

**Conservation Commission Meeting  
January 14, 2015  
Town Room, Amherst Town Hall**

**MINUTES**

**CALL TO ORDER**

Meeting called to order by Ms. Angus, Chair at 7:07 p.m.

**ATTENDANCE**

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

Staff: Willson, Ziomek

**CHAIR, DIRECTOR & WETLANDS ADM REPORTS**

Willson stated that UMASS said the eroded area next to Campus Pond, discussed at last mtg, will be re-graded and seeded in the spring, erosion control will be put up until spring. MACC conference is Feb 28th handout is in your packets, Conservation Dept does have some funding to send Commissioners. Willson to look into MACC password for the electronic handbook. Willson said there was an article in the Gazette about the Fearing Brook, will present watershed map and draft sampling plan at next mtg.

Ziomek stated Willson working on a baseline report for Starlight Farm (Station Rd). that Con Com will review and sign at upcoming meeting. Ziomek developing a Memorandum of Understanding with residents at Applewood regarding the Orchard Arboretum.

**MINUTES**

No minutes reviewed.

**PERMITS/DISCUSSIONS**

**7:15 PM Request for Determination** – The Common School for construction of a new walkway and access ramp, new parking spaces and repaving of a driveway within buffer zone to an isolated wetland at 535 South Pleasant St. (Map 17A, Parcel 51).

Mike Liu, Berkshire Design Group, parcel recently purchased by the Common School has been vacant for approximately 4 years. Parcel includes house, garage, barn and driveway. House will eventually be converted into administrative offices for the Common School. This request is for construction of a walkway and driveway expansion. Work will include widening driveway to 10', adding two handicapped parking spaces and a walkway from S. Pleasant St. around the house and connecting with the current walkway to the Common School. All work is outside the 50' buffer. The wetland is a lawn area that Chuck Dauchy flagged as hydric soils. Erosion control will be installed between the work area and the wetland.

Willson provided photos. Angus asked for comments from site visit (none), from Willson (none), from the public (none).

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

**7:25 PM Request for Determination** – Carol Booth & Linda Fidnick for installation of an access ramp, concrete sidewalk, and new steps within buffer zone to bordering vegetated wetlands at 190 University Drive (Map 13D, Parcel 8).

David Clarkson, representing the owner Carol Booth, stated renovation is proposed to lower level of the building for handicap accessibility. Work will include re-configuring the stairs, installing a ramp, sidewalk, and some landscaping. Angus noted that the delineation being used was done by Tighe and Bond for the neighboring property, she is acknowledging she is an employee of Tighe & Bond. Willson presented photos. Erosion control already in place. Work is planned for March or April. Willson asked that applicant Willson inspect erosion control again prior to the beginning or work.

**Brooks moved and Healey seconded. Commission VOTED (7-0-0)** to close the public meeting and issue a Negative Determination with the condition that the applicant have Wetlands Adm inspect erosion control again prior to beginning the work.

**7:30 PM Abbreviated Notice of Resource Area Delineation (cont'd from 9-23-14 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). – **withdrawn**

Willson stated that Cows submitted an official withdrawal letter for the ANRAD.

**Brooks moved and Butler seconded. Commission VOTED (6-0-1, Angus abstained)** to accept the withdrawal notification for the ANRAD for the Retreat at Amherst project.

**7:45 PM Notice of Intent (cont'd from 12-10-14 mtg)** – 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).

Angus stated the applicant has requested to continue the hearing because they have not resolved their issues with NHESP.

**Brooks moved and Allen seconded. Commission VOTED (7-0-0)** to continue the hearing until January 28, 2015 at 7:30pm.

**8:00 PM Notice of Intent** – Sigrid Miller Pollen for construction of an office/conference room building within buffer zone to bordering vegetated wetlands at 418 North Pleasant St. (Map 11A, Parcel 30).

