

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Robb at 7:03 p.m.

ATTENDANCE

Robb, Baker, Allen, Gerber, Kaplan, Manire-Gatti, Stein
Ziomek, Ciccarello

CONSERVATION COMMISSION'S ACTION

Approve Minutes

VOTED unanimously to approve the Conservation Commission minutes of September 26, 2007 as amended.

CPAC Representative

Nicki proposed that Liv Baker replace her as the Conservation Commission representative to the Community Preservation Act Committee.

VOTED Robb, Allen, Gerber, Kaplan, Manire-Gatti and Stein voted "Aye" and Baker abstained to approve asking the Select Board to appoint Liv Baker in place of Nicki Robb as the Conservation Commission representative to the Community Preservation Act Committee.

Beaver Management

Nicki Robb thanked John Gerber, Otto Stein and Dan Kaplan for their work revising the Memo of Understanding. Dave Ziomek suggested a few changes and will get them to John to include in the final revision. Vote to be taken at the next meeting.

Hampshire College, Veridian Village – Conservation Restriction

Rescheduled for October 24, 2007 at 7:05 p.m.

PERMITS/CERTIFICATES

Amended Order of Conditions – Brian & Edilma Duval, 323 Potwine Lane (Map23A, Parcel 35) for the addition of a 12 x 20 ft outdoor deck that would come within 43-44 ft of the edge of bordering vegetated wetland.

- Opened the public hearing at 7:48 p.m.
- Closed the public hearing at 7:54 p.m.

VOTED unanimously to close the public hearing and to issue an Amended Order of Conditions.

Notice of Intent – WMECO, for soil borings and monitoring wells at the Fort River between Pelham and Belchertown Roads (Map 15A, Lot 56 & 47; Map15C, Lot 23 & 61; Map18A, Lots 3-21 & 38)

- Opened the public hearing at 7:55 p.m.
- Closed the public hearing at 8:15 p.m.

VOTED unanimously to close the public hearing and to issue an Order of Conditions with Special Conditions as stated by NHESP as follows:

Order of Conditions - Special Conditions – NOI07-1095

Issued to: Western Massachusetts Electric Company

For: sediment sampling along the Fort River

Date of Issuance: October 17, 2007

This Order of Conditions pertains to a soil investigation for coal tar contamination as a result of a former manufactured gas plant on Pelham Road. Work (sediment sampling) is proposed at eleven sampling points along the Fort River.

1. Conditions #1-#20 on pages 1& 2 of this form shall be followed in their entirety.
2. Before any site work begins, the applicant shall record the Order of Conditions at the Hampshire County Registry of Deeds within the chain of title for this property and submit proof of recording to the Commission.
3. 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.
4. Before any work begins on the site a sign, visible to the public from the road, shall be posted with the DEP number at the entrance to each sampling point
5. Before any site work begins, a site meeting scheduled by the applicant shall be held to review the Order of Conditions. 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 site preparation and construction.
7. **Work shall conform to plans and information submitted to the Commission in the Notice of Intent, and to these special conditions:**
 - a. **All documents required by Natural Heritage shall also be provided to the Conservation Commission.**
 - b. **The applicant shall be in direct contact with the US Fish and Wildlife Service regarding the presence of the federally listed Dwarf Wedgemussel prior to any work**

