

MINUTES

CALL TO ORDER

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

ATTENDANCE

MEMBERS: Angus (C), Allen, Butler, Fair, Healey, Brooks – arrived late

ABSENT: Clark

STAFF: Ziomek, Willson

COMMENTS FROM CHAIR, DIRECTOR'S & WETLAND ADM'S REPORTS

Willson

Fearing Brook

Received the draft report from Milone & MacBroom of the watershed study done on the Fearing Brook. It offered recommendations for restoring along the Brook in five locations. DER has more money that they want to use on design plans but it has to be spent by June 30. Town is working with DER to choose which sites to create design plans for. Two of the sites are on Amherst College land, so whatever they provide us will be good to bring to Amherst College. Beth will send the report to the Commission.

Dave spoke on the importance of cleaning up the Fearing Brook and Tan Brook. Noted that they are urban rivers. The Fearing Brook drains a quarter to half of downtown easterly and the Tan Brook drains everything from ARHS, ARMS, Triangle Street & that side of Town and then takes it right through the UMass pond and then dumps it into the Mill River.

Epstein Property – Site Visit

A site visit is being planned to the Epstein property (which the Town is working on purchasing) off Bay Road. Beth will send out a Doodle poll to staff and any Commissioners that wish to come along.

Ziomek

Charter

Regarding the big vote last night, Dave wanted assure the Commission that he will be working with the Town Manager, SB & staff to figure out what are the next steps as the Charter is put into place. One of the most pressing questions is, what will happen with committee members whose terms expire in June. Will be talking about that with the Town Manager and SB – how do we create continuity on all of our boards & committees before the Council comes on board. We still have to do business, so we will be feeling our way, but are optimistic and will work together and will keep Commission and all the other boards & committees informed.

Annual Town Meeting

Town Meeting will begin on April 30, 2018. Through the Commission's work and staff work we have one main article under the CPA – a request for the 30 acres of the Epstein property off of Bay Road. CPA committee will make presentation to Town Meeting and we will have maps and descriptive material, etc. Already have a grant from the State – a Land Grant for that project in the amount of about \$194K, with \$113K from CPA.

CPA Funds

Last year at Town Meeting the Dept. with your support asked for \$30K in CPA funds to use for capital improvements around Town. We are creating project lists for that money. This money is for enhancements to conservation areas, so bridges, walkways, trails, even parking areas to provide access to some of our Conservation Areas that don't have them. The only caveat is that the CPA funds must be used on property that was purchased with CPA money. That's a pretty big hook for us. We have a number of projects that will come your way that may or may not use CPA money. One of the first projects is the replacement of the Amethyst Brook bridge, that was washed out this winter. There is a bridge replacement along the KC Trail not far from Harvey's house. That bridge doubles as a pedestrian trail and also for tractors to get to and from Heather Colson's field. Will be working with Heather's farming schedule there to replace that bridge and hope that it will last another 24 years! We are also looking at some parking improvements – Ricci property up on the Mt. Holyoke range is a very logical place for a parking access to the range – looking at using some of the CPA funds for that. We can also use the CPA money for any improvements or enhancements to the Fort River Farm, such as community gardens, which will replace the gardens on Mill Lane. So we are looking at fencing, road, parking, etc.

Puffer Dredging

We are also trying to dust off the Puffer's Pond 2020 Report which included a reference to the need for dredging to be done at the Pond. Beth and I will be outlining the process for you in the coming meetings on how we expect to get it going. We do have some capital money available to get some of the pre-permitting work done – bathymetry studies, etc. It will be a couple year project, but that pond desperately needs some work, as it is filling in.

Harvey questioned whether we will be able to use the soil over again, to which Dave replied it will be tested and if it is clean enough, then we can use it again.

Mt Pollux Maple

The maple tree at Mt. Pollux was taken down. It was extremely rotted and needed to come down. We did leave some limbs and cuttings from the tree for residents to take, as there are many people with fond memories of the tree. The staff also created some benches to leave at the site.

CONSERVATION COMMISSION'S ACTION

Minutes of February 28, 2018

Butler moved and Healey seconded.

VOTED (4-0-0) Butler, Fair, Allen, Angus - to approve the minutes of February 28, 2018.

PERMITS/CERTIFICATES

7:15 PM Conservation Land Management

Event on Conservation Land Application – Anne Cann for Arbor Day celebration at Orchard Arboretum Conservation Area.

Anne Cann spoke of the Orchard Arboretum Committee's desire to hold an Arbor Day Celebration at the Arboretum to bring people together in the neighborhood so they know about the Arboretum and can enjoy it. They have a number of speakers including Dave Ziomek. This is also an opportunity to thank the donors who provide the monies for the Arboretum.

Healey moved and Allen seconded.

VOTED unanimously (5-0) to approve Anne Cann's application to hold an Arbor Day celebration at the Orchard Arboretum Conservation Area.

> Brooks arrived prior to 7:30 hearing.

