

**Conservation Commission Meeting
January 9, 2013
Town Room, Amherst Town Hall**

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus, Chair at 7:02 p.m.

ATTENDANCE

Present: Angus (C), Walker (VC), Boice, Britt

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Ms. Willson presented photos of the work on the new stream bed at Owen's Pond. She stated she visited the site with Boyd Kynard, fish passage specialist, and he approved of the new design. At the site visit Mr. Kynard stated that the step pool design is what's currently used and he'd seen it before, however, typically on bigger rivers. Ms. Willson stated the work is estimated to be complete in one to two weeks.

Ms. Willson stated she visited the Rte 116 project, they have cut trees on both sides of the road but left the stumps and roots in place. She provided pictures. The contractor had left a lot of cutting debris (branches, wood chips) in the stream. Ms. Willson had spoken to MA DOT and they were going to have the debris removed. She stated no more work will be done at the site until March, erosion control will remain around the stream throughout the winter.

Mr. Ziomek stated there were some dog complaints at Wentworth Farm Cons. Area. He is planning to order new signs that capture all dog rules at all Cons. Areas. Residents continue to say they didn't know because it's not posted anywhere. Brad put up a new armored sign at Amethyst Brook. Ms. Britt asked if any tickets had been given out. Mr. Ziomek said no, he added that Carol Hepburn hasn't gone that route yet.

Mr. Ziomek stated he would like Brad & Mike to present their 2012 work at an upcoming meeting. He stated that in the winter they do a lot of work in the watershed.

Mr. Ziomek stated that he has been in contact with the S. East St. group and the Kestrel Trust regarding the Nielson property. There is another public auction next week; the S. East St. group is pooling resources to try and buy the property. Mr. Ziomek stated that in his CPA proposal for spring town meeting he is asking for \$50,000 to support that project. The property is approximately 7 acres. Janet McGallen stated that DCR has said they would contribute \$100,000 and her group (S. East St.) would like to see a request to CPA of \$100,000 - \$150,000. Mr. Ziomek stated he has a handout on CPA for later in the meeting and will be doing a full presentation on CPA proposals for spring town meeting at the next Con Com mtg. He added that we did not get the Partnership Grant for the Brunelle property on Potwine Lane. He would like to ask for the full \$163,000 from CPA for the Brunelle property. Presentation to CPA is on Feb. 7.

Ms. Willson summarized the documents in the meeting packet.

CONSERVATION COMMISSION'S ACTION

Approve Minutes

Walker moved and Boice seconded. Commission VOTED (4-0-0) to approve the Conservation Commission minutes of July 25, 2012.

Boice moved and Britt seconded. Commission VOTED (4-0-0) to approve the Conservation Commission minutes of August 8, 2012.

PERMITS/DISCUSSIONS

7:30 PM Notice of Intent (cont'd from 12/12/12 mtg)– Ronald LaVerdiere for construction of a new office building and associated grading, driveway, parking and stormwater management within resource areas and their buffer zones at Amherst Office Park, 417 West Street (Map 19D, Parcel 2).

- Opened the public hearing at 7:40 p.m.
- Closed the public hearing at 8:30 p.m.

Bruce Griffin (NEE) presented, he summarized resources areas and proposed work. One change to the plan is that the Town has asked for a berm so drainage doesn't flow across the neighbors driveway to the north. Leaving a berm will actually decrease the amount of grading needed in that area so decrease the impact to Riverfront. Also at the suggestion of the Town Engineer the rain garden has been removed from the plans and drainage will just run into the detention basin. An amended storm water report has been submitted. The other change is that an open bottom box culvert will be installed under the new driveway instead of just a pipe in order to meet stream crossing standards. The culvert will be 50 ft long, some of the stream will be day lighted at the southern end. Mr. Griffin stated that the culvert will not meet the openness ratio, but that the standards acknowledge that you can't get that openness ratio when the culvert is long. Ms. Angus asked where these revisions are with DEP. Mr. Griffin responded they are reviewing it right now and determining whether it needs the filing of a Water Quality Certificate. Ms. Willson stated that the Town Engineer has received the revised plans but has not reviewed them yet. Mr. Griffin stated that Garrity & Tripp, project engineers, have provided written responses to the Town Engineer's first set of comments which have been provided to the Commission. Ms. Willson asked if the culvert design could still substantially change based on DEP review? Mr. Griffin responded that he feels with the redesign that DEP's concerns have been met but that he is waiting on a written document stating that.

