

**CONSERVATION COMMISSION  
MEETING MINUTES  
November 10, 2021  
Via Zoom  
7:00 PM**

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

**Absent:** Fletcher Clark

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

Presentation by Land Manager & Assistant Land Manager  
Brad Bordewieck and Brandon Kelly presented work recently done on the Town of Amherst Conservation Lands and Trails.

Minutes

*Moved by Ambs to approve the 10/27/2021 minutes. Seconded by Gaynor. All in favor.*

Requests for Certificates of Compliance

*Moved by Devlin Gauthier to issue a Certificate of Compliance for 11 Wildflower Drive. Seconded by Labbe. All in favor.*

*Moved by Labbe to issue a Certificate of Compliance to Aspen Heights. Seconded by Ambs. All in favor.*

**7:30 PM Notice of Intent** – Nitsch Engineering for Balfour Beatty Campus Solutions and the University of Massachusetts for proposed construction of new undergraduate and graduate housing, and associated parking lots within the Buffer Zone of Bordering Vegetated Wetland and within 100-feet of Tan Brook (Map 8C, Parcel 13A).

Jared Gentilucci and Brittany Vaack were present for Nitsch Engineering. Proposal was presented. Jacque outlined comments and photos from the site visit. Fair expressed concerns with the stormwater outfall to Tan Brook. The culvert under the parking lot was discussed.

**Public Comment:**

Freddy Manning: Asked about the effect of this project on 52 Fearing. Asked when the ORAD was issued.

Jacque said no impact between the sites. Stated that ORAD was issued early 2020.

Edwin Gentzler: Noted erosion on Tan Brook culvert that needs to be addressed.

Barbara Pearson: Curious about how 52 Fearing impacts this site.

Jacque stated the ORAD was approved before 52 Fearing Street, and the two sites are not connected.

Freddy Barbara: asked that it be put into the record that this proceeding cannot be used as evidence in upstream proceedings.

Springfield House Association: CapCappaGamma would like to echo comments and appreciate efforts to reduce the stress on Tan Brook.

*Moved by Devlin Gauthier to continue the public hearing for UMass to December 8, 2021 at 7:35 PM. Seconded by LeRoy. All in favor.*

**7:35 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).

Maria Firstenberg and Andrew Cabot were present on behalf of the applicant. Cabot stated that they are working to schedule the soil evaluation in the next 3-4 weeks.

Commission agreed to allow 28 days for submission of outstanding listed items.

**Public Comment:**

Ira Address 192 Shutebury Road: Opposed to project

Jack Hirsh: Noted this is an industrial projects in residential area.

Gwenevere Lodi Nead of Northampton surprised the design is not taking advantage of water and concerned about proximity of Quabbin Reservoir.

Bob Mullin: Letter from October 27<sup>th</sup> (read into the record). Noted 45 acres of tremendous impact to habitat and environment, and impacts to private water supplies. Three main points (1) Protect Wildlife Habitat (2) Research Rare Species on the Site, (3) Private Water Supply Impacts

Firstenberg noted gaps under the fencing for wildlife.

Stuart Shulman: Asked by the Commission was considering a incomplete proposal...(Individual was warned about inappropriate content of comments and muted).

Michael Lapinski: TRC was hired to find wetlands and could not. Noted a pattern of incomplete and inadequate information.

*Moved by Labbe to require the applicant submit the following information within 28-days:*

- 1. Resubmit application materials to include (a.) field soil evaluation, (b.) revised hydrologic model and (c.) adjust and resubmit plan design according to results of the field investigation.*
- 2. Due diligence investigation to determine the depth to groundwater (surface to groundwater elevation) and (b.) provide a plan showing the boring locations, existing elevations and ground water depths. Town of Amherst or Conservation Commission representative requests to be present for soil evaluation to conduct a spot check of test pits.*

3. *Resubmit plans that are in full compliance with the Massachusetts Stormwater Standards. Resubmitted plans must contain an engineer's stamp. Plans also must include an on-site sediment disposal area.*
4. *Submit a TSS removal worksheet for each treatment train.*
5. *Submit an Operation and Maintenance Log that will be used in conjunction with the Stormwater Operation and Maintenance Plan.*
6. *Submit a revised phasing plan. Submitted plan is inadequate and must be revised to incorporate staffs pre-permitting recommendations.*
7. *Answers must be provided in writing to questions sent to TRC on October 15, 2021 from staff.*
8. *Answers must be provided in writing to questions asked by Commissioners, staff and the public at the October 27, 2021 meeting.*
9. *Ground Survey showing existing conditions and an Engineers stamp is required for all plan design submissions.*
10. *Submit a plan showing the construction period erosion and sediment controls including sediment traps and basins, their size and locations on the site. Include on-site sediment disposal area on submitted plans.*
11. *Submit a revised grading plan that includes the erosion and sediment controls. Erosion control locations were inconsistent on plan sets.*
12. *Submit a decommissioning plan that includes buffer zone mitigation/replanting.*

*Motion seconded by Gaynor. All in favor.*

*Moved by Devlin Gauthier to continue the public hearing for Shutesbury Road to December 8, 2021 at 7:40 PM. Seconded by LeRoy. 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).

### **Public Comment**

Hilda Greenbaum: asked about 100-year flood zone.

Janet Keller: Pulpit Hill Road

*Moved by Devlin Gauthier to continue the public hearing December 8, 2021 at 7:45 PM.  
Seconded by Gaynor. All in favor.*

### **Other Business**

Issue ORAD for 52 Fearing St; 336 & 346 N Pleasant St (Map 11C, Parcels 123, 124, 159, 160, 162, 163, & 164)

### **Emergency Certification**

*Moved by Devlin Gauthier to ratify the Emergency Certification for Greenleaves. Seconded by Gaynor. All in favor.*

*Moved by Devlin Gauthier to ratify the Emergency Certification for Plum Springs. Seconded by Gaynor. All in favor.*

*Moved by Devlin Gauthier to ratify the Emergency Certification for Markerts Pond Dam. Seconded by Gaynor. All in favor.*

*Moved by Ambs to adjourn. Seconded by Gaynor. All in favor.*