

**Conservation Commission Meeting  
June 26, 2019  
Town Room, Amherst Town Hall**

**MINUTES**

**CALL TO ORDER**

Meeting called to order by Mr. Butler (C) at 7:05 p.m.

**ATTENDANCE**

Present: Brooks, Clark, Butler, Fair

Staff: Ziomek, Willson

**CHAIR, DIRECTOR & WETLANDS ADM REPORTS**

Butler asked everyone to introduce themselves because two new Commissioners (Ambs & Gauthier) were in the audience. Ziomek stated Cons Dept has posted ecoli warnings at Puffers Pond. Sampling came back high last week for the bacteria. We can't stop people from swimming but we warn them. Samples were collected today and we're hoping they come back OK. 2018 was the first time exceedances were detected. Ambs asked what time of the summer were exceedances detected last year. Ziomek responded later in the summer last year. Ziomek stated as people know Willson has taken a job at Amherst DPW and will be transitioning down there over the next couple months as she also finishes things up in Conservation and a new Wetland Administrator is hired. He stated we got the DCR Trails grant we worked on with Kestrel Land Trust for repairs to the Robert Frost Trail. That money will include repairs to the Amethyst Brook bridge. Kestrel will administer the grant, we will get money for staff hours. We also received funds for bridges, parking lots, kiosks, etc. from the capital funds and CPA. He stated we will be working with COWL, Inc this summer to acquire the Keet Haskins property, and with Kestrel on the Zala Property. Hickory Ridge will take more time because we don't have all the funds.

Ziomek stated State St. is about 65% done, much of the signage and painting is complete. Willson provided photos of the project. Butler stated he saw someone driving the wrong way, and he thought people were parking in strange places. Ziomek said he's working with DPW to maybe paint Ps for parking on the pavement. Ziomek is hoping the police will walk the beaches this summer and that Cons Dept staff might be given authority to ticket for parking violations.

Willson stated Station Rd bridge is coming along, they are hoping to have it open the week of July 15th. We had the flood zone mapping public meeting last night, the maps are available on our webpage. The consultant presented the new maps, the meeting went well. There is a 30 comment period and 90 day appeal period after which FEMA approves the maps. We are hoping they are official by October.

**MINUTES**

**No minutes to review.**

## **PERMITS/DISCUSSIONS**

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

**Conservation Land Use Application** – Thea Kristensen/Amherst College for biology class collecting stream macroinvertebrates in Mill River.

Willson stated this professor has come before the Commission two times for the same field class. Willson read the application to the Commission. Willson and Ziomek see no issue with the application. Ziomek said it is important to try and get the data if it's relevant to the Commission.

**Clark moved and Brooks seconded. Commission VOTED (4-0-0)** to approve the application for research on conservation land.

### **7:30 PM Request for Determination** – Alfred Levine for a house addition within buffer zone to bordering vegetated wetlands at 141 Maplewood Circle (Map 12A, Parcel 37).

Alfred & Ruth Levine presented the project. They submitted a wetland application in 2003 for a house addition which was approved by the Conservation Commission but it was never built. Levine said the footprint with this application is smaller, only 9 ft in width. Their house is built on a slab, they are expanding mostly onto flagstone patio. They'd like to add a bathroom so they can "age in place". Addition will be constructed on piers, no foundation. Butler added the work is within the buffer zone to bordering vegetated wetlands and partially within the 30' setback.

Willson presented photos from the site visit. She stated the distance from the wetland edge to the limit of work was approximately 21 feet as measured during the site visit. Butler stated the wetland has not been flagged by a wetland scientist. Fair asked where the roof drainage will go. Levine said they are in the process of working with a contractor and the plans are still changing so they don't know the answer to that question. The contractor is willing to comply with any requirements.

Butler asked if other locations for the addition were considered. Levine said yes, they looked into an addition on the other side of the front of the house but it wouldn't work with the plumbing. Clark confirmed that erosion control is on the plan. Butler asked Willson for a recommendation on the type. Willson responded filter tubes are recommended, check with your contractor. Willson said condition the permit to have contractor check with her on type and location of erosion control. Fair added a condition to direct roof drainage away from the wetland.

Brooks stated he cautions the Commission about these types of applications that don't have full delineations. Butler responded because all the work is obviously in the 30' setback already he's not a concerned about knowing exactly where the wetland line is.

**Brooks moved and Fair seconded. Commission VOTED (4-0-0)** to close the public meeting and issue a Negative Determination #3 for work in the buffer zone with conditions as discussed.

### **7:45 PM Notice of Intent (cont'd from 6/12/19 mtg)** – Jonathan Roberge/Eversource for replacement of transmission line structures within resource areas along a right-of-way between Leverett Road and Pomeroy Lane.

Mary Brittain (GZA) and Jonathan Roberge (Eversource) provided a summary of the project for Commissioners who were not at the previous meeting. Brooks asked that the towers be identified by number so we all know which one you're talking about. Brittain stated she emailed revised plans showing erosion control. Willson added they were emailed to all Commissioners. Brittain said Eversource is planning to replace structures along the 1044 power line from Leverett to Chicopee. Along that line they identified 26 structures that need immediate replacement, 14 of them are in Amherst and 6 of those are in Con Com jurisdiction. The first structure is located near the intersection of Leverett Rd and E Leverett Rd in the ROW on top of a rock. At this location the rock will need to be blasted level, the pieces of rock will be used to build a ramp up to the rock where the new tower will be installed. The ramp will be just at the 25' setback from a small isolated wetland. Butler added they are using the 25' setback because they are considering the ROW like a road.

