

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**February 24, 2015**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:00 p.m. On roll call, the following members are present: John Bokus, Michael Gyarmathy, Thomas Siragusa, John Streit, Stan Weeks, and Robert Roeckle, Alternate. Nathan Duffney and Tonya Yasenchak are absent. Charlie Baker, Town Engineer, is present.

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**MINUTES – February 10, 2015**

MOTION: J. Bokus

SECOND: R. Roeckle

RESOLVED, that the Planning Board waives the reading of and approves the minutes of February 10, 2015 as submitted.

VOTE: Ayes: Bokus, Roeckle, Streit, Weeks,

Noes: None

Absent: Duffney, Yasenchak

Abstain: Gyarmathy, Siragusa

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**PLANNING BOARD CASES**

**JOHN WITT – Site Plan Review/Subdivision Amendment**

Old Stone Ridge

John Witt and Todd Smith, Mandy's Spring Nursery, are present. J. Witt states that he recently submitted a reforestation plan which he sent to all the neighbors. He has only heard from one of the neighbors. This plan was reviewed in a meeting by Blue Neils and Laurel Gailor along with Todd Smith and J. Witt. He provides a cost proposal for the Board. T. Siragusa asks if there is anything that highlights the differences between this plan and the previously proposed plan, something that summarizes what the changes were such as number of trees. J. Witt states that he did not bring the previous plan but that there were substantially less trees. At the last meeting we talked about making sure that the plan would meet with B. Neils' recommendations and approval. The Board wanted to see more detail on the actual planting locations for the trees and what that would look like. This plan shows the trees, numbers, a chart, etc. T. Siragusa states that he thinks that we have a number of questions as a group that we will get to in terms of detail on the map. S. Weeks asks if there is a completion date. T. Smith states that his company would be the one doing the planting. He states that it is their intention, and J. Witt has requested, that they start as soon as possible in the spring. Their proposal states two weeks after frost/snow goes away. Almost all of the trees are going to be harvested from their nursery and transported to the site; that they want to get this done the first thing in the spring for maintenance, establishment and to get the project rolling. If the spring goes like last year, with a south facing slope it would get fairly decent exposure, they could start planting by mid-April and complete in 3 to 4 weeks. Then there was a review period proposed, in September there is a review proposed, and then that planting needs to be within 30 days for any that have perished. The review would take place with B. Neils and L. Gailor, and the replanting would need to be completed by October 15, weather permitting. T. Smith states that they will be over-purchasing some of the smaller plants; small caliper plants so that they have those in stock and readily available. He believes that that loss should be about 10%. S. Weeks states that some of the discussion is to not stake trees but the drawing shows that they

