

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus, Chair at 7:00 p.m.

ATTENDANCE

Members: Angus (C), Allen, Brooks, Butler, Clark

Arrived Late: Healey

Staff: Ziomek, Willson

COMMENTS FROM CHAIR, DIRECTOR'S & WETLAND ADM'S REPORTS

Willson reminded the Commission members that they must do their conflict of interest training, which they are required to do on an annual basis. Willson stated that the Town has received the check from Eversource - \$25,000 earmarked for the salamander tunnels and \$30,000 for other conservation projects across town.

Ziomek noted that Brad & Cody have been very busy mowing. They are working with DPW, Jason Skeels, on the next steps for Markert's Pond to get the flow structure in. The older maple tree on Mt. Pollux may need to come down. They did take down some of the white pines on the west slope. Friends of Mt. Pollux should be pleased with the work they have done, but there is a limit to what they can do up there. Ziomek stated that beaver management is an on ongoing issue at Puffer's Pond. Staff has taken the dam down several (3-4) times. He is concerned with water backing up in the culvert and flooding on State Street. He asked the Commission to think of options to deal with the beavers. Beaver deceivers don't work at that particular location. Butler noted that there is a small beaver dam at Owen's pond that Brad may need to take a look at.

Clark stated there is a wooden bridge over Hop Brook where KC trail crosses that is rotten and looks like someone put a tractor tire through it. He asked if that is our bridge or private? Ziomek indicated that we own the bridge and he will have Brad take a look at it to see about repairs.

Brooks suggested that the Commission have a site visit to see the source of the streams on the Cole property. Willson will send out a Doodle Poll to find a date for them to go out before the next meeting. Brooks stated if they can identify the groundwater source, it could lead them to believe that it is perennial.

CONSERVATION COMMISSION'S ACTION

Review Minutes: March 9, 2016.

Motion – Brooks moved to approve the minutes of March 9, 2016 with no changes.

2nd – Butler

VOTED unanimously (6-0-0) to approve the minutes of March 9, 2016

PERMITS/CERTIFICATES

7:15 PM Informal Discussion – Amherst DPW regarding Mill St. bridge temporary easements

Approved at the April 25, 2018 Conservation Commission Meeting

Guilford Mooring, Supt. of Public Works, presented a brief description of the project. The bridge was closed in 2012 and DPW has been working on a project to replace it. MassDOT is doing the project as part of the Local Bridge Replacement Program and it is funded by MassDOT. The design recommended by the Select Board to them is to have a one-way travel lane with a multi-use path. This will give the Town the chance to make a multi-use path on Mill Street between Summer Street and State Street to tie the Puffer's Pond area together as recommended by the Puffer's Pond 2020. There is a requirement for temporary easements for the sediment control devices that will go in around the bridge where they are working and there is a little bit of swing room needed for the crane that will be used. No large trees are coming down, the old abutments are all coming out, including the wing walls. So the bridge footprint actually gets smaller.

Angus asked why they are coming to the Commission now before this has been permitted. Mooring indicated that he learned that it does not have to come before the Commission as an NOI, as previously thought, because it is in the Footprint Bridge Program. Willson noted that a DOT project in that program that is bonded is not subject to the Wetlands Protection Act. It is subject to the Clean Water Act and it has to have a public hearing. She will talk with someone at DEP for clarification if it will be subject to the Town's Wetland Bylaw.

Mooring indicated that no permanent easements will be needed. He indicated that the Commission will need to concur with the temporary easements and then negotiate conditions they might want. Mooring gave the Commission the *Federal Aid Acquisition Guide for Property Owners* and asked that it be noted in the minutes that he had given it to the Commission. He noted that the Commission may ask for compensation for this easement, but the State & Federal government will not pay that compensation, the Town will. Ziomek is not sure easement is the correct word to use, but rather a right of entry. Town Counsel provided information regarding easements and that the Town cannot allow an easement on Conservation Land.

Mooring suggested that now is the time to include conditions or limitations as to what can happen on the temporary easement – no parking, no fuel or liquid storage, spill prevention, etc. Butler asked what trees would be coming down. Ziomek noted that the plan calls for the area to be replanted and returned to existing conditions. He suggested that the Con Com come up with a list of conditions and he will get advice from Town Counsel to discuss at their next meeting. Clark asked if access to the trail further up the road will be maintained. Mooring noted that the pathway on the bridge and a portion of the road is ADA compatible. Having this ADA pathway connect to the non-accessible trail is a problem for the State, so he suggested that the Con Com work with DPW after the work is done to figure out a way to make the entire thing ADA accessible.

Angus stated the Con Com will come up with a list of conditions for granting the easement and will continue the discussion at their next meeting: 10/26/16. Some of the conditions noted:

- Spill prevention
- No storage of fuels or fluids on the easement
- No parking
- Re-planting of trees
- Return area to existing conditions

7:30 PM Notice of Intent – Amherst DPW to install a stormwater treatment chamber and replace the existing outlet pipe on the stormwater drainage system for Mill St. (Map 5B, Parcel 98).

Mooring stated this project has nothing to do with the bridge project. This is something that has been on their “to do” list and need to get it done quickly, because once the bridge project is done, they have a

five year limitation to what they can do. They cannot disturb or change it for five years. There is a catch basin on Mill St. that is full of sediment and takes all the drainage from State St. Currently the catch basin overflows and drainage sheet flows across Mill St and erodes the slope. DPW is proposing to clean out the catch basin and install a stormceptor that will catch the water from the catch basin and treat it before it is discharged through a pipe to the slope at the same location it is now.

