

**Conservation Commission Meeting
July 9, 2014
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), Boice, Allen, Healey, Brooks, Clark

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson attended pre-construction meeting for Tilson Farm Rd. substation project. They were approved access over railroad tracks. Will be clearing new ROW over next couple weeks.

Ziomek field crew has been trail clearing off Pomeroy Ln and Potwine Ln. Have held a few volunteer days. Amy Rusiecki, Amherst Water Dept., long distance running team volunteers for trail maintenance every year. Berkshire Design has completed some of the mitigation work for the 172 State St. project (new house at Puffer's Pond). Put mulch down on Julius Lester trail, removed invasives and replanted with natives on portion of site sloping down to Mill River. Puffer's Pond has been very active.

MINUTES

No minutes reviewed.

PERMITS/DISCUSSIONS

7:15 PM Request for Determination – Trustees of Amherst College for conversion of tennis courts to a parking lot and replacement of a fence within the buffer zone of bordering vegetated wetlands along East Drive (Map 14C, Parcel 67 & Map 14D, Parcel 1).

Rick Cline, Berkshire Design Group, representing Amherst College. Proposing to convert clay tennis courts to asphalt parking lot. Staying within footprint of tennis courts and hard-packed clay is considered impervious. Removing asphalt walkway. Drainage will continue to drain into swale on southern side of courts, that's where courts drain to currently. The catch basin in the swale drains to drainage around Norwottuck Rail Trail. Brooks asked if the swale can remove oils, etc. that may drain from a parking lot. Angus asked if changing the quality of runoff triggers stormwater review? Cline suggested putting a sump in the catchbasin. Cline will discuss with Amherst College.

Boice moved and Allen seconded. Commission VOTED (5-0-0 Healey not present for vote) to close meeting and issue Determination #3 with condition that a sump be installed in the swale catch basin and cleaned out annually.

7:30 PM Request for Determination – Mary Jo Viederman et al. for paving of a dirt driveway within bordering vegetated wetlands and crossing an intermittent stream at 149 & 150 Blackberry Lane (Map 9A, Parcels 62 & 63).

Dan Viederman, property owner, said they would like to pave the driveway because unpaved requires a lot of maintenance. Willson said that when the house was built the construction of the driveway went through permitting, however, as unpaved. Driveway goes through wetlands and over an intermittent stream, replication was involved during permitting. Willson said erosion control is a concern considering how close work will be to the wetlands. Angus asked if applicant considered pervious pavement. Viederman said contractors have said either asphalt or what they have now (dirt), he's not aware of other options. Viederman said the new driveway will be narrower than the current layout.

Boice moved and Clark seconded. Commission VOTED (5-0-0 Healey not present for vote) to close the public meeting and issue a Negative Determination #3 with the condition that the filter tubes are left in place until everything re-vegetates/gravel settles.

7:45 PM Notice of Intent – Town of Amherst Conservation Department for replacement of cribbing, installation of fencing & trail repairs within resource areas at Puffer's Pond Conservation Area (Map 5B, Parcels 16, 129 & 130 and Map 2D, Parcel 8).

Ziomek stated we just received notice that we got the Federal Land & Water Conservation Fund Grant that will fund the work proposed in this application. He would like to open the hearing tonight but continue in order to provide additional information at the next meeting. The proposed work follows ideas included in the Open Space & Recreation Plan and the Puffer's Pond 2020 report. Puffer's Pond is the most highly used of the Town's conservation areas. Grant is about \$18,000, matched with about \$18,000 town capital money we have \$36,000 to spend on improvements to Puffer's Pond.

To improve safety of dam and cliffs work will include realigning and replacing fencing. Fencing has been there for 30 years, it's not in good shape. Will include a gate. Work on North Beach will include replacing the cribbing which is deteriorating, replacing and adding some new cribbing along the perimeter trail. At the South Beach the work will include improvements to the steps into the pond and a handrail. Additional details on how the work will be done and how resource areas will be protected will be presented at the next meeting.

Melissa Perot stated she would like to see a bench installed at the North Beach. Member of public (didn't say name) asked if fencing was to keep people away from dam for safety reasons? Ziomek, yes, the fencing is deteriorating, has been patched many times but needs replacement. Member of public said since chain link fence gone from end of parking lot driveway he has noticed a lot more activity in parking lot, yelling, etc. Ziomek stated it is a maintenance challenge, we can look at that.

Boice moved and Allen seconded. Commission VOTED (6-0-0) to continue the public hearing until July 23, 2014 at 8:30PM. Applicant agreed to continue the hearing.

7:50 PM Request for Determination – Town of Amherst Conservation Department for construction of a crushed stone parking area and installation of a fence and gate within buffer zone to an isolated wetland at the Wentworth Farm Conservation Area (Map 18A, Parcel 46).

Brad Bordewieck, Amherst Land Manager, presented project. The parking lot would have a crushed stone base and a split rail fence around it. The current gate posts (I-beams) will be removed and replaced with wooden posts, gate will be moved closer to the road so people will no longer park over the sidewalk. Split rail and plantings will be put on either side of the gate. Ziomek added cars are currently parking over the sidewalk and the sidewalk is cover with sediment from the compaction of the cars. Often cars are blocking access through gate for Conservation Dept staff and in the future farmers using Wentworth Farm Cons. Area land.

