**APPROVED**

**ADAMS CONSERVATION COMMISSION**

**MEETING MINUTES**

**THURSDAY, FEBRUARY 28, 2019**

**MEMBERS PRESENT**: Chairman James Fassell and Commission members Brian Bishop, Tom Robinson, David Lipinski and Tammie Shafer

**MEMBER ABSENT**: Vice-Chairman Corey Bishop

**OTHERS PRESENT**: Bill Lattrell, Ecological Consultant; Mark Stinson, MA Department of Environmental Protection (MA DEP); Shannon Boomsma, White Engineering; Emily Stockman, Stockman Associates; Megan Myers, Guntlow & Associates; Becky Ferguson, Town of Adams; Gary Bellows; Jack Guerino, iBerkshires and Recording Secretary Pam Gerry

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

**APPROVAL OF MINUTES:** A motion made by Member Lipinski, seconded by Member Bishop to accept the minutes of February 7, 2019 with one amendment (pg. 2, paragraph 2) to read; “to moving the solar panels further away from the Hoosic River,” from “deep into the 100’ riverfront” “passed unanimously.

**REQUEST FOR DETERMINATION: filed by Richard and Nancy Augustine. Applicant’s are requesting whether the work depicted on plan(s) is subject to the Wetlands Protection Act; whether the area and/or work depicted on plan(s) is subject to the jurisdiction of any municipal wetlands ordinance or bylaw for site development for a single family house including driveway, septic system and well on property located on 423 West Road.**

Ms. Boomsma, White Engineering representing the applicants addressed the Commission members to review the proposed plans. She began her introduction by stating that the vacant lot proposed for the single family home consisted of a wet meadow with a stream channel in the rear. She explained to them that the applicants had no intentions on cutting down any trees on the property. Ms. Boomsma continued by stating that the proposed project involved the construction of a single family home with an attached garage, driveway and septic system, noting that a temporary driveway would be installed for contractors to access the well site. She told them that the single family home and well would be located within 50’ of the wetland areas with a silt fence and haybales in place to define the work area. Ms. Boomsma told them that markers would be in place to designate the wetland boundaries in addition to boulders defining a “no disturbance area.”

Chairman Fassell stated to members that Bill Lattrell, ecological consultant performed a site visit to the West Road property. Mr. Lattrell seated in the audience addressed the Commission members letting them know that the wetland line could not be confirmed due to the wintry

weather conditions. He continued to state that there were deep soil pits and the highest water table was 32 inches in height. Mr. Lattrell stated that he witnessed vegetation of various types.

Mr. Lattrell stated that he would make the following recommendations to the Commission regarding the applicant’s proposed project:

* The erosion control barriers should be 2 inches thick within the 50’ buffer zone.
* The silt barriers should be cleaned and inspected every two weeks. If there is sediment deposited in excess of 3 inches deep, it should be cleaned.
* Filled areas should be immediately replaced.
* Disturbed areas should be immediately reseeded when site work was completed.
* Silt barrier maintained until area is revegetated.

Member Lipinski stated to the Commission that there should be a written log kept by the contractors for the Conservation Commission’s review. Mr. Lattrell stated that they could set this as a condition in the Request for Determination.

Mr. Stinson, MA Department of Environmental Protection (DEP) seated in the audience addressed the Commission members emphasizing to them that “their determination does not give them the legal right to go on the applicants’ property.” Mr. Stinson told them that one of their special conditions proposed should be that “the Commission has the right to inspect for compliance.”

Chairman Fassell stated to Ms. Boomsma that he was happy that the property would be preserved and made to become a “beauty spot.”

A motion made by Member Lipinski, seconded by Member Robinson to accept the Request for Determination for property located at 423 West Road with a Negative 3 determination, subject to the following conditions, passed unanimously.

1. **The Conservation Commission accepted the proposed conditions recommended by ecological consultant, Bill Lattrell for the construction of a single family home.**
2. **The contractor for the proposed project shall complete a weekly log of inspections performed at the site to ensure the work is in compliance with the proposed plans.**
3. **The Conservation Commission accepted the recommendation made by Mark Stinson, Department of Environmental Protection (DEP) that members receive permission by the applicant to access the site if necessary.**

**REQUEST FOR DETERMINATION: filed by Spinning Mill LLC. Applicant is requesting whether the boundaries of resource area(s) depicted on plan(s) and/or map(s) referenced are accurately delineated; whether the work depicted on plan(s) is subject to the Wetlands Protection Act; whether the area and/or work depicted on plan(s) referenced is subject to the jurisdiction of any municipal wetlands ordinance or bylaw for demolition of existing structures within the property and subsequent stabilization of the areas on property located on 7 Hoosac Street.**

Emily Stockman, wetland scientist representing the applicant addressed the members stating to them that the developer, Jeff Cohen was not able to attend the meeting. Ms. Stockman presented the members with copies of a correspondence she received from Mr. Stinson, (DEP) regarding their submitted Request for Determination.

Member Robinson addressed Ms. Stockman to ask her why the applicant’s proposed project was not presented to them as a Notice of Intent. Ms. Stockman stated that this project was a demolition. She explained to members that they would be removing impervious surface from a resource area which would be considered a “minor exempt activity if converted to vegetation and if erosion controls are installed prior to the construction.” She continued to note that the existing site was a historic mill complex which made it exempt from filing within the mill complex. Ms. Stockman asked the members for credit for the square footage that was proposed to be demolished. She noted that the project was being presented as a redevelopment project of a degraded area. In addition, Ms. Stockman stated that the applicant would be looking for approval of the wetland resource area boundaries, adding that this would allow the applicant to acquire these boundaries for three years.

