

**Conservation Commission Meeting
November 8, 2017
Town Room, Amherst Town Hall**

MINUTES

CALL TO ORDER

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

ATTENDANCE

Present: Angus, Brooks, Allen, Healey, Clark, Butler

Staff: Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson stated UDrive is not coming tonight they continued to December 13, 2018. Angus asked if we have a stormwater third party review set up. Willson stated she has one quote from BETA Group and is waiting to hear from others. She will send official proposals to Angus for review once she receives them. The goal is to have the reviewer contracted, have their work done and be presented at the December 13th meeting. Willson stated this all depends on how quickly contracting goes. Willson stated Ziomek is at Town Meeting so won't be joining us tonight. The Conservation Dept hired a new Assistant Land Manager, Tyler Pease. He used to work for Northern Landscaping, has a forestry degree, and started this week. She stated we're still waiting to hear about the LAND Grant for the Epstein property. Tonight we vote on the final OSRP.

MINUTES

Reviewed 4-26-17 Minutes

Brooks moved and Allen seconded. Commission VOTED (5-0-1, Butler abstained) to approve the minutes of 4-26-17.

PERMITS/DISCUSSIONS

7:10 PM Request for Event on Cons Land - Michelle Viscardi for outdoor education/forest therapy classes at Larch Hill Conservation Area.

Viscardi is training to be a forestry therapy guide and she needs to run four guided walks as part of her degree program. She's been working on Larch Hill lands for two years with the Earthworks programs so she knows the land very well and would like to give her walks there. Walks will be free and with just her friends until she gets her degree. Willson said if she plans on offering walks in the future as a business

and charging people she would need to come back for another permit. Viscardi agreed and said that was her plan. Angus asked what the schedule is. Viscardi said it's four three-hour classes over the next two months.

Butler moved and Brooks seconded. Commission VOTED (6-0-0) to approve the application.

7:15 PM Presentation – Andrew Grant, US Fish & Wildlife Service, presentation on stream continuity program.

Willson stated there is information in the Commission's packet on the program. Willson stated this group needs to present to a municipal board as part of their internship with US Fish & Wildlife. Grant stated this is part of an Americorp Award. He introduced his partner Matt Schwartz. The stream continuity program assesses road crossings, culverts and bridges, for aquatic organism passage. Crossings and dams fragment stream and river systems and are barriers to aquatic organisms. Creates isolated populations that can be more susceptible to disease and environmental change. The northeast has the highest road density in the US, many culverts and bridges. Crossings can change water temperature, sediment transport, and water velocity. Affect movement of both aquatic and terrestrial species, and woody debris. Beavers like culverts, can cause issues.

Data showed most crossing investigated are inhibiting aquatic organism passage. However, financially difficult for landowners to replace all crossings. Important to prioritize which should be replaced first. Willson asked if the same protocol is used by MADEP. Grant stated yes, although the protocol has recently been updated. Willson asked about getting Amherst data. Grant said Scott Jackson good resource and webpage - streamcontinuity.org.

No vote required.

7:30 PM Notice of Intent – Thomas Poor, Rolling Hill Properties, LLC for construction of a single family house and associated driveway and landscaping within buffer zone to bordering vegetated wetlands at 214 Pomeroy Ln (Map 20C, Parcel 23)

Michael Liu, Berkshire Design Group, presented the project. This is a parcel cut out of the Poor's farm on the north side of Pomeroy Ln. Wetlands were delineated by Ward Smith a few years ago, he went back and updated/verified the line for this project. There is a main wetland to the west of the driveway and an isolated wetland to the northeast which Ward Smith determined to not be connected to the larger wetland. Portions of the driveway are located within the 25' wetland setback. The house is outside the 50' setback. Driveway is 12' wide, the house is a model so not the exact layout that could be built but general size. Peter Wells, Berkshire Design, stated it can be conditioned that the owner comes back before the Commission or the Wetlands Administrator to approve the final house location. There will be some grading around the house, a deck, and a patio. Willson shared photos from the site visit.

Angus stated it's up to the applicant to prove how this work isn't going to impact the directly adjacent wetlands. Liu said after looking at the plans they will be able to change the curves of the driveway and move it 3-4' away from the wetland. The isolated wetland is upgradient of the work so won't be affected. The main wetland may see some sheetflow off the driveway, but it's a single family home so not much driveway use. Willson asked how close currently does work get to the wetland. Liu said closest is 3'. Angus asked about a guardrail to keep people from driving into the wetland. Wells suggested habitat planting. Brooks would like to have a peer review of the wetland delineation to confirm that the isolated wetland is not connected to the larger wetland system. Willson agrees and suggests a peer review just in that select area.

Butler said he'd like to see some of the work near the house be moved out of the 50' and even the 100' if possible. From the plan he feels it's definitely possible. Liu stated constrictions are creating buffer zones/setbacks for neighbors and not having an incredibly long driveway. They will look into that. Angus stated applicant needs to state in document why they believe the project won't impact the wetland. Also, include measures taken to reduce resource area impacts.

Commission decided to request a peer review of the delineation. Willson will contract with a wetland scientist and communicate with the applicant about timing and payment.

Brooks moved and Clark seconded. Commission VOTED (6-0-0) to continue the public hearing until 12/13/17 at 7:30pm. The applicant agreed to continue the hearing until then.

7:45 PM Notice of Intent – Amy Carlson, The Meadows Homeowners Association for mowing within resource areas at 17 & 27 Kestrel Ln (Map 18C, Parcels 106, 107, & 108).