7:30 PM Notice of Intent (cont'd from 1-24-18 mtg) – UDRIVE, LLC for construction of three apartment buildings and associated driveway, parking, utilities, and landscaping within resource areas on University Drive (Map 13B, Parcel 33).

M. Marcus presented a brief summary of the project's progress to date and answered questions. This NOI was filed back in October and since that time there have been many discussions and meetings regarding the project. The Commission hired a peer reviewer, DPW did their own review and the abutters had their own engineering/wetland consultants. So they have taken everyone's comments and suggestions and modified the plans. The original plans proposed three residential buildings and that project has been changed to one building that is mixed use – residential apartment building with commercial space. The project sits right next to the bike bath and a narrow wetlands swale that would need to be crossed. That changed a little bit – originally 15" culverts, engineers wanted 18" culverts, so there is a slight change in that crossing. In summary, the project is one building a little over 10,000 sq. ft., one office and 36 residential units. The bylaw is a little odd regarding buffer for residential and commercial. Kept the commercial part more than 75 ft. from the wetlands and the residential part is no closer than 50 ft. Think they have kept to the spirit of what the Con Com is looking for. The driveway crossing of the wetlands is 1,379 sq. ft.; crossed with two 18" culverts. Just downstream of that, a little channel goes into a 15" pipe across University Drive. There is agreement that that culvert is undersized and at some point will probably need to be replaced. This project has oversized the drainage, so it isn't going to create a problem some day in the future. The wetland impact increased by a little over 100 sq. ft. from the original NOI of 1,215 sq. ft. which is due to the increased size of the culverts. What has developed through all the stormwater review and all the engineering reviews, is that there are two stormwater infiltration basins, it's a low impact development designed project, which has addressed the concerns of drainage and stormwater issues. A lot of this land has been farmed, so there is a plowing that has been done within the wetlands, all of the buffer is plowed. One tree on University Drive is proposed to be cut for the driveway, which has been approved by the Shade Tree Committee, as mitigation will be replanting all of that. For standard mitigation there is total of 2,830 sq. ft. for mitigation, but there is a lot of opportunities for restoration of this buffer zone and a lot of opportunities for replacement or restoration of this farmed area. The total mitigation or restoration on this site is a little over 11,000 sq. ft. We are asking for 1,400 sq. ft. of wetland fill for a driveway and the rest of the project is buffer zone with a lot of restoration planting.

Beth Willson asked M. Marcus to describe what's been changed since the last meeting in terms of parking spaces, in response to Commission comments at the last meeting. Briony Angus asked for explanation of the buffer zone impacts particularly with respect to parking, etc.

Marcus stated the impervious area is significantly reduced in this plan and requires a smaller area of stormwater management. Tom Reidy directed Con Com attention to plans showing Lot B – first shows the existing ag use in the field and then the proposed, which shows it reduced by 700 and some odd sq. ft., the third sheet shows the most recent proposal – eliminated 2 parking spaces and slides the landscape island more toward the west so as to get further out that 25 ft. buffer zone. Majority of the impact within the area between the wetlands and the 25 ft. is at the crossing. Outside of that crossing there is probably 748 sq. ft. that are the permitted impacts. Sheet 5.1 in the larger packet shows the scale of what we are impacting compared to what is being either replicated or revegetated, including the wetlands, including the 25 ft. buffer and within the 30 ft. buffer, there is 6,315 sq. ft. un-impacted. We are either replicating or revegetating 41,334 sq. ft. Consider it to be a pretty robust replication & revegetation plan.

Angus indicated that she struggles with the map a little bit, she wants to make the distinction between direct replication and the restoration. M. Marcus indicated that they did breakout those numbers in the memo he sent to the Con Com. Willson indicated that in the Order she will be able to add that info. Angus indicated that in the order, she would like to see a list of the various submittals that the Con Com

has received, so that someone in the future can navigate to this map in the file. Discussion regarding clarification of amount of restoration and impact to the wetlands. Willson stated it should be clear that once restored area established, 30 foot buffer becomes no-touch.

Angus asked what is between parking lot and the lawn? Andy Bohn answered three foot mown strip with a guard rail. Healey feels that the wetland area should have some sort of marker to indicate the edge. Butler voiced his objections to this plan – feels that the impacts are avoidable. Feels the Con Com is being inconsistent in enforcing bylaw. He wants to send reason why dissenting to Planning Board. Too big a project – fewer units would have less impact on wetlands. Marcus stated every project is different. There are already disruptions in the buffer on these properties – land has been plowed and used. Trying to accommodate that with revegetation and replanting and enhancement. Bohn stated I look at pervious vs impervious. There is very little, if any, impervious on this site right now. It is being plowed, it is being used for ag. Butler stated in reality you are not removing asphalt and restoring it to something else. Granted, having ag on wetlands is not good either.

Brooks stated remember, the intent of the buffer zone is to protect the resource area, not to protect the buffer zone. The effort they are making here, will not only protect, but will in fact enhance the resource area with restoration and I feel that work that is being done in the buffer zone, wish it wouldn't happen, but to me is acceptable. Butler – If they had fewer units, they would still do all that restoration work and have no impact on the wetlands. Again, it's avoidable.

