

**CONSERVATION COMMISSION
MEETING MINUTES
December 8, 2021
Via Zoom
7:00 PM**

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

Absent: Laura Pagliarulo

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

Comments from the Chair (Jenn Fair): Took a roll call for 12/22 Conservation Commission meeting. Fair will be absent, asked Gaynor to Chair the meeting. Fair announced that the Shutesbury Road solar project was withdrawn.

Director's Report (Dave)

Ziomek noted the following updates:

B. Kelly resigned as Assistant Land Manager, position open to applicants

Robert Frost Trail Grant is wrapping up

KC Trail work to make vehicle bridge safe to pedestrians is underway

Markets Pond Dam repairs on the horizon

Noted that he and Jacque are working to get Dams inspected across town on Conservation Lands

Podick Catherine Cole Parking lot work is completed for the winter

Provided a brief update on Hickory Ridge

New Vehicles were approved for the Conservation Department as part of Capital Planning

Wetland Administrator's Report (Erin)

Jacqué noted that the owners of Canton Ave submitted a new plan design for the house lot impacted by a wetland violation. Jacqué suggesting waiting until after the New Year to discuss further, since the design has changes an amendment or new NOI is needed.

Jacqué noted an Emergency Certification was issued to 52 Chapel Road for Emergency Removal of Hazard Trees.

*Moved by Devlin Gauthier to ratify the Emergency Certification for 52 Chapel Road.
Seconded by Clark. All in favor.*

Reassign CPA Liaison – tabled to 12/22

Bylaw Regulation Revision Subcommittee Winter 2022 (Jan-April)

Moved by Labbe Set up sub-committee consisting of 2 members plus Wetlands Administrator to review current regulations, work of previous members and former staff, propose revised set of regulations to Commission for review, public input, public hearing and adoption. Work to be done in posted public meetings with minutes. Time limited work to span up to 4 months beginning January 1, 2022. Seconded by Ambros. All in favor.

7:30 PM Request for Determination –Erin Schifferli for proposed shed (chicken coop) and fencing within Riverfront Area, over 50-feet from Baby Carriage Brook at 55 Mechanics Street (Map 26D, Parcel 15). Project is a Minor Activity under Wetlands Protection Act, approval sought under Wetlands Bylaw.

Erin Schifferli was present and explained proposed work, chicken coop and run and dog fencing. Schifferli stated that as part of the property she will be doing hand removal of invasive species on the site. Jacque stated that the applicant has a compost storage bin identified and will be periodically removing compost to an offsite location (Brookfield Farm or Hartsbrook School). Jacque said the project is a minor activity under the Wetlands Protection Act and she has no concerns.

Public Comment:

Matt Emerson: Noted that the back lawn area of their property is all wetland and floods and has concerns about the chicken manure. Stated that sand should be used in the run area. Noted that the coop will become an eyesore and it is an unpleasant place to keep a chicken coop. Suggested moving the coop away from their property.

Fair responded that we are working with the applicant to mitigate risks by having a plan to address the compost.

Schifferli noted they are experienced chicken owners.

Julia Emerson: Asked to see the regulations and want to know where it states having chickens in a minor activity.

Jacque pulled up the regulations (Minor Activity) on the screen and stated that chickens are not the activity, the installation of the shed and fencing is the activity.

Moved by Devlin Gauthier to issue a Negative Determination under the Wetlands Protection Act and a Positive Determination under the Local Wetlands Bylaw. Seconded by Clark. All in favor.

7:35 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).

Brittany Veeck and Jared Gentilucci were present on behalf of Nitsch Engineering and the applicant. Veeck noted some brief updates on the design including a wildflower meadow in place of lawn in the buffer zone. Jacque asked a couple questions about the plan for the existing stormwater discharge into Tan Brook, including the placement of the erosion controls and the armoring proposed at the outfall. Veeck noted erosion controls would be located at the downstream most end of the outfall section being replaced. Veeck noted 19% reduction in stormwater discharge to the outfall.

No Public Comment.

Moved by Ana to issue an Order of Conditions for DEP #089-0694 with the following conditions.

- *Boiler plate state and local conditions*

- *Monthly monitoring reports shall be submitted by the contractor (who shall be trained in environmental monitoring prior to the start of the project). The monitoring report shall include photos of the buffer zone, stormwater structures, and tan brook culvert.*
- *3 Water quality structures have been specified for the project. It is conditioned that all 3 structures shall have 80% TSS removal capacity.*
- *ConTech water quality structure manufacturers recommendations shall be submitted to the Conservation Commission.*
- *The updated Operation & Maintenance log shall be revised and resubmitted once the water quality structure being used on the project is selected.*
- *Contact person maintaining the operation & maintenance log:
Ray Jackson, Director
Physical Plant
360 Campus Center Way
Amherst, MA
413-545-8000
413-545-0601 (direct)
rjackson@umass.edu (email)*
- *Shop drawings shall be provided to the Conservation Commission once completed.*
- *Confirmation of the outfall pipe in a functional condition shall be provided or plans showing the plan to replace the pipe.*
- *A photo example of the armoring to be installed at the outfall pipe shall be provided to the Commission.*
- *Final plan design on the stormwater outfall pipe in Tan Brook shall be submitted by the applicant and approved by the wetlands administrator or Commission as an administrative approval.*

Motion seconded by Gaynor. All in favor.

7:40 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). *APPLICATION WITHDRAWN*

Fair announced the withdrawal.

7:45 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).

Jacque noted that she attended a site visit on 11/22/21 with Jonathan Shuster (SWCA), Labbe, and Devlin Gauthier. Jacque shared the plan and explained the wetland area in question (identified by Stockman and Associates, Emily Stockman the Commissions third party peer reviewer, and SWCA). Jacque showed photos of the area. Labbe is in agreement the wetland boundary needs to be revised, stated it is an obvious drainage area/depression, noted Juncus growing in the area, and even with disturbed soils oxidation was obvious in the soil. Noted that the area was very wet. Devlin Gauthier stated that the wetland area was visible and obvious to the untrained eye, and she agreed with Labbe's observations. Clark said the area needs to be included as mapped wetland. Fair agreed the area needs to be mapped, and the area is not isolated, but based on the aerial imagery it is clearly connected to BVW on the site. Fair said we need to ask the applicant to include this area on the site. Jacque suggested a site visit with Emily, Jonathan and herself to come to consensus on the flagging and the get the area mapped.

Public Comment:

Meg Gage: stated that she things Jacque going out with peer reviewer and SWCA is a good compromise. Asked why there has been no response from SWCA on this issue.

Janet Keller: asked for explanation of the ANRAD process.

Nancy Blair: Asked how many attendees were at the hearing.

Fair replied 10 attendees besides Commissioners.

Fair explained resource areas are confirmed through the ANRAD process and the applicant needs to file an NOI (separate permit) for the work.

Moved by LeRoy to have the field visit prior to the next meeting on December 22, 2021. A plan showing the revised wetland boundary must be submitted by January 7 2022. Revised plan must include the wetland swale, consistent with the third party reviewer's comments. Seconded by Ana. All in favor.

Moved by Clark to continue the public hearing for 246 Montague Road to January 12, 2022 at 7:35 PM. Seconded by Gaynor. All in favor.

Moved by Clark to adjourn at 9:03 PM. Seconded by Ambs. All in favor.