

**MINUTES**

**CALL TO ORDER**

Meeting called to order by Mr. Gerber at 7:05 p.m.

**ATTENDANCE**

Members: Gerber, Robb, Allen, Baker, Manire-Gatti (arrived 7:10 p.m.), Stein (Kaplan absent)

Staff: Ziomek, Ciccarello

Public: Meyer, Thomas, Monn

**CONSERVATION COMMISSION'S ACTION**

**Approve Minutes**

**VOTED** unanimously, to approve the Conservation Commission minutes of June 13, 2007 as amended.

**Committee Appointments**

**VOTED** Gerber, Robb, Allen, Baker, and Kaplan voted "Aye", Stein abstained to reappoint Otto Stein as the Conservation Commission representative to the Public Shade Tree Committee with a term to expire on June 30, 2008.

**VOTED** unanimously to reappoint William Hutchinson to the Public Shade Tree Committee with a term to expire on June 30, 2010.

It was noted that Dan Kaplan has been reappointed by the Town Manager to the Conservation Commission for a term to expire June 30, 2010.

**PERMITS/CERTIFICATES**

**Request for Determination - RFD 07-1068: Harvey Allen, 34 Baker Street (cont'd from 1/24/07)** For driveway re-paving in the buffer zone located at 34 Baker Street (Map 13D, parcel 46).

Mr. Allen withdrew his application.

**Request for Determination – RFD 07-1085: Judy Smith 111, Chestnut Street** For placement of a shed in the buffer zone of bordering vegetated wetlands located at 111 Chestnut Street (Map 11D, parcel 61).

- Opened the public hearing at 7:32 p.m.
- Closed the public hearing at 7:35 p.m.

**VOTED** unanimously, to close the public hearing and to issue a negative determination for the work.

**Request for Determination – RFD 07-1086: University of Massachusetts** For pond restoration work in the buffer zone of bank and pond resources located off North Pleasant Street (Map 8C, parcel 13).

- Opened the public hearing at 7:42 p.m.
- Closed the public hearing at 7:56 p.m.

Julie Meyer, Bruce Thomas, Pam Monn and other facility staff presented the planting plan for the banks of the Campus Pond at the University of Massachusetts, Amherst.

**VOTED** unanimously, to close the public hearing and to issue a negative determination for the work.

**Notice of Intent – NOI 07-1084 - Hampshire College – Veridian Village (cont'd from 6/13/07)** For construction of a “Lifelong Learning Community” consisting of 57 two-story town-homes with attached garages, 72 flats over first floor parking within 3 multi-story buildings, a community building, a private loop roadway and several cul-de-sacs; all supported by utility infrastructure and site grading.

- Opened the public hearing at 7:57 p.m.

**VOTED** Gerber, Allen, Baker, Kaplan, Manire-Gatti, and Stein voted “Aye” and Robb recused herself to continue the public hearing to July 11, 2007 at 7:50 p.m.

**NOI 07-1073: Paul Cole, West Street** Discussion of special conditions regarding an eight lot cluster subdivision in the buffer zone of bordering vegetated wetlands located on West Street (Map 25B, parcel 29).

**VOTED** Gerber, Allen, Baker, Kaplan, and Manire-Gatti voted “Aye”, Stein “Nay” (Stein noted that he felt the stream water temperature sampling should be continuous pre & post construction) and Robb abstained to issue an Order of Conditions with special conditions as follows:

**Order of Conditions - Special Conditions – NOI07-1073**

**Issued to: Paul Cole**

**For: Development of an 8 lot cluster subdivision located on West Street**

**Date of Issuance: July 3, 2007**

**This Order of Conditions pertains to the construction of an 8 lot, 11 unit, cluster subdivision in the buffer zone of bordering vegetated wetland and bank resource areas. The presence of a downstream trout pond qualifies as a coldwater fishery [see case by case designation of Class B waters under 314 CMR 4.06(2)(b)]. The applicant must, therefore, meet the state’s best management practices requirements for stormwater management standard number six.**

**A. GENERAL CONDITIONS:**

1. A member of the Conservation Commission or its agent may enter and inspect the property and the activity that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the limited purpose of evaluating compliance with this Order (and Town Bylaw and Bylaw Regulations).

2. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
3. The applicant shall provide a copy of this Order to the person or persons supervising the activity that is the subject of this Order, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this Order.
4. Any person performing work on the activity that is the subject of this Order is individually responsible for understanding and complying with the requirements of this Order, the Act, 310 CMR 10.00 (and Town Wetland Bylaw and Wetland Bylaw Regulations).
5. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones under cover and surrounded by a silt barrier to prevent contact with rain water.
6. All waste products, grubbed stumps, slash, construction materials, etc. shall be deposited at least 100 feet from wetland resource areas unless specified in this Order.
7. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order.
8. No trash dumpsters will be allowed within 100 feet of areas subject to protection under the Massachusetts Wetlands Protection Act or the Town's Bylaw.