Boice stated the outflow on the slope was rebuilt by Wright Builders as mitigation for the fancy house construction in Riverfront. She added, the outflow may not have held up to the sheet flow. Mooring stated the stormceptor will sort out all the material and only water will go into the discharge area. Angus asked if Mooring had seen the DEP comments. She asked that since we have to continue this hearing, because they have to wait for Natural Heritage review, if Jason Skeels or someone at DPW could address the comments for next meeting. Mooring indicated that DPW would respond to the DEP comments.

Willson stated once bridge project is done, there will be other catch basins tied in, which will decrease the amount of sheetflow. In the end this combined with the bridge work will really improve the drainage on Mill St.

Motion – Boice moved to continue the public hearing to October 26, 2016 at 8:00pm.

2nd – Brooks

VOTED unanimously (6-0-0) to continue the public hearing to October 26, 2016 at 8:00pm.

7:45 PM Request for Determination – Amherst College Trustees for repaving of a driveway within buffer zone to bordering vegetated wetlands (Map 14C, Parcel 67).

Mike Liu presented for Amherst College. He noted that the tennis courts are being reconstructed. They found that there was no handicap accessibility due to the grade difference between the courts and the road. They intended to raise part of the road to same level, then the College decided they needed to repave the whole ring road and then decided to pave all the way up to Orr Rink. They are asking to repave the road much of which is in the 100' buffer, some of which is in the 30' existing. They are not realigning the road or increasing the width, so there will be no increase of pavement in the jurisdictional area, just replacement of what is there. He indicated that they have erosion control in place from Orr Rink all the way down.

Willson stated they will need to be careful placing the erosion control because of the steep slope next to the road and above the wetland. Brooks stated he has no problem with the project or the location of the approximated wetland boundary, but we need to recognize that the wetland delineation is an approximation. Angus stated we are not approving the delineation and we are acknowledging that all of the work is in the buffer zone. We can acknowledge in our determination that the resource area is not confirmed. This effort to approximate is more than a lot of people's efforts to show us a real wetland boundary.

Christiane Healey arrived.

Angus – Asked to include the following conditions:

- No stockpiling in the buffer zone
- See erosion control first

Approved at the April 25, 2018 Conservation Commission Meeting

Motion – Brooks moved to close the public meeting and issue a Negative Determination #3 with discussed conditions.

2nd – Allen

VOTED (6-0-1) Angus, Clark, Allen, Boice, Brooks and Butler voted “Aye” and Healy “Abstained”.

8:00 PM Request for Determination (cont’d from 9/28/16 mtg) – Paul Cole for jurisdictional status of two streams at 1194 West St. (Map 25B, Parcel 29).

Motion- Clark to continue the public meeting to October 26, 2016 at 7:45PM.

2nd - Brooks

VOTED unanimously (6-0-0) to continue the public meeting.

MISCELLANEOUS ITEMS:

8:15 PM Informal Discussion – Beaver Management at Puffer’s Pond

Willson presented photos of the beaver dam at Puffer’s Pond. She stated conservation staff have breached the dam by hand a number of times but the beavers re-build. A beaver deceiver won’t work in this area because it isn’t deep enough and is really wide. She added the dam could back water up to the State St. culverts and erode the bank. The area is heavily used by people and there is the issue of giardia in the water. Ziomek has suggested trapping, if trapping is done the Town would hire Integrated Wildlife to assess the situation and do the trapping. She asked what the Commission thinks of the idea of trapping at Puffer’s?

The Commissioners are not in favor of trapping at this time. Would like to wait and have staff continue to breach the dam and to protect the trees from being cut down. The Commissioners are open to reconsidering at another time, depending on how things go. Brooks stated that he will do some research on beaver deceivers and share that info with the rest of the Commission.

Ratify Enforcement Order #4 – Eversource Energy enforcement off Henry St.

At their September 28, 2016 Conservation Commission meeting the Commission made the following decision regarding the enforcement against Eversource Energy: *Eversource Energy shall provide a monetary donation to the Town of Amherst for the amount of \$55,000 as mitigation for the temporary impact to resource areas from the filling of an intermittent stream off Henry Street in Amherst. Once the Town has received the mitigation payment all requirements under Enforcement Order Numbers 1, 2, 3 and 4 have been met and the enforcement is closed.*

Motion – Healy – moved to ratify Enforcement Order #4 against Eversource Energy.

2nd – Butler

VOTED (6-0-1) Clark, Allen, Boice, Brooks, Butler and Healy voted “Aye” and Angus “Abstained” to (6-0-1) to ratify Enforcement Order #4 – Eversource Energy enforcement off Henry St.

Bluebird Meadow interpretive signs

Brief discussion about the signs and whether people have had time to review and make comments.

Approved at the April 25, 2018 Conservation Commission Meeting

Healey felt it was important to recognize all the work that Carol Gray has put in to creating the signs.
Commissioners also had concerns about copyright issues.

Willson reminded the Commissioners to go to the Dropbox and make comments on the signs, so that Carol can work on incorporating the changes and formatting suggestions.

Will vote on this at the next meeting.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 8:35 p.m.