



CITY OF NORTH ADAMS, MASSACHUSETTS

Conservation Commission

---

**PUBLIC MEETING**

**MINUTES**

**April 23, 2020**

**Call to order** Chairman Moran called the public meeting to order at 6:05 p.m. with the presence of a quorum.

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

**Members absent**

**Others present virtually** Mark Stinson, Massachusetts Department of Environmental Protection (DEP)

Chairman Moran read the following statement regarding virtual meetings:

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 public hearing of the North Adams Conservation Commission is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can listen to this meeting while in progress by via teleconference at zoom.us. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by teleconference.

**Public hearings new business**

- A Notice of Intent submitted by Hill Engineering on behalf of MASS MoCA for property located at 25 and 87 Marshall Street to modify and utilize the existing water tank as part of a new art exhibit and to construct a new landscaped park.

Chairman Moran opened the public hearing to Brad Dilger from MASS MoCA. Mr. Dilger explained that they are converting an existing concrete water tank to an artwork by artist James Turrell that will involve adding a walkway as an accessible path around the structure to experience a light-based artwork in the structure. They also have the Puryear Park that they plan to use as an offset for pervious and non-pervious surfaces. The Puryear Park will be a greenspace created from a parking lot and part of a building. Part of the project is to bank some of the converted space for future projects.

Chairman Moran clarified that they will be linking the Marshall Street project in to the water tank project with this notice of intent. Mr. Dilger confirmed. Chairman Moran inquired about the proposed schedule. Mr. Dilger stated that they would like to get to work as soon as possible. They have done some preliminary work while they wait for approval, such as asbestos removal, some test pits and preparing Main and Marshall for plantings.

Chairman Moran opened the meeting to Commissioner Kawczak for questions or comments. Commissioner Kawczak reviewed the publication and the water tank piece looks like a reasonable approach in terms of the

construction procedure. The buffer zone and riverfront areas were noted. Compared to land banking, it makes sense. He noted a few typos on pages 13 that should be corrected.

Chairman Moran requested questions from Commissioners Canales, Traister, Galambos, and Lescarbeau. There were no further questions but a few expressions of gratitude for the submission of the notice of intent.

Chairman Moran inquired about whether they were still planning to stockpile soils on an existing concrete pad that were within the 200-foot riverfront. Mr. Dilger confirmed that if there were still surplus, to keep them within the site but controlled with appropriate measures. Chairman Moran pointed out that note 7 on C-101 has mention that erosion control devices will be installed and wanted Mr. Dilger to be aware of that.

Chairman Moran inquired about the responses to the memo from the DEP. Mr. Dilger stated that he did not receive that memo. Chairman Moran requested that Mr. Stinson from the DEP address the response that was received from the engineers. Mr. Stinson stated that the main thing is what is being banked; what is improvement versus mitigation. There was a follow up email with Hill Engineers that noted a line that referenced restoration and/or mitigation. Mr. Stinson stated that it has to be one or the other, it cannot be both. If they are doing additional work now and they want to bank the extra for future benefit, it needs to be clear whether it is for improvement, restoration, or mitigation because each one is different. He would like clarity. Chairman Moran clarified that Mr. Stinson is looking for clarity on whether it's restoration or mitigation for the banking of the invisible calculation and whether it's riverfront improvement or restoration. Mr. Stinson stated that they are not proposing restoration, only mitigation so he would like it to be clear how much is improvement and how much is mitigation.

Mr. Dilger requested clarification that this was in relation to what is being banked. Mr. Stinson stated that first the commission must review the square footage numbers and get the project in compliance, then the commission can come up with language for banking it for a future project.

