

**Conservation Commission Meeting  
November 12, 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 (VC), Healey, Brooks, Butler

Staff: Willson

**CHAIR, DIRECTOR & WETLANDS ADM REPORTS**

Willson stated next Weds (11/19) is Open Space projects tour. Meet in back parking lot at 8am. Next Con Com on Tuesday (11/25). List of dates & times for DEP workshops on new regs included in packet.

**MINUTES**

No minutes reviewed

**PERMITS/DISCUSSIONS**

**7:15 PM Request for Determination** – Shaul Perry for construction of a single family house within buffer zone to bordering vegetated wetlands on Summer St. (Map 5A, Parcel 150).

Angus stated we are being asked to confirm the boundaries of the resource area and whether the work is subject to the act and bylaw. Chuck Dauchy the proposal is for a single family house partially within the buffer to bordering vegetated wetlands. Site work previously approved in 2005, partially filled but work not finished. Wetland delineation updated, some areas previously determined wetland (only soil previously used) now determined upland based on vegetation. Wetland shifted a little maybe from filling. Silt fence along 30' line, house corner just over 60' from wetland line. Willson provided photographs. Healey asked why fill is needed. Dauchy said area has high water table, fill needed to raise house high enough to have a dry basement. A pipe will be installed that connects to town stormwater for a footing drain. Willson said there is a letter from a neighbor concerned about the house construction increasing flooding in her basement. Letter is in packet. She lives across Summer St. Boice asked if any new fill being brought on site. Dauchy said only a little if any, mostly moving existing fill around.

Angus asked if there are other wetlands on property that aren't shown? What are we confirming? Dauchy responded he only delineated wetlands closest to work being done.

**Brooks moved and Boice seconded. Commission VOTED (5-0-0)** to issue a positive determination for the boundary lines depicted on the plans, not confirming the presence or absence of any other resource areas on the property, and issue a negative #3 determination for the work.

**7:30 PM Notice of Intent** – Barre Tozloski, Pocomo Road Nominee Trust, for construction of a seven lot subdivision within Riverfront and buffer zone to bordering vegetated wetlands on Leverett Rd. (Map 3A, Parcels 17, 18, 19, 20, 21, 22 & 23).

Steve Riberdy, GZA Env., stated in 2006 this subdivision was permitted (Con Com, Planning) but was never built due to recession. Lots are official lots now. In 2007 permitted as pasture and used that way since. They have taken original plans and added updated wetland lines, besides that no other changes to plans. Stream along north boundary has been determined perennial since earlier filing (2006) so Riverfront now exists on the site. There is a large wetland system to the west of the parcel along the power lines and three isolated wetlands are located on the site. GZA looked at the isolated wetlands for evidence of vernal pools back in 2006 and again now and saw no evidence. Pasture area consists of mown grasses and a couple trees, there is forest within fencing to the west with little undergrowth due to horses, then outside fence mature red maple forest.

Project includes houses on 3 lots along Leverett Rd. and 4 lots sharing a common driveway off of Leverett Rd. The entire site is mapped as habitat for box turtle, we haven't heard back from NHESP yet. Proposing nesting enhancements within Riverfront along northern boundary as habitat improvement. Would have signage and management. Proposing a deed restriction on almost all of property outside of work area includes most of Riverfront. Limit of work will have turtle fence, and turtle sweeps will be required during construction.

Willson asked about the large squares for the house locations and where driveways will be located (not on plan). Riberdy the square is limit that house could be, the three lots on Leverett Rd driveways will come straight out. Other four off of common drive. Riberdy said it looks like potential developer will build all houses at once.

Angus asked if Lot 3 house, only lot in Riverfront, could be rotated to be more out of Riverfront. Not a redevelopment project so only allowed to impact up to 10% of the total Riverfront area on the site. They are at 6%. Angus stated setbacks are tight, are you doing any formal drainage report? Riberdy said no, drainage will just follow the natural grade. Healey said some of the setbacks appear closer than are marked based on scale. Riberdy will have engineers go over plans and make sure all out of 30'. Healey doesn't like the driveway dividing two wetlands. Can the driveway be changed? Riberdy due to lot size and length of driveway requirements can't be moved. Angus how will driveway and septic impact resource areas. Riberdy having septic there will improve the wetland by increasing groundwater. The driveway is at grade so no significant impediment to migration. Butler will driveways be paved? Tom Ready no TRG, there will be a management agreement for common driveway. Healey said in terms of invertebrates a road makes a big impediment. Angus is there a barrier of some kind that could be added to protect the wetlands?

Additional information needed: Add 30' setback line to plan, tighten up grading lines, etc. near 30', come up with permanent markers for 30' line/limit of work, language in deed discussion resource area location and protection, more research into rotating building box in Lot 1 and re-directing driveway between resource areas.

Waiting to hear from NHESP.

