessary to meet the performance standards (M.G.L. Ch. 131 10.54 & 10.56).
  - Sean Libbey asked if the proposed 60" culvert will be buried. Eileen Piskura confirmed that the culvert would be embedded to a depth of 2'.
  - Eileen Piskura further clarified that the revegetation plan for the 4% of permanently altered riverfront area will be stabilized and seeded upon completion of the work and then allowed to revegetate naturally. Peter Law highlighted Deerfield's requirement for the use of strawbales (versus haybales).
  - Peter Law confirmed that there are no on-going special considerations regarding the original permitting for the road construction.
  - Emily Stockman commented her appreciation for the fact that the plan is an improvement to the current conditions and she will complete the field work by November 2<sup>nd</sup> and try to be available for a special meeting scheduled for November 10<sup>th</sup>, if approved.
  - A motion to continue the hearing on the NOI filed by Daniel Hartman for Map 21 Lot 1 to the next regularly scheduled Conservation Commission meeting, or an earlier

scheduled special meeting (11/10/22) if approved, was made by Sean Libbey, seconded by Kate Devlin. Roll call vote approved, 3-0-0.

3. Public Hearing Continuation for an Abbreviated Notice of Resource Delineation (ANRAD) Wetlands Delineation filed by Kenneth Bouquillon, SunnyDayz Inc. The ANRAD asks the Conservation Commission to accept the revised wetlands delineations shown on the submitted plan. The property is located off Greenfield Road (Map 159 Lot 14).
  - Peter Law recognized that Kate Bednaz of Freshwater Wetland Services has been hired by Kenneth Bouquillon for the peer review and has so far completed the field work. Kenneth Bouquillon stated that he is just waiting for the ANRAD approval to start work and would like to join the special meeting on the 10<sup>th</sup>, if approved.
  - Peter Law recognized a concerned citizen who lives across 116 from the property in question. Her primary concern was regarding work resulting in increased water flow onto their forested property.
  - A motion to continue the hearing on the ANRAD filed by Kenneth Bouquillon to the next regularly scheduled Conservation Commission meeting, or an earlier scheduled special meeting (11/10/22) if approved, was made by Sean Libbey, seconded by Kate Devlin. Roll call vote approved 3-0-0.

#### **General Discussion:**

4. Enforcement Action (Map 132 Lots 29 & 30)
  - Discussion opened up by Peter Law regarding the Mill Village Road violations on (Map 132 Lots 29 & 30) as detailed in the cease and desist letter issued to Mr. Gardner on May 3<sup>rd</sup>, 2022 from the Commission.
  - Peter Law has received a copy of the settlement between Mr. Gardner and MassDOT. Waiting on legal counsel to review. Amy Hahn has reached out to MassDOT regarding permission to have the wetland delineation extend onto their lands so that the Commission receives a complete delineation of the wetlands.
  - Peter Law is waiting on legal counsel to review the letter of understanding prior to mailing.
5. North Main Street Park (Map 151 Lots 0 & 1)
  - Mary Grover (DEP) has scheduled an informal site review for November 8<sup>th</sup> at 10 am for all relevant parties to meet on site.
  - A Federal Court hearing has been set for September 2023 to review the language of the pertinent Town documents.
6. Stillwater Bridge RFQ
  - Peter Law opened the discussion recommending a letter be drafted to request information/notification upon start of work and issue a general order of conditions expressing the Commission's expectation that all pertinent regulations will be followed. This letter would include a request for use of proper erosion controls and that measures be taken to consider wildlife and NHESP impacts, local fisheries, etc. Kate Devlin mentioned it would be a good opportunity to educate the public. Peter Law will draft a letter to this effect.

7. Old Deerfield Fire District requests site review (Map 69 Lots 19 & 20)
  - Peter Law has set a date (10/28/22 at 9:30 am) to do an informal field inspection of the parcels the Old Deerfield Trustees and Deerfield Academy have proposed to donate to Old Deerfield Fire District for the construction of a new fire station. Old Deerfield Fire District representative, Pat O'Brien, would like to confirm there won't be any major issues with the Commission if they were to pursue that course of action.
8. Treehouse Brewery erosion control (Map 150 Lot 9)
  - Peter Law commented that the letter reviewed by the Commission has been sent to Treehouse Brewery pertaining to recent issues with silt fence removal, stream crossings structures, and streamside vegetation alterations. Mark Stadnicki had commented earlier that Treehouse wasn't sure how to interpret the letter they received. Peter Law will follow-up with a phone call.
9. General Order of Conditions
  - Peter Law updated the Commission on the history of the development of a general list of acceptable orders of condition that the commission could approve the use of then use the items necessary to each project. The goal is to provide consistency. Peter Law will send a copy to the Commission for review.
10. Kate Devlin was recognized by MACC as having completed her Certification training.
11. Peter Law reiterated the need for the Commission to add a member. He also mentioned the Town of Deerfield has recently become a participant in the pollinator district.

**Next Meeting:**

A motion was made by Sean Libbey to accept the next regularly scheduled Conservation Commission meeting to be held on November 17th, 2022, 7:00 pm and that a special meeting be held on November 10th, 2022, 7:00 pm, this motion was seconded by Kate Devlin, and the meeting adjourned at 8:47 pm. Roll call vote approved 3-0-0.

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>.