Mike Liu, Berkshire Design Group, and Sigrid Miller-Pollin, architect for the project, presented the project. Liu described the site, stated there is currently no treatment of stormwater it just flows down the site off western embankment and into the wetlands. Proposal is for a two story office building which

slopes into a three story building which will share a driveway and parking area with Gordon Hall. The parking area will be redesigned to have 7 spaces and will be pulled easterly away from the wetland. There will be an overall reduction in paved area on the site. Stormwater from the driveway will be directed into a series of rain gardens, then into two open basins which drain into open swales, then into two area drains which will carry the water through pipes to an underground detention basin. If the detention basin were to overflow the water would flow to an outlet basin and then into the wetland. There will be a significant reduction in stormwater going directly into the wetland, majority will now be directed to the rain garden system. Native plantings are planned for the wetland buffer zone. Miller-Pollen stated one goal of the project was to design and build a net zero building. It is privately owned land, however, will be used primarily by UMASS for office space for faculty and graduate students.

Liu stated some improvements that could be made to the existing plans would be to swing the proposed dumpster pad location 90 degrees so it's outside the 30' boundary. Also move drainage system outlet basin outside 30' boundary. Also removing Japanese Knotweed as part of project, and adding native shrubs along western boundary.

Willson presented photos on overhead of site visit. Willson stated Chuck Dauchy did the wetland delineation. Willson gave a copy of the comments from the Town Engineer to the applicant. Angus said applicant needs to provide stamped plans. Angus stated that the 75' building setback for commercial buildings is being used since our bylaw does not have an educational setback and the only other option is residential. Miller-Pollen said there is one corner that goes within the 75' by about 9.5'. Liu said he originally thought the 50' setback applied because the building is not commercial/industrial. Miller-Pollen added it is zoned general residential and the building is being considered non-profit/educational by the Planning Board and the Building Dept. Liu said they are asking for relief from the regulation (75' setback), however project does improve things for the environment through drainage system improvements, removal of invasives, and planting of native species. Willing to negotiate mitigation.

Willson asked what is being planted along the limit of work. Liu stated a line of hedge will be planted as a permanent marker for the 30' boundary. He added they could use a different permanent marker if the Con Com wants or make the plantings more dense. He added they could add a stone strip along western edge of parking lot to collect/filter runoff from the parking lot that doesn't get into the rain garden drainage system. Healey asked why if they are re-doing the parking lot they don't just regrade it so it drains into stormwater system? Liu said it's already pitched steeply to the northwest so it would be hard to get water to flow to the south. Butler asked if the area that will no longer be parking area will be lawn? Liu said yes. Butler why lawn? Liu said yes, we could plant native plantings instead of lawn.

Janet Keller (public) liked hearing converting lawn to native plantings. The new roof will produce a lot of new drainage. The goal of a net zero building should be zero runoff or at least contain a 100 yr storm. Liu responded stormwater system does meet DEP requirements for the 2yr, 10yr and 100yr storm. System designed to meet a net zero increase in runoff from the site and the Town Engineer's letter reflects this and even states that the system increases the TSS removal for the overall site.

Maurianne Adams (public, neighbor) stated the pictures and statements in Mr. Turner's ltr (in Con Com's packet) are very good and should be reviewed by the Commission. In terms of mitigation Mr. Turner's ltr has some good suggestions for trying to maintain the green corridor running from N. Pleasant St. to the wetland. Why did the site work for this project start in September prior to the Commission or other permitting committees reviewing the application? Angus no work was done within the 100' buffer zone to the wetland we have no jurisdiction. Willson stated she went to the site after the work was observed to have been done and measured to make sure it was outside the 100' buffer. In regard to the corridor, the majority of the area between the building and its southern property boundary is outside the 100' buffer.

Once you get within the 100' buffer there is more open space between the building and the property boundary.

