

**Conservation Commission Meeting
September 26, 2018
First Floor Mtg Rm, Amherst Town Hall**

MINUTES

CALL TO ORDER

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

ATTENDANCE

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

Staff: Ziomek (late), Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson stated that the KC Trail Bridge hearing, on agenda a 7:45pm, will be continued again. Conservation staff are meeting with the Town Engineer tomorrow morning on-site to discuss the plans for the bridge. She stated that there have been two large rain events since our last mtg, one over three inches, one over two. Willson sent emails both times to all large construction projects telling them to check their erosion control and use temporary erosion control measures where needed. She shared pictures of Pulpit Hill Solar project where they completed the directional drilling under the Eastman Brook and wetland area. Willson stated that she met the contractor for University Dr on site to talk about a temporary crossing for large vehicles to the apartment parcel. They put in two temporary plastic culverts, gravel, and matting.

Willson stated the closing for Epstein happened, the Town bought the 28 acres including the pond and Kestrel bought the 3 acre house lot. The dam at Markerts Pond overflowed during the large rain storm, some of the shrap rock and gravel staff had placed for a trail was washed out. There is a clean-up day planned for Markerts on Saturday, Oct. 13. Cons staff submitted as RDA for the fence at Fort River Farm which will be coming to our next meeting.

MINUTES

Review minutes of 2-14-18

Butler moved and Brooks seconded. Commission VOTED (6-0-0) to approve the minutes of 2-14-18.

PERMITS/DISCUSSIONS

7:10 PM TOA DPW/Jason Skeels – Station Rd bridge

Jason Skeels, Town Engineer, stated the footings and I-beams have failed. DPW is looking at a variety of solutions. They received a call from a company called Contech that builds small concrete bridges and they have one that was designed for another town but never got used. The current span of the brook is 14' abutment to abutment. The width is 17' and the height is 8'. The Contech bridge has a 24' span, height of 8', and the width is still being discussed because the bridge comes in pieces. DPW does want to widen the bridge to make it safer. The other option is box culverts, they found 8'X8' that would be placed side by side with potential two 5'X7' culverts up and down stream to increase flow capacity for

flooding. They are still figuring things out, MassDOT has to approve whatever plan DPW chooses for safety. They hope to have something temporary by Christmas. Skeels said a full NOI application will come to the Commission whether it's a temporary fix or final solution. DPW has a consultant doing the surveying and wetland delineation already.

Willson provided pictures of the bridge. Allen said he has a picture of a diving board attached to the bridge. Commission preferred the pre-constructed bridge.

7:15 PM Enforcement Order – Work within an intermittent stream and its buffer zone at 16 Eames Ave (Map 11B, Parcel 38)

Willson stated this house addition and new garage project was permitted through the Building Dept. but not through Conservation. Willson got reports from two sources that there were wet areas on the property. She conducted a site visit where she observed water flowing across the site from north to south into a culvert that goes under the driveway and daylight on the southern neighbor's yard. Willson spoke to both the contractor and the home owner and then issued an Enforcement Order to stop work and attend this Con Com meeting. The home owner was interested in expediting the process so Willson suggested they get a delineation done and come up with a design for the stream prior to this meeting.

Ward Smith, wetland scientist who did the delineation, stated there is a 8" culvert under the driveway. He showed on a slide where lawn is and where the water flows. He stated there is no defined channel on the abutting property to the north. There is a defined channel, swale, across this site. He doesn't think it's jurisdictional under the state because it doesn't appear to originate from a jurisdictional area.

Andrew Webster, Webster Design, project architect. Stated the project involves moving the garage south a few feet actually away from the stream. They plan to put large cobbles behind the garage to direct the water away from the new structure. The plan to keep a three foot buffer on either side of the stream that they will plant with wetland seed mix. They would like to create a mowed channel across the stream for a mower. They could use bog bridging if needed. Erosion control was installed between the work area and the stream.

Willson presented photos from the site. She stated that once the stream goes through the culvert it daylight on the neighbor's yard to the south and flows through another yard until it's culverted again under Chestnut St. Angus stated the Commission needs to ratify Enf #1 and decide if the plans presented are sufficient and if we will allow the crossing for the lawn mower.

Allen suggested leaving the west side lawn as a pollinator garden so you don't have to mow it. Butler asked if the culvert is too small? Contractor responded yes, the size and height of the culvert results in standing water in the yard. Smith said the undersized culvert is a good thing because it creates some flood storage, otherwise the water would create more of a problem downstream. Brooks asked if there was access from Eames Ave to the western mowed area. Webster said not currently but it's only shrubs, so a path could be created. Fair asked if the water seeping out of the ground could be a broken culvert. Contractor responded no, just high groundwater. Fair stated they should direct the flow away from the garage by placing larger stones against the garage side and smaller further out.

Angus stated conditions include using larger cobbles by back of garage, suggest accessing west lawn from Eames Ave with mower or using bog bridging for crossing stream. Butler suggested they permanently mark the edge of the vegetated buffer. Willson suggested markers every fifteen feet, maybe metal pins, bird boxes, granite posts, or boulders.

Brooks moved and Clark seconded. Commission VOTED (6-0-0) to ratify Enforcement Order #1.

Clark moved and Butler seconded. Commission VOTED (6-0-0) to issue Enforcement Order #2 stating conditions discussed tonight.

7:30 PM Notice of Intent (cont'd from 9/12 mtg) - 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).