Conditions:

Angus – I read the O&M Plan and not averse to them maintaining invasive plants in their restoration area forever. She does think that pulling together the documentation is important, as she remembers the original NOI does have a standard replication area commitment to monitoring. Thinks that maybe it is a set length of time on monitoring the success of the plants in the replication area and the restoration area and committing to replanting, following the 75% over two years or longer and then after that, it is just to maintain invasives.

1. Refer to all final plans
2. When maintenance of wetland & buffer ends, becomes no touch; Require an Annual report for 5 yrs (2 pages w/photos, applicant not required to attend meeting) on how restoration area is doing
3. Markers along extent of the lawn area: bird boxes, perhaps; some saying “entering wetland,” others “protected area”
4. Include in the deed a copy of the plan showing the wetland line
5. Hiring of an erosion control monitor
6. Stormwater maintenance – included in O&M plan
7. Maintain culverts

➤ Butler – indicated that he wants a note sent to the Planning Board for when they are reviewing this project, the reason why he is dissenting. He feels it is too big a project for that area –fewer units and fewer parking spaces, would have less impact on wetlands.

Brooks moved and Allen seconded.

VOTED (4-1-1) Angus, Allen, Brooks and Fair voted Aye; Butler voted Nay; and Healey Abstained to close the public hearing and to issue and order of conditions with special conditions as discussed for **the construction of a 37-unit, four story, mixed use building and associated driveway, parking, utilities, stormwater system, and landscaping** on University Drive (Map 13B, Parcel 33).

7:45 PM Notice of Intent (cont'd from 1-24-18 mtg) – UDRIVE, LLC for construction of a restaurant and associated parking, utilities and landscaping within buffer zone to bordering vegetated wetlands on University Drive (Map 13B, Parcel 33).

Marcus – gave a brief summary of the changes to the project since the last meeting. This is a new restaurant, to be run by the Jolly's, who currently occupy Rafters across the street. Since the last meeting, they were some changes to the building, parking, and stormwater. This project has no direct wetland impacts. The parking area will be made with pervious material. The building has been moved outside the 75 ft. setback from the wetlands. There is a total of 923 sq. ft. of work proposed within the 25 ft setback. Like the previous plan there is a lot of opportunity for restoration, don't have to do wetland mitigation because there are no direct impacts. Commission asked to deter people from crossing the on-site stream, so there is 2,800 sq. ft. of wetland restoration and large area of buffer zone planting over 2,000 sq. ft.

Angus – why are you using pervious pavement on this site and not the other. Marcus – the stormwater doesn't work as well. Angus – the difference from the old plan is that the square footage of parking in buffer decreased from 2,674 ft to 1,920 sq. ft. Butler – Has same objections on this one as the other site. Marcus – Trying to provide additional buffer zone. Allen – Had questions about the fence and reiterated his support for having a fence to keep people from walking through the wetlands between the residential and restaurant properties. Bohn - It will be a 5 ½ ft high wooden fence.

Conditions:

1. Refer to all final plans
2. When maintenance of wetland & buffer ends, becomes no touch; Require an Annual report for 5 yrs (2 pages w/photos, applicant not required to attend meeting) on how restoration area is doing
3. Markers along extent of the lawn area: bird boxes, perhaps; some saying "entering wetland," others "protected area"
4. Include in the deed a copy of the plan showing the wetland line
5. Hiring of an erosion control monitor
6. Stormwater maintenance – included in O&M plan
7. Maintain culverts
8. Maintain fence

Brooks moved and Fair seconded.

VOTED (4-1-1) Angus, Allen, Brooks and Fair voted Aye; Butler voted Nay; and Healey Abstained to close the public hearing and to issue an order of conditions with special conditions as discussed for the construction of a restaurant and associated parking, utilities and landscaping within buffer zone to bordering vegetated wetlands on University Drive (Map 13B, Parcel 33).

- Butler – indicated that he wants a note sent to the Planning Board for when they are reviewing this project, the reason why he is dissenting. He feels it is too big a project for that area –fewer units and fewer parking spaces, would have less impact on wetlands.

MISCELLANEOUS UNTIMED ITEMS

Emergency Certification – Norwottuck Rail Trail

An Emergency Certification was received today from Integrated Wildlife Control for DCR requesting permission to breach beaver dams next to the Norwottuck Rail Trail.

Ziomek wondered if the dams are not breached, will the Norwottuck Rail Trail be over-topped, or threatened or undermined. He suggested that a site visit is necessary to see just what the situation is. Willson feels a site visit would be helpful and will set one up next week and will invite Integrated Wildlife Control and DCR reps as well. She feels the problem is that the beavers are compromising the beaver deceivers, so they need to be cleaned out in order to have them function properly.

Ziomek asked Willson to send the Integrated Wildlife report to the Commission. Willson will set up a Doodle Poll in order to arrange a Site visit on April 11, 2018.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 8:47 p.m.