

**Conservation Commission Meeting  
August 22, 2018  
Town Room, Amherst Town Hall**

**MINUTES**

**CALL TO ORDER**

Meeting called to order by Ms. Angus at 7:04 p.m.

**ATTENDANCE**

Present: Angus, Allen, Clark, Butler, Fair

Staff: Ziomek, Willson

**CHAIR, DIRECTOR & WETLANDS ADM REPORTS**

Willson stated she visited the North Square construction project on Cowls Rd which did not come through the Conservation Commission because it wasn't jurisdictional. Willson had inspected the erosion control when the project started, but had gotten reports of site stormwater issues and erosion. She walked the site with the developer's construction site monitor and the contractor. They have built two stormwater basins at the north and south ends of the site to collect/infiltrate the water with overflows that go through rock for treatment before flowing off site. Willson also visited the Mill St bridge, they have taken out both old abutments and she has asked them to put down some filter fabric over the open slopes. Ziomek stated Guilford Mooring, DPW Superintendent, said they hope to get the new abutments in by the time the snow flies.

Willson stated the bathymetry data collection went well. There were four people from the UMASS Geosciences Dept in two canoes that were tied together. They collected both sonar data using a fish finder and Ground Penetrating Radar data. Using both technologies they will be able to provide cross sections showing the top and bottom of sediment. They also hope to provide a calculation of the total sediment in the pond that we can use for estimating dredging costs. Ziomek said once we get the data back we should talk with the Commission about goals for the dredging. Last time it was dredged it was only a partial dredge, the area to the northeast was not dredged. The Town ran out of money and never built the forebay where the Cushman Brook comes in. He added once we have the data we can talk about what depth we want from a habit, pond health standpoint and recreation standpoint.

Willson stated the Epstein closing is now September 7th. We are buying 30 acres including the pond for conservation land and Kestrel Trust is buying the three acre house lot to hopefully use as their headquarters. Angus provided an update on the Wetland Bylaw & Regulations update. She stated she, Brooks, and Willson are meeting twice a month and are almost through a first review of the regulations. She said we are changing quite a bit, the Commission will all review at some point. Ziomek asked if it will need to be approved by the Town Council. Willson said the bylaw does, the regulations can be approved by the Commission. Ziomek stated for the first couple months the Town Council will be figuring out their role and procedures. So, a timeline of some time in 2019 for bylaw approval seems right. Angus said we're basically making it more clear, easier to administer, and more consistent with the state WPA.

Ziomek stated we had some exceedances of ecoli bacteria levels at Puffers Pond. Health Dept routinely checks the levels during the summer months. The pond was closed due to the high levels but has

reopened as of today following two consecutive negative sampling events. A number of people disregarded the signs and swam anyway. Willson asked how many years has it been sampled. Ziomek said at least 15 years. Ziomek stated we are asking to have the KC Trail bridge NOI be continued. We are still investigating engineering solutions to replacing the bridge. He stated he will be talking to the Commission more about making State St. one way with parking changes. Staff has been busy in the field, brush hogging Bluebird Meadow, Gull Pond, Sweet Alice. Ziomek has been talking to David Sharken, property owner where Puffers Pond dike is, about doing some maintenance of the dike. There would be an application to the Commission for the work. He stated the Town Council will probably meet in this room, permanent chairs with amplification and video recording will be installed that the Commission will be able to use.

## **MINUTES**

### **Review minutes of 6-13-18.**

**Clark moved and Allen seconded. Commission VOTED (4-0-1, Butler abstained)** to approve the minutes of 6-13-18.

## **PERMITS/DISCUSSIONS**

### **7:15 PM Conservation Land Management**

#### **7:30 PM Informal Discussion – SWCA regarding viewing platform off of the Norwottuck Rail Trail.**

Mickey Marcus and Tony ?, SWCA, presented the project. They sketched out a boardwalk extending out into the marsh to the north of the rail trail. Many people walk, look for birds, it would be great to get them out into the marsh closer to the wildlife. It would come off the DCR Norwottuck Rail Trail and have some kind of platform/gazebo/bird blind at the end for viewing. They presented to DCR who seemed supportive and thought there might be some funding. The marsh is Town Conservation land so if the Commission is supportive they would move ahead and file an NOI with the Town as the applicant and then would do some fundraising.

