

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus, Chair at 7:05 p.m.

ATTENDANCE

Present: Angus (C), Allen, Boice, Clark (not sworn in, can't vote)

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Angus introduced new member Fletcher Clark. Willson stated that we do have something that has come up in the last 48hrs that should be discussed at the end of the meeting – an Enforcement Order on Meadow St. The MET Grant proposal to study the Fearing Brook is due this Friday. In the Commission's packet is information on the new DEP reg revisions planned to be implemented this spring. There will be workshops and presentations, she will try and get DEP rep to come to a Con Com mtg and present on reg revisions. NEE will be coming to next Con Com mtg to talk about aquatic plant treatment of Gull Pond.

Ziomek stated CPAC voted unanimously to support purchase of Saul property. Will be going to spring Town mtg. Kestrel Trust currently owns and has been working with Cons. Dept. on some grant proposals and fundraising campaigns to lower the amount being asked for the Town to pay. Grow Food Amherst has set up some upcoming info sessions on the project, and there will be a bus tour for Town mtg members. CPAC also unanimously voted to support money for due diligence and conservation restrictions on land purchased with CPA funds. Kestrel Trust will hold conservation restrictions on Town cons. land purchased with CPA funds (~120 acres).

Field staff gearing up for summer, projects include: repairs to National Guard Bridge, improvements to Amethyst Brook parking lot and kiosk, new parking at Wentworth Farm, Land & Water Grant work at Puffer's Pond (\$36,000), new trail & parking at Ricci property, and SE St. new trail & bluebird boxes & butterfly plantings funded through grant acquired by Carol Gray.

CONSERVATION COMMISSION'S ACTION

No minutes to approve.

PERMITS/DISCUSSIONS

7:15 PM Informal Discussion – New England Environmental update on Norwottuck Rail Trail drainage improvements

Willson stated that DCR & NEE originally got permitting for drainage work (clean out of blocked culvert, install new culverts, repair drainage channel). MassDOT then came before the Commission for permitting for rehab of entire trail. DCR does not have the funding to do permitted drainage work, after a lot of discussions and negotiating MassDOT has OKed adding the drainage work to the trail rehab work.

Bruce Griffin, NEE, stated that DCR and MassDOT are asking the Commission to accept revised drainage plans under existing OOCs (no amendment) and accept that MassDOT will be doing the permitted drainage work. The new plan incorporates all intentions of the original plans but reduces the scope slightly. The original plans called for attempting to clean-out old culvert by Amherst Farmer's supply that was attempted but didn't work. Original plans called for installing new culvert (two pipes) which is what new plans call for. There will be a decrease in wetland impact, no work on Amherst College land, and no work on farthest downstream section of drainage channel that was least affected and doesn't impact integrity of the Rail Trail. Idea is once new culverts installed and most damaged section of drainage channel repaired the downstream won't be impacted by heavy flows anymore and will naturally recover. There is no new work proposed just a slight decrease in work. Original permit was for 714 linear ft of bank impact, new plan for 436 linear ft.

Angus asked who applicant is. DCR is applicant but MassDOT will administer the work. Brazeau, DCR, stated the siphon was installed and they have pumped down the pond periodically. They will utilize the siphon when the work is being done, new culverts being installed to decrease drainage into work area. Angus asked if we recently discussed this area. Willson stated we approved two Emergency Certs for drainage channel repairs in this area (Thanksgiving weekend storm). Angus asked when is work starting. Brazeau said maybe fall 2014. Ziomek asked why not allowed on Amherst College land. Brazeau stated it was a requirement of Fed & MassDOT funding to have work only within right of way not on private land.

Can't vote tonight because there is not a quorum. Will vote at next mtg., applicant does not need to come back.

7:30 PM Discussion – Mill Street Bridge conceptual plans

Ziomek stated that the bridge has been closed for many months and the Town is deciding what to do. Public Works Com has held a number of public meetings. Last Con Com mtg had chairs of Public Works Com & Public Transportation Com provide overview of plans. Whatever plan is chosen will come before the Commission for permitting. Ziomek stated he was looking for Commission to formulate a recommendation to Select Board on the designs based on resource areas and Cons. land in the area and the Puffer's Pond 2020 report. Public Works Com held meeting last week and voted to recommend Alt. #4, one lane of one-way traffic with multi-use path. The multi-use path would be on the dam side of the road, start at Sharken (spelling?) driveway and go over bridge and around corner. Ziomek stated the Public Works Com voted on the design but not on the direction one-way traffic will flow. Puffer's Pond 2020 did look at safety crossing bridge, and recommended traffic flow one-way on State St. from west to east.

