

**Conservation Commission Meeting
October 14, 2015
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, Boice, Clark, Allen, Healey, Brooks

Staff: Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson stated the old outflow structure was removed at Markert's Pond and permitted by the Con Com and a NOI is being put together for installation of a new outflow structure. A new beaver deceiver is being installed at Gull Pond this Friday, also permitted by the Commission. Willson stated that there are some pictures in the Con Com packet of erosion occurring at Mill Ln house project during a rain event. Contractors have since replaced and improved erosion control. The final monitoring report for the Eastman Ln duct project is in the Con Com packet. All plantings are in for this project and grass has all re-vegetated. Willson sent an email about Nov.10th mtg when we will again meet afterwards with the Ag Commission to discuss common interests. Ag Commission has a new chair, Rebecca Fricke. We are meeting on Tuesday, 11/10 because 11/11 is Veteran's Day. Angus and Healey stated they would like to have specific things to talk about, possibly an agenda to frame the discussion. Willson said she would discuss with Fricke potential topics. Cons Dept has hired a new Assistant Land Manager, Kody Clark who starts October 19th.

MINUTES

Approved minutes of 12-10-14

Boice moved and Brooks seconded. Commission VOTED (6-0-0) to approve the minutes of 12-10-14.

PERMITS/DISCUSSIONS

7:10 PM Request for Research on Conservation Land – UMASS Prof. Jonathan Woodruff for three sediment sampling classes at Puffer's Pond.

Jon Woodruff, Associate Prof at UMASS in the geosciences dept., is teaching a sedimentation class that has a lab and he would like to conduct some of those labs at Puffer's Pond. He added his class was at Puffer's Pond and ran into Brad who told him he needed to come before the Commission to use the pond for a class. Woodruff stated he has two labs left which will involve going up the river doing pebble counts and calculating the stream gradient. They're done collecting the sediment samples, they collected one from the delta and two from shallow pond areas. They are analyzing the sediment and are happy to share the results with the Town. There are 30 students but only two will be in the river at a time.

Boice moved and Clark seconded. Commission VOTED (5-0-1, Healey abstained) to approve the research/lab at Puffer's Pond and Cushman Brook.

7:15 PM Request for Event on Conservation Land – Taylor Marrs, Kappa Sigma fraternity for Polar Plunge at Puffer's Pond.

Scott Cohen and Taylor Marrs, students at UMASS and members of Kappa Sigma fraternity, would like to hold a philanthropy event called a Polar Plunge at Puffer's Pond on Nov. 21. People would get in the water for a very short time to raise money for a local charity maybe the Survival Center, Amherst PD/FD or Craig's Doors or any suggestions Con Com has. Angus asked if there is a medical team. Cohen said some fraternity brothers volunteer with the AFD and he says local hospitals can provide a medical team, he's planning to look into it. UMASS health center said they would help by providing some medical staff. Willson asked if the waiver will include language about releasing the Town of liability. Marrs said yes. Willson said the Town would like to see the waiver form prior to the event. Marrs said the national fraternity has insurance for these types of events.

Marrs wondering what the maximum number of participants can be at Puffer's? Angus said we don't regulate numbers of people at Puffer's Pond and we've never had a Polar Plunge at the pond. She added there can be hundreds there at one time during the summer. Marrs said he doesn't anticipate 100 plungers but maybe up to 100 people on the beach including bystanders. Angus stated they need to talk to APD and DPW about parking and plowing if needed. Marrs agreed.

Willson stated the money raised can be donated to the Friends of Puffer's Pond. Brooks said the beach must be picked up afterwards. Marrs agreed. Willson said they need to confirm with her on the date, the waiver form, and the organization they are donating to.

Healey moved and Boice seconded. Commission VOTED (6-0-0) to approve the application to conduct a polar plunge at Puffer's Pond.

7:30 PM Notice of Intent – UMASS for expansion of a parking area and improvements to the stormwater drainage system on Governor's Dr. (Map 8A, Parcel 46).

Bruce Griffin & Kevin McCaffrey from New England Environmental and Kim Barowski from UMASS presented the project. Project is located at parking Lots 68 & 31 off Governor's Drive at UMASS. Griffin stated the plans have been revised from the original submittal to include stormwater pipes that were missing. The wetlands were delineated based primarily on vegetation and some soils. Project proposes to fill the wetlands where the stormwater outfalls at the SW portion of the parking lot and re-route the stormwater through new pipes to the NW corner where another outfall already exists. They are proposing to replicate the filled wetland 1.5:1 with a new wetland along the northern end of the site which will connect with the wetland where the stormwater will be re-routed to. Will be putting in new

deep sump catch basins to treat stormwater. UMASS will gain parking spaces and be able to dispose of some accumulated fill from another project by filling this wetland.

Willson presented photos from the site visit. Angus asked if there wasn't somewhere else to put the fill and is there really a parking need? Barowski said the first goal is to improve the drainage. Healey stated by moving the stormwater outfall you're essentially drying up the wetland that goes into Hadley to the west, a much larger area than is being mitigated for. Angus stated there is no stormwater report, it would be good to have calcs of runoff volumes changing by re-routing the stormwater so we can determine impact to the wetland.

