

**Conservation Commission Meeting  
October 24, 2018  
First Floor Mtg Rm, Amherst Town Hall**

**MINUTES**

**CALL TO ORDER**

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

**ATTENDANCE**

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

Staff: Ziomek, Willson

**CHAIR, DIRECTOR & WETLANDS ADM REPORTS**

Willson stated the Mill Street bridge project is moving along. She provided pictures showing the deep excavation on the north side of the river for the new abutments. Large sandbags are being used to keep the river out of the excavation, there is also a pump dewatering the hole which pumps silty water into a large bladder bag that the water seeps out of. She stated the bridge completion goal is fall 2019. She also provided pictures of the E Hadley Rd widening and multi-use path project. That work is being done by Taylor Davis. They need to install double erosion controls on slopes. Willson stated the solar project between Sunderland Rd. and Montague Rd (Patterson Property) is starting, she met the contractor on site to discuss a couple more trees that needed to come down. Station Rd bridge is still being discussed but they are leaning toward a temporary bridge that wouldn't involve removal of the abutments, but MassDOT has to approve the plan. The permanent bridge will be designed and constructed through the MassDOT small bridge program. Ziomek added the Town Manager is planning a public meeting for next Tuesday to discuss the Station Rd bridge plans, location TBD. He added there will be a posting on the Town website.

Ziomek stated we did acquire the Epstein property in south Amherst. We haven't done a press release because the trails, parking, etc. not ready for use. The trailhead parking at Cole subdivision isn't constructed yet, so it's hard to get to the Epstein property. Hopefully next spring we'll be ready for a ribbon cutting. Kestrel has bought the house parcel and is still looking into using it as a headquarters. Tonight the Commission is signing both the Epstein CR and the Hoerle CR. Ziomek stated we are starting the CPA process, applications are due in December, it will be different this year because approval is through the Town Council. One project we will submit a CPA application for is acquisition of the Keet Haskins property off of Market Hill Rd. We are waiting to hear whether we got the LAND Grant for that acquisition. He would like to submit an application for money for trail and conservation land use.

Ziomek stated staff is doing late season mowing. We like to mow in turtle areas in late November. The renters at Heartland Farm have moved on and the property is going to be vacant. Ziomek will work with Guilford Mooring on what to do with the property moving forward. He does not want another equestrian business in there again, it's bad for the Hop Brook and the property overall, and they don't seem to be financially viable at that location. Allen asked if the fencing & structures would be taken down. Ziomek said that's what they're going to look into. It's water supply protection land.

Ziomek said there is a public hearing with the Select Board on the State St. parking/one way travel on Monday at 7pm if anyone would like to attend they are welcome. Butler asked where is the reduction in parking? Ziomek said it's a decrease of about 65 spaces, if you start at the bridge and go east you would normally see parking on both sides of the road on a busy day but after this change parking will only be allowed on the north side of the road. There won't be any parking on the bridge. Ziomek also stated the Amethyst Brook bridge won't be built this year, we are still trying to get 50' telephone poles from Eversource.

## **MINUTES**

### **Review minutes of 8-8-18**

**Butler moved and Brooks seconded. Commission VOTED (4-0-2, Clark & Fair abstained)** to approve the minutes of 8-8-18.

## **PERMITS/DISCUSSIONS**

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

**Conservation Land Use Application** – Kerri Sheppard for lantern walk at Larch Hill Conservation Area.

Sheppard stated she would like to use the Larch Hill Conservation Area for a lantern walk for the Tinkergarten program. Tinkergarten came before the Commission last year for a winter weekly youth outdoor class. Tinkergarten is a national program, so all on the same night they do the lantern walk in the fall. The lanterns use LED lights, no flames. They will done by dusk. It's open to all ages. She has contacted the Common School to use their parking lot.

**Brooks moved and Butler seconded. Commission VOTED (6-0-0)** to approve the use of the Larch Hill Conservation Area by Tinkergarten for a lantern walk.