Walker moved and Healey seconded. Commission VOTED (4-0-0 Healey arrived 7:25pm, Boice abstained) to close the public hearing and issue an Order of Conditions with the condition that the applicant work with the Town Engineer and MA DEP to meet all of their concerns, and that if doing so changes the plans significantly the applicant shall come back before the Commission.

8:00 PM Enforcement Orders – UMASS Facilities Planning for clearing, removing and stockpiling topsoil within the buffer zone of Campus Pond without a permit.

Ms. Healey disclosed that she is UMASS faculty but that she has no financial stake in the work being discussed and feels she does not have a conflict of interest. Ms. Angus asked the applicant if they were comfortable with that, they replied yes. Ms. Angus recused herself due to a conflict of interest. Bruce Griffin, NEE, presented. He stated that piles of mostly snow with soil on top were deposited within the buffer zone of Campus Pond during clearing of a staging area for utility construction. He stated that UMASS has removed the piled snow and dirt. He stated that the first concern is to protect the pond and that UMASS could install a straw waddle along the edge of the walking path, hay could be placed where dirty snow still exists and raked off in the spring. Mr. Walker asked if the work on the staging area was complete? Jason Venditti, UMASS, stated that the staging area was originally meant to be outside the buffer but the contractor continued the clearing up to the walkway which then encroached into the buffer. He added that they used a snow-thrasher which picked up dirt where it wasn't frozen and threw it along with the snow toward the pond. Mr. Venditti discussed the movement of a tree in this area and the installation of a gas line boring under Campus Pond. The question was raised why these two projects were not permitted through the Commission. Mr. Venditti stated he thought the gas line boring was permitted as part of the Academic Bldg. NOI.

Mr. Venditti suggested shoveling/raking the snow and debris down to the grass and installing erosion control. The work shall be done while the ground is frozen. Ms. Willson reviewed the process stating that the Con Com must ratify the first Enforcement Order which told UMASS to cease work, remove snow/soil piles and install erosion control. The Commission then creates and votes on a second Enforcement Order that could include requiring UMASS to submit an RFD for the work or just asking them to do more cleanup.

Ratify 1st Enforcement Order

Healey moved and Boice seconded. Commission VOTED (4-0-0, Angus recused from vote) to ratify Enforcement Order #1 to UMASS Facilities Planning.

Ratify 2nd Enforcement Order

Healey moved and Boice seconded. Commission VOTED (4-0-0, Angus recused from vote) to ratify Enforcement Order #2 to UMASS Facilities Planning with the following conditions:

Remove all the silt laden snow as possible (down to the grass) in the next couple days before the weather warms up. Install a silt fence between the walkway and the pond as erosion control. Submit a Request for Determination for the creation of the staging area (clearing, stockpiling, etc.).

8:15 PM CPA Proposals

Mr. Ziomek provided a preliminary copy of his proposal to CPA. The proposal includes money for due diligence, a potential APR in north Amherst, some potential properties in east Amherst, the Nielson property (approx \$50,000 plus support for due diligence, 21 E), and the Brunelle property on Potwine Ln (approx \$163,000). He stated he will present his final proposal at an upcoming Con Com meeting.

Miscellaneous Untimed Items:

- UMASS Request for Amended Order of Conditions

Bruce Griffin, NEE, presented. He stated that this is an amendment to an Order of Conditions issued a few years ago to reduce the amount of sediment going into the pond. At that time one of DEP's comments was that more should be done to reduce sediment entering the pond. This amendment attempts to address that. He stated that the new work includes removing dead and dying trees, non-native trees (crab apple), and invasive species. In addition, in many parts of the bank there has been erosion and the bank is nearly vertical. The work will include stabilizing the banks with coir logs, aquatic shelf plantings, and bank plantings. He added that further up the bank and away from the pond in some areas there would be regrading, stone benches, stone flagging, and tree plantings. He stated that a portion of the walkway will be repaved and granite curbs installed with student names inscribed.

Britt moved and Healey seconded. Commission VOTED (4-0-0, Angus recused from vote) to accept the request to Amend the Order of Conditions.

- Re-issue Certificate of Compliance - 46 Hop Brook Rd.

Ms. Willson stated that the Certificate of Compliance needs to be re-issued because the owner/applicant lost the original before registering it at the registry of deeds. The Commission signed the re-issued COC.

- Topics not reasonably anticipated 48 hours prior to the meeting.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 9:35 p.m.