

**Conservation Commission Meeting
February 13, 2013
Town Room, Amherst Town Hall**

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus, Chair at 7:04 p.m.

ATTENDANCE

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

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Ms. Willson stated that since our meeting UMASS, Preserve UMASS, and Mass Historical have met and are working on a Memorandum of Understanding in regard to the landscape at Campus Pond. A letter from Mass Historical is in the Con Com's packet. Based on that we will be issuing the Amended Order of Conditions approved at the last meeting for work on Campus Pond. Three people have filed CAFs with the Town to be Con Com members. She stated, as everyone probably already knew, there was a significant erosion event at Owen's Pond that we'll be discussing later in the meeting. The stream at Rte 116 looks good, no work has been conducted since the trees were cleared. The stream has erosion control surrounding it.

Mr. Ziomek stated there were a couple stories in the newspaper about the erosion at Owen's Pond. He added it's unfortunate, but hopefully WMECO & contractors will provide some information tonight for both a short term and long term plan to fix the situation. He stated he picked up a number of the bird boxes that had fallen over and taken them to Cons. Dept's shop. Brad and Mike are boundary marking in the watershed. They are attending the MACC conference and some trail workshops. They will be filing RFDs for work they'd like to do next summer. They are trying to schedule a follow-up trails meeting, tentative date of March 26. Mr. Ziomek stated he will be meeting with the Joint Capital Planning Comm, the only request for FY14 is \$5,000 for fencing at Puffer's Pond.

CONSERVATION COMMISSION'S ACTION

Review/Approve Minutes of August 22, 2012.

Boice moved and Britt seconded. Commission VOTED (4-0-1 Walker abstained) to approve the minutes of 8-12-12.

PERMITS/DISCUSSIONS

7:15 PM South East St. property - Carol Gray - official vote on CPA recommendations

Mr. Ziomek stated that all current applications to CPAC were heard at their February 7th meeting. He stated that Ms. Gray is here to talk about the funding request for the Southeast St. property. Ms. Gray provided a presentation on the Southeast St. property. She provided slides on nearby preserved lands,

wetlands and priority habitat areas, and pictures of the property. She stated that the bank owns the property right now. She and her group have told the bank they will pay \$500,001 for the property, but to do that they need more money from CPA. She asked the Commission to recommend to CPA to give \$100,000 - \$150,000 for the property which would give them the most competitive offer to the bank.

Janet McGowan then presented. She stated that the site has scenic views which are also enjoyed by people walking on the rail trail. She stated that MA DCR has put up \$100,000 for the preservation of the property. She presented information on fresh water mussels particularly the federally endangered dwarf wedge mussel that is present in the Fort River and the Hop Brook. She presented maps from the Open Space and Recreation Plan for the Town. Carol Gray provided a letter of support from Mass Bike, they support the project.

Ms. Gray stated that there were a number of people at the meeting would like to speak on behalf of the S. East St. property. Ms. Angus stated that this was not a public hearing, that Ms. Gray had simply asked to come speak to the Commission, and that for the sake of time and respect to other applicants she would not like to open this to public comment. Ms. Angus asked the Commission their opinion. Ms. Britt stated she felt the people who have spoke have clearly expressed their request and that there's not enough time tonight considering the agenda. Mr. Walker stated the Con Com has discussed this property at a number of meetings.

Ms. Gray stated what they are asking for is less than 30% of the overall money raised, they will be selling two lots, DCR is donating, and there is personnel fundraising. Ms. Angus summarized the current question: the Commission previously recommended to CPAC to fund this project \$50,000, does the Commission want to recommend a different amount? Britt stated she felt \$50,000 is enough. Ms. Boice stated the recommendations were presented to the CPAC, however, at the meeting it was suggested that the Con Com take another look to see if they want to increase/decrease any amounts or change how they prioritized the projects.

Walker moved and Britt seconded to support the projects and their recommended funding provided in the document presented to the CPAC at their February 7, 2013 meeting. This document stated a recommendation of \$50,000 for the S. East St. property. Allen amended the motion to recommending \$75,000 for S. East St. Boice seconded. No discussion. **Commission VOTED (2-3-0), motion failed.**

Britt moved and Walker seconded to recommend to CPAC to fund appraisals/studies for \$12,000, Brunelle property for \$156,000, and S. East St. for \$50,000. Mr. Ziomek added that the CPAC can add money if they want to. **Commission VOTED (3-2-0), motion passed.**

7:30 PM Request for Amended Order of Conditions – UMASS for installation of a sewer line and construction of a staging area within the buffer zone of Campus Pond (Map 8C, Parcel 13B).

- Opened the public hearing at 8:05 p.m.
- Closed the public hearing at 8:25 p.m.

Meeting opened by Mr. Walker, Ms. Angus recused herself due to conflict of interest. Kristin McDonah, New England Environmental, presented the project. She stated that the Commission requested that

UMASS provide an RFD for the work found unpermitted through a recent Enforcement Order. This RFD is for that work. She presented the plan showing work and erosion control. Ms.

Willson stated the requests the Con Com made under the Enforcement Order, moving the erosion control, and removing the silt laden snow had been done. Ms. Willson provided pictures from the site visit that morning. Ms. Willson asked how the staging area would be replanted. Jason Venditti, UMASS, stated that the most recent plans are to continue to use the staging area for another project and then to eventually rearrange the walkways to create more green space. So the staging area won't be landscaped for a couple years.

