

**Town of Blandford
Conservation Commission Minutes
February 13, 2023 6:00 PM**

Commission Members in attendance: Dick Gates, John Piper, Colleen Doyle, and Nate Maynard.

Others in Attendance: Bill Kenney (River Hawk Environmental – via conference call), Joe Rogers and Suzannah Suza (GZA GeoEnvironmental – in person), Marc Lavasseur (Foresight Engineering representing Belle Fleur – via conference call).

I. New Business

a. I-90 Diesel Fuel Release and Soil Remediation Activities (Childs Trucking, River Hawk Environmental LLC.)

A tractor trailer truck was involved in an accident on the Mass Pike which resulted in a diesel fuel and non-petroleum hydraulic fluid spill along the shoulder of the highway in Blandford in the vicinity of Mile Marker 27.8. Initially it was believed that the spill had occurred within jurisdictional land under the WPA, but further research revealed that the cleanup area was outside of any jurisdictional boundaries. Post-cleanup lab analysis of the site demonstrated residual chemicals below threshold levels of concern. A follow up report was sent to ConCom. No further questions or concerns were raised by ConCom and D. Gates gave the go ahead for River Hawk to draft a final report for DEP.

D Gates made a motion to acknowledge completion of the site clean-up and clearance for River Hawk Environmental to draft a final report to DEP. J Piper seconded the motion and it was passed unanimously.

b. Mass DCR / GZA Request for extension of Order of Conditions for annual drawdown of Otis Reservoir (File# 111-0048)

GZA GeoEnvironmental put in a request on behalf of Mass DCR to extend the Order of Conditions pertaining to the annual winter draw down of Otis Reservoir. There are four conditions that need to be met within the OOC including a monitoring plan for the endangered Bridle Shiner Minnow, a draw down timeline from Oct. 15 – May 30, and compliance with the Endangered Species Act. All conditions have been met and no further questions were made by ConCom.

D Gates made a motion to extend the OOC for DCR's annual draw-down of Otis Reservoir to 2026. J Piper seconded the motion and it was passed unanimously.

c. Review proposed Belle Fleur Marijuana Facility modifications received 2/8/2023 (File #111-0060).

Belle Fleur submitted a request for the BCC to approve project modifications as a Minor Modification to the existing Amended Order of Conditions (AOOC). That request was received by email on December 20, 2022 and addressed three proposed project modifications consisting of: 1) Revised prefabricated steel structure 2) Revised spacing between the Greenhouses 3) Selective hazard (dead or dying) tree removal. Due to a series of additional emails and communications received after that date, the December 20, 2022 request and the subsequent communications were the subject of a Special Public Meeting of the BCC held on January 26, 2023 as a means to resolve the multiple subjects that had been raised by the Applicant in a timely fashion. The BCC received an additional email regarding the hazard tree removal locations on February 8, 2023

Additional items of note are that based on a notification to the Applicant and their representatives made on February 9, 2023, the BCC conducted an on-site review of the Site on February 11, 2023. The BCC was notified that a Belle Fleur representative would not be attending. Also the BCC received a copy of an "Observation Report" on February 13, 2023 for the Site that was prepared by GZA (Contractors to Belle Fleur). Previously, The Observation Reports were entitled a "Construction Monitoring Report" and referenced an "EPA CGP" as well as the "Blandford OOC". The current report document references the "Blandford OOC" and also includes in the heading "USEPA NOI Tracking No: TBD".

Based on all of the above, the BCC indicated it would not be acting on the minor modification request at this time due to the following concerns regarding overall compliance with the AOOC and to clarify what those concerns are.

- The GZA Observation report only addresses the "Blandford OOC" rather than both the Blandford OOC and the EPA GCP as done in earlier Reports. The BCC asked if there was a current Construction General Permit and an associated Stormwater Pollution Prevention Plan (SWPPP) in affect for the Site, and is anybody reviewing the Site for compliance with the SWPPP (as required by Standard 8 of the Massachusetts Stormwater Handbook)? M Lavasseur stated he would check with the owners and get back to us. We also asked why the Observation Report did not address all requirements/conditions contained in the AOOC.
- The BCC noted that the GZA Observation Report stated that erosion controls are in fair to good condition and that this description has shown up in several other Reports and that actions need to be taken to bring the controls into good condition. The Report also states that sections of the silt fence are sagging or torn and that space needs to be maintained between material stockpiles and erosion controls.
- The BCC stated that based on the on-site review, we have continuing concerns about the significant area of unstabilized soil and unstabilized soil stockpiles. Also of concern was observed tree cutting that was occurring in the northeast corner of the site without any apparent

delineation of the Riverfront Areas or installation of erosion controls or limit of work markings.

- We also observed on the site walk that floor drains had been installed along the center of the concrete slabs and that those drains were not shown on the revised project plan set we received on July 21, 2022. We asked where those floor drains would ultimately discharge. M Lavasseur indicated that the previous plan set for the original building showed floor drains discharging to a tight tank and that he would confirm if that is the current plan.
- We observed that the soil stockpile at the center of the Site was up against the top of the adjacent perimeter controls and was about to cause the controls to fail on the southern side. The last time we were on-site, the representative that met with us assured us that condition would be taken care of.
- We also observed that the straw bales that were installed as erosion controls in 2021 were beginning to fail (rot) based on their age. We requested that the Applicant submit a plan to replace the aging straw bales as soon as possible but no later than this this spring.
- Regarding the hazard tree removal the BCC indicated that it continues to be difficult to determine what trees are currently proposed to be removed since some of the trees marked in the field are in areas not shown in the figure provided in the email of February 8, 2023. M Lavasseur indicated that the figure was correct rather than the trees marked in the field. The BCC then indicated that from the Figure it was not clear how many trees were being considered for removal. We also requested that (upon approval of the hazard tree removal) additional species of taller trees be considered for potential re-planting rather than just the shrub-type species proposed to date.
- The BCC also indicated that we are working with other Town officials to determine how additional technical resources can be provided to work on behalf of the BCC for this project going forward. This is due to the continuing requests for project modification approvals, the extended time frame to complete the project and overall concerns with compliance with the AOC.
- The BCC voted to continue discussion at our next Public Meeting to be held on March 13, 2023.

D Gates made a motion to continue the discussion regarding the modification request at our next Public Meeting to be held on 3/13/2023. J Piper seconded and it was passed unanimously.

II. Continuing Business

a. Meeting Minutes

D Gates made a motion to accept the meeting minutes from 11/14, 12/12, 1/9, and 1/26. J Piper seconded the motion and it was passed unanimously.

Allen Day 4/24

4/24

John L Piper Michael Gate
Maurice Mayson