Tony ? stated the location is about ¼ mile in off the Station Rd parking lot, the boardwalk is 100' long by 5' wide. Is designed to be ADA acceptable. Construction would be done using helical piers that screw in to limit impact. A small auger is used to screw in the piers, you start at the rail trail reaching from land then move along over the constructed sections so you never get equipment into the wetland.

Ziomek said he likes the environmental education aspect and it would be great to work as a team with SWCA. He said the issue he sees is funding, he would only want private funds to be used. He has twenty higher priority projects he'd rather see CPA funds for example go to, the Town was just turned down for DCR trail grant money for a project that needs to be done. He would not want to pull funds from these sources, he would like to see private funds used. Marcus said he doesn't know what it will cost and not sure how much money people would be willing to pay.

Butler said this could increase traffic on the rail trail, from a recreational aspect it sounds great, there are good opportunities for environmental education. He's concerned about wetland impacts, it will disturb wildlife. Allen said there is one a Fitzgerald Lake in Northampton and the birds seemed to have adapted. Willson said she's concerned about dogs having closer access to the wildlife. Marcus added the marsh is

probably 1000 ft wide at this location. Butler said the Town would be responsible for maintenance. Marcus said yes, DCR said they would help fund/do construction but don't want to maintain.

Commission is general support of the project and it being a Town sponsored project.

**7:45pm Notice of Intent** - Amir Mikhchi for construction of an apartment building and associated driveway, parking, stormwater drainage, utilities, and landscaping within a resource area at 133-143 South East St. (Map 15C, Parcels 3&4).

Mark Darnold, Berkshire Design Group, presented the project. Amir Mikhchi, property owner, was also present at the meeting. Darnold presented the existing conditions, showing plans on the overhead, and described the property. He stated there are two isolated wetlands on the property, one is under 500 square feet so is non-jurisdictional, one is jurisdictional under the Town of Amherst bylaw. There are also wetlands to the west and southwest of the property. All wetlands were confirmed through a Determination from the Con Com in 2011 which was extended due to the state permit extension act and expires 8/25/18. The project includes a three story, 62 unit mixed use building with 1200 square feet of commercial space on the first floor. By zoning they should be providing 128 parking spaces but they have planned for 66, so they will have to go through ZBA and/or Planning Board to get a variance/special permit for parking.

Roof runoff from north side of site will drain directly to a detention basin located in the NW corner of the property. All parking drainage will go into catchbasins and the stormwater system which feeds into a treatment chamber and then into an underground detention system. Other roof runoff will be directed to the underground detention system. The detention system overflow will go to a level spreader and then to the southern and western wetland. They are proposing to fill in the isolated wetland. For mitigation they have calculated the cost to build a new wetland at 2:1 and are proposing instead to use that money to improve the Fearing Brook which runs through the abutting property. Darnold said because the wetland is only regulated by the Town bylaw he hopes the idea of using the mitigation funds for improvements off-site might be acceptable.

Darnold stated the overflows for both detention basins do go inside the 30' no touch setback. He stated they thought that might be acceptable considering they will be vegetated with wetland plants, similar characteristics as wetlands. The site has high groundwater so they are raising the entire site 3-4 ft. They are taking no LID credit for infiltration/recharge from the underground detention basin. The site has very poor soils for recharge capacity. Clark asked what a R-tank is? Darnold said it's a shallow tank, you stack what looks like milk crates together and use filter fabric bottom, it allows for a narrow tank. Willson expressed concern about the overflows so close to the wetland line along the western and southwestern sides of the property, she would like to see the project reduced in size in order to get the stormwater system out of the buffer zone. Darnold said reducing parking is difficult, cars need to be able to pass, there are setbacks. Willson suggested getting rid of the NW detention basin and putting that underground also which would free up some space. Darnold said they could look at that, he said that runoff is clean. Allen suggested getting rid of parking entirely like they are doing downtown. Ziomek stated they have different zoning requirements.