Britt moved and Boice seconded. Commission VOTED (4-0-0 Angus recused) to close the public hearing and issue a Negative Determination #3 with the condition that UMASS provide the Con Com with an update on the status of the staging area within two years.

7:45 PM Enforcement Order – Brian Scully for removal of trees in the buffer zone of bordering vegetated wetlands without a permit at 22 Hawthorn Road (Map 21D, Parcel 164).

Ms. Willson stated that this is a new house that was recently sold. There are wetlands in the back, the 30' no disturb line is very close to the house. The new owner, currently living in CA, hired an arborist to look at the trees and then had 11 trees taken down, many within the 30' no disturb buffer without a permit. Brendan Sullivan, property manager until the owner can move to Amherst, stated the trees consisted of diseased hemlock, dead pine and beach. Ms. Willson provided photos from the site visit. The stumps were removed.

Mr. Ginsburg, neighbor to the north, stated they thought it was more like 22 trees and that they were clear cut. He stated he opposed the house being built because of the wetlands, an OOCs was issued for the building, and that they put the house where it blocks their view of the mountains because of the wetlands. He added they were promised no trees would be taken down in the 30' buffer. He stated he would like the owner to plant replacement trees that would block his view of the house at the northeast corner of the property. Mr. Sullivan stated that is was only 11 trees and that it may look like more due to the stump grinding. Mr. Ginsburg stated he counted the stumps and there were 22 and the trees were not dead and that it was part of the OOCs to leave the trees.

Ms. Angus asked if there was any other purpose for taking down the trees than safety. Mr. Sullivan stated no, they were taken down because the arborists thought they could fall on the house. Mr. Walker stated he would like to see the home owner hire someone to develop a re-planting plan. Both Ms. Boice and Ms. Britt agreed.

Boice moved and Britt seconded Commission voted unanimously (5-0-0) to ratify the first Enforcement Order.

Britt moved and Walker seconded Commission voted unanimously (5-0-0) to issue a 2nd Enforcement Order requiring the homeowner to file an NOI including a re-planting plan.

8:00 PM Enforcement Order – Northeast Utilities/WMECO for release of sediment into a stream and associated wetlands at Wentworth Farm Conservation Area (Map 18A, Parcels 46, 17 & 34).

Ms. Willson provided photos of the bank erosion. She stated that as the result of a heavy rain storm the newly built stream bed and much of the northwestern bank eroded, a lot of the sediment was deposited in the downstream wetland. She stated that the construction of the step pools, etc. was finished one week before the storm. There was erosion under the bridge causing some of the concrete blocks in the abutment to fall out. Temporary measures have been taken to prevent further erosion until the stream can be rebuilt. Temporary measures include pumping the pond down so no water enter the stream bed, a dam made out of large sand bags in case we have a rain event that raises the pond level faster than the pump can handle it, two 18" PVC pipes to catch any water that goes over the dam that then transport the water past the eroded area, and sand bags for bank stabilization. She stated a bridge engineer has looked at the bridge and concluded it was safe for people to walk across.

Ms. Willson stated that an Enforcement Order was issued which included a detailed list of what was needed for temporary erosion control. We worked with DEP on this, they have been to the site. As required by the Enforcement Order, VHB has been analyzing why the step pool system failed.

Ms. Britt asked to hear about the root cause analysis. Matt Kennedy, VHB, stated that the construction of the step pools and tying the rock veins into the bank was done under basically frozen conditions. It was very important that the rock veins got placed deep into the bank and backfilled with competent material. Unfortunately, some of the backfill may have been frozen. This was followed by a couple freeze/thaw events and then the storm with over 1" of rain. The water was able to get behind one of the veins through gaps from the settling (and freeze/thaw) and start eroding the bank.

Ms. Angus read the 1st Enforcement Order (EO). She asked if they had developed a notification system for emergencies as required in the EO. Mr. Benito replied yes. She showed the bridge engineer report, also required by the EO, which says it can still support the weight it's rated for. The EO requires a long term permanent plan be submitted by February 18th, first phase of work be implemented by March 8, and second phase (plantings) by April 26th. These dates were suggested by DEP. Ms. Angus asked the applicant if these dates were realistic. She asked if a good plan would be they submit the long term conceptual plan on the 18th for review and then based on all comments from all parties set implementation dates. WMECO responded yes.

Britt moved and Boice seconded Commission voted unanimously (5-0-0) to ratify the first Enforcement Order.

Boice moved and Walker seconded Commission voted unanimously (5-0-0) to issue a 2nd Enforcement Order requiring that a draft long term stabilization plan be submitted by February 18, 2013, and that WMECO work to set up a meeting between all involved parties to review the plan. The final plan must be presented to the Con Com by March 13, 2013.

Miscellaneous Untimed Items:

- UMASS O&M Plan - New Academic Building Project

Ms. Willson stated this is an updated O&M Plan for the UMASS project provided by NEE.

- Research on Conservation Land Proposal – Julie Emerson

Ms. Willson provided a brief summary of the request.

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

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 9:30 p.m.