

APPROVED

**ADAMS CONSERVATION COMMISSION
MEETING MINUTES
THURSDAY, AUGUST 26, 2021**

MEMBERS PRESENT: Chairman James Fassell and Commission Members Steve Melito, Jeff Randall, Matthew Burdick, David Lipinski and Natasha Bordeaux

MEMBER ABSENT: Member Tom Robinson

OTHERS PRESENT: Eammon Coughlin, Community Development Director; Rebecca Ferguson, Community Development Program Manager; Greg Russo and Tom Biolsi, TRC Environmental Corp.; Greg Fournier, iBerkshires and Recording Secretary Pam Gerry

CALL TO ORDER: Chairman Fassell called the meeting to order at 6:28 P.M.

APPROVAL OF MINUTES: The Board members need to approve the minutes of May 13 and August 5, 2021.

Chairman Fassell wanted to take a moment to let the Commission members know that he was pleased with their attendance over time, noting that he understood that everyone had other responsibilities to address at various times. He stated that the Conservation Commissioners were present at the meetings for "the better of Adams." Member Lipinski stated that he appreciated Chairman Fassell's comment to the Commission members.

A motion made by Member Natasha Bordeaux, seconded by Member David Lipinski to table the minutes of May 13, 2021 to the Conservation Commission's next meeting, passed unanimously.

A motion made by Member David Lipinski, seconded by Member Natasha Bordeaux to approve the minutes of August 5, 2021. Chairman Jim Fassell and Members Jeff Randall, Steve Melito and Matt Burdick voted in favor. Members David Lipinski and Natasha Bordeaux abstained from voting.

CONTINUANCE REQUEST FOR DETERMINATION: filed by Sharon Burke, Specialty Minerals Inc. 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) referenced is subject to the jurisdiction of any municipal wetlands ordinance or bylaw of the Town of Adams for the removal of invasive Japanese knotweed on property at 0 East Road (N. Parcel) (Map 227, Parcel 7) and 273 Columbia Street (S. Parcel) (Map 104, Parcel 9).

Chairman Fassell read a letter out loud submitted from the applicant, Sharon Burke of Specialty Minerals stating that they would like to withdraw their Request for Determination. Chairman Fassell asked the Commission members if they had any questions regarding their request.

Member Melito was curious to know why Specialty Minerals assumed that this procedure of removing the Japanese Knotweed was a requirement.

Chairman Fassell responded by stating that they thought it would be a “nice thing to do,” in removing the knotweed, noting that they were informed by their specialist that the procedure could move forward without requiring notification to MA DEP or the owners of the property.

Chairman Fassell stated that he would like the Commission to grant the applicant a Positive 2 Determination for their proposed project in case they were to return to the Commission at a later time.

Member Lipinski addressed Chairman Fassell to ask him the reason for the Positive 2 Determination. Chairman Fassell stated that this “will affect the area” and a Notice of Intent would be required to file.

Member Randall showed concern that the applicant did not notify the owners of the property in addition to Mark Stinson from MA DEP or Natural Heritage prior to seeking a determination. He stated that the application indicated that “the work will not remove, alter or dredge the resource area.” He stated that clearly “an acre of dead knotweed is an alteration.” He claimed that they did not have a restoration plan in place. Member Randall commented that it was a “good project,” noting that it did require more thought by notifying the perspective individuals involved in this project.

Member Lipinski stated that the Commission should not give permission to the applicant for the removal of the knotweed further noting that a Positive 2 would be “prejudicing them” in the future since they intended to withdraw their request at the current time.

Chairman Fassell asked the members for their opinion on this, noting that Mark Stinson had suggested they vote on a Positive 2 Determination.

Member Randall stated that they could always file for a Request for Determination again in the future.

Member Lipinski stated that if the applicant intended to further pursue this project, they would have to come before the Conservation Commission once again.

Chairman Fassell emphasized that the Commission should give the applicant a Positive 2 Determination.

Member Lipinski reminded the Commission that Mark Stinson from DEP had submitted his recommendation to the Conservation Commission prior to their meeting without knowledge of the applicant’s intent to withdraw their Request for Determination.

Chairman Fassell stated that the Commission would not motion on this. He recommended that they address the next Request for Determination on the Conservation’s agenda.

REQUEST FOR DETERMINATION: filed by The Town of Adams requesting whether the boundaries of resource area(s) depicted on plan(s) and/or map(s) referenced are accurately delineated; whether the scope of alternatives is adequate for work in the Riverfront Area as depicted on referenced plan(s) at property located at 1 Cook Street for remediation of select areas of soil contamination, site clearing and grading, and the construction of a new public park.

