

**Conservation Commission Meeting
January 9, 2019
Town Room, Amherst Town Hall**

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus at 7:06 p.m.

ATTENDANCE

Present: Angus, Brooks, Clark, Butler, Fair

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson stated that we need to sign the Baseline Report and Briony needs to sign the Reimbursement Billing Form for the Epstein project tonight. Willson stated we received the MEPA review letter for Hickory Ridge, they issued the certificate meaning they are satisfied with the construction and restoration/mitigation plan, they are done with their review and no further submittals to them are necessary. Willson stated we still haven't heard about the LAND Grant for Keet-Haskins.

Ziomek stated there is still mowing going on in the field. They will spend some of the winter marking boundaries in the watershed, some new pieces of land the Town has bought in Pelham over the last few years. It's budget season, Ziomek has been meeting with the Town Manager and others regarding the Conservation Dept budget. Some themes are more money for summer staff to watch over Puffers Pond. Next week the Planning & Conservation Dept is presenting to the Town Council about what their department does. Ziomek & Ciccarello recently spoke to Town Council about sustainability and the directions the Town could go in conserving energy. The Council plans to create their own committee on sustainability.

Angus stated she is going to give a member of the public, John Boothroyd, three minutes to talk to the Commission. She added if he'd like to speak for longer he should get in touch with Willson about getting on a future agenda.

Mr. Boothroyd: He wants the Commission to refer to the 1969 USGS map for all project reviews. It's the only map that shows wetlands and waterways that were historically there and what we could bring back, and what we should be protecting. The public owns the waterways from the high water mark on one bank to the other. Boothroyd asked to come back before the Commission and present the 1969 map and talk about damage to south Amherst wetlands.

Angus stated the jurisdiction of the Commission is pretty clear. Wetlands change over time, we review applications in relation to what wetlands are present today.

Ziomek announced that if there are any members of the public here for the 7:30pm hearing, Hickory Ridge, it is being continued to our next meeting on 1/23/19.

MINUTES

Review minutes of 10-24-18

Brooks moved and Butler seconded. Commission VOTED (5-0-0) to approve the minutes of 10-24-18.

PERMITS/DISCUSSIONS

7:15 PM Request for Determination – Ascent/UMASS for renovation of the Student Union within buffer zone to Campus Pond at 280 Hicks Way (Map 8C, Parcel 13B).

Joshua Seret, SWCA Env. Consultants, presented the project. The majority of the project is interior renovations to the Student Union, however, there is some clearing and grubbing happening outside in the buffer zone to Campus Pond. He presented a site plan showing the limit of work and distances to the Pond. Erosion control will be installed between the work area and the Pond, silt sacks will be placed in existing catch basins. There will be a temporary paved walkway for students that will be partially in buffer zone. Fair asked if the grass areas that will be disturbed by construction be re-seeded, and why does the temporary walkway need to be paved? Seret responded yes all disturbed areas will be revegetated, and the path must be paved for ADA requirements.

Butler moved and Clark seconded. Commission VOTED (5-0-0) to close the public meeting and issue a Negative Determination #3 for work in the buffer zone that won't impact the resource area.

7:30 PM Notice of Intent – Niels LaCour/UMASS Campus Planning for Operation & Maintenance Plan for twenty-four parcels owned by UMASS within jurisdictional areas.

Angus stated we have talked a little about how to proceed, the application is large and she personally would like to dig deeper into the NOI. Willson has provided a summary/review but we haven't done site visits yet. Maybe this meeting is just an introduction that doesn't get into too much detail. Willson stated the DEP review letter is in the Con Com's packets.

Niels LaCour, UMASS Planning & Facilities, introduced the project. The project is partially to foster communication and coordination between UMASS and the Town in regard to wetland permitting. He realizes the hearing will probably not close tonight. He stated the campus is now subject to the MS4 permitting so they are working on an overall stormwater management plan. A requirement of MS4 is public education, so they are working on getting everything in their GIS system, which would include regulated wetland areas. This O&M Plan would be about streamlining processes so UMASS is not coming before the Commission for routine activities. They know that large projects would still need to go through the usual permitting with the Commission.

Mickey Marcus, SWCA Env. Consultants, stated that the document would organize different types of projects into which ones UMASS needs to apply to the Commission or just discuss with Beth or not do anything. It would be a comprehensive permit setting a framework for future communication between UMASS & the Town regarding projects in or near wetlands. He handed in the large stack of abutter certified mail receipts, over 500. NHESP only identified one location in Amherst, at the end of Tilson Farm Rd for endangered species, so any work there would go through NHESP. The same application has been filed in Hadley, they went to the Con Com meeting there last night for an introductory meeting. He stated there are some old Order of Conditions UMASS has that he would like to go through and get Certificates of Compliance for as part of this project so that any on-going conditions can be listed in this

new O&M. The University is mapping all its rain gardens, detention swales, catch basins in GIS and resource areas would be included so that maintenance staff know when they are near wetlands and can follow correct BMPs. This document would include mostly routine projects not larger projects such as dredging Campus Pond. He would like to meet with staff to identify all old Orders of Conditions UMASS has. Marcus stated most of the wetlands are in Hadley and most of the stormwater structures are in Amherst.