Chairman Moran explained that the first question is to come up with the area calculation. He referenced that the excess that would be reserved for future use could include 5,457 square feet. He requested clarification from Mr. Stinson on whether it is considered mitigation or restoration. Mr. Stinson explained that restoration is very specific. When you have degraded area, like pavement, and you restore it to the way it was before there was any disturbance in that area. You make it look like a natural condition with trees, bushes, shrubs, etc. based on the adjoining neighborhood. So the north side of the Hoosic in an undisturbed area has such and such for vegetation. Restoration is ripping up the degraded area and restoring it to native vegetation. That is restoration on a 1:1 basis. Every square foot of the new work in the riverfront if you restore is 1:1. One foot of alter to one foot of restoration. Mitigation is very broad in terms of what can be done. That falls under 310 CMR 10.58 (5)(g). That can be done off site or it can be done there. If you have degraded area that you turn into lawn, that is not restoration, it is mitigation and that counts at 2:1. So if you have one square foot of new work and you are proposing mitigation, you owe two square feet of mitigation. For example, if you have 1,000 square feet of new work and you have nothing on site where you can do restoration so you are stuck with 2:1 mitigation so you owe 2,000 square feet of mitigation. You then still have the improvement requirement so you have to do some more [something] in addition to the mitigation. First you come up with the square footage of the work area, then you determine whether you are doing restoration or mitigation. After that is determined, you come up with improvement over existing conditions over and above the mitigation. First is how much new work area; how much mitigation are they required to do and then come up with another 500 square feet of vegetation. There you are all qualified but if, for example, you want to do 10,000 square feet here, you now have 7,500 square feet that can be used in the future because they have met the requirement for this one; they're doing more and they're using the extra from here for the other site.

Chairman Moran requested clarification that if they were proposing 5,450 square feet, if it's considered restoration, then 5,457 would be correct but if they were doing mitigation, that number would be half of the 5,450 square feet. Mr. Stinson clarified that the number would be double. Chairman Moran confirmed that it would double to over 10,000 square feet.

Chairman Moran stated that the commission must determine whether it is for riverfront improvements or mitigation. After listening to Mr. Stinson's definition, he would think it would be a riverfront improvement because they are removing imperviousness and replacing with vegetation but he welcomed other opinions from the commissioners. Commissioner Kawczak stated that he interprets that it would be more mitigation.

Chairman Moran stated that he would lean more on Commissioner Kawczak's experience with the WPA and doesn't have a strong opinion either way. There were no further comments from other commission members.

Chairman Moran opened the public hearing to the public for comments or questions. No comments or questions.

Chairman Moran requested a motion to close the public hearing. Commissioner Kawczak made a motion to close the public hearing. Commissioner Canales seconded the motion. All in favor. Motion carried.

Chairman Moran requested a motion to open the setting of the order of conditions. Commissioner Traister made a motion to open the setting of the order of conditions. Commissioner Galambos seconded the motion. All in favor. Motion carried.

Chairman Moran explained that with a notice of intent, it requires a motion to approve/deny as well as setting the order of conditions, such as identifying the definition of riverfront or mitigation. In this instance, in regard to banking the square footage should also be considered. Chairman Moran requested any further discussion or a motion from the commissioners.

Commissioner Lescarbeau made a motion to approve. Chairman Moran requested opinions on the riverfront restoration or mitigation. He would be in favor of 5,457 times two for mitigation. Commissioner Lescarbeau would agree with mitigation. Chairman Moran requested a timeline from the commission. Commissioner Kawczak stated that he would request a five-year window due to all of the current circumstances happening around us at this time. Chairman Moran and Commissioner Traister agreed. Mr. Dilger also agreed.

Chairman Moran requested a motion to accept the notice of intent as submitted by the applicant with the notion that the banking of the mitigation area will be in combination of 5,457 square feet times two (10,914 square feet) for a period lasting no longer than five years, which will begin when the documents are filed with the Registry of Deeds. Commissioner Lescarbeau stated that he would modify the motion to approve that he previously made to adapt to the notion made by Chairman Moran. Commissioner Kawczak seconded the motion. All in favor. Motion carried.

### **Other business**

- A Request for an Extension Permit for Orders of Conditions for file number 241-0183 for applicant Chris Grimley for property located on Bradley Street (Map 199, Lots 54, 54A, 55, 55A).

Chairman Moran opened the meeting to Chris Grimley to give a description of the request before the commission. Mr. Grimley explained that they purchased the property three years ago with plans to build a single-family residence. Initial estimates came back really high. His wife started some new businesses which delayed their getting a construction loan. They have modified the design of the house plans. One problem that came up is that they found an open well leaching water on to the property. The summer plan was to cap it to get the land to dry out but that is now delayed due to current circumstances.