Eammon Coughlin, Community Development Director addressed the Commission members introducing himself as the new director for the Town of Adams. He stated that he would like to provide

an introduction to the town's proposed project. He began by stating that the property was a former coal and grain business at the project site, noting that it had been abandoned in 2012, and the town acquired ownership of the property in 2015. Mr. Coughlin stated that in 2017, the town received Community Development Block Grant funding to perform a park design of the site. Mr. Coughlin informed the Commission that the property was a contaminated site which would need soil remediation and the removal of an underground tank, as well as ongoing work removing asbestos and trash inside the building. Mr. Coughlin stated that the town would need additional grant funding to complete the park construction. He stated to the Commission that Ms. Ferguson, seated in the audience had been working on the project for some time. In closing, Mr. Coughlin stated that the Town of Adams was seeking to perform soil remediation and the construction of a park at this location.

Mr. Coughlin turned the discussion over to the town's representatives on the project.

Mr. Biolsi from TRC Environmental Corp. representing the Town of Adams began his discussion by displaying the plans for the Commission's review with his associate, Mr. Russo handed out individual maps to the members. He stated that they were the environmental consultants on behalf of the Town of Adams. He let the Commission know that they have completed an environmental investigation and they were currently overseeing the soil remediation being funded by an EPA Brownfields Assessment Grant to assess the contamination process and the clean-up of the site and the soil and asbestos within the building. He explained that the clean up being performed in the old coal and grain building was ongoing while the soil remediation outside would be forthcoming. Mr. Biolsi stated that they were looking for a Negative Determination from the Conservation Commission for the soil remediation and the future park construction, adding that they would not begin until spring 2022 informing them that they would however move forward on the soil remediation in the fall of 2021. Mr. Biolsi turned the meeting over to Mr. Russo for his review of the project.

Mr. Russo began by offering clarification of their Request for Determination to let the Commission know that they were revising their application to seek whether the boundaries of the resource areas were correct and whether the work depicted was subject to the Wetland's Protection Act.

The plans are reviewed by the members with Mr. Russo.

Mr. Russo explained that a concrete retaining wall was on site within the 100' buffer zone parcel in 200' of the riverfront area where the property is located. He stated that removing the contaminated soil and replacing it with clean soil would improve the environment with a less impervious surface. He stated that they would remove invasive species and replace them with native plantings and seedings with a wildflower pond buffer between the site and the river. He stated that there was a large wall three to four feet high separating the site from the river owned by the Army Corps of Engineers. Mr. Russo stated that impacts net positive with an improvement proposed to the site. Mr. Russo explained that they would be seeking a Negative 2 Determination from the Conservation Commission.

Member Bordeaux addressed Mr. Biolsi to ask him where the underground tank was located. He showed the Commission the location of the tank on the displayed plans. He stated that the anticipated 1000 gallon underground gasoline tank was discovered through historical information and a survey depicted that the tank was most likely in that area.

Mr. Russo stated that to perform the soil remediation would include the removal of the tank. He explained that there was no contaminated soil generated from the tank and further noted that there were funds within their grant to address these issues if it was necessary.

He stated that the former foundation of a south barn had material of coal between the concrete slabs which would be removed to facilitate the construction of the park, further noting that there were three spot elevations of 10 feet x 10 feet surrounding the soil samples which would require three of the samples to be removed. Mr. Rossi referred the Commission to Figure 2, Attachment B on the plans.

Chairman Fassell stated that the wall would not cause any environmental difference. He stated that “from the riverfront 100 feet in regardless of the wall being there,” had to be treated as a riverfront area.”

Mr. Biolsi stated that the physical barrier with temporary activity on the property would not upset the river. He informed them that the water below met state standards.

Member Randall asked if there was a survey of the catch basins. Mr. Rossi stated that they did not find any catch basins on the property.

Member Randall stated that the applicant does not want to submit a Notice of Intent for the project but they were seeking a Negative Determination.

Mr. Coughlin stated that the town was fully prepared to submit a Notice of Intent considering the properties location to the riverfront area.

Member Randall stated that Bill Lattrell, Ecological Consultant for the Town of Adams recommended that the Conservation Commission follow the redevelopment standards only.

Chairman Fassell stated that he and Mr. Lattrell performed a site visit and they did not witness any topsoil, adding that the property contained coal, debris and cinder which he noted needed to be replaced.

Member Lipinski stated that the applicant needed to utilize the redevelopment standard and encouraged the Commission members to consider Mr. Lattrell’s recommendation.

Member Lipinski addressed Mr. Biolsi to ask him why the Commission should not take the advice given to them from Mr. Lattrell regarding their Request for Determination.

In response, Mr. Biolsi stated that the effects that would occur on the site would be net positive and because of the presence of the concrete wall, it would not have an impact on the river, adding that there were no catch basins to the river and net improvement for site cleanup would include native plantings and walking trails which would have no impact on the monitoring wells.