Willson asked how the delineation was done. Marcus responded the delineation was based on DEP data, Amherst data, soil information, and they walked all 24 parcels and mapped the wetlands. The brought in any old delineations from previous projects as well. Angus said are we going to define what the permit will look like? Marcus said Mount Holyoke College has done this, and their permit categorizes types of work as to when it's OK to do the work without notifying the Commission and when it's not. Marcus handed Willson a working draft of the UMASS stormwater drainage system map.

Angus asked the Commission how they would like to do a site visit. Willson stated she was thinking of maybe a couple site visit trips. She offered to do a Doodle Poll of dates for site visits.

Angus asked if the applicant has seen MADEP comments. Marcus said yes. Angus said lets hold off on discussing those until next meeting. Ziomek asked if the delineation was just general or were all the points actually GPS'd. Marcus said yes, they actually identified each wetland point and were surveyed but not flagged. Willson stated, however, she talked to MADEP who said the delineation was general and couldn't be used for future projects, this project is just being approved for the work not the delineation. Ziomek stated he likes the idea of better communication between UMASS and the Conservation Commission. He added we might be looking for some improvement by UMASS of its maintenance activities, such as stopping mowing so close to stream banks as part of its new BMPs under this O&M. Willson added it would be a good idea to add some overall improvements to operation & maintenance on campus that are near or even in resource areas. Ziomek said hopefully we can work together on improving the Tan Brook.

Fair said she wants to make sure larger projects don't get a lesser review because they are included in this overall permit. Angus said these are the things we want to refer to correctly in this permit, that certain projects require their own NOIs or RDAs. Butler agreed. He stated the document is hard to follow, he would like to be able to follow one of the Areas the whole time, and that is impossible with the way the document is set up. Marcus said the document is a product of GIS, there is a summary by activities instead of by Area. Fair suggested on Figure 1 it states these activities happen in Area 1. Marcus said they can work on a table or map that helps with that. Willson said her other overall comment is she wants to make sure the permit isn't written to allow further expansion into resource areas or buffer zones.

Freddy Manning (member of public) stated she leaves on Fearing St. and the Tan Brook flows through her back yard. How will she be notified of things happening in her area as this permit progresses. Also, can she come on the site visit. Angus said future meetings will not have abutter notification. She added the idea of this project is to streamline potential O&M activities, so those that don't require permitting in the future will not have abutter notification. Willson stated we may require an annual presentation by UMASS of work done that year. Angus said would we include activities that they let Willson know about but don't need permitting on the agenda. Willson said we can consider conditioning that that happens. Willson said this will be continued to the next meeting. Manning said she would like to see the maps. Willson said please come by Town Hall and she will meet with you to go over the maps and talk about site visits.

Barbara Pearson (member of public) stated she and her neighbors are concerned about Tan Brook. She wants to make sure repairs to the culvert where Tan Brook runs under the UMASS parking lot are not lumped into this general Order but are a separate NOI/OOCs. She also stated she's heard the Tan Brook has been determined to be intermittent. Angus said each application must prove whether it's intermittent or perennial at the project location.

Clark moved and Butler seconded. Commission VOTED (4-0-0, Brooks left) to continue the hearing until January 23, 2019 at 8:00pm.

7:35 PM Notice of Intent (cont'd from 12/12/18 mtg) – Charles Kovacic/Direct Energy Solar for installation of a solar array and associated access roads, utility poles, transformer pad, and fencing within Riverfront, Bordering Land Subject to Flooding, and buffer zone to Bordering Vegetated Wetlands at 191 West Pomeroy Lane (Map 19D, Parcel 10).

Willson stated applicant has requested to continue hearing to 1/23/19 meeting.

Butler moved and Clark seconded. Commission VOTED (4-0-0) to continue the public hearing to January 23, 2019 at 7:45pm.

7:45 PM Notice of Intent – Amherst DPW for temporary bridge replacement over the Hop Brook on Station Road (closest to Map 20D, Parcel 72).

CDM Smith consultants presented the project. This intent of the project is to put a temporary bridge in place until a permanent one can be designed and constructed. One challenge of the project is that the current bridge and road layout is not straight but a bit skewed, so everything is at a little angle to the water. Resource areas include BVW, Bank, Riverfront and BLSF. When we talk about the impacts from this bridge there are temporary construction impacts and some permanent impacts that will exist after this temporary bridge is built but in the end will be demolished for the permanent bridge construction. So, really all impacts from the temporary bridge project are temporary. The project is a Limited Project. It has 337 square feet and 122 cubic feet of fill in BLSF where the road has to be widened for the skew. There will be approximately 520 square feet of new impervious in Riverfront for the roadway widening.