All proposals would result in a longer, wider bridge with new abutments. Willson stated that the engineering consultant for the Town has stated that the abutments need to come out and will just continue to deteriorate making the bridge unsafe. The length of the different designs is about the same, 1.5 times stream width. Widths of designs vary, currently bridge is 19 ft, one-way with multi-use is 24 ft. The state will not pay for a bridge without vehicular use. Ziomek stated Con Com could provide a statement supporting one design based on protection of resource areas and safety considerations for people using Cons. areas to guide Select Board in their decision. Willson to draft a statement for next mtg. Ziomek stated statement should include strong support for design that requires no taking of Cons. land. Angus stated that they should look into creative ways to widen and lengthen deck while having similar sized abutments.

No vote no quorum.

8:00 PM Discussion – Review/comment on RFP for 3rd party review – Retreat

Willson asked if anyone had comments on the RFP. Brooks submitted comments electronically. Boice asked about quantifying the number of meetings consultant will attend. Willson stated yes having a particular number is needed for costing. Ziomek stated give a minimum number with additional mtgs as needed and provide cost per hour. Ziomek stated draft RFPs need to go to Town counsel ASAP.

Willson provided a summary of what the draft RFP is to Clark. Ziomek added that the Planning Board is also having 3rd party review for the Retreat project.

Member of public, Flat Hills Rd., stated that he wanted to reiterate comments sent electronically by Jack Hirsch. Comments were to add that consultant investigate if any other vernal pools exist on the property, and if streams are identified correctly as intermittent vs perennial. That consultant has experience working for municipalities.

Miscellaneous Untimed Items:

- Vote on RFP review subcommittee - Retreat

No vote, no quorum.

- Nominate/Vote on Vice Chair

No vote, no quorum.

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

ENFORCEMENT ORDER: Ziomek stated that an enforcement situation was brought to the Cons. Dept.'s attention on 3/11/14 on Meadow St./Russellville Rd. along the Swamp Brook. He showed the location on the overhead map. He stated the property was purchased from the Drozdells (spelling?) in 2013 by Matt Biskup and Danya Tietelbaum and is approximately 38 acres. He stated the Cons. Commission got a call from a concerned citizen and from DEP that someone was removing all vegetation from both sides of the Swamp Brook.

Ziomek showed the 2009 aerial photo on the overhead showing the historically vegetated buffer along the brook and the pastures which have been in hay for a long time. Willson stated she and Brad Bordeweick, Land Manager, went to the site today and met with the owners, discussed the situation and told them to stop the clearing. She provided the owners with a copy of the regulations. She added that it appears they were working under an NRCS grant program to clear the stream buffer in order to push back invasive vegetation so they could expand their usable crop land. She stated they used a large machine similar to an excavator that removes the shrubs and chips them at the same time. She presented pictures on the overhead.

Ziomek showed on the overhead photos where you can see the historical line where crops were grown. Boice asked if the wood chips were just left in place. Willson said yes. Clark asked what NRCS program it was. Ziomek stated CPA? He added we did have a conversation with NRCS staff this afternoon, Bruce

Howled. Ziomek stated this is a perennial stream, it has a very large watershed. Cons. Dept. staff will be having a meeting with the owners and NRCS next week.

Ziomek stated they accomplished most of the clearing funded through the grant before we stopped them. Angus asked what extent. Willson showed on the overhead what areas were cleared. Allen stated a similar situation occurred in Ludlow and there was a \$16,000 fine.

Ziomek stated that he and Willson met with farmers this afternoon in Cons. office. They have stated their original plans include fencing and grazing close to the brook. They left large trees to provide shade for the animals. We need to think about how we want them to re-establish that vegetative buffer, and that it can't be used for grazing.

The Enforcement Order is requiring them to come to the next Con Com mtg. 3/26. A site visit for Con Com will be planned before next mtg.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 8:45 p.m.