



CITY OF NORTH ADAMS, MASSACHUSETTS

Conservation Commission

PUBLIC MEETING

MINUTES

May 20, 2020

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

Members present virtually Chairman Jason Moran, Adam Galambos, Andrew Kawczak, and Elena Traister

Members absent Jason Canales and Tim Lescarbeau

Others present virtually Robert Fournier, SK Design Group and Tammy Daniels, iBerkshires

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 Request for Determination of Applicability submitted by SK Design Group, Inc. on behalf of Charter Communications for property located at Natural Bridge Road to install conduit necessary to provide high speed internet to Natural Bridge State Park.

Chairman Moran opened the public hearing to Bob Fournier from SK Design Group. Mr. Fournier explained that from the end of Natural Bridge Road there is a telephone pole that has cable, electrical and so forth and they will run a directional bore underneath Hudson Brook, come out of the ground to a lawn area 100-200 feet away from their building and run in a trench to the building. It is a non-intrusive method of installation. They expect very little ground disturbance. The work is in the buffer zone and the 200-foot riverfront area.

On the Natural Bridge Road side, they'll set up a boring rig that is a very controllable directional drill. They can run the conduit at any depth and any direction they choose. They'll mark an excavation area on the other side of the brook that is about four feet deep and four feet wide that the cable will go through from the boring to the building. There will be some minor restoration that will be required. He noted that they are in a priority habitat and will require sign off from the Natural Heritage program but they haven't filed with them yet. He does not anticipate any problems. He would expect the commission to issue a condition contingent upon approval from Natural Heritage if they were to approve.

Chairman Moran stated that from the receiving pit, the conduit would be directionally drilled underneath and will meet the receiving pit and inquired whether the 2-inch conduit would be installed during normal excavation means and methods. Mr. Fournier confirmed from the receiving pit to the building.

Chairman Moran stated that he would prefer to see more erosion control within the riverfront area. Right now, the erosion control is only shown as the straw wattles near contour line 88 or 89 but they'll have a fair amount of open trench excavation and he feels it would be prudent to bring the erosion control up closer to the receiving pit and provide more of a wider band within the riverfront area to protect because most of the slope is heading down toward Hudson Brook. Mr. Fournier stated that that would not be a problem but also noted that the installation would take place in a matter of hours, not days so the threat is very minimal. Chairman Moran stated that that is everyone's best laid plan but in the event that the machine breaks down and a heavy downpour were to come through, he would like to see that protection.

Chairman Moran inquired about whether Mr. Fournier is aware that DCR is installing this directionally drilled pipe to a depth of three feet and is it in coordination with the proposed dredging that came before the commission last year. Mr. Fournier explained that he just learned of the dredging project earlier in the day. He stated that the application states a minimum of a four-foot depth. There is already conduit under there for the electrical to the building so as a matter of practice they would follow that conduit, at whatever depth that is. They will reach out to the state to make sure that the dredging won't interfere with their project. He doesn't think where they're working is deep enough to be dredged. Chairman Moran explained that they will be working on the island where the silt is. His concern is to make sure that both projects from DCR don't conflict due to lack of communication.

Chairman Moran inquired about the timeline of the project. Mr. Fournier explained that he didn't think they would start until mid-summer as they still have to apply to Natural Heritage.

Chairman Moran opened the meeting to Commissioner Kawczak for questions or comments. Commissioner Kawczak would also like to make sure the left hand knows what the right hand is doing. When the dredging project was proposed, they indicated a depth of five feet excavation. It doesn't make a lot of sense to put in a shallow conduit if the dredging is different. Where a perennial stream is concerned, there has to be consideration for the inner and outer riparian area. Even though this is an RDA, there are general preferences for dealing with the inner and outer zone of a perennial stream or river. He is surprised that they didn't go with a pole instead of dredging a line.

Commissioner Galambos echoed the earlier concerns of the depth of the line.

Commissioner Traister inquired about whether there is any kind of fluid used in the drilling process. Mr. Fournier stated that he thinks there is water used to propel it but he is not sure and would have to get back to her. Commissioner Traister explained that she is curious how that works given that you are boring underneath it and it is still very much connected to that wetland/waterway/priority habitat. She would like to know more about the process; what kinds of fluids, where they would be coming from as well as where they would discharge to.

Commissioner Traister inquired about the need for the project in general. After speaking to the director, they currently have DSL so she would like more background on why the project is being proposed. Mr. Fournier does not have the background but assumes they would not spend the money if it wasn't necessary.

Commissioner Traister inquired about the depth of the drilling and whether it is expected that they would go through consolidated materials or bedrock and if the drilling process is different depending on that and whether they would have to go deeper but it sounds like that is unknown since it is not known how deep the initial drilling will be. Mr. Fournier explained that there is already an electrical line going through conduit. The directional drilling can go any direction they want it to and they can steer it so that it stays a few feet away from the existing conduit. There is only a wire being installed so there is no threat of a break.

Commissioner Traister inquired about this being an RDA, requesting determination of whether the activity is subject to the WPA and confirmed that this is taking place in jurisdictional areas. Mr. Fournier explained that they ran it by Mark Stinson at the DEP and he said it could be up to the commission if the commission felt there would be very little disruption to the wetland resource areas.

Discussion of whether a decision could be made or to continue the case to June with the permission of the applicant. Mr. Fournier stated that they would be happy to grant the extension to June. Chairman Moran confirmed that the application could be continued to June 10 so that more information can be provided to the commission and the application to Natural Heritage can be made.

Chairman Moran requested a motion from the commission. Commissioner Kawczak made a motion to continue the application to June 10 so that more feedback can be heard on the project. Commissioner Traister seconded the motion. All in favor. Motion carried.

Other business

- Vote Authorizing Use of Electronic Signatures

Chairman Moran referenced the Massachusetts Deed Indexing Standards 2018 April 2020 Amendment that was revised on April 23, 2020 regarding Registered Land to allow electronic signatures by municipal boards. The commissioners stated that they vote that the North Adams Conservation Commission recognize and accept the provisions of M.G.L. chapter 110 G (Uniform Electronic Transaction Act) regarding electronic signatures and that, we the members of the North Adams Conservation Commission, will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. This applies to only those documents that the North Adams Conservation Commission voted to issue and sign at a public meeting during COVID-19 State of Emergency.

Discussion of the documents permitted to be electronically signed to include orders of conditions, extensions of orders of conditions, notice of intent and determination of applicability paperwork and certificates of compliance.

Approval of minutes Public meeting – April 23, 2020

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

Adjournment Meeting adjourned at 6:38 p.m.

Respectfully submitted,



Michelle ELLS
Conservation Commission Secretary