The Commission reviewed comments from the Wetlands Administrator that had been submitted to the applicant prior to the meeting. Willson stated the plan proposes to use the wetland replication area as a stormwater basin which is conflicting. The O&M plan states the stormwater basin will be mowed and a jurisdictional wetland can't be mowed. McCaffrey stated yes, that area would be a managed wetland where invasives would be removed and some mowing done and it would provide storage for water from storms. He believes it will be a better wetland than the one being filled. Angus said the point is echoed in DEP's comments "a constructed wetland can not be used to treat stormwater and act as a replication area".

Willson stated there were no alternatives provided, she questions the need for additional parking and why the grass lawn along the east side of parking lot 68 was not considered for additional parking. She added she has been at the site three times in the past two weeks during school hours and the back parking spaces are empty. Angus stated we need more information on the construction sequence and methodology. Boice asked why the replication are is only 1.5:1 instead of 2:1 as required in the bylaw. Griffith said UMASS as a state agency doesn't need to abide by the bylaw. Angus stated we have discussed that enough over the years that we've conceded that UMASS is not held to the bylaw. McCaffrey stated the main push behind the project is to prevent having to move 1,800 square feet of fill off campus. Angus said she will add to Willson's comments and ask that the applicant respond to them and continue the hearing.

Boice moved and Healey seconded. Commission VOTED (6-0-0) to continue the hearing to October 28th at 7:30pm. The applicant agreed to the continuance.

7:45 PM Request for Determination – Emerson Realty Group, LLC for construction of a parking lot within buffer zone to an isolated wetland at 36-38 South East St. (Map 15A, Parcel 46)

Peter Wells, Berkshire Design Group, and Gary Cook property owner present the project. The project is to re-design the parking lot to add a few more spaces and to improve drainage and meet the new standards set by the ZBA. Currently stormwater sheetflows to the east into the wetland with no treatment. The new parking lot will have a more direct entrance, will provide 16 spaces including one handicapped space, it will be paved and striped, and have a gravel swale along the east to collect stormwater that will then direct flow to a grass swale across the yard. Stormwater will be treated by these two swales before flowing into the wetland. They are reducing the amount of impervious surface

by 1,363 square feet. Erosion control will be used during construction. Wells stated the existing parking lot is 14 ft from the wetland, the new paved area will be 20 ft from the wetland.

Willson provided photos from the site visit. Wells stated we can't move the parking lot further from the wetland because the ZBA has said they need to provide 16 spaces and they are already in the front street setback. Brooks said he needs to be convinced why to allow parking within the 25 ft setback. Wells stated the current drainage is almost a point source discharge of untreated water into the wetland, moving the parking back 5 ft won't improve the wetland like re-routing and treating the stormwater will and the gravel swale is the closest thing to the wetland. Brooks asked if stormwater calcs were used to size the gravel swale. Wells stated it's above and beyond what's needed based on the parking lot size. Healey asked if the parking lot could be pulled to the west toward S.East St. Wells stated they can't go within the front setback. Angus said the project seems like an overall improvement to the site.

Brooks moved and Boice seconded. Commission VOTED (5-1-0, Brooks opposes) to close the meeting and issue a Positive Determination for the delineation and a Negative Determination for the work with the conditions: that the applicant seek relief from the ZBA to either reduce the number of parking spaces or move the lot further into the front setback in order to meet the 25 ft wetland setback.

8:00 PM Request for Determination – Shelley Barnett for removal of a playhouse within buffer zone to an intermittent stream at 101 Cherry Lane (Map 8B, Parcel 137).

Eric Beale, property owner, presented the project. He stated the playhouse was built several years ago without permitting, oops. A month or so ago a tree fell on the playhouse so they would like to take it apart and remove it. The playhouse will be taken apart by hand using a saw and pry bar and disposed of in a dumpster in the driveway. The playhouse is on a knoll, and is built on cinder block footings. Erosion will be put in place, looking for advice on where to put it. Willson said the erosion control should be placed along the slope at the edge of the work area. The work area should be re-seeded after the house and footings are removed.

Healey moved and Clark seconded. Commission VOTED (6-0-0) to close the meeting and issue a Negative Determination for the work with the conditions that erosion control is used and the area is re-seeded.

Miscellaneous Untimed Items:

- Requests for two Certificates of Compliance – 150 University Drive

Willson we conducted a site visit this morning and everything looked to have been constructed in accordance with the OOCs. There are two COCs because there were two OOCs on the property's title, one was for a subdivision that was never built and the other for construction of the nursing home that is there now.

Brooks moved and Boice seconded. Commission VOTED (6-0-0) to issue the COC for the OOCs referring to the subdivision that was never built.

Brooks moved and Boice seconded. Commission VOTED (6-0-0) to issue the COC for construction of the nursing home.

- Enforcement Order – Cowls, Inc., Henry St.

Willson stated she visited the site with two representatives from Cowls and the restoration areas have re-vegetated well since the spring. They definitely have over 75% native vegetation. This Enf. Order states that all work is done, that they have met their replication requirement.

Brooks moved and Healey seconded. Commission VOTED (5-0-1, Angus abstained) to issue Enf. Order #5 to Cowls, Inc.

- Emergency Cert – Gull Pond beaver deceiver replacement

Willson stated this Emergency Cert is for installation of the new beaver deceiver at Gull Pond.

Boice moved and Healey seconded. Commission VOTED (6-0-0) to ratify the Emergency Cert.

- Topics not reasonably anticipated 48 hours prior to the meeting

Adjournment

Voted unanimously to adjourn the open meeting at 8:45 PM.