

**Conservation Commission Meeting
June 25, 2014
Town Room, Amherst Town Hall**

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus, Chair at 7:00 p.m.

ATTENDANCE

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

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Ziomek had closing on Fort River Farm Conservation Area. Conservation Dept. was awarded Land & Water Conservation Fund grant for improvements to Puffer's Pond. Amherst College interns will hopefully be working on Conservation Area Land Policy document and Agricultural License program for Cons. land. Summer staff doing many projects, clearing trail heads and working at Puffer's Pond.

MINUTES

Reviewed and approved 4-23-14 minutes.

Brooks moved and Boice seconded. Commission VOTED (6-0-Healey not arrived yet) to approve minutes of 4-23-14.

PERMITS/DISCUSSIONS

7:30 PM Request for Determination – Brian Scully for installation of a sump pump discharge pipe into buffer zone of bordering vegetated wetlands at 22 Hawthorne Rd. (Map 21D, Parcel 164).

Kevin Cooke, contractor for project, presented. Installing sump pump in basement with outflow pipe currently planned to discharge into buffer zone. Healey suggested discharge be piped to house corner where roof drainage outflows. Cooke stated didn't want that much water right next to foundation. Brooks states discharge should be at least outside 30' buffer zone.

Boice moved and Healey seconded. Commission VOTED (7-0-0) to close meeting and issue Determination #3 with condition that pipe discharge is outside 30' buffer.

7:45 PM Notice of Intent (cont'd from 6-11-14 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 revised house design plan. House moved to northeast corner of lot. Angus asked Commission for any special conditions. Driveway must not encroach on 25' setback.

Allen moved and Boice seconded. Commission VOTED (7-0-0) to close the public hearing and issue an Order of Conditions including condition stating that driveway must not encroach on 25' setback.

8:00 PM Enforcement Order – Retreat at Amherst, LLC, for impacting bordering vegetated wetlands and two intermittent streams during a geotechnical investigation at a property bounded by Henry St. and Flat Hills Rd. (Map 6A, Parcels 84, 91, 95 & 96).

Boice stated enforcement Order required Landmark to provide soil boring locations, drill rig path, types and locations of resource areas impacted, photo documentation and map, square footage of impact and recommendations for restoration. Landmark has provided a report containing much of this information, however, it was received today Commission has not has time to review it. Boice stated next meeting for ANRAD for same property is 2nd meeting in July.

Willson stated she was informed by Landmark's consultant on 6/11/14 that a drill rig used for a geotechnical investigation drove through wetland areas and two streams. She visited site with Ward Smith and Conservation Commission visited site today to see areas of impact. Erosion control has been installed at all impact areas, as required by Enforcement Order and no further investigation of the property is allowed until Enforcement situation is settled. Presented photos of impacted areas.

Tony Wonseski, SVE Associates, stated that Amy Block, Horsely Whitten Group, prepared the report provided to Commission. Geotechnical investigation necessary for development project. Geotech equipment used logging roads during their work on the site and inadvertently drove through wetlands. First thing they did was stabilize the impacted areas. Wonseski provided summary of all impacted areas and the route the equipment took across the site. Report includes fact sheets for each impact area, total square footage of impact and restoration plan. Healey said streams shouldn't be referred to as intermittent because intermittent vs perennial hasn't been determined yet. Block went through impact areas in detail with the Commission.

Ziomek stated these are "disturbances" these are violations and he hasn't heard anyone explain how this happened with such a large consultant team involved. He added this does not create confidence in your team to protect resource areas throughout this very large project. Wonseski stated it was definitely a violation. Not all trails were mapped, he didn't know logging roads went through wetland areas. Ziomek said delineation has not been approved therefore shouldn't have vehicles on-site.

Healey asked what planning is being made so this doesn't happen again. Wonseski said all future investigation of the site will be done accompanied by a wetland scientist. Any future work within resource areas or their buffer zones will get permitting through the Con Com. Ziomek asked what additional site investigation work might be necessary. Wonseski said more investigation having to do with drainage but that may be a long way off. He added any future work they will file an RDA and have a wetland scientist on-site. Willson stated if an RDA is filed prior to the ORAD being issued what boundary would we base our evaluation on. Ziomek stated Commission is asking that no work be done on-site until ORAD issued.

Block stated they will be installing fencing and signage around restoration areas to prevent ATVs from crossing. They will do the restoration work by hand, may need equipment to move rocks at first stream location. Block stated plan is to stabilize impact areas with erosion control, fencing, etc. rake sediment

and at stream locations building banks up a bit, seed and mulch. Looking for Commissions comments on plan at next mtg.

Ken Hardgraves, Henry St., does Landmark Properties or the owner control the site right now? Pick up trucks go on the site all the time, there are no gates at entrances. How do we know if the salamander habitat was affected by this? The previous logging work was very destructive.

Jack Hirsch, Flat Hills Rd., how can you tell when this was done, there have been big trucks driving on the land for months. Consultant identified streams on their ANRAD application so they knew about them prior to driving through them. Confused as to how the Yield Plan submitted to the Planning Board can go forward without ORAD being issued. Ziomek Yield Plan not concern of Commission.

Brooks moved and Clark seconded. Commission VOTED (5-0-0 Healey left) to issue Enforcement Order #2 to Landmark requiring them to come to the July 9, 2014 mtg to further discuss the restoration plan.

Allen moved Butler seconded. Commission VOTED (5-0-0 Healey left) to issue an Enforcement Order to O'Reilly, Talbot, Okun Associates to come to the July 9, 2014 meeting.

Butler moved Clark seconded. Commission VOTED (3-2-0 Healey left) to issue an Enforcement Order to Cows Inc. to come to the July 9, 2014 meeting.

Miscellaneous Untimed Items:

- Certificate of Compliance – 418 N. Pleasant St.

During site visit observed swale on north side of building eroding into wetland. Drainage grate too high to catch drainage, water going around and eroding sediment.

Brooks moved Healey seconded. Commission VOTED (7-0-0) to require swale to be fixed before issuing COC.

- Sign LAND Grant billing form – Saul Property

Briony signed.

- Overview of future land acquisition projects - discuss at next meeting, Ziomek handed out docs for Commission to review for next meeting.
- Fall vote on CPA tax – 1.5 to 3% - discuss at next meeting
- Topics not reasonably anticipated 48 hours prior to the meeting

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 9:15 p.m.