

**AMHERST CONSERVATION COMMISSION**  
**MEETING MINUTES**  
**October 27, 2021**  
**Via Zoom**  
**7:00 PM**

**Present:** Jenn Fair, Chair, LeRoy Gaynor, Vice-Chair, Laura Pagliarulo, Michelle Labbe, Lawrence Ambros, Fletcher Clark, Ana Devlin Gauthier

**Staff Present:** Erin Jacque, Wetlands Administrator, David Ziomek, Director of Conservation & Development/Assistant Town Manager

Reports were tabled due to the volume of hearings and business.

Devlin Gauthier provided an update on the CPA Committee funding requests pertinent to the Conservation Commission, including the Mill River Historic Trail, Trail Improvement Funds and Hickory Ridge funding. Meg Gage provided additional detail regarding the Mill River Historic Walk.

**7:30 PM Notice of Intent** – TRC for ASD Shutesbury MA Solar LLC for the construction of a solar photovoltaic energy generation facility and access road in buffer zone to Bordering Vegetated Wetland at Shutesbury Road (Map 9B, Parcel 11 & 12; Map 9D, Parcel 27).

Andrew Cabot was present on behalf of AMP Energy. Maria Firstenberg of TRC was also present on behalf of the applicant and owner.

Cabot noted that the project proposes to disturb 45 acres of forest land. Cabot noted that the project is 11 megawatts. Firstenberg asked if there were questions on the project. Jacque asked if Firstenberg was planning to present the project plans. Firstenberg briefly presented the plans. Pagliarulo asked where the point of interconnection would be. Firstenberg did not know the answer said she would need to get back to the Commission with an answer. Devlin Gauthier stated she would like an alternatives analysis/cost benefit analysis performed and provided to the Conservation Commission with the road moved out of the wetland buffer, and buffer zone clearing removed. Devlin Gauthier asked about impacts of clearing around wetlands. Jacque stated that the loss of connectivity between the wetlands would undoubtedly impact the species that use the wetlands and vernal pools. Jacque stated vernal pool species are migratory and migrate up to 400-feet from pools. Cabot stated that the species could migrate under the fence which has a 6” gap at the base to allow passage underneath. Jacque asked what the surface of the ground would be under the panels. Firstenberg noted it was on the plans. Jacque asked if it was stone or vegetation. Firstenberg stated seed mix as noted on the plans. Jacque asked about chemical controls. Firstenberg said there would be no chemical applications (herbicide or pesticides) on the site. Cabot stated the applicant intends to make the project PV Certified through UMass as pollinator friendly. Jacque asked about mowing. Firstenberg said no mowing past April. The question was asked about the location of the access road, Firstenberg stated that existing degraded area was used. Pagliarulo asked if clearing was at once or in phases. She stated she was very interested in the erosion and sediment control plans and classifications of the soils. Firstenberg stated that was in the application. Jacque asked if soils had been confirmed with borings or test pits for the design. Firstenberg said no, all information needed is in the application. Jacque stated that the project should not be designed without that basic due diligence. Ziomek stated he was interested in seeing more information on the phasing

plans, period of time between phases and run-off control. It was confirmed there was no field verification of soils prior to the engineering design.

#### Public Comment

Sharon Weizenbaum

Stated access road was nothing more than a trail through the woods, could hardly be classified as degraded. Stated its location only provides a larger area for clear-cutting. Noted that the application is not approved and this is the review process so questions should be answered.

Lenore Bryck

Stated she is a resident of town and is involved with Organization Climate Action Now. Stated that forests are intimately connected to wetlands and systems cannot be separated. Bryck stated that the Commission has an obligation to protect the greater ecosystem, of which forests, their soil structure, ability to prevent flooding, and droughts are interconnected. The purpose of solar should be to address climate change, not be a cause, sacrificing forest.

Eric Bachrach

Thanked the Conservation Commission. Stated this would be largest solar project in Amherst. Noted that the clearing of 45 acres would cause enormous and irreversible consequences. Independent consultants are needed and a total environmental impact assessment needs to be performed. Noted there were serious inaccuracies with the initial wetland assessment completed by TRC and this plan needs a thorough review. Noted that this site is very close the public water supply of Atkins Reservoir and the project threatens the groundwater wells of the properties surrounding the project. Noted there should be in-depth impact studies to assess the project.

