

**Conservation Commission Meeting
July 23, 2014
Town Room, Amherst Town Hall**

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Boice, Chair at 7:04 p.m.

ATTENDANCE

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

Staff: Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson stated the Conservation Dept. was awarded the \$36,100 grant from MET to study the Fearing Brook!! We received seven proposals in response to the second issuance of the Retreat 3rd party review RFP. Review committee consists of Paris, Bob, Beth, Dave, & Chris Brestrup (senior Planner in C&D). Committee has met once to review proposals and decided on top two. Willson calling references for top two, committee will meet again to make final choice. Brooks suggested calling a previous client in addition to references. Healey suggested calling references vs emailing.

Norwottuck Rail Trail has installed erosion control between South Pleasant St. and Southeast St. Federal DOT finally approved doing the drainage work as part of the larger reconstruction project. Willson doing site visit Friday at Meadow St. farm (Matt Biskup) to inspect recently installed permanent LIAU boundary markers (rebar). Farmer has also spread seed mix will be planting plants in the fall.

MINUTES

No minutes reviewed.

PERMITS/DISCUSSIONS

7:15 PM Request for Determination – Colette Nadeau for replacement of a shed within the buffer zone to an intermittent stream and associated wetlands at 200 Stanley St. (Map 18A, Parcel 3).

Collette Nadeau and son Eric Nadeau presented the project. Shed needs replacement, it will be removed by hand. Pictures of site visit provided on overhead. Erosion control will be used between work area and resource area. Willson showed on photos resource area location and lawn between top of stream bank and shed. Nadeau asked where to place straw bales. Boice said closest to work area as possible. Butler asked if new shed within footprint of existing. Yes. Dumpster will go in front yard on driveway.

Brooks moved and Healey seconded. Commission VOTED (5-0-0) to close meeting and issue Determination #3 with no conditions.

7:30 PM Abbreviated Notice of Resource Area Delineation (cont'd from 5-29-14 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).

Willson stated she provided the language from the state regs regarding determining wetland boundary line and determining perennial vs intermittent in Commission's packets. In packets also letters from the public regarding Retreat. Boice provided summary of info discussed at previous meeting, what Commission had requested from applicant – data forms and clarification of methodology. Applicant has provided hard copies of this information. Applicant has also submitted a revised ANRAD application asking for intermittent vs perennial determination of the streams on site.

Healey stated she only received the email with the methodology description this afternoon so didn't have time to review it. Ward Smith, wetland scientist for Retreat, apologized for emailing that so late. Smith stated methodology was to review mapping (USGS, MASS GIS), walk perimeter of site and follow all wetland areas that intersect perimeter, walk all trails and logging roads, looked for resource areas during wildlife habitat evaluation, looked at low topographic areas, and had surveyor watch for wetlands. Went back in June and GPS'd all logging roads/trails, marked four locations for Commission to visit to determine if jurisdictional or not, very small.

Tony Wonseski, SVE Env. Consulting, said new exhibits provided to Commission tonight include mapping of logging roads/trails, transects used by Steve Johnson (New England Env.) during the wildlife evaluation. Smith stated data forms were done for 8 wetland locations, five of which are proposed road crossings, and three are where significant wetland systems come closest to construction. Butler asked when data forms were done, during original flagging or more recent? Smith stated he typically doesn't do data forms when flagging, these were done afterwards. Willson asked if Johnson had walked the entire length of the each transect. Smith responded yes. Healey asked why Smith didn't do transects, she needs more confidence that a wetland area was not missed. Smith stated he follows the methods from the Wetland Protection Act and its guidance. Smith offered to look at particular areas the Commission would like investigated, he would use transects in that area, it's just not feasible to do transects across the whole site. Boice asked for more references showing that the methodology that Smith used is standard practice in delineating wetlands.

Wonseski stated documents provided tonight include maps of the transect lines and logging roads. Maps now show a couple new small wetlands near Flat Hills Rd. that were discovered recently, and the small wetland near the water treatment plant driveway was removed after looking at it again. Wonseski said they have amended the ANRAD to include classification of the streams as perennial or intermittent. Not asking for Bank or Land Under Water to be determined, that will be done under the NOI. Boice stated that the maps and letter provided regarding the classification are not enough information for the Commission to make that determination.

