

**TOWN OF AMHERST
CONSERVATION COMMISSION
MEETING AGENDA
VIRTUAL MEETING
July 14, 2021
7:00 PM**

Present: Jenn fair, LeRoy Gaynor, Lawrence Ambs, Fletcher Clark, Michelle Labbe, Ana Devlin Gauthier (arrived late).

Absent: Laura Pagliarulo

Staff Present: Erin Jacque, Wetlands Administrator and David Ziomek, Director of Conservation & Development

Comments from the Chair (Jenn Fair)

Fair had no comments.

Director's Report (Dave)

Ziomek welcomes new Conservation Commissioner, Michelle Labbe.

Wetland Administrator's Report (Erin)

Jacque said she would like to begin other business.

Review and approval of Minutes from 6/23/21 and 7/8/21

Moved by Ambs to approve the June 23, 2021 meeting minutes. Seconded by Gaynor. All in favor.

Moved by Ambs to approve the July 8, 2021 meeting minutes. Seconded by Gaynor. All in favor.

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). *This hearing was continued from 7/7/21 at 7:30 PM to 7/28/21 at 7:40 PM at the request of the applicant.*

Jacque announced that the hearing for 214 Pomeroy Lane was continued to 7/28/21 at 7:40 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). *This hearing was continued from 7/7/21 at 7:35 PM to 7/28/21 at 7:35 PM at the request of the applicant.*

Jacque announced that the hearing for the Robert Frost Trail was continued to 7/28/21 at 7:35 PM.

7:40 PM Notice of Intent – Town of Amherst for trail improvements, resource area improvements, and property maintenance at the Sweet Alice Conservation Area at 37 Bay Road (Map 25B, Lot 20 & 21)

Fair opened the hearing at 7:45. Ziomek presented the application and proposed work to the Conservation Commission. Ziomek requested a continuation to allow time for a site walk and to respond to the DEP file number comments.

Moved by Devlin Gauthier to continue the public hearing for the Sweet Alice Conservation Area to July 28, 2021 at 7:45 PM. Seconded by Ambs. All in favor.

7:45 PM Notice of Intent – Steve Ozcelik proposing addition to existing single family home in the buffer zone to Bordering Vegetated Wetlands at 142 Harkness Road (Map 18D, Lot 21)

Opened by Fair. Steve and Nuray Ozcelik were present. Jacque offered to present the application, applicant agreed. Project is an addition to an existing single family home at the outer limit of the buffer zone of two Bordering Vegetated Wetlands. Jacque had no concerns, suggested a Negative Determination of Applicability.

Moved by Ambs to issue a Negative Determination of Applicability (Box B3) under the Wetlands Protection Act and a Positive Determination under the Town of Amherst Wetlands Protection Bylaw for 142 Harkness Road. Seconded by Devlin Gauthier. All in favor.

7:50 PM Abbreviated Notice of Resource Area Delineation –SWCA for confirmation of resource area boundaries at 52 Fearing St; 336 & 346 N Pleasant St (Map 11C, Parcels 123, 124, 159, 160, 162, 163, & 164).

Hearing opened by Fair at 8:15 PM. Mickey Marcus was present on behalf of the applicant. Noted no development plans, but delineation is frequently a precursor to development. Marcus explained rationale for determining the stream as intermittent. Fair stated that the project needs a third party review for the wetland boundary and a hydrologic delineation of the watershed using the stratified drift layer from 2020 and a high resolution digital elevation model. Fair noted the wetland review is in the field, but the hydrologic delineation could be desktop and GIS based.

Public Comments:

Rolf Karstrom, 73 Fearing Street: Lived at the property for 22 years. Noted the flow he observed over the last 22 years has been over .01 CFS. Noted the watershed size needs to be re-evaluated. Mentioned wildlife, flashiness of the system, erosion and sediment issues. Referenced a USGS formula for stream length and stratified drift.

Fair responded that the referenced formula is outdated.

Edwin Gentzer, since 1995 on Fearing Street. Noted wildlife, has walked the watershed, believes it is over .44 square miles and referenced the UMass study.

Michelle Hosp, 60 Fearing Street. Requested a public site walk. No bordering land subject to flooding is mapped, but the stream regularly floods. Will send photos.

Jacque noted that site walks on private property cannot be public unless the owner invites the entire town to attend and the meeting is posted as an open meeting.

Marcus noted that UMass completed a watershed study a few ago. Marcus requested copies of the comment letters from Abutters. Marcus noted the applicant will have to agree to the peer review. Marcus stated the watershed delineation is beyond the scope of the wetlands protection act.

Fair noted she is not expecting a major exercise. A desk survey using high resolution DEMs.

Moved by Ambs to continue the public hearing for the ANRAD pending a 3rd party review of the wetland delineation and more recently publically available watershed delineation of tan brook using desktop review (DEM and Stratified Drift). Seconded by Ana. All in favor.

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 #1 Concord Way (Map 21D, Parcel 139).

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).

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).

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).

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).

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 close the close the public hearings for Tofino lots 5, 6, 7, & 8 on Concord Way. Seconded by Ambs. Pagliarulo (abutter) abstained, Gaynor and Labbe (new members) abstained. Fair, Clark, Devlin Gauthier and Ambs in favor.

Other Business Correspondence

121 Pondview Drive – Jacque sent a letter from former Chair Brett Butler to the owner Kim Harwood asking him to file an after-the-fact Request for Determination, and to do some remedial action for wetlands impacts. Jacque said a letter in the board packets this week from Kim Harwood stated that he had no intention of filing or cooperating with the Conservation Commissions requests. Jacque stated that the next step is Enforcement Action. The Conservation Commission agreed.

Enforcement

815 Main Street

A report of tree removal and excavation. Jacque contacted the owner and told them to install erosion controls, plant grass seed and stabilize the site with straw mulch.

25 Stanley Street

Complaint of the owner straying herbicides and pesticides in wetlands. Jacque stated that the wetlands Protection Act and local bylaw do not specifically prohibit spraying. Jacque asked if the board wanted to send the owner a letter. The board said they may want to work on developing a general brochure with recommendations for herbicides and pesticides near wetlands.

Emergency Certifications

733 Station Road

Moved by Devlin Gauthier to ratify the Emergency Certification for 733 Station Road. Seconded by Ambs. All in favor.

Request for Certificate of Compliance

33 Woodlot Lane

Moved by Clark to issue a Complete Certificate of Compliance at 33 Woodlot Lane. Seconded by Ambs. All in favor.

Eversource Request for Minor Amendment to Order of Conditions/Field Change

Montague Fairmont Line

Jacque said there have been a lot of requests for field changes. Asked the board if the changes were minor, do they want to approve every change. Jacque suggested she approve changes and report back to the board at meetings. Consensus that simple field changes can be approved by Jacque, but there must be accounting of impacts to make sure there are not any additional cumulative impacts over time.

51 East Pleasant Street

Jacque updated the board on work that was done to remove Japanese knotweed, which was done by the contractor without approval. The board was comfortable with the owner proceeding with the management plan in the Order of Conditions.

Hickory Ridge

Jacque gave a brief update on clean-up.

Aspen Heights

Jacque gave an update on the monitoring of the level spreaders.

Moved by Clark to adjourn at 9:20 PM. Seconded by Ambs. All in favor.