

SELECT BOARD MEETING

Monday, July 19 – 6:30 p.m.

Town Room, Town Hall

MINUTES

Call to order:

Meeting was called to order by Ms. O’Keeffe at 6:33 p.m.

Attendance:

Present: Stephanie O’Keeffe (Chair), Aaron Hayden (Clerk), Diana Stein, Jim Wald, Larry Shaffer (Town Manager)

Others presenting: Briony Angus, Otto Stein, Stephanie Ciccarello, David Ziomek, Amy Vickers, Rob Kusner, Amy Vickers, Judith Eismann (Kestrel Trust)

Conservation Committee request on the Norwottuck Rail Trail planned expansion

(Diana Stein announced that her husband serves on the Conservation Committee.)

David Ziomek presented the Conservation Commission’s request for the Select Board to recommend to Secretary Bowles to require the DCR to complete an Environmental Impact Statement for the project to widen the Norwottuck Rail Trail. Comments on whether to waive are due this Friday. The Conservation Committee recognizes the desperate need to resurface and repair the Rail Trail. They want to focus on beaver control methods and the effects on wetlands of this proposed project. The question is whether it can be done in an environmentally sensitive way with an emphasis on the section through the Lawrence Swamp. Preserving the scenic beauty and mitigating the damage to the environment are concerns.

Briony Angus presented the Conservation Commission’s memo: She appreciated the Select Board’s calling this meeting to help support the Conservation Commission’s effort. The Conservation Commission is concerned about going around the MEPA process - MEPA provides a uniform state wide review of projects that impact wetlands. This project exceeds a number of trigger thresholds for reviews – this project impacts 2.7 acres of Bordering Vegetated Wetlands – any project over 5 k Ft² needs an EIR. Also the Environmental Impact Report process involves significant public review.

She explained that the DCR argues that the EENF is functioning as effectively as an EIR - A full waiver can be granted if applicant can demonstrate their ability to meet all permit performance requirements of mitigation and it is an undue burden on applicant.

Phasing project and permitting could help get things going.

The Conservation commission is concerned with 2 big things, the extra 2 feet sounds small but for a long linear project like this it covers 7 acres all together. Varying width could help this and DCR hasn’t demonstrated need to widen. And the second concern is with the embankment stabilization at the Lawrence Swamp: It is true there is lots of beaver activity which led to a big washout recently. The proposed stabilization will have huge impact destroying shade and environment diversity.

Larry Shaffer commented that the plan is completely insensitive to respect the community has for the way the trail is now. It takes a woodland path and straightens it into a highway. Best interests of community not represented by the project.

Jim Wald noted Stantec's report in the proposal – in the EENF Stantec's justification includes that most of the wetland is of poor quality and wondered if that is true?

Briony Angus explained that Stantec is hired by DCR and that the term "low quality" wetlands is not a defined term. Amherst has most of the wetland of the towns on the trail and the Lawrence Swamp is the most ecologically diverse area.

Stephanie Ciccarello noted the low quality wetlands includes swales are now Vernal Pools, which may not be certified but do exist. Also getting a variance to the Wetland act would take control away from Amherst's conservation Commission.

Aaron Hayden wondered how much damage the simple repair would cause.

Briony Angus explained that the repair could be done with much less damage (tough not none) than widening the trail.

Aaron Hayden asked what their proposal was for the section through the Lawrence Swamp.

Briony Angus explained that the 2,300' of the trail through the Lawrence Swamp would be made into a dam by diverting the water and drying out the swamp on will be a dam. As a dam vegetation can not be allowed to grow, it would become a treeless rip-rapped road.

Amy Vickers commends Conservations Commission's work. She is opposed to the widening of the trail, what would widening do? She uses the trail every day and doesn't see congestion. The trail brings people in to touch with nature. Other trails she has used that are wider are much speedier. She is also concerned about the safety of a wider trail – she has seen ATVs on the trail which wouldn't slow down if trail wider. Also bikers might speed on a wide trail. A wide tranquil would make for a different more urban experience. She is also concerned about the extra cost of maintenance and other long term costs to Town for maintaining the pavement. Who's going to pay for wider bike (rail) trail maintenance?

Judith Eismann, a trustee of the Kestrel Trust which owns parcels in the Lawrence Swamp. The Kestrel Trust also protects land along the trail. The process should be done right, otherwise the public won't be able to weigh in. Phasing is not a useful approach. She supports widening where it can be widened. She noted the poor maintenance history of this State Park which she believes is not likely to change. Also the idea of solving problems as the project goes along is not OK.

Rob Kusner, an Amherst representative to the Norwottuck Rail Trail Advisory Committee, reported that the NRTAC has been trying to reach a consensus on the position they would take on DCR's proposal of a waiver. They also considered what advice to give to the DCR. The

Committee was wrestling, this evening, with the idea of phasing the project, building and designing simultaneously. They consider advising on phases based on areas, some area are commuter oriented others have important environmental concerns. In the end they decided that phasing is not a good strategy. The NRTAC worked with the DCR and Stantec on details of trail and its environmental impact and recommended to MEPA the request for a waiver to be denied and requested DCR to extend the review period to address issues in their memo. The main concern is the project is over engineered. The wider pavement might be built without collateral damage had they should work harder to figure it out - especially in the Lawrence Swamp where a hugely expensive repair is proposed. The proposal will cost more than 10x the repair cost to date and would denude the trail of vegetation where it goes through the swamp. The NRTAC doesn't have a draft of their letter yet and are frustrated that they had to come from the Select Board.

Stephanie O'Keefe asked if anyone had come to speak for the waiver, no one had. She spoke of an e-mail the Select Board received that did support the waiver citing concerns about delaying the project and the added cost.

She described the Conservation Commission meeting she attended on Wednesday and her coming away convinced we should weigh in and should oppose waiver.

Jim Wald noted the design was not done well

Diana Stein felt the whole character of tranquility on the trail would be diminished by this project and definitely wants the impact report.

Select Board agreed that we should write letter and how to encapsulate into the salient points into the letter.

Aaron Hayden wondered how different the conversation would have been if the DCR had demonstrated their awareness of the unique qualities of this particular rail trail, that some areas really shouldn't be widened despite the State standard width (a standard that is applied to heavily commuter oriented trails in an urban setting can't easily be applied to more recreational trails in an environmentally sensitive area without some real consideration). He thought that there would have been real support for a plan that didn't propose denuding sections of the trail for the sake of a standard water crossing on an otherwise scenic section of the trail for instance. Many elements of the plan are sound but the lack of acknowledgement of the sensitive areas, most of which happen to be in Amherst, makes it difficult to offer the carte blanche a waiver would give.

Diana Stein moved to write to Secretary Ian A. Bowles requesting the Norwottuck Rail Trail Rehabilitation Project not be granted a waiver from completing an Environmental Impact Report.

Aaron Hayden seconded.

Discussion:

Stephanie O'Keefe suggested we instruct her to write letter with the Town Manager.

Aaron Hayden asked that the information the Select Board received from the Conservation Commission and the NRTAC be referenced in the letter as supporting information.

The motion carried unanimously.

Adjournment

The meeting was adjourned at 7:21

Changes and comments encouraged.

Respectfully submitted;

Aaron Hayden