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will be staked. T. Smith explains that only the trees that are necessary to stake will be staked. The current best practice is to not stake unless you have to. Getting the tree firmly planted then the trees actually require a small amount of movement for the roots to actually best knit with the soil. Old fashioned wisdom was to stake the tree so that the wind didn't blow it over and the contractor wouldn't have to come back and put it up. The best professional practice now is to stake only when necessary because it literally has been proven in the industry that trees that have a small amount of movement actually root in, establish faster and the roots knit in a more natural way if it is not staked. S. Weeks states that the drawing should reflect that. T. Smith states that that is just a typical drawing. He would refer to B. Neils and L. Gailor on that. He believes that they approved the recommendations. He states that a typical drawing in most cases is a recommendation, but not a specification. He felt that the words in CCE's recommendation and approval would supersede the drawing. S. Weeks states that someone is apt to look at the drawing and say that all the trees need to be staked. You don't want to have conflicting words and drawings. He has no problem with what T. Smith is saying. S. Weeks just wants it to be consistent so that there is no confusion down the road. J. Streit states that he met with T. Yasenchak, who also left some notes, and he will try to represent her thoughts as carefully as he can. Her first comment was regarding having the legend on the final map and that it should explain the areas of 'managed scenic buffer', 'reforestation' zone, etc. He states that there should be a strict definition of the meaning of each area. T. Yasenchak stated that there should be a consistency between the paperwork and the map. J. Streit states that the Board has discussed the issue of the trees being staked. T. Yasenchak stated that she felt that the large caliper trees should be staked given the fact that they are on such a slope. T. Yasenchak questioned that there are mentions of different types of mulching. T. Smith explains that the mulch that would be used is a combination of wood products and not strictly one type of wood, they will change that. T. Yasenchak had commented that the legend with the types of trees is currently pasted over a section of the map that we would need to see. T. Smith states that they will correct this. T. Yasenchak had also mentioned that the area currently labeled with the note, 'This boundary depicted by stakes and flagging.....on survey plat', should be on the final survey plat, not just staked in the field. J. Streit states that T. Yasenchak had also commented that the 'SCI detail' should also be on the final plans. She also commented that the letter from B. Neils recommended that the date for the final inspection be at the end of the second growing season and the plan that was submitted by the nursery states that the final would occur in August of 2015, which is the first growing season. T. Smith states that is a mistake and it is fine with his company. He will confirm this with B. Neils. Another question that T. Yasenchak had was who will be responsible for evaluating the care needs, and remedy and fix those issues. She would like to see those stipulated. T. Smith states that he thinks that they would wait until the evaluation period. A lot of times the weekly or periodic inspections thru the growing season would be mostly to determine whether there is anything needing water because watering may have to be done frequently or if there is rainfall not so often. J. Streit asks where the water would be coming from, where would they obtain that. J. Witt states from the neighbors. T. Smith states that he believes that Don has a plan to get water. C. Baker asks if they have an agreement in writing for that. J. Witt states that he does not. T. Smith reiterates that he believes that Don Sanders, J. Witt's project supervisor, told him that he has a way to tap into the well on the lot next to the Little's, run a 1" pipe across the very top of the site and tap into that for the watering. Discussion takes place that this would require a great deal of water. T. Smith states that there would also be some soil amendments that may need to take place and some of those deal with the watering issue, as explained in the proposal, which will help the roots acclimate and find their own water very quickly. They use a compost-based planting blend and they include a polymer crystal which retains water. Because of the logistics of watering, they are going to be pro-active when they do the planting and this will help to reduce the amount of watering that they have to do. These are items that he and B. Neils have talked quite a bit about. J. Streit states that T. Yasenchak had a question about item #4 of CCE's letter regarding the 'list of interested parties' and it should be specified who the interested parties are and how they would be notified. J. Witt states that those would be the home owners and the Planning Board. J. Streit stresses that this should be specified in writing in some way. J. Streit states that T. Yasenchak requests that there should be metes and bounds on the plans and they should be spelled out numerically with survey markings. There are lines on the plans, but it does not specify where they are precisely. These should be on the final plan along with the definitions of the various areas. The map also requires the typical title block and information. T. Yasenchak also noted that the typical bond