Ziomek asked if they haven't gone before the Planning Board yet, what is the likelihood Planning will accept the 66 parking spaces. Mikhchi said he has met with the Planning Dept., they are adding a bus stop on SE St. in front of the building. Ziomek said applicant would have to come back before the Commission if there are significant changes to the plan. Ziomek asked if they could replicate the wetland on-site? Darnold said this is the project being proposed, if they had to they would try and find a

way to do that. Ziomek asked how the R-tank would infiltrate with such a high water table? Darnold said he is not expecting very much, the tank will basically be sitting at the current ground surface. Amir said they used an underground detention basin with a raised elevation site across the street at the auto repair and it works perfectly. Willson stated she thinks the stormwater from the Florence Savings Bank building goes NE into town stormwater system and into the Fearing Brook. Ziomek stated the right of way is part of a Town common along SE St.

Butler stated he doesn't like that the isolated wetland is being filled. What is the justification? Darnold said it is a tight site. Amir said he does have respect for wetlands has done a lot of work on other sites protecting them, this is an 800 ft isolated wetland that Chuck Dauchy who delineated it said could be mitigated for. He added he could make the Fearing Brook culvert area safer for children. Butler said he thinks there are more wetlands on the property than are delineated. Angus said they have a confirmed delineation so the Commission can't hire a third party review of the delineation. Butler said if you make the project smaller you could still protect the wetland. Angus said Con Com has the right to say mitigation doesn't meet impact to wetlands. Butler stated under the bylaw we are not required to issue a permit, we can say no. Willson said we have allowed wetlands or portions of wetlands to be filled on many other projects as long as there is mitigation. Butler said most of the projects he can remember it was an access issue, this impact is due to the size of the project. Angus said it's easier when the mitigation is on-site, we need to discuss the value we feel this wetland has in order to assess mitigation. Willson provided photos of the wetland from the site visit. Butler said if it wasn't mowed it could maybe become an ephemeral pond and better habitat. Amir said the isolated wetland is right in the middle of the property so it is an access issue.

Willson stated we don't have DEP review/number or stormwater review from the Town Engineer. Angus said you need to look into whether there are opportunities to consolidate your footprint. Darnold said they would look into putting the NW detention basin underground and they would look at the southern stormwater outfall also. Angus asked about using retaining walls to decrease grading footprint. She added we have the right to ask for more mitigation for the work within the buffer zone. Angus asked how everyone feels about the filling of the isolated wetland. Clark said he is more concerned about the wetland to the west. Clark asked about when we've done off-site mitigation. Willson said with Norwottuck Rail Trail, Lewis house next to Puffer's Pond, substation on Tillson Farm Rd. Angus said we don't need to decide tonight, think about it before next meeting.

**Butler moved and Fair seconded. Commission VOTED (5-0-0)** to continue the hearing to the 9/12/18 meeting at 7:30pm.

**8:00pm Notice of Intent (cont'd from 8/8 mtg) - TOA Conservation Dept** for replacement of the KC Trail bridge over the Hop Brook off Southeast St. (Map 20B, Parcel 20).

Ziomek stated the Town would like to continue.

**Clark moved and Allen seconded. Commission VOTED (5-0-0)** to continue the hearing to the 9/12/18 meeting at 7:45pm.

#### **Miscellaneous Untimed Items:**

- Review/sign to accept Epstein property deed

Ziomek stated the Epstein property deed needs your signature.

**Clark moved and Allen seconded. Commission VOTED (5-0-0)** to accept the deed for the Epstein property.

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

### **Adjournment**

**Voted** unanimously to adjourn the open meeting at \_\_\_\_\_ PM.