Brooks stated file doesn't have enough information about wetlands and buffer zone. Where is work in relation to wetlands? Willson showed on overhead location of wetlands on either side of proposed parking lot location. She added that the proposed parking lot location would improve things for the wetland adjacent to the entrance which people currently park in sometimes. Healey asked if the parking area could be to the south of the entrance. Willson said there is no room there and it's closer to other resource areas, the pond and stream. Brooks said need more information as to how work will not impact wetlands. Angus added must consider alternative locations and plan to deal with potentially oily runoff from parking area.

Vince O'Conner stated that the Conservation Commission needs to make it clear to the Conservation Department that their applications need to be just as thorough as a private applicant.

Public meeting continued until July 23, 2014 at 8:35PM. Applicant agreed to continue meeting. No vote necessary to continue meeting.

7:55 PM Request for Determination – Town of Amherst Conservation Department for re-grading of the trailhead, construction of drainage ditches, and installation of a gate and kiosk at the Amethyst Brook Conservation Area (Map 15B, Parcel 87).

Bordewieck said purpose of work is to better control drainage across parking lot and reduce erosion. Project will include new rock apron off of parking area to slow runoff before it hits the trail. Replacing gate posts with wooden posts and installing kiosk. Ziomek added there is quite a lot of water coming down Pelham Rd. across parking lot to trail head. Ziomek said similar to Puffer's Pond introducing this to the Commission tonight and will come back in two weeks with more details. Angus asked where the wetlands area and if this is a buffer zone project. Willson responded yes.

Member of public, thanked Conservation Dept for planting trees asked if there will be any design review of what kiosk will look like. Ziomek responded the he will check with the Planning Dept. and that the location may go through design review but not the information being put in the kiosk. Ira ?? stated information regarding dog regulations should go in kiosk. Ziomek stated that many signs regarding dog regs have been removed/stolen from this location will try and make kiosk last.

Public meeting continued until July 23, 2014 at 8:45PM. Applicant agreed to continue meeting. No vote necessary to continue meeting.

8:00 PM Request for Determination – Town of Amherst Conservation Department for replacement the Cushman Brook bridge at the Stotz Conservation Area (Map 3C, Parcel 22).

Bordewieck stated the bridge decking and telephone pole supports are rotten. Proposing to replace both support beams and decking in same location. All work done by hand, materials brought in by hand from East Leverett Rd. Using filter socks along cliff edge for erosion control. Brooks asked if stone abutments will be disturbed. Bordewieck said no. Boice asked if support beams/decking currently sitting on soil or

will excavation be needed to take them out. Bordewieck said they appear to be sitting on top of the soil not expecting excavation. Jack Hirsch asked how going to get 30 steel I-beams to location by hand. Ziomek answered they will use a winch or similar. Vince O'Conner expressed concern over no railings being proposed and suggests having an engineer inspect final bridge to evaluate carrying capacity and safety. Ziomek said Jason Skeels, Town Engineer will inspect and two railings will be installed.

Boice moved and Clark seconded. Commission VOTED (6-0-0) to close the public meeting and issue a Negative Determination #2 with the conditions that Jason Skeels, Town Engineer, inspect abutments and design.

8:05 PM Request for Determination – Town of Amherst Conservation Department for repairs to the Eastman Brook bridge along the Ellsworth Barnard Trail (Map 2B, Parcel 2).

Bordewieck stated they are proposing to replace the decking on this bridge leaving the steel I-beams. Bridge is used by farmer for tractor and livestock not on town property but conservation trail crosses it. Ziomek stated that due to questions raised during today's site visit regarding the stability of the abutments the department would like to continue this meeting for a month. Willson added that during today's site visit it was observed that some of the abutment had collapsed. Brooks asked why Town is responsible for maintaining if on private land. Ziomek we are working with the land owner, they are paying for materials we are providing the labor.

Public meeting continued until August 13, 2014 at 7:30PM. Applicant agreed to continue meeting. No vote necessary to continue meeting.

8:15 PM Enforcement Order – Retreat at Amherst, LLC, for impacting bordering vegetated wetlands and two streams during a geotechnical investigation at a property bounded by Henry St. and Flat Hills Rd. (Map 6A, Parcels 84, 91, 95 & 96).

Boice summarized last meeting's discussion regarding Enf. Order and draft restoration plan. Retreat at Amherst, LLC have installed temporary erosion control since last meeting. Willson asked why Wetland G was not in table in draft restoration plan. Wonseski stated that the impact to Wetland G was not from the drill rig but from possibly ATV traffic. They are offering to include Wetland G in their restoration. Willson stated the draft plan mentions using mechanized equipment for restoration, she recommends doing it by hand. Boice and Healey agree, equipment should be brought into the site by hand also. Wonseski agreed all work can be done by hand. Willson added the draft plan doesn't include a description of how future due diligence work on the site will occur so that this doesn't happen again.

