



CITY OF NORTH ADAMS, MASSACHUSETTS

Conservation Commission

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**PUBLIC MEETING**

**MINUTES**

**January 5, 2021**

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

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

**Members absent** Chairman Jason Moran

**Others present virtually** Andre-Anne Chenaille and Charlie Labatt – Guntlow & Associates, Don Dubendorf, Mark Stinson – DEP and Robert (no last name provided)

Vice Chairman Kawczak 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.

**Old business**

- A Notice of Intent submitted by Sparkboro Wellness NAMA Corp for property located at 1268 Curran Highway for the construction of a commercial building, paved parking area, and retaining wall/grading within state jurisdictional buffer zone that also includes a wetland replication area.

Vice Chairman Kawczak opened the meeting to Charlie Labatt, Andre-Anne Chenaille and Don Dubendorf. Mr. Labatt explained that they submitted a revised plan in December detailing a more extensive delineation of existing wetlands under the current hydrology. The hydrology being the sump pump that was removed from the basement and the current hydrology being a natural hydrology. He had the opportunity to go out on the site after a fairly decent rainstorm and observed the landform where it swales to try to establish what would be the wetland during the current hydrology and not the wetland as it was with the past hydrology. The new plan shows 6,000 square feet of wetlands on the site existing and then adjacent to that window of existing conditions they overlaid the proposed projects and the grading limits and show an impact of approximately 5,900 square feet of wetland on the site and a permanent impact of 3,500 square feet of wetland and are proposing replication of new wetland a little more than that 3,500 square feet. In addition to the actual restoration of a portion of the wetland that was actually disturbed, the woody species were removed but the ground itself has not been disturbed, with the exception of one ditch line where vegetation was a stone trap design. They were calling for it to be removed again and restored. They're trying to recognize the fact that a lot of the site seems to be a wetland, but a lot of the current vegetation was a wetland under a under a hydraulic regime which is not all natural and large portions have been removed. They've estimated where the boundaries of the wetlands would be for the submitted sketch and had seen the vegetation with the non-natural hydrology and as previously stated, the whole site seems wet. Mr. Labatt has dug test pits in front of the site and soil evaluation measured the groundwater table to modeling at 22-24 inches on that side but recognized that another area is 12 inches or less. They have revised the plans to accommodate to the new wetland delineation to minimize impacts, extend the retaining wall a little further, etc. In essence of time they changed one of the characteristics of the utility design. They were originally showing a connection to municipal sewer

through a shared sewer and revised the plan to show an on-site septic system to not delay the project. That is primarily the only real modification. Stormwater management is handled in the same manner as previously done. There was a shifting of grading limits and retaining wall and other things like that to try to allow to fit the site on the larger wetland.

Vice Chairman Kawczak clarified that they didn't contact Emily Stockman because they felt compelled to do their own redelineation. Mr. Labatt confirmed and explained that he saw where the test beds were performed previously by that group and it was right in the center of where the wetland is believed to be. They saw enough of the vegetation and noted that the hydrology of when they looked at it compared to the old hydrology so he didn't think they could learn anything more from them.

Vice Chairman Kawczak inquired about the elevation of the leach field proximity to the rain garden. He was concerned that they would get a lot of unprocessed wastewater headed toward the rain garden because of the elevation and the proximity of the wastewater system that is proposed. Mr. Labatt explained that the septic system currently shown on the plan meets the required setbacks of those type of facilities wetlands underground drainage. None of which the underground drainage is actually above existing grade; it's not intercepted in the groundwater table and specifically in the direction of the rain garden where the slope between the septic system and the rain garden where they can't maintain a 15-foot breakout distance from the septic system. It will actually have an impervious barrier between those two to make sure that the effluent bloom from the septic system actually heads down as opposed to lateral in that direction as well. That would be the northwest direction which is the direction towards the rain garden in this case.

Vice Chairman Kawczak inquired about the shifting of the building over the top of the redefined wetlands where they are hoping to preserve a small finger heading southeast rather than replicated. He explained that the preservation sounds good because you always want to keep the same soil hydrology without altering it but either the retaining wall or the construction of the building during construction that they're going to destroy that area anyway and requested an explanation behind their reasoning. Mr. Labatt explained that they would try to stay out of it by creating a silt fence or snow fence to try to maintain an area out of it so that they don't disturb it any more than it currently is. The top soil looks to be intact although dormant so they are hopeful that they can maintain that. They would welcome a condition that they would supplement with wet mix to try to get the vegetation back faster if any of those areas don't appear to be coming back quickly enough. The applicant will reach out to the neighbors that have a little more space to see if some of that might be able to be used for some staging of equipment or other areas as they are not sure they would be able to stage everything on the property but they believe they can still work to stay out of the current wetlands.

Vice Chairman Kawczak stated that he didn't see any elevation drawings of the wetland mitigation area in terms of holding elevations. He explained that with wetlands replication, elevation and soil quality is always important yet he didn't see any details of that in the drawing package. Mr. Labatt explained that they didn't show the cutting down of another six inches along that new route. He explained that by placing the building where they are placing it, the natural route of drainage from the swale which is the southeast entity that is feeding to the north is now going to be pushed out and around at the toe of the slope and around completely such that all of that hydrology will be forced over into that area. He believes that they will have the hydrology without necessarily having to cut down the grade to get to the groundwater. They could propose to cut that area down a little bit to be sure that there is not just surface hydrology feeding this area but we get closer to the groundwater table and have some groundwater hydrology feeding it as well.