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language is needed for future review and approval by the Town Counsel and Town Council. We need a general overview of the costs, which the applicant provided tonight. This information also needs to be reviewed by the Town Engineer. J. Streit asks C. Baker to explain the metes and bounds, which C. Baker does. C. Baker comments that there are a couple of things that should be looked at on the estimate. He believes that there should be a number in there for the maintenance and watering because that could be a very big item. Replacement of dead trees – C. Baker states that if he understands it correctly the applicant is saying that the post-planting plan ‘scope specifically excludes the cost of replacement plants and any delivery, equipment and labor costs...’. T. Smith states that that is between J. Witt and himself. He thinks that the understanding is that they have to replace the trees, so in order to reduce the overall initial cost of this he didn’t put in replacement plants. If there are trees to be replaced, J. Witt would be paying him to do that. C. Baker states that he thinks that that number needs to be in the estimate because we are looking for a letter of credit that is going to cover the work and he states that he does not know what the number is, but if you are replacing 20% of the trees, someone has to pay for that. T. Smith states that he understands. J. Witt asks if C. Baker is saying that they should only bond 20% of the cost. C. Baker states no, he is saying that there should be a line item cost in the estimate for replacement of nursery stock. J. Witt asks the purpose. C. Baker states that if the trees die and they have to be replaced, there is going to be money to cover that. J. Witt states that is why there is going to be a bond and if they put a bond in place for a percent of the total. Let’s say that B. Neils says that 10% or 20% are going to die, whatever the number is, that should be the amount of the bond and not the full amount. If you bond the full amount, you shouldn’t need anything about the watering number or the replacement value because you have enough in the bond to cover replanting the whole thing. C. Baker states that there is nothing to assure that once the initial planting is done that it is going to be maintained and taken care of until the trees take root. J. Witt states until they go thru that inspection period and if he disappears the Town has the bond and is covered. The Town could replant the whole thing. T. Smith states that the bond would not be released until after the second year. C. Baker states that is correct. J. Witt states that once they do that, the bond can be released, so it doesn’t matter if they are not watered at all there would be enough in the bond to cover it. He states that if he bonds the whole amount, \$70,000, and he has to replace 20%, there would be plenty in there to take care of whatever needs to be taken care of. J. Witt states that he has to warrantee the trees until that period and he has to replace them, he is liable, it is his bond, not T. Smith’s. He states that he will have his laborers watering in the dry spots; otherwise he will have to pay T. Smith a lot more than that \$70,000. C. Baker states that he sees what J. Witt is saying. S. Weeks states that if the bond is for the total amount he is certainly ok with that. C. Baker states that there is another item that should be in there and that is storm water management, before they do any of this work, they are going to have to install silt fence, it is going to have to be inspected, file the NOI, weekly SWPPP inspections, etc. J. Witt states that they do that anyway at the site. J. Streit questions that if you refer to the reforestation area on the plans, there is a third that is somewhat darker because it has more markings on it and lighter to the right. He asks if the left was meant to be representative of what the whole thing will look like. T. Smith states that is correct and he has a blown up representation which he presents for the Board. He explains that this is a quarter acre typical of the density which is very hard to show on the plan. He explains that the whole area will be planted at that density. The process is described in the proposal/estimate. J. Streit states that it should be clearly delineated that that applies to the entire area. He reiterates that the Board would want notations on the plans of the definition of each of the areas. J. Witt states that he will have the surveyor put all of it on the plans. C. Baker states that he has one more question regarding the photos that were provided to the Board a while back showing an area behind the old Benton house. It appears as though there is a significant area that was cut that is not included in any of this reforesting. He is wondering if that has been considered. It appears to fall in the managed buffer area. C. Baker questions that J. Witt has seen the photos, provides them for him to review at this time and states that it appears that it falls in the managed forest area and is not in the area that the applicant is reforesting. J. Witt states that is correct. C. Baker states that he wants to make sure that everyone is comfortable with that. S. Weeks states that regarding what C. Baker was just saying, he thinks that along the way that the Board agreed that that reforestation zone would start below the property lines, which is not necessarily where the no cut line was before, but he believes that this Board agreed that it would only be reforested below those property lines. J. Witt indicates the area on the map and states that early on he had said that we have to put a

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line somewhere. He indicates where the Board agreed the line would be and that is what we have been talking about the last few meetings. He states that if you go back this was all cleared as there are old stone walls there. M. Gyarmathy questions that this is the area that J. Witt and Don walked down. J. Witt indicates the areas that were walked with the Planning Board and indicates the area of concern before that.

A public hearing is reopened at 7:38 p.m. Joe Carbonaro, Lower Meadow Lane, states that the neighbors had some of the same questions that the Board had. He states that he would be a lot more comfortable if CCE were to take a more active role in making decisions regarding what trees are dead and need replacement, and what needs watering. Regarding the photos that C. Baker was referring to, J. Carbonaro states that he had e-mailed those to B. Neils, asked if they had reviewed those and how much of that falls in the individual lots and outside those boundaries in the common land. He states that B. Neils had responded that .5 to .6 acres of that was in the common land and that B. Neils essential said that he made the determination himself not to include that in the planting zones because of discussions he had previously about what should or should not be planted. J. Carbonaro states that he does not think that B. Neils should take it upon himself to make that judgment. He thinks that B. Neils should have requested how the Board wanted that handled. J. Carbonaro states that it is uncomfortable to see so much different nomenclature for different zones like the 'managed scenic buffer', etc. He didn't hear anything in this process that sounded like it should really be anything different as far as the rules of cutting additional acreage is concerned and it seems like with all these different names it makes everyone uncomfortable that there could still be cutting in the areas that have yet to be cut. They don't see the need for calling it anything different and actually changing the site plan with the exception of the no cut line being on the borders of the properties rather than running thru the properties. There being no further public comment, this public hearing is adjourned at 7:41 p.m.