Chairman Moran explained that if the extension is approved, it would be solely for the plan previously submitted. Anything new would have to go before the commission again. Mr. Grimley stated that he understood.

Mr. Stinson confirmed that the extension could be granted for up to three years. Chairman Moran requested any further questions. There were no further questions.

Chairman Moran stated that he would not have a problem endorsing the extension for three years. Commissioner Kawczak stated that he was supportive of the extension.

Commissioner Traister made a motion to approve the extension request for three years. Commissioner Galambos seconded the motion. All in favor. Motion carried.

### **Approval of minutes** Public meeting – March 23, 2020

Chairman Moran requested a motion to approve the minutes of March 23, 2020. Commissioner Kawczak made a motion to approve. Commissioner Canales seconded the motion. All in favor. Motion carried.

**Adjournment** Meeting adjourned at 6:42 p.m.

## JOINT PUBLIC MEETING

### CITY OF NORTH ADAMS AND TOWN OF WILLIAMSTOWN

**City of North Adams members present virtually** Chairman Jason Moran, Jason Canales, Adam Galambos, Andrew Kawczak, and Elena Traister

**City of North Adams members absent** Tim Lescarbeau

**Town of Williamstown members present virtually** Chairman Lauren Stevens, Hank Art, Stephanie Boyd, Tim Carr, Phil McKnight and Katie Wolfgang

**Others present virtually** Mark Stinson, Massachusetts Department of Environmental Protection (DEP), Andrew Groff, Town of Williamstown Conservation Agent, Randall Christensen, Stantec

**Town of Williamstown members absent** Michael Evans

**Call to order** Chairman Stevens called the public meeting to order at 7:01 p.m. with the presence of a quorum. Andrew Groff explained the virtual meeting to the public. Chairman Stevens turned the meeting over to Chairman Moran.

Chairman Moran read the following statement regarding virtual meetings:

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 public hearing of the North Adams Conservation Commission is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can listen to this meeting while in progress by via teleconference at zoom.us. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by teleconference.

#### **Public hearings old business**

- A Notice of Intent submitted by Stantec Consulting Services, Inc. on behalf of the City of North Adams Airport Commission for property located at 836 State Road to install a security fence around the Harriman-and-West (North Adams) Municipal Airport (AQW).

Chairman Moran opened the hearing to Randy Christensen to give an overview of the project, the requirements and an expected timeline. Randy explained that he was able to conduct site visits with both commissions in the previous days. He used the screen share option to show the commissions the details of the project. He explained that there are station numbers on the site plan that he used to note the locations of the wetlands, buffer zones and riverfront impacts. The project is a standard Federal Aviation Administration (FAA) design airport perimeter security fence that has relaxed specifications. The fence is an eight-foot chain link fence set on two-inch aluminum posts with barbed wire on top for wildlife control. There is a significant deer and mammal problem on the runway. There is currently a wildlife hazard assessment underway.

A relaxed design plan was requested due to the soil conditions so they would have minimal impacts to the wetland and buffer zoned areas. The fence is 11,358 linear feet in total with 9,095 linear feet in North Adams and 2,263 linear feet in Williamstown. There is 1,743 linear feet in the wetlands area with approximately 1,200 linear feet in North Adams and 480 linear feet in Williamstown. There are two perennial stream systems that it must cross.

Mr. Christensen explained the specific challenges presented at each section of the fence from the dilapidated old fence to the necessary gates for the farming community. He pointed out the reason for the location of the fence due to the location of the perennial stream, the environment of the brook itself and the additional wetlands associated with it as well as the undulating terrain, the hills, the cobbles and the large trees, etc. made it not possible for a stable environment for a fence.

Mr. Christensen explained the wetland replication basin area, the property line issues and the runway safety area issues that they faced while trying to protect the nearby haying operation. He explained use of the headwalls and culvert. Crossing the channels in the wetlands was a challenge so they utilized the headwall and drainage ditch. He continued to explain the crossing opportunities at various areas of the project.

Mr. Christensen explained that there were three measures used for impact avoidance. The first being the use of four headwalls as crossings instead of channel crossings. They went off the property line at several locations to facilitate going around wetlands and protect agricultural uses. They also changed the fence type in the emergent marsh and had to hand work that area.