**Conservation Land Use Application** – Kerri Sheppard/Tinkergarten for winter class at Larch Hill Conservation Area.

Sheppard stated the Tinkergarten program would like to use the Larch Hill Conservation Area for their weekly winter class starting in early February for six weeks. Angus asked if this is the same program we approved last year. Sheppard said yes. Angus said we don't typically get requests for a series of classes or events, it's usually a one time event. However, this is such low impact Angus doesn't see a problem, but it's just something for the Commission to keep in mind. Ziomek asked about bathrooms. Sheppard said they don't require any, if there are children in need she can ask Tinkergarten to provide leave no trace toilet supplies. Butler said he would start to be concerned if it felt like enough programs like this were happening on Conservation Land that they limited other people's use.

**Butler moved and Brooks seconded. Commission VOTED (6-0-0)** to approve the request to use Larch Hill Conservation Area for a 6-week weekly outdoor class by Tinkergarten.

**7:30 PM Informal Discussion** – Nina Mankin & others regarding flooding on Summer St.

Ziomek stated it has been a very wet spring and summer. He stated a group of Summer St residents have been struggling with flooded basements and have met with DPW and Willson on-site to look at the street drainage. Ziomek also met with residents on-site and suggested the residents meet with the Commission to discuss the drainage that goes through Conservation land. Angus stated in terms of the Commission's role we can play a part in regard to Conservation land but without an application before us drainage on private land is not under our purview.

Mankin (lives at 91 Summer St.) stated there used to be a large drainage pipe next to 83 Summer St. that was taken out a while ago (1980s?) because it was taking on too much groundwater. When it was removed the drainage issues on Summer St. started and have only gotten worse. The drainage ditch where the pipe had been has been cleaned out a few times over the years, but has generally filled in with sediment and vegetation and is surrounded by wetland. That is where the Commission has purview. She has two sump pumps running all day 7 days a week. She added about ten years ago the Town allowed construction of three houses across the street that has added to the drainage problems by displacing groundwater. Other contributors are the capacity of the stormwater system and the grade of the street. She stated if they are to do anything to improve the situation the Commission needs to be on board.

Jennifer Lynd, 94-96 Summer St., lives in one of the new houses on the north side of Summer St. They have lived in their house for 10 yrs, were told their basement would be dry, but after one of the first really snowy winters in spring they had an inch of water in their basement. Then again this year they flooded again. Allen said about half the houses in Amherst have wet basements.

Nina Fisher, 90 Summer St., stated her house was built three years ago. Twice this summer their basement flooded and they had to replace their floor. Ziomek stated the construction of three new houses on the north side of Summer St did go through all town permitting, and during the permitting process concerns were raised by town officials and committees regarding the high water table. There were neighbors who attended the public hearings and told the developer, Shaul Perry, that it's a very wet area. Willson stated Skeels told her Mr. Perry installed a check valve this summer into the street storm drain pipe so it wouldn't backflow into the houses footing drain systems.

Jessica Wolf, 100 Summer St., stated her house was built last summer. Her house flooded twice this summer. After the first event DPW and the builder said the drainage pipe needed to be cleaned out, which they did but it didn't solve the problem. The builder put in the check valve and a sump pump in her basement. She stated these houses are at the low spot on Summer St., water drains down from Rte 63 (west) and Puffers Pond (east). There are not enough catch basins on Summer St. which is always flooded. She added it is only going to get worse, the current drainage system on the street can't handle the types of storms we are getting.

Angus stated there are a number of neighborhoods around Amherst with this problem. DPW needs to come up with a design that meets the wetland regulations. Willson stated it's also Conservation Land. Ziomek said we're not going to solve the problem tonight, there is an intermittent stream where most of the stormwater drainage outfalls and flows south to the Mill River. Willson suggested a site visit to see what the stream and wetlands look like between Summer St. and the Mill River. Angus stated the Town should take a larger look at this whole drainage system. Ziomek stated he wanted to be practical, this will not be an easy or inexpensive task to improve the overall neighborhood drainage.

Mankin stated that's what they wanted from this meeting, the promise that someone will take a larger look at the flooding problem. Then the results could be used to design a fix. Ziomek recommended the residents draft a letter to him and Guilford Mooring, Superintendent of Public Works, outlining the issue and asking that the Town

conduct a comprehensive look at the drainage on Summer St. as the next logical step. Reference this meeting in that letter. The DPW would need to engineer a solution.