Smith asked if a third party review consultant had been contracted. Willson responded that seven responses to the RFP were received and the review subcommittee met once and will meet again next week to make their final recommendation. Wonseski asked when will the applicant know the fee and need to provide it? Willson replied we will know the total cost of the consultant on 8/13 once the Con Com votes to approve the company chosen by the subcommittee. Town needs the fee in order to contract with the consultant.

Jack Hirsch stated it doesn't seem statistically sound to have 400' transects if you're looking for a 20x20 wetland. Boice responded that the 400' transects were designed for the habitat assessment and were just used as an extra look by the biologist for wetlands.

Sean Burke doesn't like that the wetland scientist keeps saying the site is too big, I didn't have enough time. The job should be done thoroughly and following standard procedure.

Healey moved and Butler seconded. Commission VOTED (5-0-0) to continue the public hearing until September 10th, 2014 at 7:30pm.

8:00 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 stated everyone should have a copy of the amended Restoration Plan. Amy Ball said they provided additional information regarding restoration of Wetland A and removed the reference to the stream being intermittent. Provided information on quantifying restoration similar to wetland restoration, 75% native plant regrowth into monitoring protocol. Removed references to using mechanical devices for restoration. Willson asked if environmental monitor is going to be Smith? Yes. Who will do work? Wonseski said they have not determined that yet. Data sheets still say using Bobcat to grade during restoration. Ball replied that will be removed.

Wonseski stated that in regard to last mtgs Enforcement Order against Cowls, SVE will be the go between for communication between activities on the site as part of the project due diligence and the property owner (Cowls).

Member of the public asked if anything is being done to limit public access to the site such as signs. What happens if they drive across wetlands? Brooks we would issue an Enforcement Order against Cowls.

Allen moved and Butler seconded. Commission VOTED (5-0-0) to ratify Enforcement Order #3.

8:30 PM Notice of Intent (cont'd from 7-9-14 mtg) – 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).

Willson stated that the Conservation Department requests that all the applications (8:30 PM item, 8:35 PM item, 8:45 PM item) be continued.

Brooks moved and Butler seconded. Commission VOTED (5-0-0 Healey left, Angus returned) to continue the public hearing until August 13th at 7:45pm.

8:35 PM Request for Determination (cont'd from 7-9-14 mtg) – 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).

Brooks moved and Butler seconded. Commission VOTED (5-0-0 Healey) to continue the public hearing until August 13th at 8:00pm.

8:45 PM Request for Determination (cont'd from 7-9-14 mtg) – 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).

Brooks moved and Butler seconded. Commission VOTED (5-0-0) to continue the public hearing until August 13th at 8:15pm.

Miscellaneous Untimed Items:

- Sign Baseline Report for Fort River Farm Cons. Area

Butler moved and Brooks seconded. Commission VOTED (5-0-0) to approve and sign the Baseline Report. Signed two copies one for Kestrel Trust.

- Topics not reasonably anticipated 48 hours prior to the meeting
 - Certificate of Compliance - 1 Rolling Green

Boice stated they installed a stormceptor, rebuilt bank, and constructed new outflow. Willson added they emailed that the stormceptor should be cleaned every 5 years which would be in 2015. The bank has revegetated well and no sediment build up so stormceptor and outflow working.

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Butler moved and Brooks seconded. Commission VOTED (5-0-0) to issue Certificate of Compliance.

- Ratify Enforcement Order #2 - Cows, Inc.

Brooks moved and Butler seconded. Commission VOTED (5-0-0) to ratify Enforcement Order #2.

- Certificate of Compliance - 418 N. Pleasant St.

Boice stated they lowered the elevation of catch basin, put down gravel and matting, and revegetated swale.

Brooks moved and Butler seconded. Commission VOTED (5-0-0) to issue Certificate of Compliance.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 8:50 p.m.