



CITY OF NORTH ADAMS, MASSACHUSETTS

Conservation Commission

PUBLIC MEETING

MINUTES

December 11, 2019

Rescheduled from Monday, December 2, 2019 due to inclement weather.

Members present Chairman Jason Moran, Jason Canales, Adam Galambos, Andrew Kawczak, Tim Lescarbeau and Elena Traister

Members absent

Call to order Chairman Moran called the public meeting to order 6:00 p.m. with the presence of a quorum.

Public hearings new business

- A Request for Determination of Applicability submitted by Krista Dupee to determine whether the proposed construction project for property located at 54 Monroe Street falls under the Wetlands Protection Act.

Chairman Moran opened the public hearing to Krista Dupee. Ms. Dupee explained that the main part of the living room is on a slab. They would like to put a crawl space under the slab and extend the living room by 4 feet on 3 of the living room sides. They are working with Westall Architects. They would like to put a breezeway between the garage and the house to add more light. Chairman Moran clarified the plan of the extension of 10-15 feet. Ms. Dupee pointed out location on the pictures and stated that they have stopped the design process until they receive approval from the commission.

Chairman Moran inquired about the timeframe for the project. Ms. Dupee explained that they would like to begin within the next 6 months as soon as everything is lined up.

Chairman Moran requested questions from the board.

Commissioner Kawczak explained the WPA 310 CMR 10.0 and how they determine the wetlands. One of the criteria is vegetation and how saturated the soils need to be to survive. They refer to the state list of plants as a guide for where vegetation survives best based on soils, etc.

Chairman Moran stated that the expansion doesn't seem to be egregious and would like the commission to offer guidance. The area is not a delineated wetland. The living room component is not as critical as it is farther away from the wetland. He would want to have the back area protected. Silt fence is meant to prevent construction debris from washing into the BVW. He would like to see something like that put in place. It does not appear that there will be a need for a Notice of Intent. It appears that this is a low lying area and water and drainage may be an issue if adding a crawl space.

Commissioner Traister stated that she was also wondering about water in the crawl space. Mr. Dupee stated that they have halted the progress while awaiting the decision of the commission.

Commissioner Traister requested clarification that if a negative determination is issued, the commission will have no further involvement. Chairman Moran clarified that as long as they stay within the documentation

provided for the record, there is no need for the commission to be involved further. If their plan changes beyond the documentation provided, they would be in violation of the determination of the commission. (Chairman Moran noted that a negative determination is good). Commissioner Traister clarified that if we provide guidance on silt fencing, etc., that is one-time guidance. Chairman Moran explained that it is captured in the minutes and the commission can request that erosion control is so many feet from the corner of the building and if construction exceeds beyond 10-15 feet in the area of the garage and 4 feet on either 3 sides, then the applicant would need to come back before the commission because they would technically be in violation.

Commissioner Kawczak explained that soil storage will be an issue with vehicles trying to get in and out without destroying the wetlands that are in the vicinity.

Chairman Moran stated that his opinion is that he would be comfortable with the approach of having a U-shaped erosion control plan starting before the driveway ends and around to the east side of the house and around the work area near the living room. He would be comfortable with a 4-foot expansion on the north, west, and east side for the living room and a 15-foot expansion due south for the garage. He would like to see that any soils removed or any construction materials stored should be kept in the footprint of the driveway. The driveway is already established and without knowing the exact proximity of the BVW, the driveway is a non-permeable surface. If something changes, you can always come back to get more assistance from the commission.

Chairman Moran requested more input from the board. Commissioner Lescarbeau would like to see loose dirt covered to keep the soil erosion to a minimum.

Chairman Moran explained that the commission is just trying to protect the homeowner from any future issues down the road by being proactive.

Commissioner Traister thought it would be helpful to have a sketch from the commission of what has been discussed at the meeting for the homeowners as well as the commission to have on file to understand the request of the commission.