**No Vote.**

**7:45 PM Notice of Intent (cont'd from 10/10 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 we were waiting on comments from the Town Engineer which we now have. Liu stated they made the additions in terms of measurements and signage to the plans. Liu said the comment about the stormwater run off from the right-of-way will take more discussions with the Town but some kind of stormwater BMP will be needed. That stormwater will drain to the east, into the Southeast St. system. They have been asked by Planning to come up design ideas for the common area. Angus stated if whatever you come up with impacts jurisdictional areas come back to the Commission. Liu stated they are proposing on-site replication in the southwest corner of the parcel, rain gardens in the parking lot islands, and the monetary donation. Liu stated he thought the Town was going to look into the accuracy of the monetary donation. Angus said our scrutiny of that decreased once the 4X replication area was proposed.

Conditions - reference the various forms of mitigation, make sure standard replication includes appropriate grade level, if plans change from Planning/ZBA review come back to Commission, applicant must address Town Engineer's comments before construction, require an erosion control monitoring, no chemical use on lawns or salt on driveway/parking.

**Fair moved and Brooks seconded. Commission VOTED (5-1-0, Butler opposed)** to close the public hearing and issue the Order of Conditions for project as proposed with special conditions as discussed noting that the project will impact the isolated wetland with mitigation including replication and alternative mitigation (\$\$\$).

**8:00 PM Notice of Intent (cont'd from 10/10 mtg)** – TOA Conservation Department for replacement of the KC Trail Bridge over the Hop Brook off Southeast St. (Map 20B, Parcel 20).

Bordewieck stated the plan has changed a bit. He met on site with Skeels, Ziomek, and Willson to look at the length of the beams and revise the plan. The big change to the plan is to leave the old abutments alone, they will not be touched except for the addition of some rip rap on the southern end to protect them from erosion. The existing I-beams will be removed, a plan is included for dewatering if necessary from the new abutment excavations, and additional comp storage will be provided in the overflow swale. Clark asked if the old abutments are restricting flow, is it worth it to take out the old abutments and restore the bank? Ziomek stated there is a pinch point but removal of those old abutments could lead to erosion of both banks and compromise the trail. He added which is part of NHESP's concerns. Clark asked about the NHESP review. Willson explained they have seen the revised plan but have not issued a revise review letter. Angus read the first review letter then stated the Commission can condition the project that it must meet all the NHESP requirements. Ziomek said we would do a turtle sweep and use precaution for turtles during construction. Willson said she told NHESP we wouldn't be going in the brook so don't need the mussel study.

Butler asked if the abutments are stable? Ziomek said the eastern abutment is leaning that's why we want to buttress it a bit with some rip rap on the upstream side to prevent erosion that would cause it to eventually fall in. Ziomek suggested creating erosion control boxes on either side of the bridge that would be swept for turtles prior to opening each day and working.

Conditions: must meet all NHESP conditions, erosion control all sides of equipment, update figure (especially for comp storage).

**Clark moved and Brooks seconded. Commission VOTED (6-0-0)** to close the public hearing and issue the Order of Conditions.

### **Miscellaneous Untimed Items:**

- Review/sign Epstein CR

Willson stated this is the CR for the Epstein property off Bay Road.

**Brooks moved and Clark seconded. Commission VOTED (6-0-0)** to approve and sign the Epstein CR.

- Review/sign Hoerle CR

Ziomek said Mr. Hoerle has been working with Kestrel Trust to put a CR on a flag lot he owns, just north of his new barn. Willson added because there is no grant associated with it the CR doesn't have a signature page for the Commission just the Select Board signs the CR.

### **No Vote.**

- Ratify Enf. Ord #2 36 Greenwich Rd.

**Brooks moved and Allen seconded. Commission VOTED (6-0-0)** to ratify the Enforcement Order.

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

### **Adjournment**

**Voted** unanimously to adjourn the open meeting at 9:05 PM.