Brittain said matting will be installed throughout the project in wetland areas temporarily for access. Roberge stated the matting and much of the work is exempt under the WPA and Eversource's Administrative Consent Order with MADEP. Brittain added the ACO allows for replacement of towers with 5' diameter cans, however, some of these towers require 7' diameter cans and therefore permitting with the Commission. Mitigation for the wetland and buffer zone impacts from the new construction is provided through the removal and revegetation of the concrete footings of the old lattice structures. She added once you calculate the square footage of impact and restoration there is actually a net gain resulting in a 2.5 to 1 ratio of restoration to impact.

There is a structure south of College Street where guide wires are needed in the wetland, they will have concrete footings to anchor to. The project will cross the Norwottuck Rail Trail by putting in temporary ramps on either side and placing a metal plate across it for their vehicles. Ramps will be made of stone and all will be removed when access to that area is not needed anymore. The next tower is just south of the rail trail and is in wetland. Willson asked if they talked to DCR about the trail. Brittain said Eversource is working with DCR. Ziomek asked people using the trail will go up and over the plate? Brittain said the steel plate is thin, the ramps are needed for their trucks. Willson said DCR may have some ideas on how to help bikers. Next structure is north of Mill Lane. They are proposing to build a gravel access road from Mill Lane up to the 25' setback of a wetland in this area. She said they like to build permanent access roads for emergencies and maintenance where it is feasible. This road will be 18' wide to accommodate trucks, etc. Roberge said they are trying to hug the tree line to stay away from the Community garden.

Brittain said the last two structures are north of Pomeroy Lane next to Pomeroy Court. They will matt in this very wet area, and will span the Plum Brook with either matting or an old train car. Roberge said this has NHESP mapping, they have received a review letter from NHESP allowing the work. Willson asked if the river crossing will span the banks or if the ACO allows for work in the river? Roberge said the crossings must span the banks, no work in river is allowed. He added they've had the mean high water marks flagged.

Fair asked if there was a way to access the towers from Pomeroy Court or another direction so you don't have to go over the Plum Brook. She added that area is very wet, your bridge footings may just sink. Clark confirmed we have both the MADEP & NHESP review letters. Willson stated that the only MADEP comment refers to their larger enforcement against Eversource. Roberge said yes, they are in discussion with MADEP about a separate enforcement, and that comment is basically saying that this project is not related to that and should be kept separate. Butler asked if the restoration areas where footings are removed will be reseeded? Fair said it's such a small area it will just reseed itself. Roberge said they will reseed if needed. Ambs asked if they were replacing all the towers for the high tension

lines? Roberge said yes, they plan to eventually replace all of them. Ambs asked how long it will take for the entire project. Roberge estimated July to December with touch up in the spring.

Willson stated conditions from last meeting included that all 25' setback flagging be put up before construction starts, and that all NHESP conditions be met.

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

### **Miscellaneous Untimed Items**

- Certificate of Compliance – 12 Poet's Corner Rd (OOCs issued under 69 Pelham Rd)

Willson stated this is the OOCs for Poet's Corner Rd development (was originally given the address 69 Pelham Rd.). She presented photos from the site visit conducted today. The Order was for the infrastructure for the development and was issued in 1999. House construction appears to be in accordance with the OOCs.

**Clark moved and Fair seconded. Commission VOTED (4-0-0)** to issue the COC.

- Certificate of Compliance – Lots 19, 20, & 21 Linden Ridge Rd.

Willson stated this is also a request for a COC associated with an Order of Conditions for the infrastructure of a subdivision. This request is for three undeveloped lots within the Amherst Hills Subdivision, the infrastructure is complete. This Order is more recent and is actually still active, we've issued extensions for it previously. She provided photos of the undeveloped lots from a site visit that morning.

**Brooks moved and Clark seconded. Commission VOTED (4-0-0)** to issue the COC.

- Emergency Certification – Amherst DPW for contaminated soil excavation at the Brook Apts.

Willson stated there was a sewer manhole overflow releasing approximately 60,000 gals which is a large release for DPW. The release was within Riverfront to the Fort River, some sewage did flow into the river. They removed approximately 70 cubic yards of sewage contaminated soil. She spoke with them about public education regarding disposal into plumbing. DPW also asked to harden the road in places as part of this emergency certification so they can better access the sewer line.

**Clark moved and Brooks seconded. Commission VOTED (4-0-0)** to ratify the Emergency Certification.

- Ratify Enforcement Order #3 – 99 Pulpit Hill Rd.

Willson stated this enforcement order states that the Commission approved the submitted restoration plan and required it to be implemented. This Order also closes the enforcement.

**Clark moved and Brooks seconded. Commission VOTED (4-0-0)** to ratify the Enforcement Order.

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

### **Adjournment**

**Voted** unanimously to adjourn the open meeting at 8:50 PM.