

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus, Chair at 7:01 p.m.

ATTENDANCE

Present: Angus (C), Boice, Allen, Healey, Brooks, Clark, Butler

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson went to a pre-construction meeting for UMASS Academic Bldg project. They will be starting the bank stabilization for the north end of the pond. They will be lowering the elevation of the pond to do aquatic plantings will raise elevation when done. Summary of project in Con Com packet.

Norwottuck Rail Trail project, they are installing erosion control from Hadley line to S. Pleasant St. Starting paving work in next two weeks.

Ziomek suggested Con Com members speak loudly due to the large crowd tonight. Summer staff hires underway, hiring 4 to 5 staff. Puffers Pond breakfast is on June 7, money goes to Puffer's Pond and hiring of summer staff. Brad & Chet have been mowing trail heads. Tan Brook walkabout with residents tomorrow will be looking at erosion issues. Have not heard about Fearing Brook grant yet. LAND Grant program has moved up deadline so at next meeting will talk about a few projects for that program.

MINUTES

Reviewed and approved 4-09-14 minutes.

Brooks moved and Boice seconded. Commission VOTED (6-0-1, Allen abstained) to approve the minutes of 4-09-14.

PERMITS/DISCUSSIONS

7:05 PM Application for event on Cons Land– Cassie Kollman, Amherst Montessori School, for nature education afterschool program.

Kollman would like to do afterschool program at Plum Brook Cons. area. 3-5 pm, would walk to Cons Area, not bringing any equipment. Kollman asked if they could build a fire. No. Willson asked if they would be going in the water (Plum Brook). Kollman maybe is that OK? Angus try to stay on trails, least amount of impact. Boice don't build teepees.

Brooks moved and Boice seconded. Commission VOTED (7-0-0) to approve application.

7:10 PM Application for research on Cons Land – Amy Strauss, UMASS, for Song Sparrow study.

Strauss study on song sparrows looking at their songs. Study includes banding, taking song recordings in field and bringing small population, 10 or less, into lab for good quality song recordings. Will catch birds for lab study during August when they are not breeding or taking care of young. They submitted to IACAU (?) have revised and are close to getting permit. Allen how long birds in lab? Strauss depends how long to get a good recording, shouldn't be more than a week. Healey suggested giving permission per IACAU approval. Butler asked if these birds are common. Yes.

Healey moved and Butler seconded. Commission VOTED (7-0-0) to approve the application per approval by IACAU for capture of birds for lab study.

7:15 PM Notice of Intent (cont'd from 5-14-14 mtg) – Peter Heronemus for construction of a single family house and associated driveway within resource areas on West St. (Map 22B, Parcel 1).

Peter Heronemus presented his revised plan. Current plan shows house up to 30' setback. Heronemus said can't move house back anymore can't access north side where front door is. Doesn't want to change floor plan, if can't build it like it is on plan he'll move it back to other location to the north. Angus how much around house for construction and landscaping? Ten feet to dig foundation. Willson lower location doesn't look like it will work for what you want, at last meeting we said northern location was permissible plans just needed more detail.

Angus Commission not willing to grant waiver of 30' no touch setback, enough other options on site to build. We need a realistic work area (10') around house that respects 30' and 100' vernal pool setbacks. Need engineered drawings with clearing marked limit of work around house and driveway, erosion control, description of how replication area will be constructed & monitored. Applicant does not need to come back can give needed info to Wetland Administrator to bring to meeting.

Healey moved and Clark seconded. Commission VOTED (7-0-0) to continue the public hearing until 7:45 PM on June 11, 2014.

7:30 PM Abbreviated Notice of Resource Area Delineation (cont'd from 5-14-14 mtg) – Retreat at Amherst, LLC for confirmation of resource areas and their boundaries at a property bounded by Henry St. and Flat Hills Rd (Map 6A, Parcels 84, 91, 95 & 96).

Paris don't need to open hearing already opened at last meeting (5-14-14). Applicant agreed to continue to tonight's meeting due to scheduling conflict with Town Meeting. The Commission has decided to hire someone to conduct a third party review of the ANRAD application and any subsequent filings for this project. We don't have that person hired yet. Under Section 53G of Chapter 44 of Mass General Law and Amherst Wetland Protection Bylaw, the applicant is required to pay the cost of the third party review. Town has issued an RFP for third party consultant services, response deadline is tomorrow. When consultant determined Town will discuss payment process with applicant.

Applicant representatives for meeting include: Tony Wonseski (SVE Assoc.), John Williams (Williams & Assoc.), Amy Ball (Horseley Whitten Group), Ward Smith (Wendell Wetland Services), and Steve Johnson (NEE). Wonseski presented figure on overhead showing overall site (147 acres), includes four lots, has frontage on three public roads (Henry St., Market Hill Rd., & Flat Hills Rd.). There is an electrical line easement running north to south through the property owned by WMECO. Property currently wooded, has historically been harvested by owner. Figure shows contour lines, drainage basically from east to west. Shaded area on figure is delineated wetland. Points are flagged in the field and have been surveyed. There are intermittent streams with associated wetlands and isolated wetlands mostly created by logging operations. Delineation important will look in lines to be used for project design and calculating impact to resource areas for permitting process.