**B. PRE-CONSTRUCTION:**

1. Before any site work begins, the applicant shall record the Order of Conditions at the Hampshire County Registry Deeds within the chain of title for this property and submit proof of recording to the Commission.
2. No activity may proceed until the applicant has received all other permits required by law, including but not limited to any permit required by Health Inspections, Planning Board, Zoning Board of Appeals, Department of Environmental Protection, and/or the Army Corps of Engineers.
3. Before any work begins on the site, a performance deposit of \$5,000 shall be submitted to the Commission. The deposit will be returned with any accumulated interest upon completion of the project to the satisfaction of the Commission, together with the issuance of a Certificate of Compliance.
4. Prior to the Pre-construction Meeting and any work commencing on the site, the applicant shall display the DEP file number for this Order on a sign with minimum dimensions of two feet by two feet at a location clearly visible from the street. The sign shall remain in place and visible until a Certificate of Compliance is issued for the activity.
5. Before any site work begins, a site meeting scheduled by the applicant shall be held to review the Order of Conditions and verify placement of the erosion control. Representatives of the applicant, the Commission, and the contractor in charge of site work shall be present.

6. The Wetlands Administrator shall receive forty-eight (48) hours advance notice, before the commencement of any activity within, or within the 100 foot buffer zone of, the resource area(s), including installation of erosion control, site preparation and construction.
7. The Wetlands Administrator shall be provided the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.
8. Erosion controls shall be installed thirty-feet from bordering vegetated wetland boundaries and shall serve as the limit-of-work/no disturbance boundary. No work, including but not limited to grading and storage of materials, may occur beyond this boundary.
9. Before any work begins, erosion control shall be installed along the limit-of-work line. Extra materials shall be kept onsite for use as needed. Such controls shall remain in place and be maintained until all disturbed areas have been stabilized to the satisfaction of the Commission and a Certificate of Compliance has been granted.
10. Immediately after installation of erosion controls, the Wetlands Administrator shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls have been properly installed.
11. Prior to commencing any activity on the site, the applicant shall submit a set of photographs depicting the project site in pre-activity condition to the Conservation Commission.
12. Prior to construction, water quality tests for temperature and turbidity shall be made at the inlet and outlet points of the property for the two intermittent streams.

**C. DURING CONSTRUCTION:**

1. The site construction foreman shall be designated as the on-site individual who will be responsible for daily maintenance of all sediment and erosion controls and shall implement all measures necessary to prevent sediment from leaving the site.
2. An independent erosion control monitor shall be designated to conduct weekly site inspections during construction. These inspections shall review all sediment and erosion controls and make recommendations for corrective actions, if needed. Additionally, water samples shall be taken during each site visit and after the 2, 10 & 100 year storm events during construction and measured with a thermometer and turbidity meter. Immediate action shall be taken for runoff turbidity measurements in excess of 50 NTU's and any temperature differential between the inlet and outlet points.
3. Turbidity readings shall also be taken at the discharge points from detention basins and drainage swales to insure turbidity levels do not exceed 50 NTU's.
4. Work shall conform to revised plans and information submitted to the Commission in the Notice of Intent, the erosion control plan and the accompanying revised Stormwater Management Report.
5. Work shall proceed in strict accordance to the revised plan(s) or plan(s) referenced in the Permit, and to information submitted in the Application. For any change in the approved plans, the applicant shall inquire of the Commission in writing whether the change is substantial enough to require an Amended Order of Conditions or the filing of a new Notice of Intent.

6. No grading, operation of machinery, storage of materials, stockpiling of fill or brush or other work shall occur on the wetland side of the erosion control. The area between this line and the wetland edge shall be kept as a permanent vegetated buffer for the purpose of minimizing any potential negative wetland impacts.
7. The storm drainage system and detention basin areas shall be constructed and functioning as part of the initial project phase.
8. No fill or topsoil shall be stored within 20 feet of the silt fence.
9. Equipment for fuel storage and refueling operations shall be located outside all areas within the jurisdiction of the Commission unless indicated otherwise on the approved plan.
10. The burial of stumps and any other type of construction refuse or other waste material is prohibited in the buffer zone.
11. Dewatering activities shall be conducted as shown on the approved plans and shall be monitored daily to ensure that sediment-laden water is appropriately settled prior to discharge toward the wetland resource areas. No discharge of water is allowed directly into an area subject to jurisdiction of the Wetlands Protection Act or the Town of Amherst Wetlands Protection Bylaw.
12. A copy of the Permit shall be kept on-site at all times during construction. All contractors and sub-contractors engaged during construction shall be provided with a copy of the Permit, and should be prepared to produce said Permit upon request of the Commission or its agent.
13. All structures, facilities, and equipment as part of the project shall be continually operated and maintained so as to comply with the Permit. This provision applies specifically to all heavy equipment used on the project. Any leakage of oil, hydraulic fluid, gasoline, or any other pollutant must be cleaned up immediately, and the defective equipment responsible for said leaking shall be repaired immediately or taken off-site.
14. All work shall be completed in such a manner as to prevent eutrophication or sedimentation in wetlands, water bodies, or public or private water supplies.
15. The area of construction shall remain in stable condition at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.
16. All existing and proposed catch basins and oil traps on the site or on the streets adjacent to the project shall be protected by Silt Sacks to prevent sediment from entering the drainage system. Silt Sacks shall be maintained and regularly cleaned of sediments until all areas associated with the work permitted by this Order have been permanently stabilized and the Commission and/or Staff has formally approved their removal.
17. Cement trucks shall not be washed out in any wetland resource or buffer zone area, or into any drainage system. Any deposit of cement or concrete products into a buffer zone or wetland resource area shall be immediately removed.
18. Erosion and sedimentation control devices shall be inspected after each storm event and repaired or replaced as necessary. Any accumulated silt adjacent to the barriers shall be removed.
19. During construction, weekly water quality tests for temperature and turbidity shall be made at the inlet and outlet points of the property for the two intermittent streams