- c. The applicant shall adhere to any and all conditions imposed by the US Fish and Wildlife Service pertaining to the federally listed Dwarf Wedgemussel
- d. All work in Land Under Water and Bank must occur between 15 April and 15 November
- e. Conduct pre-work sweeps of the Land Under Water work areas to move state-listed mussels:
 - (1) Prior to start of work in Land Under Water, a mussel survey shall be conducted by a qualified biologist with extensive experience in the biology of rare native MA mussels. Mussel surveys shall occur in all project work areas where the river substrate will be impacted by project-related work including within the entire area of enclosure of the oil absorbent boom and sufficiently downstream to protect mussels if materials are released.
 - (2) Surveys shall occur immediately prior to work in each location.
 - (3) The surveys shall include surface and sub-surface exploration and be done in accordance with the *NHESP Mussel Survey Protocol* [contact Marea Gabriel (508) 389-6371]. Any state-listed mussels found within the project impact area shall be carefully moved outside of the project work areas and into similar upstream habitat consistent with the protocol. The wildlife consultant shall consult with NHESP to determine the mussel transplantation locus.
- f. A plan shall be developed to protect Wood Turtles during work. The plan shall include visual sweeps by a qualified biologist(s) prior to entering an area for vegetation removal or sediment sampling. The plan must be approved in writing by the NHESP, and the NHESP approved wildlife consultant is required to obtain a scientific collection permit from the Division of Fisheries and Wildlife to handle rare species. The plan should be consistent with the following:
 - (1) *Land Under Water* – a qualified biologist shall be present to search any work areas immediately prior to the commencement of work. Wood Turtles may be encountered in the water throughout the year.
 - (2) *Bank* – Wood Turtles over-winter in overhanging banks and can be difficult to see in these areas. The biologist should visually search the areas to any work including physical bank alteration and vegetation cutting.
 - (3) *Vegetated Areas within 200 Feet of the Stream* – Wood Turtles forage and rest in vegetated areas along the stream. In any area where machinery will enter over vegetated ground, the biologist must sweep through immediately prior to work and remove any turtles. The frequency of sweeps is tied to the number of initiations of vegetation alteration and can be minimized by phasing all alteration into a single event.
 - (4) *Stockpiles of dirt, loam and sand* – From June 1 through July 1, stockpiles should be fully encircled during non-work hours with a turtle barrier to prevent turtles from nesting in this material.
 - (5) *Work stoppage greater than 48 hours during the month of June and the month of September* – The biologist shall search in the work zone for turtles and provide guidance about potential additional protective measures as noted above in “stockpiles...” to prevent turtles from nesting in work zones or to accommodate discovered nests.
 - (6) *Planting of Vegetation in restoration areas* – This work can occur at any time of year.
- g. Water quality in the River should be of the highest priority during and after construction. Great care shall be taken to protect the adjacent resource areas from siltation and sedimentation. All exposed areas shall be adequately stabilized and protected from erosion at the close of each working day.

- h. All erosion and sedimentation controls shall be removed and properly disposed of after the project is completed and as soon as surrounding areas are stabilized.**
- i. Disturbed areas should be replanted or reseeded with plants native to the vicinity to ensure the establishment of native ground cover. Native mixes of grasses and forbs are readily available from local sources including the New England Wetland Plants (Amherst), Project Native (Housatonic), Sudbury Nurseries (Gill), and New England Wildflower Society (Framingham). Some of these mixes may include annual species that are not native (eg, Annual Ryegrass), but these are quickly outcompeted by native species. The proposed planting list shall primarily include species listed as native to Worcester County, Massachusetts as listed in the Vascular Plants of Massachusetts: A Country Checklist (Sorrie and Somers, 1999).**
- j. Equipment should not be fueled in an area where a spill could reach the river.**

8. Work shall proceed in strict accordance to referenced plan(s) 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.

9. Before any work begins, erosion control shall be installed along the limit-of-work line. The Commission shall approve the actual location in the field. 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.

10. 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.

11. No fill or topsoil shall be stored within 20 feet of the silt fence.

12. All disturbed areas in the Buffer Zone shall be loamed, seeded, mulched and stabilized within 48 hours of project completion.

13. 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.

14. 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.

15. 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.

16. 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.

17. A Certificate of Compliance shall be requested from the Commission upon completion of the proposed work. 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.

18. The Commission reserves the right to amend this Order of Conditions if changed conditions or new information so warrants.

19. 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.

20. 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.

Request for Determination – Butternut Properties LP, c/o HAP (continued from 9/26/07) for construction of building within the buffer zone of bordering vegetated wetlands, construction of driveway in isolated wetlands area and wetland replacement at 12 Longmeadow Drive (Map 22B, Parcel 31)

- Opened the public hearing at 8:20 p.m.

VOTED unanimously to continue the public hearing to October 24, 2007 at 7:30 p.m.

MISCELLANEOUS

Cushman Brook Corridor

Dave Ziomek and Nicki Robb gave an update of the Cushman Brook Corridor project. There is a warrant article which has been reviewed by Joel Bard, Town Counsel, to be included on the Fall Town Meeting Warrant. Nicki suggested that a map showing the extended corridor would be helpful in making the case for this project to Town Meeting members.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 8:33 p.m.