Vice Chairman Kawczak inquired about whether there is any other criteria to consider with the wetlands being damaged as much as it is in terms of square footage. Mark Stinson explained that as long as it is under 5,000 square feet, that would be the only trigger. Even if it was over 5,000 square feet that could be all handled under order of conditions as part of enforcement. If it was permitting and over 5,000 square feet, they would need a 401 but it's not going to kick in because they're under 5,000 square feet.

Commissioner Traister inquired about the replication area of 2,700 square feet and the smaller triangle of 850 square feet and whether the wetland restoration area is also being counted in that replication area or if that's separate. Mr. Labatt explained that it is not being counted toward the replication for the permanent impacts, it's just in addition to wetland work because that's an area that is currently a wetland and will continue to be a wetland but was disturbed by the applicant so they are removing that stone and putting it back. The permanent replication for the permanent impacts are those where noted 2,800 and 800 totaling 3,550.

Vice Chairman Kawczak requested comments or questions from the board or the public. No questions.

Mark Stinson stated the he wanted to make sure that in regard to the restoration plant list, that everything is native to northern Berkshire County. Ms. Chenaille confirmed that the landscape architect worked on that so everything should be native to Berkshire County. Mr. Labatt stated that they would double check and would be fine with adding a condition to ensure that all planting shall be native to northern Berkshire County.

Vice Chairman Kawczak requested a motion to close the public hearing. Commissioner Lescarbeau made a motion to close the public hearing. Commissioner Traister seconded the motion. All in favor. Motion carried.

Vice Chairman Kawczak explained that the order of conditions would contain the generalized DEP pre-published conditions but would request input from the commission to add other more specific conditions. Vice Chairman Kawczak stated that the one condition that he would like to put forward is that the plantings native to northern Berkshire County shall be used when possible. He would also like to have a condition of a specific schedule for the wetlands protection and replication and restoration. Mr. Labatt requested clarification on what Vice Chairman Kawczak would like in a schedule. He explained that upon completion of the project they cannot submit for certificate of compliance until they have at least 50-75% germination and growth of bona fide wetland plants and these mitigation areas. Vice Chairman Kawczak explained that his intent would be an email sent to the secretary regarding the start of excavation for a restoration area, etc. so that the commission can be aware of when the work will be taking place so that the commission can review if they would like to. Mr. Stinson offered that it could state that it could include commencing at the appropriate time in the spring/summer of 2021 which is the appropriate time. Replication is important and you want to get that done as soon as possible. Mr. Labatt agreed that when the work is scheduled to happen, they can give advance notice to the commission. He does not want to construct the septic system or construct the wetlands ahead of their time for fear of impacting and damage to them. Commissioner Traister stated that it might make sense to peg that schedule to the completion of the other construction.

Commissioner Lescarbeau did not have any further conditions to add but explained that the other option for the force main isn't to tie into the Adams system. There is another option to tie directly to North Adams. Mr. Labatt confirmed that what they were proposing is combining and connecting to the North Adams system on South State Road. They would still like to pursue a shared sewer connection in the future.

Commissioner Canales inquired about whether it would impact the commission if the septic system were approved and later changed to a force main. Mr. Labatt explained that if they do make the amendment, the proposal would include a solution that does not impact any additional wetlands on this property. From the Conservation Commission perspective, it wouldn't change the nature of the impacts to on-site wetlands or anything. The force main, should it happen will require additional permitting through the Conservation Commission. It appears to be within buffer zone and within riverfront. Whatever solution is proposed to service this lot, they will make it such that it doesn't impact additional wetlands and that may be by boring under the existing wetlands with a force main but they can do that in a manner such that they don't have to impact any additional wetlands.

Commissioner Traister inquired about the grading of the wetland replication area and the possibility of grading it to ensure there is some connection with the groundwater, especially with the climate variability and that it's been so dry that we've seen not a lot of surface runoff and it seems like that would be a good way to go. Mr. Labatt agreed and recommended a condition could be that the mitigation area shall include the removal of the upper 18 inches of nonhydryc material and the replacement of 12 inches of the hydryc material that's to be permanently impacted. They can remove the stuff that they are going over the top of, set it to the side, excavate where the mitigation area is, put the hydryc material back which will have some sort of seed base as well and then supplement with all the proposed plantings that are shown in an effort to put hydryc soils back in proposed mitigation areas and lower its overall elevation. Mr. Stinson recommended keeping it simple like the restoration area shall be graded such that the mitigation area is fed by both surface and ground hydrology to give leeway to come up with 13 inches versus 12 inches, etc. Vice Chairman Kawczak agreed that whatever is going to work is what is important.

Vice Chairman Kawczak stated that some additional conditions have been proposed to tack on to an order of conditions and requested a motion to accept the narrative presented to include the additional conditions. Commissioner Lescarbeau made a motion to accept. Commissioner Galambos seconded the motion. All in favor. Motion carried.

**Approval of minutes** Public meeting – November 18, 2020

Vice Chairman Kawczak requested a motion to accept the minutes of November 18, 2020. Commissioner Canales made a motion to accept. Commissioner Traister seconded the motion. All in favor. Motion carried.

**Adjournment** Meeting adjourned at 6:40 p.m.

Respectfully submitted,



Michelle Ells  
Conservation Commission Secretary