Ward Smith, professional wetland and soil scientist. Visited site over two month period, August & Sept., 2013. General methodology used is what's stated in DEP regs, mark wetland line based on vegetation and hydrology or which hydric soils is an indicator. Last summer was pretty wet so good hydrology indicators on site. Took cautious approach and identified all areas with wetland hydrology even if didn't have 50% vegetation. Walked perimeter of the site if found wetlands would delineate that wetland until it either came out other side of site or ended. Did this around entire perimeter. Also followed many of the logging roads, found isolated wetlands doing this. Most of the wetlands on site are wooded swamp wetlands, some shrub swamp. Dr. Steven Johnson out at same time doing transects for habitat assessment and vernal pool survey, asked him to look for wetlands while doing his survey. Surveyer also third level of check, he looked for wetlands while doing his work. Fourth level of check will be Commission and their consultant to make sure nothing was missed. Also looked in areas where wetlands typically found, low lying areas and flat hill tops.

Amy Ball, senior ecologist & wetland scientist, will be heading up permitting for project. Delineation important first step in identifying environmental limitations of site. Next step will be filing an Environmental Notification Form (ENF) with Mass Env. Policy Act (MEPA) office, it's a review process that allows all stated agencies ability to comment on a project. After getting through MEPA process will come back to Commission with NOI. At same time will file Water Quality Certification with MADEP and permit with US Army Corps of Eng. Plenty of opportunities for public comment and comment from both federal, state and local agencies. Will happen concurrently with Planning Board Applications.

Healey stated not convinced that methodology of finding wetlands that intersect perimeter and walking logging roads detects all wetlands on site. Isolated wetlands can be small. Smith says not physically possible to walk every square foot of 147 acre parcel, even on a 5 acre parcel wouldn't walk every square foot doing delineation. Healey said she needs more reassurance, if logging roads go all over site that would support method. Smith said they can provide a map of logging roads, in addition to walking all logging roads he walked all areas that looked like may contain wetland based on topography. Most isolated wetlands found were created or enhanced by logging activity (packing of soil). You can ask 3rd party reviewer to do transects. Smith added he doesn't know anyone who has done wetland delineation using transects.

Butler asked why streams not shown. Wonseski responded we are not looking for a determination of stream bank, working on wetland boundary that is associated with stream. Ziomek asked who surveyed,

was Smith just checking a line done by SVE? Wonseski, no, Smith delineated and SVE surveyed his points so they could go on a plan. Willson ask why delineation data sheets were not submitted. Smith stated data sheets will be needed for each stream crossing, because delineation will be reviewed by 3rd party that will be check of accuracy so didn't think needed to prove accuracy using data forms. If Con Com has specific areas they would like data forms for he can do that. Wonseski added that will be doing a Water Quality Cert application for stream crossings they will be required to do data forms for crossing locations.

Healey asked about a missed wetland. Smith stated there is an isolated wetland near Ford property that surveyor found and told Smith about. He checked it and delineated it, it is on the maps. Healey point is that she wants confidence that all wetlands have been found.

Jack Hirsch, 400 Flat Hills Rd., there is no scale on the map. How do you find wetlands under all the slash? Smith slash does make delineations difficult. He would go around the slash looking for wet soil along all sides. Areas of slash don't go for long distances, so able to determine if wet underneath. Slash also not that thick, can tell is soil is wet underneath.

Suzanne Stillanger are wetlands created by logging protected just the same as natural ones? Smith if there is wetland vegetation, and it's over 500 square feet it's an isolated wetland and it's protected. Boice once a wetland is created it's protected.

Renee ??, Shutesbury Rd., wetness of an area impacted by rainfall in a season or year, how does delineation address this? Smith vegetation and hydrology changes over the course of a year, however, the hydric soils are a long term formation that can be used to determine wetlands even during dry periods. Last summer/fall was wet helpful for good delineation. Can do delineation anytime of the year, but best time is spring or after wet season. Renee how much time was spent doing the delineation? Smith over the course of two months, made a lot of short trips, probably about 50-60 hours.

Ira Brick, 255 Strong St., can logging damage streams turning them from perennial to intermittent? Willson said the definition of intermittent vs perennial is based on watershed size and hydrology and that compacting the soil wouldn't change the volume of water in that stream. Brick what if compacting soil diverted water away from stream making it intermittent. Willson logging companies required to file Forest Cutting Plans discussing wetland impacts and protection. Ziomek we'll be hearing more on stream status when applicant files NOI. Smith first look at if stream is on USGS map, then look at watershed size.

