

MINUTES

CALL TO ORDER

Meeting called to order by Mr. Walker, Vice Chair at 7:00 p.m.

ATTENDANCE

Present: Walker (VC), Allen, Boice, Britt, Healey, Brooks  
Staff: Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Ms. Willson updated the Commission on Atkins Corner and Rte 116 construction projects. Atkins Corner is finishing up the bike path. She has asked them to re-seed a number of swales and slopes. Rte 116 has started excavating where they are straightening the road. They have all erosion control in place, everything looks work is just beginning.

Ms. Willson stated the next Con Com mtg will be April 23 instead of April 24<sup>th</sup>.

Mr. Walker introduced our new Commissioner, Bob Brooks.

CONSERVATION COMMISSION'S ACTION

APPROVE MINUTES

Approve minutes of 9-26-12.

**Healey moved and Boice seconded. Commission VOTED (4-0-2, Healey & Brooks abstained)** to approve the minutes of 9-26-12.

PERMITS/DISCUSSIONS

**7:15 PM Informal Discussion** – Massachusetts Department of Conservation & Recreation for drainage improvements along the Norwottuck Rail Trail.

Rich Brazeau, DCR, provided an overview of the drainage issues near the Amherst Farmer's Supply along the Norwottuck Rail Trail. Drainage improvements were previously permitted and the permit is still valid. The permitted work involved using a vac truck to remove sediment from drainage piping, however, the contractor said it couldn't be done. Mr. Brazeau would like to install a siphon consisting of permanent piping under the rail trail and Amherst Farmer's Supply storage yard to lower the water level in the pond so they can begin to clean out the pipe. Temporary PVC piping would be attached down to the pond when needed.

Ms. Willson asked about protection at outlet end. Mr. Brazeau stated they will have a gate so they can control the volume being released, the water will be coming out 5 feet or so from the stream, they will use haybales & silt fence to collect sediment. Mr. Allen stated that the pond has been there so long it has

become a vernal pool. He asked if it will be drained dry. Mr. Brazeau said they will only lower to water to the height of the drainage pipe. He added they can do the work at the end of June after many of the vernal pool species have hatched and left the pool.

Ms. Willson stated the Commission is deciding if this work can be done as an amendment to the existing Order of Conditions or if it requires a new NOI.

**Britt moved and Allen seconded. Commission VOTED (6-0-0)** to allow DCR to file for an amendment to the existing Order rather than submit a new NOI.

**7:30 PM Notice of Intent** – Brian Scully for restoration planting within the buffer zone of bordering vegetated wetlands at 22 Hawthorn Rd. (Map 21D, Parcel 164).

- Opened the public hearing at 7:33 p.m.
- Closed the public hearing at 8:05 p.m.

Bruce Griffin & Andy Bohn from New England Environmental and Brendan Sullivan property manager presented the project. Mr. Griffin stated this NOI is in response to an Enforcement Order issued due to cutting of trees within 30' of the wetland boundary. This NOI is the replanting plan for that area. He stated he has not heard from Natural Heritage yet so the hearing can't be closed tonight. He stated they have included plantings along the north border of the property to help with screening for the neighbors.

Ms. Willson stated there are two letters in the Cons Com packets, one from the neighbors and one from the property owner Mr. Scully. Ms. Healey asked if the sizes of shrubs and plants being proposed are similar to what was there before. Mr. Bohn said they don't exactly know what was there but this is typical for a forest edge. Mr. Bohn stated that the neighbors have asked why larger trees can't be planted. NEE is proposing to plant 9 six to seven foot saplings, 9 four to five foot saplings with other samplings and shrubs in between. He stated that planting larger trees would require more digging that could impact some of the existing large trees. Ms. Healey asked how quickly will the trees grow? Mr. Bohn said the pines grow on average one foot per year.

Mr. Joe Ginzheimer (neighbor) stated the house should have never been built due to the wetlands, it was moved to avoid the wetlands and now blocks his view of the mountains. He believes Mr. Scully did know about the Order of Conditions stating the 30' no touch zone, and that he went in and clear cut the trees anyway. He stated you don't have to dig a trench to plant larger trees, you can do it individually. The root ball increases 6-12". He is asking for 10' trees between his house and the Scully's. Ms. Britt asked how much more difficult it would be to plant 8 foot trees, something in between 6-7' and 10'. Mr. Bohn stated they will try to get trees with usable root ball size, anything too big will compromise existing trees.