Healey asked about Wetland A. Boice and Ball said we talked about that at our last meeting. Healey asked that the word intermittent be taken out of the document, the streams have not been determined intermittent or perennial yet. Brooks asked that a measure of success be added, certain percentage of germination, etc. Ball said they could add 75% vegetation native species.

Vince O'Connor said the Commission needs to make sure any access restrictions they propose for the site still allow access for the fire department in case of a forest fire.

Healey moved and Clark seconded. Commission VOTED (5-0-1) to ratify Enforcement Order #2.

Enforcement Order #3 to be issued stating Retreat at Amherst must come to the July 23rd meeting at 8pm with a revised/final restoration plan.

8:30 PM Enforcement Order – Cowls Inc. for impacts to bordering vegetated wetlands and two streams during a geotechnical investigation at a property bounded by Henry St. and Flat Hills Rd. (Map 6A, Parcels 84, 91, 95 & 96).

Shane Bajanoci, Cowls, Inc., introduced himself and said he could answer questions for the land owner. Brooks said that during the site visit it was observed that historical trespassing of the property was impacting resource areas. Does Cowls plan on doing anything about this? Bajanoci said these events have made Cowls start to reassess their public access policy, they currently don't post, the land is open to the public and they encourage multi-use.

Willson asked what the current agreement is between Cowls and Landmark in regard to access to the property. Bajanoci said that by entering into a purchase & sale agreement Cowls has given Landmark the right to do their due diligence on the property. Willson asked if Landmark must notify Cowls prior to going on the property or if there are any restrictions placed on them by Cowls. Bajanoci said none he is aware of. Tony Wonseski, SVE, said he remembers informing Cowls when they started the boundary and wetland investigation but didn't notify them every time a contractor went to the site.

Healey asked if Cowls will now have a different approach moving forward, require contractors to let them know when they will be on-site, what they will be doing. Bajanoci said no plan in place yet, Cowls will have these discussions. Brooks added that the trespassing is an issue and they could at least use signs. Boice stated Commission could ask Cowls to produce a list of ways to increase communication/control over Landmarks activity on the site. Bajanoci stated that the P&S agreement states that Landmark takes responsibility for due diligence work allowed on-site, including surveying, geotech, wetlands delineation. Willson asked if there was any language included regarding having required permits, or notifying Cowls when on site. Bajanoci didn't know.

Ziomek asked how many access points to the land are there? Bajanoci said three plus WWTP they use for vehicular access. Ziomek suggested gating entrances, might keep some vehicles out.

Evelyn Rada said that Cowls should have sent a representative familiar with the project, it was disrespectful of the public and the Conservation Commission. Vince O'Conner stated that the P&S should be read by the Commission. Sharon Selig surprised that discussion around trespassing and not violation during geotech work. Sheila McCormack surprised by how uninformed, uninvolved, and irresponsible Cowls sounds regarding the violation. Ira Brick said if Landmark doesn't end up purchasing and building on the land Cowls will end up with the damaged land, they are ultimately responsible.

Healey moved and Brooks seconded. Commission VOTED (5-0-1) to ratify Enforcement Order #1.

Willson will put together and issue Enforcement Order #2 requesting Cowls to put a document together regarding communicating with contractors during the due diligence process for the Retreat.

8:45 PM Enforcement Order – O'Reilly, Talbot & Okun Associates, Inc. for impacts to bordering vegetated wetlands and two streams during a geotechnical investigation at a property bounded by Henry St. and Flat Hills Rd. (Map 6A, Parcels 84, 91, 95 & 96).

Michael Talbot, O'Reilly Talbot & Okun Assoc., stated they were hired to conduct the geotech investigation. He regrets and apologizes for the damage that was done. They have made changes to their

procedures so this doesn't happen again. Healey asked how this could happen if you're experienced should know to stay out of wetlands. Talbot stated most of their work is in more developed areas, usually not near wetlands. He added they thought that if they stayed on the logging roads they were OK. The drilling was done by a subcontractor, their engineer was logging the holes but not driving the rig. Changes to procedures include checking with wetland scientist involved with project about wetland locations.

Healey asked if OT&O will be going back to the site for additional work. Wonseski said yes, most likely there will be more geotech investigation needed.

Jack Hirsch were you given a map of the land prior to going into the field and how was it known that the logging roads were not through wetlands? Wonseski said yes OT&O received a map showing drilling locations & logging roads, wetlands were marked but discussions didn't happen regarding alternate routes to avoid wetlands.

Ira Brick asked for summary of violation. Boice read from Enforcement Order. Shawn Burke stated that he and others walk on this land and make efforts to not walk through streams, the contractor should have made the effort to avoid driving through wetlands not just focused on getting the job done and Cows should have been more aware of what was going on on their land.

Healey moved and Brooks seconded. Commission VOTED (5-0-1) to ratify Enforcement Order #1.

No Enforcement Order #2 to be issued.

Miscellaneous Untimed Items:

- Topics not reasonably anticipated 48 hours prior to the meeting

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 10:01 p.m.