Jim Turner (public, abutter) stated that southern boundary line has been debated for years. It also has grown in to a nice hedge/shrub line creating a screen and barrier for neighbors and a pathway for animals to the wetlands. Would like to see the southern boundary re-vegetated. Liu stated that the area within the 10' property line setback is planned to be a swale with grass. Willson stated could use wetland grasses in swale instead of lawn. Liu said they can look at that area for native plantings. Turner added the entire western side of property is a landfill, so any digging could expose garbage.

Name? (public, neighbor on Fearing St.) very disappointed that there seems to be a lack of interest in these micro-environments we have across town. This neighborhood has Tan Brook and this wetland but also the area Jim Turner refers to that was ruined. Feels that restoring the southern border with not just grasses but a blocking line of native shrubs & plantings. Miller-Pollen stated the structures to the south are setback on their own lots quite a bit but the idea of a line of shrubs can be looked into.

Stuart Leonard (public) for areas outside the Con Com's jurisdiction is there another board that will review these areas? Miller-Pollen said they are going before the Planning Board and Zoning Board of Appeals. These concerns will be addressed with those boards.

Ziomek asked how knotweed was going to be treated. Needs to be destroyed on-site rather than spreading it through removal and transportation. Liu we will look into that.

Angus to do list: remove dumpster pad & outlet basin out of 30' setback, provide calcs for tradeoffs in buffer zone, get plans stamped, address Town Eng. comments, updating planting plan (more native less lawn), brief plan for removal of non-natives, plan for southern boundary, removal of debris in buffer zone, Willson to ask Jason about volume of water parking lot will create and will stone strip help, and consider snow management (use a parking space?).

**Healey moved and Butler seconded. Commission VOTED (6-0-1, Boice left mtg) to contribute to January 28th at 7:45 PM.**

**8:15 PM Request for Determination** – Maria Chao for reconstruction of a deck and other landscaping improvements within buffer zone to bank and bordering vegetated wetlands at 51 Blossom Lane (Map 26B, Parcel 118).

Meredith Borenstein, NEE, Inc., presented the project. Currently there is a stream within 5 ft of existing deck. There are two walking bridges going over the stream in the yard. There are two wetland lines, A-line is bank where there was a defined channel and B-line is BVW where the channel was less defined. All work will be done by hand. General contractor (name?) stated the frame of the deck is staying and being extended 28 square feet at the NE corner. A three season porch is being built on top of the existing frame. Four new piers will be installed using sona-tubes and 12" footings and 4x4 support beams. Borenstein no other work besides the new footings will occur beneath the deck and the shrubs, retaining wall and soil that slopes to the stream will not be removed except for azalea.

Clark asked most of the yard surrounding the stream is lawn. Borenstein said yes. Willson said the stream could benefit from some plantings. Borenstein asked if a wet seed mix could be used. Brooks said the NE corner of the deck is very close to the stream and he is concerned there isn't enough room

for the support beams and footings for deck extension. Willson asked what kind of erosion control. Borenstein said silt fence. Willson said silt fence will just destroy bank, should use filter tube. Healey would like to see shrubs planted between the deck and the stream where azalea is coming out. Willson plantings should also be done along stream where it crosses front yard.

**Butler moved and Clark seconded. Commission VOTED (5-0-2, Boice left & Brooks recused)** to close the public meeting and issue a Negative Determination with conditions that the applicant work with the Wetlands Administrator on plantings along the stream, and that no pesticides, herbicides, or chemical fertilizers be used on the lawn.

**8:30 PM Request for Determination** – Grace Griecci for determination of the status of a stream and for construction of a supplementary apartment within buffer zone to said stream at 15 Beston St. (Map 11C, Parcel 155).

Chuck Dauchy, env. consultant, presented the project. Project consists of placing a new 20X20 pre-built building within buffer zone to Tan Brook. The structure is approximately 50' from the stream bank. Erosion control will be placed along the 30 ft setback. A grass swale will be constructed along the northern edge of the property to collect any roof run off. The Tan Brook was previously determined to be intermittent in this reach in 2010. However, this application includes updated StreamStats data showing the watershed to this point is less than 0.5 square mile so the stream is intermittent. Stream is not shown on the USGS map.