Janet Keller, Precinct 1, what is use and significance of data forms. Willson data form done for a point on delineation listing plant species and percentages that are wetland indicators. The line is where 50% of plant species are wetland indicators. Form also has place for information on hydric soils samples collected at that point. It's raw data from that data point. Keller seems very important to have that data. Van Kainer, Precinct 2, found map of on Town Websits showing Partial and Actual Natural Constraints. Who did this delineation? Partial area includes wetlands and slopes between 15 & 25%. Actual includes slopes greater than 25% and land in FPC zone. Kainer wants to make sure this map is looked at and information reviewed. Ziomek may be from a series of maps produced as part of the Master Plan.

Jerry Mute, Henry St., gets impression delineation is a guesstimate and you are relying on 3rd party review and Army Corps to finalize. No data forms, no streams on the plan, no hydric soil data, delineation incomplete.

Ira Addison, Shutesbury Rd., what was the Commission expecting to hear today, what kind of details on methodology, data forms, etc. do you want? You should ask applicant for that information. Willson Commission should ask for any needed information prior to issuing ORAD. Healey the information provided tonight is what we were looking for, as hearings continue and we get 3rd party review we will be looking at delineation more thoroughly.

Healey moved Butler seconded. Commission VOTED (6-0-1, Angus recused herself) to continue the public hearing until July 23, 2014 at 7:30pm. Applicant agreed on continuation and date and time.

8:30 PM Request for Determination - Ann Kenworthy for construction of an addition and relocation of a septic tank within the buffer zone to bordering vegetated wetlands at 93 High Point Drive (Map 6B, Parcel 66).

Doug Donnell, general contractor for job, presented. There is a raised bed, lawn, between work and wetland plus erosion control will be used, wetland protected. Closest work to wetland is 55 ft. Provided data sheets on delineation.

Allen moved Boice seconded. Commission VOTED (7-0-0) to close the public hearing and issue a Negative Determination #3 with no conditions.

8:45 PM Enforcement Order (cont'd from 5-14-14) - Matt Biskup & Danya Teitelbaum for clearing within Riverfront at Russellville Rd. (Map 4B, Parcel 5).

Angus we have is Enf #3 to ratify, it states applicant doesn't need wetland scientist to write planting plan. Willson she's been to the site two times since last meeting to look at temporary marking of the LIAU. She approved the placement of the temporary flagging, applicant now replacing with permanent marker She provided guidance on a planting plan during visits. Planting plan provided by applicant is in Con Com's packet. Matt Biskup said they are waiting on what Con Com decides is good permanent marker. Con Com decides rebar, 4 ft tall with white painted tops. Biskup stated markers are 50 ft apart and 4 feet from crop line (4 ft field edge). Applicant can trim a verticle line straight up from rebar line (edge of LIAU). Biskup said mature trees left are leafing out, all sorts of plants are regrowing in the cleared area. Willson showed pictures.

Biskup said they will spread a seed mix, has grasses, sedges, wildflowers and shrubs. Healey when will they be planted, what's best for germination? Biskup plant ASAP, will have competition from invasives. Healey agreed, questions how successful it will be. Biskup that will be spread along entire impact area, 4,572 linear feet. Replanting will be along 2,500 linear feet, species on planting plan. Healey asked how big are plantings. Biskup 18-24", saplings, just stuck in the ground. Also 152 willow tublings in areas of high erosion risk. Healey what is survival rate of saplings? Larger plantings with root balls will have higher survival rate. Is there a plan to check them regularly, replace dying ones. Angus we can require that. Boice does it make sense to have less plantings but larger ones, or get rid of seed mix. Butler larger plantings get expensive. Healey said it can't hurt to spread seed mix, might as well.

Angus asked if there is a plan to help new plantings? Danya said that's a question for Con Com, do we want them going into resource area to remove invasives and maintain new plantings. Everything that was cut is growing back. Willson stated what's grown back is largely native plants with some invasives, suggests to ensure survival we look at larger plantings not having applicant go back into resource area to remove invasives. Butler said standard practice to overplant saplings, don't expect them to all survive. Saplings have much less disturbance to plant. Clark agreed, root ball much more disturbance. Butler some species weird, are any of these out there now? Biskup we have pin oak, staghorn, all recommended from Wetland Plants. Along stream now is Red Maples, birch, walnut, coffee tree, sumac and a lot of tree of heaven. Butler says should plant what was there before, red cedar seems weird.

Angus we need to determine date planting plan implemented and monitoring schedule. Willson said will check line once permanent stakes in, check plantings once in, and check in fall 2014 and spring 2015. Angus are we happy with planting plan, list of species. Brooks ³/₄ species should be species that existed prior to clearing. Biskup needs to find out what plants are available. Butler said better to plant in fall. Angus said Willson to work with applicant to create time line based on availability and good season to plant. Healey wants a table showing species, quantity, when to be planted. Healey seed mix will be spread right away.

Boice moved Brooks seconded. Commission VOTED (7-0-0) to ratify May 19th Enforcement Order.

Miscellaneous Untimed Items:

- Emergency Cert – TOA DPW breaching beaver dam near Well #4.

Willson presented map and picture and the breaching that was done.

Healey moved Boice seconded. Commission VOTED (7-0-0) to ratify Emergency Certification.

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

ADJOURNMENT

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