The alternatives analysis they need to design a temporary bridge, MassDOT does really have a category for temporary bridges, it still has to have appropriate footing depth and construction in all respects. This is really the only answer other than just leaving the bridge closed until the permanent is constructed. Also, this design was the only one that stayed outside the wetland line. Angus asked about the timing for the temporary and permanent bridges. CDM Smith stated the plan is to construct the temporary bridge in April 2019 and design and construct the permanent bridge in 2020. Angus said the argument against meeting performance standards is a little weak, but maybe meeting those standards happens with the permanent bridge project. She thinks we should consider each resource area for meeting those performance standards. Willson stated one issue with that in regard to BLSF is there is no where for compensatory storage, the project site is only about 50' long on either side of the river and BVW and BLSF basically about the road. She added in addition, anything we do right now for mitigation will just be torn out when the permanent bridge is constructed.

Fair asked if the funding will be available for the permanent in 2020, or in actuality will the bridge be

built later. She said this would affect how she feels about mitigation for the temporary. Guilford Mooring, Superintendent of Public Works, said there is no money currently approved for either the temporary or the permanent bridge. Town Council has taken both into consideration but have not officially voted on amounts of money. The Finance Committee will be considering both over the next two weeks and won't have an answer until January 28th. Willson said we could continue the hearing until after that time.

Angus said she'd like to go along but is concerned the temporary bridge might be in for 20 years. Willson stated it's going to be 11' wide, one direction with a stop light, and both firetrucks and garbage trucks will not be able to go across it. Mooring said it's set up for cars, pick up trucks with small trailers will be the longest vehicles across, only ambulances no firetrucks.

Martha Hanner (resident), speaking for residents of Amherst Woods, the temporary bridge is needed and needed soon. Station Rd is the only east/west road in the area, it really disrupts the traffic flow for a large area. The detours up right now use smaller roads not made for significant traffic and result in people driving longer distances which causes more pollution. Difficult for businesses, fuel & pizza delivery.

Ziomek stated Station Rd is really a rural road, and until Amherst Hills and Amherst Woods was built in the past twenty years. He asked what specifically is the plan for wood turtle protection. CDM Smith representative responded if work is conducted during the turtle protection season a plan will be in place for protection during construction. Ziomek asked who would approve that plan. She responded NHESP will approve the plan and the Commission would receive a copy. Ziomek asked where are the property lines and does any of the work go over the right of way and into Conservation land? Mooring responded there is a small section that might go slightly over, all the rest is in the right of way. He added the goal is to not go onto Conservation land.

Fair stated on the downstream side there is a swale with alders, are the alders going to be removed as part of this project? CDM Smith representative stated most of those alders will stay. Angus asked what is the duration of field work? CDM Smith rep stated a few weeks, the most work will be cutting down the abutments and pouring the new concrete slabs. She asked where with staging be located. Mooring said we have the whole road going east and west and the horse farm land that is water dept land.

Butler asked if there is anything that needs to be done to protect the listed mussels in the Hop Brook. CDM Smith rep stated all work is above the mean high water line so no impacts are expected. NHESP read the NOI and did not ask for more information or any protection plan for mussels. Not working in the water at all. Angus said for the permanent project lets discuss mitigation plans before the NOI is submitted. Willson suggested having an informal discussion at one of the Commission meetings to discuss mitigation ideas with the Commission before finalizing the NOI. Butler added the mitigation for the temporary can be added to that for the permanent. Willson said we can make that a condition. Willson presented photos from the site visit. She stated as conditions we should require both the netting under the bridge during demolition and a downstream turbidity curtain throughout the project. Butler added need a condition that the 4.4 cubic yards of BLSF impact gets mitigated for with the permanent project.

Fair moved and Butler seconded. Commission VOTED (4-0-0) to close the public hearing and issue the Order of Conditions with special conditions as discussed.

7:45 PM Request for Determination – James & Lauren Schattin for jurisdictional confirmation of

resource areas at 522 Flat Hills Rd (Map 3D, Parcel 30).

Andy Bohn, Place Alliance, consultant for the project. The intent of the filing is to get the wetland line approved so they can put a design together for an addition to the house on the property. He presented the map of the property showing wetlands and an intermittent stream along the southern and western sides of the property and a certified vernal pool across Flat Hills Rd from the project. They got documentation from NHESP including the GIS point for the vernal pool which is located in a large wetland complex. He assumes the GIS point is where the egg masses and other vernal pool species were observed.

Fair stated site visit was fine, delineation looks good. Butler stated only issue is the exact location of the vernal pool considering it has a 100 ft no touch buffer zone it's important to know where in the wetland complex it is. Angus stated it can't go any further west than the BVW line. The point on the plan showing the location of the vernal pool is very close to the western BVW line.

Willson provided photos from the site visit.

Clark moved and Butler seconded. Commission VOTED (4-0-0) to close the public meeting and issue Positive 2A confirming the wetland lines as depicted on the submitted plan.

Miscellaneous Untimed Items

- Review/sign Epstein Reimbursement Billing Form & Baseline Report

Butler moved and Clark seconded. Commission VOTED (4-0-0) to approve and sign the Baseline Report. Angus to sign Billing Form.

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

Adjournment

Voted unanimously to adjourn the open meeting at 9:44 PM.