Mr. Russo stated that the purpose of the riverfront area was to “serve as a protection area for the river.” He told them the riverfront area in this location was currently developed and disturbed at this point. He told them they were taking the land inside the protection area and improving the resource area.

Member Bordeaux was curious to know how far the wall was from the ground. Mr. Biolsi stated that it would be 3 to 3.5 feet above grade. Ms. Ferguson addressed the Commission stating that she would estimate the wall was 6 to 8 feet above grade.

Mr. Biolsi stated that during the park construction, they would build up the area when excavating began, noting that the underground tank was located in the deepest area. He told them that the excavation would only take a few days to complete.

Chairman Fassell addressed Mr. Biolsi to find out where the contaminated soil would be disposed. He stated that they would transport offsite to a licensed contamination facility. Mr. Russo explained that they were required to follow the protocols in place for soil removal of this type.

Mr. Coughlin stated that the clean up would be an improvement for the future of the park's design which would assist in clearing the vegetation. He stated that the park's walkways and surfaces would be made of wood chips, gravel or lawn to minimize the environmental impact.

Member Bordeaux asked if there would be a fence along the house on the property, noting that it was not in good condition. Ms. Ferguson stated that they would work with the owners with the intent to install a new fence and a buffer area.

Member Lipinski addressed the applicant to ask them to explain what the difference was between their Request for Determination versus submitting a Notice of Intent.

Mr. Russo stated that "they have done their best to explain to the Commission what project details would have been included in a Notice of Intent."

Member Randall stated that their proposed submission of a Notice of Intent would require the applicant to be responsible for notifying the abutters of the project, submit a stormwater plan and as well as completing an analysis of the riverfront.

Member Randall noted that the Cumberland Farms project proposed for Commercial Street planned to alter their site and was required to file a Notice of Intent. Member Lipinski stated that Cumberland Farms was a much bigger project. Mr. Randall stated that the Cook Street project would be altering the site with improvement, as well. He stated that they are in a resource area and "removing and altering" the area.

Chairman Fassell stated that the project is a "very detailed project," which should require a Notice of Intent.

Chairman Fassell reads the correspondence out loud that was submitted by Mr. Lattrell which included his recommendation to the Conservation Commission. Chairman Fassell stated that this would be a major project and a Notice of Intent would have more validity.

Chairman Fassell asked if the Commission members had any further questions for the applicant.

Member Melito stated that based on the fact that Cumberland Farms was required to file a Notice of Intent and "the town wants to do something comparable," we should not show favoritism.

Member Lipinski stated that a Notice of Intent would be the “proper way to proceed.”

A motion made by Member David Lipinski, seconded by Member Natasha Bordeaux to issue a Positive 1 and Positive 2A Determination for property located at 1 Cook Street, passed unanimously.

Commission members signed the WPA Form 2 Determination of Applicability.

Mr. Coughlin addressed the Conservation Commission members to let them know that the town was seeking a Community Development Block Grant Program while noting that they would be required to go through the environmental review process. He further stated that they would be providing grant funds for housing rehabilitation, which would require the Conservation Commission’s review when the projects impact the flood plain. As projects come in on a case by case basis, they may have to review them with the Commission due to receiving federal funds. Mr. Coughlin stated that they would issue a letter to Chairman Fassell for his review and signature to finalize the process.

Chairman Fassell stated that the Commission would review a draft letter from Community Development in regards to this request.

OLD BUSINESS: Davis and Lime Street update

Mr. Coughlin addressed the Commission with an update on the Davis Street project. He stated that the town was in a bidding process and informed them that they received two bids for the project. He let the members know that Northern Construction from Palmer, MA received the bid. He explained that during the COVID pandemic, supplies became more difficult to obtain which created delays on the commencement of the project. Mr. Coughlin anticipated that work would move forward in November, 2021. He let the Commission members know that progress could not be made until the box culvert had been delivered.

Chairman Fassell requested that the Conservation Commission Office receive a 24 hour notification prior to the start of the construction. Mr. Coughlin stated that they would follow all necessary regulations that were required.


NEW BUSINESS:

Chairman Fassell informed the Conservation Commission members that Ms. Gerry, Administrative Assistant to the Conservation Commission would be retiring in September, 2021. Chairman Fassell showed concern that the town would hire a replacement for her. Mr. Coughlin responded by stating that Ms. Gerry’s position had been advertised.

REVIEW MAIL: The mail was provided to the Commission members.

ADJOURN: A motion made by Member David Lipinski, seconded by Member Jeff Randall to adjourn the meeting at 7:28 P.M., passed unanimously.

Respectfully Submitted


Recording Secretary

Date

3/18/22