Ms. Healey asked for more of an explanation on the threat to existing vegetation. Mr. Bohn stated there is a 30" diameter red oak and two significant white pines along with some 5-6' tall understory shrubs, some birches, and some smaller growth that could be impacted. He added we don't want to damage the existing trees because they will be the fastest to grow. Mr. Griffin stated the planting plan includes trees along the northern property boundary where no trees were taken down in response to the neighbor's concerns. Mr. Bohn stated he's most concerned about compromising the roots of the large red oak and white pines.

Mr. Sullivan stated that the property owner, Brian Scully, has indicated he is willing to pay for 10' trees but it differing to NEE for their advice/expertise. Mr. Ted Parker, Kohl Construction, stated that an

Order of Conditions was issued when the house was built and it was recorded with the deed. He added it's unfortunate that the information was not passed onto the current home owner. His experience with wetland replication has been that the larger the plant the least success. Mr. Brooks agreed the goal should be to restore the wetland and not impact existing vegetation.

Mr. Walker stated we can't close the hearing until we have the NHESP letter. The plans state 75% coverage within 2 years, which will be monitored by NEE.

**Boice moved and Allen seconded. Commission VOTED (6-0-0)** to continue the public hearing until April 22 at 7:45pm, applicant agreed to continuation.

**7:45 PM Request for Determination** – Amherst College for removal and replacement of sheds within the buffer zone of bank and bordering vegetated wetlands at Pratt Field (Map 14C, Parcels 14 & 48).

- Opened the public hearing at 8:05 p.m.
- Closed the public hearing at 8:20 p.m.

Meredith Borstein (New England Environmental, Tom Hartman (Caldwell & Hartman Assoc.), Amherst College rep presented the project. There is one building to be replaced in existing footprint, it's within 50' buffer but outside 30' buffer. The resource area is the drainage swales along the Norwottuck Rail Trail. There is a chain link fence along the property boundary very close to the building and that's where the erosion control will go.

There is also a second new building located partially within the 100' buffer, however, drainage from the new building goes away from the wetland and bank. Plans also include replacing a paved walkway and creating a temporary parking area in a grass area for workers during construction of Pratt Field. A portion of the parking area is within the 100' buffer. They will use the temporary parking until Fall 2013. The parking area will be surrounded by silt fence with one entrance. Ms. Willson suggested moving the erosion control outside the drip line of the trees so as not to impact their roots and to keep cars out of the more muddy areas. This can be a condition on the permit.

Tom Hartman stated they will do test pits at the first building and to determine if the existing building's piers are supported enough by the soils to be used for the replacement building. If they can reuse the piers there will be very minimal disturbance to soils. Neither building has heat or plumbing. He stated that at the site visit it was discussed to bring the roof drainage to the north side away from the resource areas. Ms. Willson added that at the site visit we discussed adding silt fence along the entire southern boundary of the project site.

Ms. Healey asked what the area would be revegetated with. Ms. Bornstein stated all areas would be planted with turf grass. Ms. Healey asked if native or herbaceous plants could be used instead of turf grass. Ms. Bornstein stated turf grass used to be there and there will be a lot of people walking there, it's a stadium.

**Britt moved and Healey seconded. Commission VOTED (6-0-0)** to close the public meeting and issue a Negative Determination #3 for work in the buffer zone that will not impact the resource area.

### **Miscellaneous Untimed Items:**

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

Ms. Britt stated that she discovered people camping and having a fire on the trails in the Mill River Conservation Area along the Cushman Brook. She called the police and contacted Conservation. Ms. Willson stated that Brad & Mike (Land Manager, Asst. Land Manager) went there today to make sure they had left. Ms. Britt asked if Con Com members could get ID cards for situations like this where they want to approach people to tell them not to do something. Ms. Willson asked Stephanie O'Keefe, liason for the Select Board, if other committees have ID cards. Ms. O'Keefe stated that we should check with town counsel or MACC to see what authority Con Com members have. Mr. Walker stated you can at least just tell them the rules.

### **ADJOURNMENT**

**VOTED** unanimously to adjourn the open meeting at 8:25 p.m.