Angus stated Willson sent Commission updated plans and other documents. We have a DEP review letter now that's in the Commission's packets. We are waiting for comments from the Town Engineer and can't close the hearing tonight because we don't have those comments.

Mike Liu, Berkshire Design, presented plan changes. He stated they have revised the site plan to reduce the impacts to the 30' setback. The building shrunk by about 1600 square feet, the paving got pulled back from the southwest corner, a retaining wall was put in to hold parking edge so didn't have to grade into 30' for slope. He stated they eliminated the detention basin in the northwest corner and designed a second underground chamber. The detention basin on the south has a level spreader that releases adjacent to the 30' setback line. He said his client wants to know if the Town is accepting of the monetary donation as an alternative mitigation.

Liu stated the soils are poor on the site, therefore, the underground stormwater chambers are for attenuation and treatment but not infiltration. Angus added there is one location where the stormwater report indicates increasing volume during the 2-yr storm. Liu responded that's probably the common area, the design includes doing some work in the right of way including a plaza, re-grading, and walkway. The stormwater from that area will run into the road, we need to figure out what to do with that water. Liu said a rain garden or swale could go along the edge of the road but they don't know what the Select Board will want. Liu said they are proposing a bus stop. It's work that is outside the Con Com's jurisdiction. Ziomek said this will probably be a question for the new Town Council since the Select Board only has five meetings left. Willson asked if the applicant had discussed the amount of parking with the Planning Board? Liu stated the proposal is for one space per unit with four for commercial, the policy is two per unit so they are decreasing as much as possible. He added Planning staff reacted positively to the limited parking.

Butler stated our bylaw gives the Commission the power to not allow impacts to wetlands. Nothing in these changes addresses those concerns. He added he doesn't feel this wetland taking is needed and he can't support it. Allen added they are destroying a wetland to build a parking lot. Brooks said we should look at the interests of the act that this isolated wetland provides. He added he doesn't believe it is wildlife habitat, so he is willing to entertain proposed mitigation that might enhance a healthier wetland elsewhere. Angus stated this is an isolated vegetated wetland which gives the Commission the right to allow impacts that are mitigated for at 2:1. Angus said the question would be would the benefits from the mitigation that is offered out way the interests of the act that are being provided by the current isolated wetland. Butler said it's hard to put a price on a wetland. Brooks said he is not convinced that we wouldn't be better off with some kind of replication/mitigation. Brooks asked about locations for on-site mitigation. Willson showed on the plan where in the southwest corner on-site mitigation could be proposed, although that area will probably revert to wetland anyway once the project is built.

Angus said she feels she would be more swayed if it were a higher functioning wetland. The delineation was based on soil cores not vegetation. Butler said he thought he remembered some wetland vegetation

from the site visit. Butler added it's just too large a project for the site, they could shrink the project and save the wetland. Angus said she feels that if they develop the site in anyway that isolated wetland will get impacted, even if they leave it and develop near it, so it's better to get the mitigation. Clark said he's leaning toward mitigation but does feel the project is too big for the site. Fair said she values the floodplain and water quality values of the isolated wetland. Angus asked if there were other modifications to the design that would change your minds. Butler said smaller project. Willson asked what if the project shrinks enough that they can provide replication at 3:1 along the BVW on the western side. Liu said they could try to change things to use the SW corner as a replication area. Ziomek stated it didn't look like you could get more than 2.5:1 replication in that area. He added that area will probably become wetland anyway, it's a lot of development for such a small area, there is not a lot of open space left. Mr. Mikhchi stated the agreement is replication at 2:1, there is no give, the goal is to create sound development in Amherst. Ziomek stated he is trying to come up with mitigation that the Commission will be more comfortable with if they are to ever approve the project. Liu stated there is an isolated wetland in the center of the property, no matter what the mitigation is if the Commission doesn't want that wetland destroyed the project can't move forward. Liu suggested making the driveway one way instead of two way which would give even more space in the SW corner.

Angus asked the Commission if the applicant did on-site replication and provided funding as alternative mitigation would they support filling of the isolated wetland? Butler said the only thing that would change his mind is a major project redesign that would preserve the isolated wetland. Fair said she would consider a project that included both on-site & off-site mitigation. Angus said applicant should come back with change in the driveway and mitigation proposals.

Angus read the MADEP comments, she said #1 is fine, she asked Liu to answer #2. Liu stated there isn't a lot of space or options on the site for LID compliance. He will have to look at this with his engineer. Angus asked about comment #3. Liu stated because of the D type soils on the site infiltration isn't going to happen, the basins will provide attenuation and treatment. Angus asked if labor costs were included in the mitigation payment costing. Liu said yes, they did reach out to wetland scientists, including Ward Smith, to get costing. Snow needs to be taken off site not pushed into wetland to the west. Willson asked if there would be a fence around the site? Liu said along the north side.

Brooks moved and Clark seconded. Commission VOTED (6-0-0) to continue the hearing to the 10/10/18 meeting at 7:45pm.

7:45 PM Notice of Intent (cont'd from 9/12 mtg) – TOA Conservation Department for replacement of the KC Trail Bridge over the Hop Brook off Southeast St. (Map 20B, Parcel 20).

Applicant requested hearing be continued.

Brooks moved and Clark seconded. Commission VOTED (6-0-0) to continue the hearing to the 10/10/18 meeting at 8:00pm.

Miscellaneous Untimed Items:

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

Adjournment

Voted unanimously to adjourn the open meeting at 9:10 PM.