20. The detention basins shall be excavated and used as sedimentation basins during construction. During site grading, runoff water from the site shall be directed into these basins. The outlet discharge shall be filtered to maintain a maximum discharge of 50 NTU's.
21. Site grading and construction shall be scheduled to avoid periods of high surface water. Once begun, grading and construction shall continue in an expeditious manner to minimize the opportunity for erosion.
22. Grading shall be accomplished so that runoff shall not be directed to the property of others.
23. All disturbed areas in the Buffer Zone shall be loamed, seeded, mulched and stabilized within 48 hours of project completion.
24. Any substantial changes made or intended to be made in the plans shall require the applicant to file a new Notice of Intent or to inquire of the Commission, in writing or by certified mail, whether the change is so substantial as to require the filing of a new Notice.
25. An on-site supervisor shall walk the perimeter of the limit of work boundary on a daily basis and remove wetland dependent species outside the construction site.

**D. POST-CONSTRUCTION:**

1. Prior to the issuance of a Certificate of Compliance, permanent markers shall be installed along the limit-of work/no disturbance boundary with signage indicating "no dumping – wetland buffer zone" placed at approximately every wetland flag point. The type and size of the markers shall be approved by the Commission prior to installation.
2. A Certificate of Compliance shall be requested from the Commission upon completion of the proposed work and complete re-vegetation of all disturbed areas. Said request shall be accompanied by a written statement from the professional who prepared the plan certifying compliance with all plans, as well as an "as built" plan.
3. All stormwater management systems shall be inspected and maintained at least once per year. An annual maintenance report shall be submitted to the Commission.
4. The Commission reserves the right to amend this Order of Conditions if changed conditions or new information so warrants.
5. Representatives of the Commission shall have the right to inspect the premises to ensure compliance with the Conditions and the Performance Standards applying to this Order and with the Massachusetts Wetland Protection Act and the Town of Amherst Wetlands Protection By-Law.
6. This Order shall apply to every successor in interest of the property described in the Notice of Intent and accompanying plans. In the event that this land changes ownership before or during construction, the current owner shall notify the new owner of this Order by registered mail prior to the transfer of ownership and shall forward proof of this notification to the Commission.

**E. PERPETUAL CONDITIONS:**

1. Pesticides, herbicides, fungicides, and fertilizers **shall not be used** within 100 feet of the wetlands. Organic pesticides, herbicides, fungicides and fertilizers may be used subject to the review and approval of the

Conservation Commission. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.

2. Only environmentally friendly snow-melt materials shall be allowed on driveways located in wetland resource areas and buffer zones. The use of sodium chloride and sand are expressly prohibited from use. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
3. Only slow-release organic granular type fertilizers shall be used within the wetland buffer zone. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
4. Dumping Prohibited: There shall be no dumping of leaves, grass clippings, brush, or other debris into the wetland or stream/body of water. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
5. Snow removal shall not be directed to, or deposited in, wetland resource areas or their associated buffer zones. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
6. Maintenance of the stormwater system shall be done in accordance with the operations and maintenance plan and a report of such maintenance will be reported to the Conservation Commission on an annual basis. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
7. Performance of the stormwater system, including water quality assessment, shall be monitored by the Homeowners Association and reported to the Conservation Commission on an Annual Basis. In addition, during the first 5 years following completion of construction, the effectiveness of the stormwater system shall be assessed following each 2, 10 and 100 year storm event and results shall be submitted to the Commission in an annual report. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
8. The Homeowners Association shall provide documentation of use for any lawn care products or de-icing products to the commission on an annual basis. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
9. The Homeowners Association shall provide notification of these Perpetual Conditions to all members on an annual basis. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

### **ADJOURNMENT**

**VOTED** unanimously, to adjourn the open meeting at 8:55 p.m.