**Boice moved and Healey seconded. Commission VOTED (5-0-0)** to continue the public hearing until Nov. 25th 2014 at 7:30 pm. Applicant agrees.

**7:45 PM Notice of Intent** – UMASS for construction of an underground electrical duct bank through resource areas along Eastman Lane (Map 8C, Parcel 13 & 13C).

Meredith Bornstein, NEE and Kim Barowski, UMASS presented. Project consists of installation of an approximately 6100 foot underground concrete utility duct. Duct will be 4ft W X 4ft T and approximately 2.5 ft below ground. Duct is proposed south of Tillson Farm Rd, under East Pleasant, South of Eastman Ln and then south to Orchard Hill. Duct will be going under intermittent stream, stream will be pumped around during construction, stream bed and bank will be re-built after construction. There is a restoration plan specifying plantings and seed. Impacts are temporary. Per Willson's suggestion erosion control will be placed downstream on other side of Eastman Ln.

Duct will go under outflow pipe for pond, project involves replacing outflow pipe and installing new drain manhole. Also slip lining portion of pipe that goes under Eastman Ln. This area will have approximately 40 square feet of permanent wetland impact. Approximately 80 square feet of replication is proposed next to swale. Did look at alternatives, coming south along East Pleasant but that would involve a more complicated stream crossing, going into road but that involves other utility lines. Willson asked about total bank impact going over the 50' regulatory limit. Bornstein stated 37' is temporary (the intermittent stream), 22' is permanent, regs only apply to permanent. Will be applying for an Army Corps permit. Willson asked if NEE would be doing restoration & replication work. Barowski responded the contractor will be subcontracting that portion of the work to a wetland scientist, don't know yet if it will be NEE.

Conditions: Add erosion control downstream for both streams on other side of Eastman Ln., notify Commission of name of wetland scientist chosen for replication work, weekly & storm monitoring, post construction monitoring two growing seasons achieve 75% native plant growth.

**Boice moved and Brooks seconded. Commission VOTED (4-0-0, Healey left)** to close the public hearing and issue the Order of Conditions.

**8:00 PM Notice of Intent** – Amherst Conservation Department for mowing of a trail through bordering vegetated wetlands on Southeast St. (Map 17D, Parcel 63).

Angus stated applicant would like to continue.

**Boice moved and Butler seconded. Commission VOTED (4-0-0, Healey left)** to continue hearing until November 25th at 7:45pm.

**8:30 PM Request for Determination** – Joel Greenbaum for demolition of a barn and construction of a parking area within buffer zone to an intermittent stream at 785 Main St. (Map 15A, Parcel 49).

Joel Greenbaum, property owner, stated he recently bought the property which has an old barn that has many rotten walls, beams, it's unsafe. He has applied for a demolition permit and will be putting parking at that location. Photos and design drawing shown on overhead. Barn/garage is approximately 50' from wetland line. Once barn removed area will be graded, TRG parking area created, remaining disturbed soil seeded. Applicant would like pave in the future. Erosion control will be placed at limit of work.

**Boice moved and Brooks seconded. Commission VOTED (4-0-0, Healey left mtg)** to close the public meeting and issue a Negative Determination #3 with the condition that the parking area may be paved in the future without requiring a filing with the Conservation Commission.

**8:45 PM Request for Determination** – First Baptist Church for installation of a sewer line within buffer zone to bordering vegetated wetlands at 434 North Pleasant St. (Map 11A, Parcel 29).

Gerry Gates, President of Craig's Doors and property manager of 1st Babtist Church, presented the project. Craig's Doors trying to put in a trailer at the western end of the parking lot for people arriving before 9:30pm (current time Craig's Door opens in the church). Have a trailer, have permitting from the Planning Board, started working with the Board of Health who said they couldn't use chemical toilets within 30' of property line. DPW suggested installing a pump and sewer line running along the southern edge of the parking lot. Intermittent stream and wetlands 5-10' south of parking lot. Trench will be in pavement along edge and will be dug and filled back in in one day. Erosion control will be installed between the trench location and the wetland.

At site visit debris (both garbage & yard clippings) observed between parking area and stream/wetland. Gates stated they are willing to remove that as part of project.

**Butler moved and Boice seconded. Commission VOTED (4-0-0, Healey left mtg)** to close the public mtg and issue a Negative Determination #3 with the condition that debris consisting of concrete, garbage, wood be removed but leave organic to just decompose.

### **Miscellaneous Untimed Items:**

- Re-issue Certificate of Compliance – 9 Hedgerow Lane

Willson re-issue for COC that was never recorded at the registry. The COC is for two OOCs, one for subdivision infrastructure and one for house construction. Site inspection was done in 1988!

**Boice moved and Brooks seconded. Commission VOTED (4-0-0, Healey left mtg)** to re-issue COC for 9 Hedgerow Ln.

-Topics not reasonably anticipated 48 hours prior to the meeting

### **Adjournment**

**Voted** unanimously to adjourn the open meeting at 9:15 PM.