Amy Carlson presented the project. Would like to mow 0.46 acre of wetland and buffer zone on her property, neighbors property, and common area. She presented a plan showing wetland, buffer zone and mow area. It hasn't been mowed for 4-6 years and will succeed into wooded forest. This is a habitat restoration project to maintain field habitat. Angus asked for a refresher on what happened when she came in before. She responded her RDA was denied and she was asked to submit an NOI. Although, the mowing had historically been done under two other RDAs. She read from the original OOCs for the development of her lot which said to "leave a 15' vegetated buffer to the BVW which can be mowed periodically when the wetlands are mowed to maintain a wet meadow habitat. Mowing of the wetland and buffer will require the filing of a Notice of Intent".

Angus said the application is for an Ecological Restoration Limited Project. Willson shared some photos from the site visit. Healey asked how mowing will be done. Carlson said with a brush hog pulled by tractor. Carlson said they will mow in the fall after the fledgling birds are gone, either October/November. Butler said they shouldn't mow when it's wet. Allen added mowing after a good frost is best. Angus went through the requirements of an Ecological Restoration Limited Project with the Commission. Willson stated this is what we did for the invasive removal and replanting on Strong St.

Willson stated one condition she suggests is having the mowing line flagged so the contractor knows exactly where to mow. Carlson said Bob Adair has mowed in the past and she'll try him again. Conditions: flag before mow, mow in fall not wet conditions, follow NHESP mowing guidelines, no encroachment into resource area or buffer zone after mowing, no chemical lawn use.

Healey moved and Allen seconded. Commission VOTED (6-0-0) to close the public hearing and issue a Restoration Order of Conditions with the special conditions as discussed above.

8:00 PM Notice of Intent (cont'd from 10-25-17 mtg) - Adrian Fabos for construction of two single family houses and associated driveways, grading, and landscaping within resource areas at Canton Avenue (Map 11D, Parcel 189).

Angus states that in compliance with the Mullins Rule which allows Commissioners who have missed a meeting to certify that they have reviewed all the information from that missed meeting and can vote on projects. Willson has distributed all recordings of previous meetings where the Canton Ave project was discussed - 8/14/17, 9/27/17, & 10/25/17. Angus asked those who missed any of these meetings to sign the form certifying they are able to vote on this project. She asked if there was anyone who can't vote on this matter. No response.

Bucky Sparkle, Zengineering, project engineer. Stated changes have been made to the plan based on Commission comments at the last meeting. He said they decided to move the Lot 3 driveway to the east to lessen wetland impacts. This reduces the wetland impact from about 900 square ft to 470 square ft. Replication area will be reduced accordingly. There is more Bank impact, going from 18 linear feet to 50 linear ft. and the culvert in that area has a bigger diameter. Only need one replication area now. On Lot 2 the rain garden was relocated outside the 30' buffer. Sparkle provided additional detail plan pages for the replication area. Healey stated she visited the site, asked if the maple is coming down and the telephone pole. Sparkle responded not the pole, they're going to go around that, but the maple is on the chopping block. Angus asked the replication area is now for your wetland impacts and the buffer zone impacts in Lot 2. Sparkle said yes. Angus stated this is the replication area everyone thought would work.

Jamie Sweeting, abutter, asked why the Lot 3 driveway has to go all the way around the western side of the house and not directly to the front of the house. Sparkle stated the house location is on the top of an incline so the length of the driveway is needed to rise up to elevation of the house but not have too steep a driveway.

Julia Reuschmeyer, abutter, stated that they met with the ZBA who was concerned that the ANR plan for the lots was not recorded and were having Town Council look into it. She added this hearing should be continued until the lot lines are on a recorded plan. She said the ZBA is also looking at frontage

requirements, would this project have to come back to Con Com if the plans change due to frontage requirements? Angus responded it's always one of our conditions that if the approved plans change due to other board reviews or because of construction problems, etc. the applicant must show changes to the Commission who will decide whether it's a large enough change to require a permit amendment or new application. Reuschmeyer asked if there would be abutter notification for that change? Angus said if the Commission requires an amendment to the order than yes there would be abutter notification.

Benjamin Bailey, abutter, stated the plans call for a 10' wide driveway with 4' shoulders on Lot 3 but not for Lot 2? Sparkle said yes 10' wide is required for driveways over 150' long.

Angus said conditions include: standard snow removal condition, installation of snow fence on wetland boundary Lot 2 during construction, no chemical use on lawns, permanent markers (fence, stones, rebar posts) along 30' buffer zone line, Willson to mark up a plan showing where permanent markers should go and railings/curb at crossings to keep cars from going into stream/wetland.

Brooks moved and Butler seconded. Commission VOTED (6-0-0) to close the public hearing and issue an Order of Conditions stating that this is a limited project, that the applicant has evaluated reasonable alternatives, and that the applicant has provided mitigation for wetland impacts. The permit shall have the special conditions as discussed above.

Miscellaneous Untimed Items:

- Final Draft OSRP review & letter to Select Board

Brooks moved and Butler seconded. Commission VOTED (6-0-0) approving the Draft OSRP recommendation letter to the Select Board and submittal to the State.

- Emergency Cert - Jim Hoerle for breaching of beaver dam.

Willson stated Jim Hoerle asked to breach a beaver dam on his property along the Hop Brook.

Brooks moved and Clark seconded. Commission VOTED (6-0-0) to ratify the Emergency Cert.

- Emergency Cert - TOA Conservation Dept for removal of tree

Willson shared pictures of removal of tree that fell on boardwalk at Larch Hill conservation area. Majority of tree left in wetland.

Healey moved and Allen seconded. Commission VOTED (6-0-0) to close the public hearing and issue a Restoration Order of Conditions with the special conditions as discussed above.

- Topics not reasonably anticipated 48 hours prior to a meeting.

Adjournment

Voted unanimously to adjourn the open meeting at 8:30 PM.