There are direct wetland impacts due to the poles going in so a wetland replacement area is necessary. Mr. Christensen wanted to only have one location for both and pointed that area out to both commissions.

Chairman Moran explained that he would ask the members of the North Adams commission for their questions first, then Williamstown and finally, the public.

Chairman Moran inquired about whether the new fence is an FAA requirement. Mr. Christensen explained that the airport has a capital improvement plan (CIP) that every publicly funded airport has. Projects on the CIP are safety projects or production or capacity projects. This is a safety project that has been on the plan for more than a decade but keeps getting bumped by higher priority projects. The start of the wildlife hazard assessment prompted this awareness of the deer problem. There is forced mitigation by the FAA policy that helped push this fence project to the front of the line.

Chairman Moran inquired about the distance requirement from runway 11-29 that is required before the fence can be installed. He is curious to know why the fence can't be put closer to the runway similar to station 27+50 to avoid a wetland area or whether there is a setback requirement prohibiting that. Mr. Christensen explained the logistics of the runway object free area (ROFA) and the taxiway object free area (TOFA) and that only objects that aid the navigation are allowed in those areas. He further explained that the geometry of the land at or above runway elevation issues that pushed the fence further away from the runway.

Commissioner Galambos inquired about the timeline of when the work would begin. Mr. Christensen explained that their schedule is based on federal funding and has to be finished before the beginning of the next fiscal year. They will receive funding on July 1. They plan for a summer install with some work to be done in the winter.

Commissioner Kawczak stated that he did not have an issue with the looping of the fencing. The headwalls made sense. He was concerned about the beaver activity and inquired about how Mr. Christensen planned to manage the issue. Mr. Christensen explained that the beaver issue is a big problem and as fast as they clear them out, the beavers are quick to return. A beaver deceiver would have to be a battleship in order to endure here due to the flows of the environment in that area. The soils are too soft to machine so the areas must be cleaned out by hand. They need to get the culverts down so that they can see the headwall prior to the fence installation.

Commissioner Canales inquired about the location of pole 62+50 why they didn't move back toward the property line more to cut through less wetlands. Mr. Christensen explained that with the violent topography, they couldn't put a fence in due to the flows coming off the mountain so they had to take advantage of the headwall in that location.

Commissioner Traister inquired about the need for the fence to be sealed to the ground as that north/south section of the landscape is an important movement corridor. Mr. Christensen explained that reptiles, amphibians and most fox will be able to pass. There will be holes made by the coyotes that will need to continually be filled but it will keep most of the bear, deer, and bobcat out.

Commissioner Traister inquired about what kind of monitoring the wetland creation area would get. Mr. Christensen stated that it would get two years with annual reports to both commissions. They will be using live stakes and stickers of the willows and dogwood. He will cut them himself. He will take a lot of cuttings and rely on the stakes and stickers to stabilize it quickly. They also have temporary seed mix in there. After two seasons, he foresees that they will meet their 75% cover of wetland species.

Chairman Moran inquired about the file number comments from the DEP in regard to whether they would be seeking a certificate of compliance for the airport building project. Mr. Christensen stated that the prior consultant on that project has since been replaced but he would commit to working on that and getting the certificate of compliance filed.

Commissioner Art inquired about the height of the fence and wondered whether the shorter fence would keep the deer out. Mr. Christensen explained that in general, the fence mesh would be eight to nine feet with a double strip of barbed wire on the galvanized sections. The wildlife fence which has no barbed wire will be a little less than eight feet except where they run into issues with the air space problems where they have to shorten it up for a very short span due to the topography.

Commissioner Art also noted that there is decade old silt fence that could be a detriment. He would like to see the removal of the silt fence added as a special condition. Mr. Christensen stated that they would welcome that condition from both commissions.

Commissioner Carr expressed that he was impressed with the mitigation that was put in place ten years ago, especially with the cranberries and inquired whether there would be cranberries used in this plan. Mr. Christensen explained that there were several reasons that they were not planning to use cranberries as part of this mitigation.

Commissioner McKnight inquired about what happens when a pilot sees a buck on the runway. Mr. Christensen explained that some pilots will do an overflight to make sure that the runway is clear of wildlife first. They recently had a near miss with a flock of geese and a deer has been struck in the past. Fortunately a head on meeting with one hasn't happened yet but all of the ingredients are in place for one so they hope they can get this done in time.

