

APPROVED

**ADAMS CONSERVATION COMMISSION
MEETING MINUTES
THURSDAY, NOVEMBER 5, 2020**

Join Zoom Meeting video

<https://zoom.us/j/94485519279?pwd=aUtRSXJLZmFQVXo2N21YSnRpZmE3Zz09>

Meeting ID: 944 8551 9279

Passcode: 524535

Join Zoom meeting by phone, dial by your location

1-929 436-2866 US (New York)

Meeting ID: 944 8551 9279

Passcode: 524535

MEMBERS PRESENT: Chairman James Fassell and Commission Members Tom Robinson, David Lipinski, Tammie Shafer and Natasha Bordeaux

MEMBER ABSENT: Member Brian Bishop

OTHERS PRESENT: John Duquette, Jr.; Becky Ferguson, Town Hall and Administrative Assistant Pam Gerry

CALL TO ORDER: Chairman Jim Fassell called the meeting to order at 6:30 P.M.

Discussion to review the property at 20 North Summer Street; Stanley's Lumber LLC owned by Mr. John Duquette, Jr.

Chairman Fassell began the discussion by stating that Mr. Duquette intended to place blacktop on the north driveway of his property between his lumber company and the business occupied by Duda & Holland Construction. Mr. Duquette addressed the Commission stating that it was obvious that the driveway was blacktopped previously and he was looking to repave the existing driveway.

Chairman Fassell stated that he conferred with Bill Lattrell, Ecological Consultant and Mr. Duda, abutter to the property advising the Commission members to collectively determine a decision regarding this matter.

Chairman Fassell read a correspondence submitted to the Conservation Commission Office from Jim Duda and Steve Holland, owners and abutters to Mr. Duquette's property.

Chairman Fassell stated that Bill Lattrell submitted a correspondence to the Conservation Commission Office which included satellite photos of the property at 20 North Summer Street.

He stated that he would submit Mr. Duquette copies of the pictures for his records. Chairman Fassell continued to read the notification.

Chairman Fassell addressed the Commission members to receive their recommendations regarding this property.

Member Lipinski stated that the Conservation Commission should allow Mr. Duquette to proceed with his proposed project and they should view the work being performed as a maintenance issue.

Member Robinson stated that he was concerned with the project being a maintenance issue and suggested that the Commission allow Mr. Duquette to perform the work, as property that had been previously disturbed.

Member Shafer stated that after viewing the submitted photos by Mr. Lattrell, she observed that the pavement was placed at this location between 2001 and 2005, adding that this work performed occurred after the 1997 act. Member Shafer agreed with Member Robinson that the property was a previously disturbed area.

Chairman Fassell addressed Mr. Duquette asking him if he had any comments for the Commission members.

Mr. Duquette stated that this area had to be blacktopped noting that the property was a hazard. He expressed that many areas in town were blacktopped near the river.

Member Bordeaux stated to the Commission members that having customers driving onto the property and possibly getting injured could result in a liability for the owner.

Chairman Fassell stated that he would like to give Mr. Duquette permission to blacktop 32' in the north driveway and the remaining parking area would consist of dirt or a permeable substance. He stated that the blacktop would reach the fence near Duda and Holland's property. He asked for a motion.

Mr. Duquette addressed Chairman Fassell for further clarification of his motion. Chairman Fassell stated that the Commission would allow him to blacktop the 32' entranceway and the remainder would be grass. He told him his existing parking area would remain as such. Mr. Duquette stated that this was "not happening."

Chairman Fassell amended the requested motion, seconded by Member Lipinski to state they would allow him to blacktop the area up to the building and down to the fence at the border of Duda and Holland's property.

Discussion by Commission members regarding this motion continued.

Member Robinson stated that they had pictures depicting the history of the original parking lot which showed a paved area. Member Robinson requested that the Commission duplicate that so

Mr. Duquette could understand what had been there previously, adding that the Commission should then be willing to agree to allow the area to be replaced with what was there in the past without expanding the area.

Member Shafer addressed Mr. Duquette for clarification of his proposed blacktopping area. Mr. Duquette stated that behind Duda and Holland's business there had been a blacktopped area over the years. He further explained to them that between Stanley's Lumber and their building there was a designated area for customer parking, further noting that in the middle of the property, large trucks accessed this location when they delivered supplies to the store. He stated that he wanted to blacktop between the two buildings near the fence behind Duda and Hollands. He stated that he allowed Duda and Holland to park their vehicles on his property since they had a lack of space as a "friendly neighbor." He explained to the Commission that he was only allowed to blacktop to the fence, vehicles would cause damage to the blacktop over the years and in turn create financial issues for him. He stated that he was proposing to blacktop to his garage door 25' past Duda and Holland's property to allow vehicles to avoid backing out of the driveway into dirt.

Member Lipinski made a motion, seconded by Member Shafer to allow Mr. Duquette to blacktop his property as he presented to the Commission members to improve the drainage situation and create a safe surrounding for customers while supporting the owner as a small businessman and taxpayer in the community.

Member Robinson wanted clarification as to the basis of the decision. He asked if they were basing it on a previously disturbed area to ensure that at the time when DCR was seeking answers for their decision that they would be able to justify their conclusion. Member Robinson stated that they should not be discussing maintenance or the Wetlands Act but only the previously disturbed area which the Commission should allow Mr. Duquette to move forward on this work for safety and other reasons. Members Lipinski and Shafer agreed.

Chairman Fassell requested that Member Lipinski repeat the motion.

Member Lipinski made a motion, seconded by Member Robinson to allow Mr. Duquette to proceed with paving the area between the properties located at Duda and Holland's and Stanley's Lumber to 25' beyond the parked area of Duda and Holland's paved property to allow him to access the doors where shipments were received with the understanding that it was degraded and would improve safety, minimize dust and enhance his property, passed unanimously. A roll call vote was taken 5-0.

Chairman Fassell stated that the Commission would write the specifics for him if he would like. He thanked the members for their cooperation in this matter.

Discussion on Emergency Certification procedures

Chairman Fassell tabled this discussion to their next meeting.

Member Robinson stated that he would like further clarification on Emergency Certifications being handled by the Commission.

Chairman Fassell told the Commission that Bill Lattrell would follow up with this discussion at a future meeting.

OLD BUSINESS/NEW BUSINESS:

REVIEW MAIL:

ADJOURN: A motion made by Member Robinson, seconded by Member Lipinski to adjourn the meeting at 7:00 P.M., passed unanimously. A roll call vote was taken 5-0.

Respectfully Submitted,

Samela L. Perry

1-19-21

Date