

CONSERVATION COMMISSION MEETING MINUTES

APRIL 14, 2021

7:00 PM

ZOOM VIRTUAL MEETING

Present: Bret Butler, Jenn Fair, Ana Devlin-Gauthier, LeRoy Gaynor, Fletcher Clark, Lawrence Ambs, Laura Pagliarulo.

7:00 PM

Comments from the Chair (Brett Butler) - None

Director's Report (Dave) – Updates regarding proposed parking area at Sweet Alice, Catharine Cole/Podick. Hickory Ridge closing postponed to August due to solar project. Discussions with abutter underway regarding Fearing Brook access. Brendan Kelly was hired as Land Management Assistant.

Wetland Administrator's Report (Erin) – Other business items on the agenda:

Emergency Certification: Catharine Cole/Podick Beaver Dam Breach.

Moved by Clark to ratify the Emergency Certification. Seconded by Devlin-Gauthier. All in favor.

Jacque noted that the Certificate of Compliance for the Eversource underground conduit on Pomeroy Court needs to be reissued with electronic signed.

Moved by Pagliarulo to reissue the Eversource Certificate of Compliance for Pomeroy Court conduit project. Seconded by Clark. All in favor.

Railroad abutter notifications – Jacque noted bylaw requires abutter notices for RDA's. Applicant is requesting a waiver of the requirement.

Moved by Pagliarulo to waive abutter notifications under the local bylaw for the railway RDA filing. Seconded by LeRoy. All in favor.

7:15 PM Notice of Intent – Town of Amherst for riverbank restoration and floodplain creation along the Fearing Brook located off Belchertown Road (Map 15C, Parcel 22&23; Map 15A, Parcel 47).

Moved by Fair to approve Order of Conditions DEP #089-0684 with conditions (1) Contractor work plan must be provided to the Commission for review (2) A monitoring party/person responsible must be identified with contact information (3) State & Local boiler plate (4) Conservation Commission reserves the right to modify work plan, and construction sequencing based on in stream conditions/rain events. Seconded by Devlin-Gauthier. All in Favor.

7:20 PM Notice of Intent – Ward Smith for Gordon Palley for construction of a single family home in the buffer zone of bordering vegetated wetlands located at 24 Palley Village Road (Map 21B, Parcel 87).

Moved by Clark to issue an Order of Conditions DEP #089-0683 approving proposed work with the following conditions: (1) Staked straw bales and toed in filter fabric silt fence at the limit of work. (2) Erosion control inspection by Wetlands Administrator after installation and prior to start of work (72 business hours notice). (3) Regular erosion control monitoring will be necessary due to topography. Who will be responsible? Name and phone number. Stabilization measures at completion of work (Seeding & Straw or Hydroseed) (4) Inspection to confirm stability by Wetlands Administrator prior to removal of erosion controls. (5) Boiler Plate state & local conditions. Seconded by Devlin-Gauthier. All in favor.

7:25 PM Notice of Intent (cont. from 3-24-21) – Haines Hydrogeologic Consulting for Amherst Poor Farm, LLC for wetland restoration in both the Riverfront and Bordering Vegetated Wetland resource areas and agricultural activities in the buffer zone of bordering vegetated wetlands. Located at 214 Pomeroy Lane (Map 20C, Parcel 23).

Moved by Devlin-Gauthier to continue the public hearing to April 28th at 7:30 PM. All in favor.

214 Pomeroy Lane – Enforcement Order/Restoration Plan

Moved by Gaynor to approve the revised restoration plan proposal at 214 Pomeroy Lane dated 4/14/2021. Seconded by Clark. All in favor.

7:30 PM Notice of Intent (cont'd from 10/9/19)– Tofino Associates Inc. for construction of a single family house with associated driveway, utilities, and landscaping within buffer zone to bordering vegetated wetlands at Lot #1 Concord Way (Map 21D, Parcel 139).

7:35 PM Notice of Intent (cont'd from 10/9/19)– Tofino Associates Inc. for construction of a single family house with associated driveway, utilities, and landscaping within buffer zone to bordering vegetated wetlands at Lot #2 Concord Way (Map 21D, Parcel 138).

7:40 PM Notice of Intent (cont'd from 10/9/19) – Tofino Associates Inc. for construction of a single family house with associated driveway, utilities, and landscaping within buffer zone to bordering vegetated wetlands at Lot #5 Concord Way (Map 21D, Parcel 135).

7:45 PM Notice of Intent (cont'd from 10/9/19) – Tofino Associates Inc. for construction of a single family house with associated driveway, utilities, and landscaping within buffer zone to bordering vegetated wetlands at Lot #6 Concord Way (Map 21D, Parcel 134).

7:50 PM Notice of Intent (cont'd from 10/9/19) – Tofino Associates Inc. for construction of a single family house with associated driveway, utilities, and landscaping within buffer zone to bordering vegetated wetlands at Lot #7 Concord Way (Map 21D, Parcel 133).

7:55 PM Notice of Intent ((cont'd from 10/9/19) – Tofino Associates Inc. for construction of a single family house with associated driveway, utilities, and landscaping within buffer zone to bordering vegetated wetlands at Lot #8 Concord Way (Map 21D, Parcel 132).

Moved by Devlin-Gauthier to continue the Tofino & Associates Inc. hearings for lots #1, #2, #5, #6, #7 & #8 to 4/28/21 at 7:35 PM. Seconded by Ambs. All in favor.

8:00 PM Notice of Intent – R. Levesque Associates for Todd Alexander, Central Amherst Realty, LLC for repaving of an existing parking lot, drive aisles and curbing improvements within the buffer zone of an intermittent stream located at 33-37 & 51 East Pleasant Street (Map 11C, Parcels 267,268,270,272, & 273).

Moved by Clark to approve the Order of Conditions with revised documents submitted 4/14/2021, with state and local boilerplate conditions. Seconded by Pagliarulo. All in favor.

8:05 PM Request for Determination – Cold Spring Environmental for Molly and Brian McLaughlin to determine whether proposed work is subject to jurisdiction under the state Wetlands Protection Act and whether the work and area are subject to jurisdiction under Article 3.31 – Wetlands Protection under the Town of Amherst General Bylaws located at Flat Hills Rd (Map 9A, Parcel 30).

Moved by Pagliarulo to issue a Negative Determination of Applicability checking box 1. Seconded by Devlin-Gauthier. All in favor.

8:10 PM Request for an Amended Order of Conditions – GZA GeoEnvironmental, Inc. for Eversource for: correction of documented resource area impacts to the Order of Conditions; inclusion of additional mitigation; and revisions to the delineated resource areas in association with the Montague –Fairmont Replacement project (Map 26A, Parcel 41; Map 2A, Parcels 7& 18; Map 17C, Parcel 19).

Moved by Gaynor to to issue Amended Order of Conditions to DEP #089-0675 to approve the following changes:

- 1. To correct the WPA Form 5 to reflect the complete areal extent of alterations that was presented in the August 11, 2020 Notice of Intent (NOI) package filed by GZA for the Project and subsequent correspondence dated October 26, 2020;*
- 2. To memorialize that Eversource is working with MassDEP to offset any functional loss of wetlands related to tree removals through a collaborative mitigation project; and*
- 3. To obtain the Commission's approval of updated map sheets related to several revisions to the delineation of resource areas within the Project Corridor.*

All other conditions from original approval still apply.

Seconded by Clark. All in favor.

Moved by Fair to adjourn at 9:30 PM. Seconded by Ambs. All in favor.