She continued to note that the Spinning Mill was located on the Hoosic River and the easterly boundary was within the 200’ riverfront area. Ms. Stockman stated that additional boundary would be located in the westerly portion of the property near the Hoxie Brook. In conclusion, she stated that they were looking for approval for the riverfront and wetland boundaries. Member Robinson told her that the building was very close to the flood chute and he showed concern about the protection of the “integrity of the walls.” He stated to her that he believed if there was damage to one of the walls that the Town of Adams could be responsible for any damage. He suggested that the company should take a performance bond to protect them from “damage or failure” in the near future. Ms. Stockman responded to the members to let them know that the demolition would be taking place from paved areas and west of the building and away from the Hoosic River.

Member Robinson wanted to know if there was any current asbestos located in the building. She stated to him that it had been evaluated by a contractor and cleared from these issues.

Ms. Stockman wanted the members to know that the owner and the development team were aware that they would be required to file a Notice of Intent in the months ahead regarding their project.

Chairman Fassell stated to the Commission members that they should move forward on a date to perform a site visit at 7 Hoosac Street. Commission members determined that they would go individually as their schedules permitted.

A motion made by Member Robinson, seconded by Member Shafer to continue the Request for Determination by Spinning Mill LLC, for property located at 7 Hoosac Street to their next meeting scheduled for March 21, 2019 at 6:30 P.M. at the Town Hall, passed unanimously.

Ms. Stockman stated during the Commission’s next meeting, she would address hazardous waste concerns, elevation for flood plains and issues with the protection of the wall to the flood chute.

Mr. Stinson suggested to the members that Ms. Stockman should present the Commission documentation regarding their concerns for their review.

**REQUEST FOR DETERMINATION: filed by the Town of Adams. Applicant is requesting whether the work depicted on plan(s) is subject to the Wetlands Protection Act for improvements to Russell Field on property located on 0 Harmony Street, (Map 119, Parcel 88).**

Megan Myers, Guntlow & Associates representing the applicant addressed the Commission members with their proposed plans. She stated that they would like to perform work in the riverfront buffer zone at Russell Field.

Chairman Fassell recused himself from the Request for Determination stating to the members that he held a seat on the Adams Parks Commission.

Ms. Myers told them that there was riverfront on site from Harmony Street to Pecks Brook.

She said they had a 100’ buffer zone from the stream to the field. She explained to the members that they are proposing to reconstruct the field with ADA paved walkways for wheelchairs, pave the backstop, maintain erosion controls, resurface tennis courts and relocate the children’s play area.

Member Lipinski was curious to know how much sod would be removed in the field. He was concerned that the open soil area should contain erosion control in case a rainstorm occurred which could present some major problems at the site. She stated that they would be addressing this issue by performing the project in phases. Member Robinson agreed with Member Lipinski that this could present a big problem for the town, emphasizing to Ms. Myers that he would like the Commission to be able to review the “sequence of construction” so they are assured the work was guaranteed to be performed in phases.

1. **Non-native debris shall be removed along the streambed of the parcel.**
2. **Signs shall be placed on the property depicting a “no mow zone,” within 10’ of the streambed.**
3. **The Conservation Commission shall be permitted to inspect the progress of the work.**
4. **During the reconstruction phase, work performed shall be staggered to ensure the site has proper erosion control.**
5. **The applicant must submit written documentation related to the sequence of**

 **events involved in the reconstruction of the proposed project.**

**OLD BUSINESS/NEW BUSINESS:** A letter was sent to Gary Bellows for property located on 120 West Road.

Chairman Fassell addressed Mr. Bellows who was present at the meeting to ask him what type of work was being done on his property near the stream. He told him that several large willow trees fell into the river near his property and continued to state that he used a mini excavator to remove the trees and cut them up. He offered to show the members photos of the site for their review.

Member Robinson was curious to know if that was the only activity that took place near the stream. Mr. Bellows stated that this would be correct.

Member Lipinski stated to Mr. Bellows that the Conservation Commission had jurisdiction within 200’ of the stream. Mr. Stinson commented that to remove, dredge or alter within 200’ of the stream would require Conservation Commission approval. Mr. Stinson emphasized to Mr. Bellows that when dead trees are removed from the river, you are “removing habitat.” He suggested to the members that they could require Mr. Bellows to plant some additional trees in an undisturbed area. Member Lipinski requested that Mr. Bellows inform the members of his progress of his plantings by submitting some photos to the Conservation Commission Office. Mr. Bellows stated that he could plant five crab apple trees in the spring with the Commission’s approval. They agreed that this would be sufficient.

In closing, members stated to Mr. Bellows that they appreciated his attention to this matter.

Member Robinson stated to the members that he would like a representative from Specialty Minerals to attend one of their meetings to explain their quarterly reports that are submitted to the Conservation Commission Office periodically.

Member Lipinski suggested that a letter be submitted to Specialty Minerals requesting a summary tutorial be submitted to the Conservation Commission regarding their quarterly reports.

**REVIEW MAIL:**

**ADJOURN:**

A motion made by Member Robinson, seconded by Member Bishop to adjourn the meeting at 7:50 P.M., passed unanimously.

Respectfully Submitted,

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Pamela Gerry Date