Willson stated MADEP has said that the previously determined status of the stream in 2010 does not carry over for projects on different properties such as this one. Each project must go through its own determination of the status of the stream. However, the historical determination can be used as precedent for the Commission decision on this project.

Dauchy stated this segment of the stream is upstream from the section previously determined intermittent, therefore, it would have an even smaller watershed. The watershed analysis did take into account the town stormwater drainage system. Dauchy stated he looked at the town stormwater maps and pulled in the areas that drained to Tan Brook. Willson presented photos of the site.

Stuart Leonard (public) asked what the watershed size for the stream is. Dauchy responded 0.44 square miles. Leonard asked what is the margin of error or accuracy for that measurement, 0.44 plus or minus what? Dauchy the margin of error is not included as a determining factor in the state regs. Watershed delineation is pretty straight forward, if it were estimating flows then there is room for more error. Angus stated the methodology is spelled out in the regulations and they are following it and it is what the Commission administers. Brooks added calculating watershed size is basically connecting the high points it's pretty cut and dry. Maurianne Adams said if we bring in maps that show the stream and therefore show that the USGS map is wrong our starting point would be different. Angus the regs refer to the current USGS map or a more recent map provided by DEP. She added if someone wants to file another RFD regarding the status of a section of the stream and present their own case they can but right now we need to respond to this request and information.

Name (?) (public) does this constitute a determination for the entire length of the brook? Angus no just the length requested in the RFD. Name (?) struggling with how the law can determine the same section of the stream perennial at one time and intermittent at another. Angus the regs do allow this. She added that even if this was Riverfront this project would be permissible with mitigation.

Dan Wallard (public) I walk the neighborhood often and Tan Brook is bone dry in July and August. Name (?) Tan Brook is in my back yard, I've lived there for 40 yrs and it's never been dry. Adams stated she believes there are wetlands associated with Tan Brook across from the subject property are those protected? Dauchy said he believes there are wetlands there that would be a constraint on development. Leonard said the water table is high in this area does that impact this analysis? Angus no.

Angus we have a building outside the 50' setback and erosion control along the 30' setback. A stone lined swale along the northern boundary.

**Clark moved and Brooks seconded. Commission VOTED (5-0-2, Boice left & Butler abstained)** to close the public meeting and issue a positive determination agreeing with the boundary and jurisdictional status of the stream, and a negative determination for the work.

### **Miscellaneous Untimed Items:**

- CPA Projects Update

Ziomek handed out CPA proposals for the Hall property, Hoerle property & due diligence. CPAC received proposals in Dec for about 10 proposals. CPAC now has about 2 million dollars annually to give to projects, \$300,000 in bonded projects, so about \$1.7 million for new projects. This yr there are about \$1,000,000 in requests, however, CPA can decide not to spend all funds and save some for future proposals. Open Space projects will be presented on Feb 10. Boice stated she would like to bring the draft CPAC Strategic Plan document to the Commission in the future for comments. Ziomek will bring maps, ect. to next Con Com mtg for the two projects for Con Com to review and vote to recommend/not recommend to CPAC.

- Gifts of Land

Ziomek stated Willson to work on about 7 properties that are potential gifts to the Town.

- Ratify Emergency Certification – UMASS Eastman Lane culvert

Meredith Borenstein, NEE, a culvert running under Eastman Lane recently got blocked causing flooding onto the road. An Emergency Cert was issued to clean out the culvert. Borenstein stated the company that cleaned it out did video the inside but NEE has not seen that video yet.

**Brooks moved and Healey seconded. Commission VOTED (6-0-1, Boice left)** to ratify the Emergency Cert.

-Topics not reasonably anticipated 48 hours prior to the meeting

### **Adjournment**

**Voted** unanimously to adjourn the open meeting at 10:05 PM.