Commissioner Lescarbeau explained that Westall should be able to help with any questions they would have as well.

Commissioner Galambos inquired about whether the DPW plows that road due to being a dead end. Commissioner Lescarbeau confirmed that it does get plowed. Commissioner Galambos expressed concern over the saturation of soil. Mr. Dupee stated that the digging may wait until spring. Chairman Moran stated that the biggest takeaway would be to use common sense. Cover stockpiles, etc.

Chairman Moran started the discussion for approval of the request. There are 3 choices for determination, not subject, which is the negative component. The negative determination 3 allows us to place conditions on it as outlined in the request.

Chairman Moran requested a motion to approve a negative determination 3 that states the area is subject to the WPA but will not fill, alter or dredge said area along with the following conditions which would be the conditions previously outlined that can be sketched out and sent out tomorrow. Commissioner Lescarbeau made a motion to approve. Commissioner Traister seconded the motion. All in favor. Motion carried.

Chairman Moran requested that any changes that are made if they are different than the plan discussed to come back to the board.

Other business

Discussion of the expiration of the order of conditions for file #241-0179. Chairman Moran stated that the WPA does not specifically speak to whether an Order of Conditions can be extended by a board. Chairman Moran spoke to Mark Stinson from the DEP and he understands that boards have to make decisions. Chairman Moran would also like to have a site visit before a Certificate of Compliance is issued.

- File #241-0179 - A Request for Certificate of Compliance (Bridge/Hotel) submitted by White

Engineering, Inc. on behalf of The Beyond Place, LLC for the completed projects located at 861, 895 and 915 State Road.

- File #241-0181 - A Request for Certificate of Compliance (Pedestrian Bridge) submitted by White Engineering, Inc. on behalf of The Beyond Place, LLC for the completed project located at 861 State Road.
- File #241-0184 - A Request for a Partial Certificate of Compliance (Restaurant) submitted by White Engineering, Inc. on behalf of The Beyond Place, LLC for the completed project located at 861 State Road.
- File #241-0186 - A Request for Certificate of Compliance (Boardwalk) submitted by White Engineering, Inc. on behalf of The Beyond Place, LLC for the completed project located at 861 State Road.
- File #241-0181 - A Request for Extension Permit for Orders of Conditions submitted by White Engineering, Inc. on behalf of The Beyond Place, LLC for the completed project located at 861 State Road.
- File #241-0179 - A Request for Extension Permit for Orders of Conditions submitted by White Engineering, Inc. on behalf of The Beyond Place, LLC for the completed projects located at 861, 895 and 915 State Road.

Brent White from White Engineering explained the timeline of events that the Orders of Conditions were issued on the properties in question for the meeting starting with the original approval for the hotel in September of 2016. An Order of Conditions was issued in December of 2016 for the pedestrian bridge and the first Order of Conditions was amended due to changes in the drainage patterns in the parking lot and some additional landscaping and stormwater management features. In the fall of 2017 an Order of Conditions was issued for a farmhouse that was going to be a restaurant but has been significantly scaled back due to a number of reasons. The final Order of Conditions was issued in early 2018 for the construction of a boardwalk that links the pool down to a walking path. One requirement in addition to the Order of Conditions was a Chapter 91 license. Any publicly owned waterway that is owned by the Commonwealth requires a Chapter 91 license in order to place a structure on or over their land.

A specific requirement of that license was that they created a public way between Ashton Avenue and the boat launch. A path was created from the boardwalk to the end of the Fish & Wildlife path, through their property that allows the public to go from the boat launch through the Fish & Wildlife property over their bridge and to a new path to a pedestrian path on the Appalachian Trail.