Commissioner Boyd inquired about the reason for the barbed wire on the fence. Mr. Christensen explained that you cannot keep deer out without the barbed wire. The fence has two purposes, one for security and one for wildlife control. They used to install the fence straight up but now they install it on a 45-degree angle to give a 3-dimensional aspect to help deter the deer from getting injured on the fence. It is an FAA requirement as part of the security fence.

Commissioner Boyd inquired about whether the Conservation Commission has jurisdiction over the characteristics of the fence or only the wetlands. Conservation Agent Groff stated that the commission would only have jurisdiction over the wetlands.

Chairman Stevens stated that the single mitigation area seems appropriate and a benefit.

Chairman Moran requested any further questions. Mr. Stinson inquired about the use of construction mats. Mr. Christensen stated that mats will not be used and gave reasons why.

Chairman Moran requested any further questions. Mr. Groff confirmed that there were no further questions from the public participants. Chairman Moran inquired about the procedure of a joint meeting to Mr. Stinson and whether both commissions make one motion or each commission make motions individually. Mr. Stinson confirmed that each commission would do its own thing.

Chairman Moran stated that he would request a motion to close the public hearing and open the setting of conditions from the North Adams commission and then turn it over to the Williamstown commission.

Chairman Moran requested a motion to close the public hearing for the North Adams commission. Commissioner Traister made a motion to close the public hearing. Commissioner Kawczak seconded the motion. All in favor. Motion carried.

Chairman Moran requested a motion to open the setting of the order of conditions. Commissioner Traister made a motion to open the setting of the order of conditions. Commissioner Canales seconded the motion. All in favor. Motion carried.

Chairman Stevens requested a motion to close the public hearing for the Williamstown commission. Commissioner Carr made a motion to close the public hearing. Commissioner Boyd seconded the motion. All in favor. Motion carried.

Chairman Stevens requested a motion to open the setting of the order of conditions. Commissioner Art made a motion to open the setting of the order of conditions. Commissioner Carr seconded the motion. All in favor. Motion carried.

There was discussion of the general process of conditions. Both commissions agreed that the conditions issued should be the same from both commissions. The Williamstown commission issues several conditions

in addition to the standard conditions and North Adams will include those conditions as well. In addition, there was one condition noted earlier to remove the silt fences from the 2010 project. Chairman Stevens stated that the Williamstown extra special conditions are as follows: work will not commence less than 48 hours following the commission's receipt of the stamped form; no vehicle storage; no stockpiling of equipment; no re-fueling in the resource area; applicant will submit a request for a certificate of compliance; and the request for a certificate of compliance will be accompanied by a signed statement from a professional engineer.

Discussion that both commissions will coordinate issuing the same conditions.

Chairman Moran requested a motion to accept as presented. Commissioner Kawczak made a motion to accept as delivered. Commissioner Traister seconded the motion. All in favor. Motion carried.

Mr. Stinson stated that all of the replication will be done in North Adams but there is still BVW alter in Williamstown. Williamstown will need to add a special condition referencing that their wetland fill is being replicated in North Adams because Williamstown cannot enforce anything in North Adams.

Chairman Moran requested a motion to close the setting of conditions. Commissioner Traister made a motion to close the setting of conditions. Commissioner Canales seconded the motion. All in favor. Motion carried.

Chairman Stevens requested a motion that should include the removal of the former fencing and also that replication is happening in the adjacent township. Commissioner Boyd made a motion that they reference their standard conditions and add a condition that the silt fence be removed above ground and that the replication area will be made in North Adams. Chairman Stevens noted that she may also want to state that it is the same replication area that the North Adams project is using so that it is clear that they are not different areas. Commissioner Boyd stated that the replication area is in the same location for both Williamstown and North Adams as shown on the drawings. Commissioner Art seconded the motion. All in favor. Motion carried.

Chairman Stevens requested a motion to close the setting of conditions. Commissioner Art made a motion to close the setting of conditions. Commissioner Carr seconded the motion. All in favor. Motion carried.

**Adjournment** Meeting adjourned at 8:12 p.m.

Respectfully submitted,



Michelle Ells  
Conservation Commission Secretary