

APPROVED

**ADAMS CONSERVATION COMMISSION
MEETING MINUTES
THURSDAY, APRIL 29, 2021**

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

OTHERS PRESENT: Donna Cesan; John Barrett, Supervisor, Adams Fire District; Dan Lovett, Hill Engineer; Keith Morris, Pan Am Environmental Consultant; Greg Fournier, *The Berkshire Eagle*; and Recording Secretary Pam Gerry

Join Zoom Meeting by Video:

<https://zoom.us/j/96778661363?pwd=MDVmbUN3dHdGY2diZGs5QytYNlduQT09>
Meeting ID: 967 7866 1363
Passcode: 928427

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1 929 436 2866 US (New York)
Meeting ID: 967 7866 1363
Passcode: 928427
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CALL TO ORDER: Chairman Fassell called the meeting to order at 6:34 P.M.

Chairman Fassell reads:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Conservation Commission is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. We have posted today's agenda, which included the call-in information for today's meeting. Despite our best efforts, if we are not able to provide for real-time access for the public to participate in today's meeting, a recording of this meeting will be made available.

APPROVAL OF MINUTES: Chairman Fassell requested the Commission members to approve the minutes of April 8, 2021.

A motion made by Member Robinson seconded by Member Bishop to approve the minutes of April 8, 2021, as submitted. A roll call vote was taken with Chairman Jim Fassell and Members Brian Bishop, Tom Robinson and Natasha Bordeaux voting four (4) in favor. Member Lipinski abstained from voting.

REQUEST FOR DETERMINATION: filed by Pan Am Railways, Inc. Applicant is requesting verification of sensitive areas along the wetland boundaries of the Adams Branch rail line as they pertain to the Massachusetts Wetlands Protection Act.

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Mr. Morris, Environmental Consultant representing Pan Am Railways addressed the Commission members. He began by stating that their vegetative management plan was good for five years along the Adams Branch rail line. Mr. Morris continued by stating that Pan Am's only requirement was to renew the "no spray" zones along the rights-of-way. He stated that it would encompass approximately one mile of the railroad. Mr. Morris stated that when he was required to accompany the licensed applicator to ensure the "no spray" zones are located and no herbicides are applied. Mr. Morris let the Commission members know that the Department of Agriculture oversees this operation. He pointed out that there where was a color-coded marking system in the field to identify the sensitive areas where there was a restricted spray zone, noting that the yellow ties would represent no spraying was allowed.

Chairman Fassell addressed Mr. Morris to gain clarification of a Determination Positive 2a and Positive 2b suggested to the Commission by Mark Stinson from MA DEP.

Mr. Morris stated that DEP suggests that a Positive 2a would be approving the wetland boundaries pertaining to vegetative management and a Positive 2b would determine that the Commission did not agree with the applicant's proposed project.

Member Robinson asked if this determination would be good for the next five years. Mr. Morris stated that this was correct.

A motion made by Member Robinson, seconded by Member Lipinski to issue a Positive 2a Determination of Applicability, passed unanimously. A roll call vote was taken with Chairman Jim Fassell and Commission Members David Lipinski, Brian Bishop, Natasha Bordeaux and Tom Robinson voting five (5) in favor.

CONTINUANCE OF NOTICE OF INTENT: filed by Cumberland Farms, Inc. for property located at 5 Elm Street, 89 & 95 Commercial Street. Proposed construction of a gas station and convenience store facility.

Donna Cesan addressed the Commission members to state that the Cumberland Farms engineers from Bohler Engineering, Emily Stockman, Wetland Consultant and Jeff Randall from Hill Engineers conducted a conference call stating that Bohler Engineers had issued a response to the critique provided to them from Ms. Stockman and Mr. Randall. She noted that the area of mitigation was the only issue to be addressed further noting that Cumberland Farms did not have enough property on site to provide resource areas. She stated that Ms. Stockman complimented the engineers from Bohler stating that they had done an excellent job on site and were doing everything they could do on site. Ms. Cesan stated that Mr. Randall and Ms. Stockman wanted to further review any remaining areas of concern before presenting it to the Conservation Commission.

Member Robinson asked Ms. Cesan if they had addressed the catch basin issues. He was curious to know if the outflow from the catch basin would go to the river or the Wastewater Treatment Plant. Ms. Cesan responded by stating that it would eventually go to the river. Member Robinson showed concern that if there was a future oil spill, that it would be directed to the river. He stated that this "was not a good idea and I think it's wrong." Ms. Cesan stated that it is illegal for storm drainage to be combined with wastewater, adding the drainage on site would enter a treatment chamber to filter the stormwater before it finds its way to the river. Mr. Robinson replied that you cannot "treat a thousand gallons of gas." Ms. Cesan stated that she would express his concern to the applicant.

Member Lipinski stated that it was "sheet flow stormwater and entering the river is where it has to go." Member Robinson stated that he was concerned with a "fuel spill on the property and where is that going to go?" He stated that it may "never happen but if it does, it will be a real problem." Member Lipinski stated that if there was a spill, most companies would have an emergency response to this issue. Member Robinson stated that he observed 1,000 gallons of gasoline traveling down Columbia Street years ago and he explained that any

fuel going into the catch basin would be within 200 feet of the river and would “go in full force.” Chairman Fassell stated that they could address this at their meeting with Cumberland Farms in the weeks ahead.