Mr. White explained that he feels that all projects are complete. They didn't seek to close out sooner due to some areas of vegetation that needed to be established that correlated with both the hotel Order as well as the bridge Order that has now been completed. He would understand if the board was not comfortable closing them out due to the snow. The most time sensitive request, with apologies for the confusion on the expiration date, is for the hotel. It is well established and has been through several intense rain storms and is stabilized. He would like to request that the board extend the Order to give the opportunity to see the property in the spring. The bridge Order is also a time sensitive request. Once they receive a Certificate of Compliance from our local commission, they must seek a Certificate of Compliance from Mass DEP for the Chapter 91 license. Mass DEP has already verified a number of conditions that were issued, specifically the signage identifying that the public has the right to enter from the Fish & Wildlife property to go across their bridge and clearly demarcating a path from the north end of the bridge to the Appalachian Trail. This was permitted as a public infrastructure project. The goal is to get the Certificate of Compliance issued as well as the Chapter 91 license and continue the hearing to the spring on the boardwalk and the farmhouse. The bridge has been installed since 2017 and is well established. David Cameron and David Fallis from the DEP have been out to see it and he believes they are satisfied with it.

Chairman Moran inquired about whether all of the DEP requirements have been fulfilled. Mr. White explained that David Fallis had been to the site when the project was completed in 2017 when they posted the signage. They needed approval before opening. Mr. White expects nothing but a Certificate of Compliance from them

because there have not been any issues since opening. Mr. Fallis has been reminding them to close out the Order of Conditions. In terms of the bridge project, the biggest challenge to demonstrate compliance with was borderlands subject to flooding. The Hoosic River banks have a very deep floodplain in this area so abutments on both sides of the bridge technically were fill in the floodplain itself. In order to demonstrate that you have not adversely impacted any of your upstream or downstream abutters, you need to provide compensatory storage. If you add x amount of fill to one elevation, you must remove same amount from another area at the same elevation on the same property or an area that is hydraulically connected.

One of the requirements when the Order of Conditions was amended was that they were required to do biweekly check-ins to oversee the construction progress. Mr. White shared photos from the beginning of the project to the end when the vegetation was established. Mr. White thanked the commission for allowing the project segmentation to progress with multiple Orders of Conditions. He is requesting that the commission issue a Certificate of Compliance for the bridge with a one year extension request for the hotel and a continuation of the Certificate of Compliance requests to a meeting in the spring when a site visit can be scheduled.

Chairman Moran explained that the commission doesn't meet regularly but could plan to meet on the second Tuesday in May.

Mr. White explained that there would still be time to address any issues if the commission were to find any in the spring with a one year extension.

Commissioner Lescarbeau clarified that they were looking to close out all Orders of Conditions by summer. Mr. White confirmed. Discussion of other Orders of Conditions with other another company for the same property.

Chairman Moran requested questions from the board. Commissioner Lescarbeau inquired about how many certificates were currently being requested. Chairman Moran stated that they were seeking a Certificate of Compliance for the bridge and two extensions. Mr. White clarified they are requesting one extension for the hotel Order (#241-0179) and a continuance of the two other Certificates of Compliance for the boardwalk and the farmhouse.

Chairman Moran stated that he would be okay with that approach but would also be open to another approach. Commissioner Lescarbeau requested to address them one at a time, clarifying that the bridge would be closed out at this meeting. Mr. White explained that that would be their goal so that would give them the winter to work with DEP to go through their Certificate of Compliance process as well.

Commissioner Lescarbeau made a motion to issue a Certificate of Compliance for the bridge and close that one out. Commissioner Kawczak stated that he would support that.

Chairman Moran requested a second motion to accept the Certificate of Compliance on file #241-0181 and allow for an extension for #241-0179 and discuss #241-0186 and #241-0184 at the next meeting in May on May 12. Commissioner Kawczak seconded the motion. All in favor. Motion carried.

Mr. White stated that he would reach out to the commission in mid-April. Chairman Moran explained that the commission would request a site visit prior to the scheduled meeting in May.

Approval of minutes August 13, 2019

Adjournment Meeting adjourned at 6:42 p.m.

Respectfully submitted,



Michelle Ells
Conservation Commission Secretary