J. Streit states that the Board has delineated a lot of changes to the applicant; we will give him copies of T. Yasenchak's notes to use for review. There are a number of changes that the Board feels need to be made and he reviews these. J. Streit asks the Board's input before we proceed and act on this. S. Weeks states that he would like to see all the changes on the plan and then he thinks the Board's questions have been answered; it is reasonably straightforward with that. There was a comment that we need the language for the bond. R. Roeckle states that depending on how cluttered this gets with all the additional information, they made need a second page. It may become illegible after a certain point. R. Roeckle comments on the details requested in B. Neils' letter. T. Smith states that it basically is the information he provided and they were all answered in the attachment. J. Witt states that all of that will be on the plans. R. Roeckle states that he has asked this before, the reforestation zone and the replanting area that is shown on these maps, he believes that the replanting zone, in red, will become the no cut zone and the reforestation zone will become managed scenic buffer. He states that it is unclear from these definitions and the applicant may want to clarify that. T. Siragusa points out that the numbers on the legend don't add up. T. Smith states that he will refer back to B. Neils and review that. J. Streit states that he believes that the HOA does not technically exist, but he believes that J. Witt made the stipulation that not one more tree would be cut without the permission of the HOA. J. Streit states that it would be important to make sure that that is clearly stipulated on the plans. T. Smith states that he has only examined the site off season, but he is assuming that the planting can all be done without removing any more trees. He believes he can get to all the spots and they will do their best to avoid that and will try to get in there with small equipment to do their best to avoid damaging any existing trees. J. Streit reminds everyone that we have adjourned the public hearing so that is subject to being reopened at any subsequent meeting. T. Smith questions the Board on the staking method. S. Weeks states that he does not know whether T. Smith needs to say that staking is necessary, or some kind of qualifier rather than showing everything staked. T. Smith states that they can change the picture as long as the Board is comfortable with the method. J. Streit states that T. Yasenchak suggested in her opinion that given the slope that the larger trees should be staked. T. Siragusa states that T. Yasenchak stated 'typically'. He states that T. Smith has stated that it is in their best interest to do the best job. T. Smith states that he reserves the right to stake, but in best practices leaving the tree on its own, doing a proper job of backfill and compaction. S. Weeks suggests adding a note to that affect. T. Smith states that as B. Neils kept reiterating today when they met,

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success is what we are after. J. Witt questions the possibility of getting a conditional approval. J. Streit states that we really need to have the official form to act upon. It is in the Board's interest to have this expedited as rapidly as possible, too, but he does not think that we can take any formal action. Board concurs. J. Witt asks if he can make the CO of a property conditioned upon this approval so that he can pull building permits. J. Streit states that would be up to G. McKenna. J. Witt states that he would like to get a draft of this together and make sure that C. Baker, legal, etc., are comfortable so that when they come back they can get approval. If everyone is ok with the dollar amount he would have the bond in place and get this done at the next meeting. C. Baker states that the Planning Board has to approve the amount of the bond, make a recommendation to the Town Board and then the applicant has to go before the Town Board with the letter of credit or bond for their approval and the Town Attorney has to approve it also. C. Baker states that most likely the applicant would ask for approval contingent upon posting the bond. J. Witt states that T. Yasenachak, in an e-mail to him a few weeks ago, said that she wanted to make sure that we had the bond in place. He does not think that he can do that without having the Board approve it first and then having the amount. S. Weeks states that it helped a lot having the tree planting expert present.

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Meeting adjourned 7:55 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland  
Secretary