

**TOWN OF AMHERST
CONSERVATION COMMISSION
MEETING MINUTES
May 12, 2021
7:00 PM**

Present: Brett Butler, Chair; LeRoy Gaynor, Fletcher Clark, Ana Devlin Gauthier, Lawrence Ambbs
Erin Jacque, Wetlands Administrator; David Ziomek, Director

Meeting opened at 7:03 PM.

7:00 PM Comments from the Chair (Brett Butler)

None.

Director's Report (Dave)

Ziomek noted the following updates:

- The Department is seeking summer workers
- The town has an NOI for Robert Frost Trail, but is finalizing a few details before it can present the application.
- A Grant application was submitted with the Fort River Watershed Association for an interpretive trail (Emily Dickenson Trail) \$6,000: If awarded there will be an RDA submitted, a kiosk, and interpretive stations with QR codes.
- NOI expected for submission in June for trail improvements at the Sweet Alice Conservation Area/Kestral Land Trust, this will include enhanced parking.
- Enhanced parking also being proposed at Stanley Street/Wentworth Conservation Area (RDA will be submitted), and at Podick/Catharine Cole/Szala properties (outside of resource area).

Wetland Administrator's Report (Erin)

-Jacque suggested moving into other business.

Review and approval of Minutes: 3/24/21, 4/14/21, 4/28/21, 1/8/2020

Moved by Ambs to approve 3/24/21 minutes. Seconded by Devlin Gauthier. All in favor.

Moved by Ambs to approve the 4/14/21 minutes. Seconded by Devlin Gauthier. All in favor.

Moved by Ambs to approve the 4/28/21 minutes. Seconded by Devlin Gauthier. All in favor.

Moved by Ambs to approve 1/8/21 minutes. Seconded by Devlin Gauthier. All in favor.

Land Use Applications –

(1) Mount Pollux – Star Gazing

Moved by Clark to approve the Land Use Application for Stargazing at Mt. Pollux with noted conditions. Seconded by Devlin Gauthier. All in favor.

Conditions:

1. *Approved Sundays from 8 PM-3 AM until September 1, 2021*
2. *Notification of the Amherst Police Department is required (email with a copy of the approved permit)*
3. *Applicant must have a copy of the permit on them at the events*
4. *Put a note on the car with a copy of the permit (suggested note: no money or valuables in the car)*

(2) Hop Brook south of Station Rd – (Research) plant survey

Moved by Devlin Gauthier to approve the Land Use Application for plant survey in Lawrence Swamp with condition that the report/findings are shared with the Conservation Commission. Seconded by Clark. All in favor.

(3) Amethyst Brook Qigong

Moved by Ambs to approve the Land Use Application with the noted conditions. Seconded by Devlin Gauthier. All in favor.

Conditions:

- (1) Recommended start time after 10 AM.*
- (2) Event must not charge a fee*
- (3) Carpooling is encouraged*
- (4) Town should be listed on liability insurance*

7:30 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 Gaynor to continue the public hearing for 214 Pomeroy Lane to 5/26/21 at 7:25 PM. Seconded by Clark. All in favor.

7:35 PM Request for Determination – Keith Morris for New England Central Railroad for determining whether the sensitive area boundaries delineated on submitted plan are accurate (New England Central Railroad right-of-way).

Moved by Clark to continue the public meeting for the railroad to 5/26/21 7:45 PM. Seconded by Devlin Gauthier. All in favor.

7:40 PM Notice of Intent – GZA Geoenvironmental, Inc. on behalf of Lisa Kittredge for the construction of a tennis court and associated drainage at 29 Mill Lane (Map 17C, Parcel 174).

Adrienne Dunk of GZA presented the tennis court construction on behalf of the applicant. Steve Riberdy of GZA was also present.

Jacque noted that there is a violation on the property. Aerial Imagery shows an intermittent stream was filled and relocated. Jacque noted that it appeared wetland was also filled. Jacque suggested that restoration could be rolled into the NOI to avoid an Enforcement Order. Jacque also noted that the BVW (wetland) is currently being mowed as lawn. Jacque also noted that wetlands were missed in the original delineation.

The owner noted that the stream was relocated/redirected from its previous location along the side of the barn, and that a French drain was installed. Owners noted that the overgrowth was cut down and grass was planted.

A permanent stream crossing was discussed (to support pedestrians and a lawn mower. It was noted that a temporary crossing would be needed to support a dump truck and equipment.

Jacque recommended a peer review to confirm the correct location for the restored stream and wetlands and to make sure all wetlands on site/within jurisdiction of work were delineated.

Moved by Devlin Gauthier to recommend a third party review for 29 Mill Lane to work with GZA. Seconded by Ambs. All in favor.

7:45 PM Notice of Intent – Town of Amherst proposes several new footbridges, bog bridges, replacement footbridges and replacement bog bridges as well as associated trail improvements in various locations along the Robert Frost Trail (Robert Frost Trail Right-of-Way).

Hearing opened by Butler.

Moved by Devlin Gauthier to continue the public hearing for Robert Frost Trail work to 6/9/21 at 7:30 PM. All in favor.

Miscellaneous

- Other Business

- Enforcement Orders:

1. Canton Ave – Enforcement Order: Site visit follow-up

Moved by Devlin Gauthier to revise the existing Enforcement Orders (under both the Wetlands Protection under the Town of Amherst General Bylaws Article 3.31 and Wetlands Protection Act) for the Canton Avenue Subdivision to require (1) a restoration plan be prepared by Certified Wetland Scientist to restore 1,125 sq. ft. (Flag A1-A7) of altered bordering vegetated wetland (2) restoration of the 30-foot (no disturb) buffer surrounding BVW (3) Plan shall be presented to the Conservation Commission for approval by no later than August 1, 2021, (4) Plantings must be completed by October 10, 2021 (5) A report shall be submitted upon completion of plantings, (6) There shall be 2-years of monitoring to insure the success of the plantings to the Commissions satisfaction. Seconded by Clark. All in favor.

2. 25 Lantern Lane – Excavation

Jacque sent a correspondence to owner.

3. 286 West Pomeroy – Clearing

Jacque sent a correspondence to owner.

4. 121 Pondview Lane – Clearing

Jacque sent a correspondence to owner.

5. 692 South Pleasant St – Clearing

Jacque reviewed the plantings completed by the owner.

- Request for Minor Administrative Change to Order of Conditions

Request for minor administrative changes to Order of Conditions DEP #089-0646.

1. Vegetation on site within the fenced in area be maintained at a height of 3 feet maximum over the course of the project (ZBA has it as 12" ground cover maximum);
2. All native pollinator friendly species seed mixes will be substituted for the approved seed mixes; and,
3. For vegetative screening: straight native red Maple will be substituted for the proposed red maple cultivar, and Eastern red Cedar will be substituted for the proposed White Spruce.

*Moved by Ambs to approve the minor administrative changes to the Hickory Ridge Solar Project.
Seconded by Gaynor. All in favor.*

Moved by Clark to adjourn. Seconded by Ambs. All in favor.