

**Conservation Commission Meeting
November 14, 2018
First Floor Mtg Rm, Amherst Town Hall**

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus at 7:05 p.m.

ATTENDANCE

Present: Angus, Brooks, Clark, Allen, Butler

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson stated we will be having a meeting on 11/28 but no meeting on 12/26. Clark and Butler may not be at the 11/28 mtg, Willson will send around an email. She stated we need to sign a second form for the 134-144 Southeast project that was approved at the last meeting because she needs to write two OOCs, one under state regs and one under bylaw. Willson presented photos of Pulpit Hill solar project site visit with Env. Monitor and contractor. Much of the fencing and posts are in but not the arrays. The fencing is raised 8" for wildlife. There is an area in the northeast portion where they decided to not put arrays that the Robert Frost Trail could be re-routed through. There is an area in the southwest corner where they are having erosion issues. The topography slopes down to a wetland at that corner and once the equipment made tracks sediment started moving. They have installed 14 rows of silt fence and straw bales which seems to be filtering the water. They decided to install the arrays in that area by hand vs using vehicles that would worsen the erosion. They dug out a small sedimentation basin right at the corner. Willson suggested they use matting on the steep slopes to better control erosion. Angus stated monitor needs to provide proof (photos) that the water is clear before flowing towards the wetland.

Willson stated the contractor at University Drive has been bringing in a lot of fill to residential side of the project to raise the site up. Not much work has occurred on the restaurant side.

Ziomek stated the Select Board last night approved the Epstein Conservation Restriction. Kestrel is still studying the house lot they own to determine if it will be a good place for their offices. Ziomek not anxious to advertise or have many people at Epstein yet because the trails still need work and the only parking is on Bay Rd at Sweet Alice Cons Area. We're waiting to hear about the Keet-Haskins property LAND Grant. Property is off Market Hill Rd., between Cushman Brook and Market Hill Rd. Ziomek would like to have Stephanie Ciccarello come to a Con Com mtg to talk about sustainability. The Town Manager has spoken to the new Town Council about creating a Sustainability Committee.

Staff has been mowing, it's been hard with all the rain. Mowing will continue into December. Staff is winterizing buildings such as the old Hitchcock Ctr building at Larch Hill. That building has a CR on it that limits it to be used for environmental education. Ziomek knows we have two bridge projects that have been permitted, KC Trail & Amethyst Brook Bridges, but the dept needs to find the money for those projects. The Select Board approved the one-way direction and parking changes for State St. Willson took a look at the project area and the dept will be submitting an NOI for that work especially

the new roundabout.

Ziomek stated as part of the University Drive development project Barry Roberts agreed to pay \$10K for agricultural preservation as mitigation for the ag lost on that land with the development. Jim Hoerle working with Kestrel Trust has put a CR on about four acres near his barn on Southeast St. Ziomek stated there was a public meeting that was well attended regarding the Station Rd bridge. There may be a temporary solution brought before the Commission that would be up for about a year while they design a permanent bridge.

MINUTES

Review minutes of 9-26-18

Brooks moved and Allen seconded. Commission VOTED (5-0-0) to approve the minutes of 9-26-18.

PERMITS/DISCUSSIONS

7:15 PM Conservation Land Management

FY20 CPA Projects

Ziomek stated we will be asking for more money for trail and conservation land management. However, that money can only be used for properties purchased using CPA funds. The process for the CPA begins in December, Ziomek will provide more information at the 11/28 mtg.

7:30 PM Informal Discussion – Direct Energy Solar regarding solar array at Hickory Ridge Golf Course.

Charles Kovacic (Direct Energy), Alex Patterson (ESS), & Doug ?? (Direct Energy). Kovacic stated they have been talking with the Town about this project. Kovacic stated the project is a solar array on the north side of the Fort River with access roads from W Pomeroy Ln. Kovacic presented a map of the site. Patterson stated they did a wetland delineation of the site earlier this year. Most wetlands are associated with the river, there are a few BVW areas around the perimeter of the property. Other resource areas include Riverfront for the Fort River, Bank, and BLSF. Both array fencelines (limit of work) are outside any wetland buffer zones and Riverfront. The two access roads cross the river via existing bridges, there are no new crossings proposed. Both access roads cross through Riverfront of either the Fort River or Muddy Brook. The Riverfront and BLSF impacts are allowed under the Wetlands Protection Act as a Limited Project for access roads to renewable energy projects. All the work areas are within areas of the site maintained as a golf course, so there will be little vegetation removed. Allen asked how many trees they would be taking down for the western array. Patterson said they don't have an exact count, but they aren't going off the maintained golf course so no wooded areas will be cleared just trees in between fairways. Patterson presented a plan on the overhead. Clark asked for the bridges to be pointed out on the plan.