A motion made by Member Robinson, seconded by Member Bordeaux, to continue the Notice Of Intent filed by Cumberland Farms, Inc. to May 13, 2021, passed unanimously. A roll call vote was taken with Chairman Jim Fassell and Commission Members David Lipinski, Brian Bishop, Natasha Bordeaux and Tom Robinson voting five (5) in favor.

NOTICE OF INTENT: filed by the Town of Adams requesting whether the demolition and removal of the existing damaged culvert pipe at property located near the intersection of Davis Street and Lime Streets is subject to the Wetlands Protection Act.

Ms. Cesan addressed the Commission to let them know that Dan Lovett from Hill Engineers was present to represent the Town’s Davis Street Culvert replacement project and further noted that John Barrett, Superintendent of the Adams Fire District was present to speak to the members as well. Ms. Cesan emphasized that the neighborhood has suffered since the September 2018 storm events which took out the culvert and prevented vehicular crossings on Davis Street. Ms. Cesan stated that they were directed by the Adams Board of Selectmen and Finance Committee to seek grant funds, grant applications were made but unfortunately the Town was not awarded funding for the project. Ms. Cesan stated that this is a very important project to the Town and the neighborhood.

Chairman Fassell stated that Mr. Barrett contacted the Conservation Commission to notify them that there was a break in the water line on Davis Street which added additional concerns to the project.

Dan Lovett, Hill Engineers addressed the Commission stating that issues with the culvert went back to Hurricane Irene when several culverts were blown out on Southwick Brook on East and Charles Street. He stated that Mr. Jeff Randall, Hill Engineers had designed an arch culvert similar to his design of 16-foot arch culvert on Charles Street to address this situation. He explained to the Commission that MassDOT stated they should have formally reviewed Hill’s Charles Street design and they would not allow a culvert over 10 feet to go out to bid without review by their bridge engineers. Mr. Lovett stated that “either you approve a 9.5-foot open bottom box culvert that does not fully meet the stream crossing guidelines or you pay \$1.5 million to build a real bridge.”

Chairman Fassell stated that the bridge would be installed in the dry season. He suggested that the Commission continue the meeting to further review any issues that are involved before moving forward. Ms. Cesan stated that Mr. Lattrell’s analysis of the project design was completed with a careful review. He recommended that the design needs to contain a definitive thalweg, which was a deep part of the stream channel to assure the stream in low water conditions flows properly.

Mr. Lovett stated that the neighbors are very anxious to have this project move forward.

Member Lipinski expressed concern that the Commission should not hinder this project from moving forward. Member Lipinski stated that the Town has dealt with this situation for three years.

Ms. Cesan stated that Mr. Lattrell’s recommendation concluded that the Commission should decide “whether you feel the project design meets the Massachusetts Stream Crossing Standards to the maximum extent possible. If the Commission makes this finding then you could issue the Order.”

Member Bishop stated that the proposed project would be an improvement to the current situation. He stated that financially, if the Town can afford this plan and it would benefit the surrounding neighborhood.

Member Bordeaux stated that the project would be a positive benefit to the many area residents.

Member Robinson looked for clarification regarding an email submitted to the Conservation Commission from BEAT. Mr. Lovett addressed his concern stating that they are a non-profit organization named Berkshire Environmental Action Team. Member Robinson stated that they should have sent a representative from their organization to attend the meeting to discuss their opinions regarding the Commission's projects rather than sending an email to the Conservation Commission.

Mr. Barrett, Superintendent of the Adams Fire District addressed the Commission to let them know that they had determined that there was a broken water line which was leaking on Lime Street. He informed the Commission that at the current time, they were waiting for quotes from a contractor so they could move forward in repairing the situation.

Member Lipinski asked Mr. Barrett what the residents would do considering they are receiving water from this line. Mr. Barrett stated that the line was providing water at the current time and they are attempting to remove the original galvanized line and replace it with a new three-inch sleeve to insert a new water line.

Chairman Fassell closed the meeting to the public.

A motion made by Member Lipinski, seconded by Member Robinson, to approve the Order of Conditions for the culvert design as submitted by the Town of Adams, passed unanimously. A roll call vote was taken with Chairman Jim Fassell and Commission Members David Lipinski, Brian Bishop, Natasha Bordeaux and Tom Robinson voting five (5) in favor.

Ms. Cesan thanked the Commission members and stated to them that the Town anticipated moving forward on this project as soon as possible.

OLD BUSINESS/NEW BUSINESS:

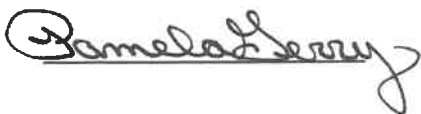
Member Lipinski informed the Commission members that he would not be available to attend any scheduled meetings in the month of May.

REVIEW MAIL: The mail was available for the Commission members' review.

ADJOURN: A motion made by Member Bishop, seconded by Member Robinson to adjourn the meeting at 7:20 P.M., passed unanimously.

Respectfully Submitted

Date



5-17-21