

CHARLEMONT CONSERVATION COMMISSION

Meeting Minutes

SCHEDULED DATE: Wednesday, October 7, 2020
SCHEDULED TIME: 6:30 P.M. EDST

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 limitation on the number of people that may gather in one place, this meeting was conducted via a telephonic conference call. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public could adequately access and participate in the proceedings via conference call.

To join the meeting, the call-in number was **(425)-436-6388** and the access code: **279013#**.

Meeting Minutes

A motion to open the meeting at 6:30 P.M. was made by Charles Ricko, and seconded by Tom Cashin.

Roll call: The roll call was taken by Charles Ricko, where it was confirmed that the following members of the Conservation Commission were present via a telephonic conference call session: Charles Ricko, William Harker, Thomas Cashin, and Justin Maynard.

As a full quorum for the conduct of this session of the Conservation Committee was declared as being present, Charles Ricko opened the meeting to conduct the business of the Conservation Commission with a review of the action items.

Action Items:

1. Review/approve minutes, if available.

As the meeting minutes from the last meeting were part of the recorded session and not available in time for this meeting, the review of the minutes was deferred for further action.

The motion to defer the review/approval was made by Charles Ricko, and seconded by William Harker.

2. Vote to approve the Certificate of Compliance for the Berkshire East snow pond project

As the work identified in the Berkshire East Building Permit for the snow pond is understood to have been completed and that the project is in compliance, as previously reported by Jim Scalise (project engineer), it was discussed by all that a follow-up site visit needs to be conducted.

Note: As the assigned company project engineer, Jim Scalise, was not available, Bob Fournier was the company-provided substitute for the Berkshire East snow pond project for this meeting.

During the discussion, it was determined that the Conservation Commission approach should be to take a vote to conditionally approve that the Certificate of Compliance should be conducted, subject to the identification of any negative findings from the follow-up site visit.

It was agreed by all that the follow-up site visit will occur on 8 October, where it will be confirmed that the sides of the pond had been built up, and that all issues identified during the Conservation Commission project review process have been corrected. Upon approval of the Certificate of Compliance approval, the Commission will work with the project engineer to complete all required paperwork.

At that time, a motion was made by Justin Maynard and seconded by Tom Cashin to vote to approve the Certificate of Compliance, subject to any negative findings identified during the site visit. All approved the motion to vote to conditionally approve the Certificate of Compliance, with William Harker abstaining to vote due to a desire to avoid any perceptions of a potential individual conflict of interest due to his on-going business transactions with Berkshire East.

3. Review Correspondence

No correspondence was received by the Conservation Commission for this meeting.

Appointments:

1. 6:45 P.M. Berkshire East, Notice of Intent hearing for replacement of water intake structure at Bozrah Brook.

At 6:40 P.M., Charles Ricko continued the Conservation Commission business by opening the meeting to conduct the hearing for the Berkshire East Notice of Intent review process.

Note: As the assigned company project engineer, Jim Scalise, was not available, Bob Fournier was the company-provided substitute for the Berkshire East snow pond project and for the Bozrah Brook water intake structure project for this meeting.

Bob Fournier provided a description and the plan for the replacement of the existing steel pipe used for the current water intake system and structure, which uses a water intake pipe that intakes water from Bozrah Brook to supply the water required for the Berkshire East snow-making equipment/system. As the current steel pipe has deteriorated through use over the years, it needs to be replaced to permit the snow-making equipment/system to continue to have a water supply so that it can be used for the upcoming 2020-2021 ski season.

As part of the preparation of the water replacement project plan, a check for the Notice of Intent filing was performed with the DEP to determine if the replacement pipe was to be installed in a wetland resource area. Feedback from the DEP to the project engineer resulted in the original plan to be amended, and it has evolved to incorporate the provided DEP input. Key elements of the updated/evolved project plan are:

- Remove steel pipe and area structures.
- Replace with concrete structure.
- Added paperwork to the draft/original Notice of Intent project plan for a sandbag dam, which adds precautionary/standby pumping equipment to manage the risk of any potential silt deposition from the project construction into Bozrah Brook. Included in this silt control approach is the use of the pump to move any construction overflow water into a filler bag which was added to the new pump house which is near the snow-making reservoir pond. Details are provided in the updated plan.

Note: It was commented that while this project was originally considered to be a new development project, it should have been considered a re-development plan for an existing capability.

- Create a new border for the water replacement pipe structure which will support the riverfront habitat. Silt will be controlled by sandbags and erosion control.

As a follow-up to this hearing and consistent with what was discussed for action item #2, the Conservation Commission discussed and re-iterated that the site visit to Berkshire East for the snow pond project on 8 October offered the opportunity to also extend the site visit to include the Bozrah Brook replacement of water intake structure project.

Based on this, Charles Ricko made the motion, and Justin Maynard seconded the motion, that the Conservation Commission include a site visit to the Bozrah Brook replacement of water intake structure project while at Berkshire East. This motion was approved by Charles Ricko, Tom Cashin, and Justin Maynard, with William Harker abstaining as indicated in the write-up for action item #2.

With the conclusion of this hearing, the Conservation Commission continued with the Discussion Item topic(s).

Discussion Item:

1. Hiring of Bill Lattrell to investigate possible violation on Schaefer Way.

As part of previous Conservation Commission business, a request had been received prior to this meeting to conduct a re-visit to a property on Schaefer Way to see if the property has been cleaned up, and whether any recommendations for further action were required. Bill Lattrell, who has previously supported the Conservation Commission in this capacity to provide a formal determination of the land use, type, and any recommendations for further action, would be hired to perform this function as part of the Conservation Commission activities on a fee-for-service basis.

Charles Ricko indicated that he will follow up with William Harker to determine the requirements associated with the hiring of Bill Lattrell, and to report on this action at the next meeting.

Tom Cashin also suggested that a follow up discussion related to a property on Route 8A be added as part of the agenda for the next meeting.

With the business of the Conservation Commission concluded, William Harker made the motion to close the meeting, which was seconded by Tom Cashin. All voted to approve the motion, and Charles Ricko adjourned the meeting at 7:02 P.M.

Note: NEXT MEETING: WEDNESDAY, NOVEMBER 4, 2020