Angus asked if they were seeking specific guidance from the Commission or just introducing the project. Doug ??? stated based on time constraints for applying to the state incentive program for solar they are trying to expedite review by the Conservation Commission. He said the idea was to present tonight so the Commission had time before the first public hearing to think of questions/concerns so

hopefully the project could get approved in one or two meetings.

Angus stated with the Limited Project provision you need to include why you couldn't meet performance standards. Provide some kind of evaluation of the bridges for carrying construction equipment. Plan for comp storage for racking system, fence posts, and access roads will be important. Willson said a wildlife study will be needed because over 5,000 square feet of BLSF. Patterson said they are planning to submit one. Angus stated you'll need a wildlife gap under the fence. No chemicals for vegetation management, construction erosion control. Angus reiterated that they need to show why they can't meet performance standards and need to apply as a Limited Project. She asked why they can't follow the road that goes around the fairways instead of coming directly across them. Patterson said they are more cart paths. Allen said the area between the river and Pomeroy Lane is a lake during rain events. Angus asked they are raising the equipment at all for the flooding. Doug said the edge of the array will be three feet off the ground which is standard not special.

Public question - are there any public ways being affected by this. Allen said no, it's a golf course, whatever access there is now as a golf course.

Angus said they should expect to be before the Commission at least twice. We will need responses to MADEP and NHESP comments. Brooks asked if someone was going to evaluate the bridges. Doug replied they use the bridges for heavy equipment now, mostly mowers. Angus asked if the Fire Department was requiring them to rate the bridges for emergency vehicles. Kovacic stated they are talking to them tomorrow.

No Vote.

7:45 PM Request for Determination – Thomas Poor for confirmation of jurisdictional resource area boundaries at 214 Pomeroy Ln (Map 20C, Parcels 22 & 23).

Mike Liu, Berkshire Design Group, introduced the project. The two parcels make up about 47 acres total. The wetlands were flagged three years ago but not confirmed at that time. The owner is looking into a cluster subdivision on the property depending on the wetland line. The wetlands were flagged by Ward Smith, we walked the site this morning, some points were hard to find because the flagging had disappeared after three years. He pointed out the Plum Brook, Riverfront and an open meadow area and where the developable area is. He pointed out the wetland areas and a vernal pool on the property. There is priority and estimated habitat on the property. He presented the general locations of the proposed development but nothing specific, no actual plans.

Allen stated the delineation is three years old, it's needs to be done again. Angus supported this statement and added the applicant needs to update (refresh) the delineation partly because the Commission may require a third party review which would need flagging that can be seen. Willson stated applicant should provide an updated memo and map of delineation. Liu stated they can focus on the wetland lines near the developable areas. He stated they may withdraw the application at this point due to the time of year, and re-submit in the spring for the wetland boundary confirmation. He stated we'll continue the hearing for now.

Public comment: If it's a cluster development how many homes?

Liu responded 10-14. Allen asked how many acres? Liu said approximately 7 acres. Angus asked if

there is BLSF on the site? Liu said he doesn't think so but will check before any project application is submitted.

Public comment: You mentioned protecting smaller animals, are larger animals protected too? Angus responded it depends on what resources are on the site. We do require Wildlife Habitat evaluations in certain situations. Brooks said we're protecting the habitats thereby protecting the animals.

Public comment: Will we be notified again for another meeting? Angus stated if this hearing gets continued no there will be no more abutter notification, however, if it is withdrawn and Liu applies again in the spring you will get notified, and you will get notified if any application is submitted to actually build the subdivision.

Brooks moved and Butler seconded. Commission VOTED (5-0-0) to continue the public meeting to 11/28 at 7:45pm.

Miscellaneous Untimed Items:

- Certificate of Compliance - 170 University Dr.

Willson stated this is for the invasives removal work at Cooley Dickinson Hospital on University Dr. During the site inspection you could see where invasives had been removed, some still around such as multi-flora rose, bittersweet, and phragmites. Willson suggested we add monitoring and continued invasive removal as on-going condition of the COC.

Butler moved and Brooks seconded. Commission VOTED (5-0-0) to issue the COC with the on-going condition as discussed.

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

Adjournment

Voted unanimously to adjourn the open meeting at 8:35 PM.