Jenny Kallick

Noted that 7-months ago, the State of Massachusetts through the next generation road map resilient lands criteria noted there should be no net loss of farms and forest for solar. The state no longer wants forests cut for solar. Noted that this site should require serious mitigation measures, a review of all engineering reports, and should be monitored by a wildlife biologist.

Gerry Weisse

Resident of South Amherst, asked who the governmental body evaluating ecological impacts is. Ziomek mentioned there is no comprehensive review process, and the project has to go through Zoning Board of Appeals. Amherst has no solar bylaws. Firstenberg noted that the project is submitted to DEP for comments.

Michael Lapinski

Stated that the soil maps are not accurate. Noted that slope is very important. The site itself is not terribly steep, but at the edge of the project there is a cliff dropping off to Adams Brook. The contour of this area should be mapped to accurately illustrate the slope issues that exist at the edge of the site.

Phil Rich

Noted that groundwater, slope and soils are of major concern. Noted that the overall impact to the land around the 45 acres should also be evaluated and impacts should be mitigated, particularly impacts to water.

Firstenberg stated before the hearing is continued she wanted to have a conversation about a peer review. Jacque stated the hearing was scheduled for a half hour and has run over 60 minutes. Jacque stated that this is not the time to discuss the peer review, and more time is needed for that discussion. Jacque also stated that if soils have not been confirmed the engineering cannot be reviewed anyway. Firstenberg said there is a 400 pages to review. Jacque stated that without field confirmation the calculations in the submitted application are not reliable and therefore not ready for a peer review. Field based due diligence must be completed first. Jacque also stated she needs answers to her questions sent on 10/15/21 to determine compliance with the Wetlands Protection Act regulations.

*Moved by Pagliarulo to continue the public hearing to November 10, 2021 at 7:35 PM.  
Seconded by Devlin Gauthier. All in favor.*

**7:35 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).

Mickey Marcus, Wetland Scientist of SWCA was present on behalf of the applicant. Noted that revisions were submitted this afternoon.

Fair stated that the board needs to discuss the staff finding of fact. Jacque reviewed the “Finding of Fact” document for Tan Brook. Marcus objected to classifying Tan Brook as perennial, said the Commission was changing the rules. Jacque stated that the Commission is following advice from the Town Attorney. Marcus suggested the Commission revise the Bylaws.

*Moved by Ambs to accept the staff Finding of Facts. Seconded by Devlin Gauthier. All in favor.*

#### Public Comment

Rolf Karlstom 21 year a resident of Fearing Street, lives across from the subject site. Believes the stream is perennial and has never seen it dry as long as he has lived there. Agreed large portions of the drainage area were excluded from the stream stats report. Noted that he is in agreement that that there was a need for a more careful analysis.

Maria Firstenberg asked if DEP had commented on the perennial vs. intermittent question. Jacque stated that DEP would not comment on a case before the Conservation Commission.

Edwin Gentzler thanked Commission for their work, noted that he could not locate meeting recordings from previous meetings. Jacque stated she would send him a link.

*Moved by Devlin Gauthier to close the public hearing for 52 Fearing Street. Seconded by Gaynor. All in favor.*

**7:40 PM Abbreviated Notice of Resource Area Delineation** –SWCA for Barry Roberts/Stanley Mitchell Life Estate for confirmation of resource area boundaries (Bordering Vegetated Wetland and Bank) at 246 Montague Road (Map 2C, Parcels 1-12, 12).

*Moved by to continue the public hearing for 246 Montague Road to 7:45 PM on November 10, 2021. Seconded by Ana. All in favor.*

*Moved by LeRoy to approve the Land Use Permit application with the noted multiple dates and previous stargazing conditions. Seconded by Ana. All in favor.*

*Moved by Ambs to adjourn at 9:45. Seconded by Pagliarulo. All in favor.*