

**Conservation Commission Meeting
January 13, 2016
Town Room, Amherst Town Hall**

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus, Chair at 7:02 p.m.

ATTENDANCE

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

Staff: Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson shared a copy of the response from the Town to the abutters of the landfill project. Willson completed the annual report for the MET grant and plans to buy storm drain markers (100), signs marking the brook, and interpretive signs for Fort River Farm Conservation Area using remaining grant funds. Grant money needs to be spent by the end of June. Willson stated there is a forest cutting plan in Con Com's packet for work the Conservation Dept will be doing. Con Com's packet also includes third party review for the University Dr. parcel and comments from Chuck Dauchy on delineation of 50 University Dr. parcel. Willson stated that the potential farmer for Wentworth Farm will be coming to the next meeting. Staff has met with him and have made suggestions on how he could improve his proposal. The final decision on whether to contract with him is up to the Commission. Boice added he has many ideas but may be biting off more than he can chew.

MINUTES

Review/approve Minutes of 4-8-15, 4-21-15 & 6-10-15

Boice moved and Butler seconded. Commission VOTED (6-0-0 Healey not present) to approve the minutes of 4-8-15.

Butler moved and Boice seconded. Commission VOTED (5-0-1 Healey not present & Angus abstained) to approve the minutes of 4-21-15.

Allen moved and Clark seconded. Commission VOTED (6-0-0 Healey not present) to approve the minutes of 6-10-15.

PERMITS/DISCUSSIONS

7:15 PM Abbreviated Notice of Resource Area Delineation (cont'd from 11-23-15 mtg) – UMASS New Build, LLC/Trey Wills for confirmation of resource area boundaries on University Dr. (Map 13B, Parcel 33).

Angus stated this hearing is to review and make a decision solely on the wetland delineation, no work is being proposed. When the hearing was opened the Commission decided they wanted to have a third party review of the delineation. EcoTech, third party reviewer, has provided an updated plan of the delineation for tonight's meeting. Andrea Kendell, LEC, Inc., consultant for the applicant, stated they

are only looking for confirmation of the BVW line, no other resource areas. She said they acknowledge there is an intermittent stream on the property but they're not looking for confirmation of Bank or Land Under Water at this time. They just want to know the line for the outer most resource area for planning purposes. She stated the culvert locations were re-checked and revised on the plan. The plan shows the areas where the delineation moved in response to the third party review. Art Allen, EcoTech, presented the revised plan. He stated the areas where the line changed were all out in the open, areas that had been plowed or mowed so the delineation was based on soils. He estimates he did about fifty borings.

Ann Marley, abutter to the south, stated she is concerned because the parcel being delineated is so wet and she is concerned that if something is built on the property it will flood her property. Angus said Con Com is only looking at wetland delineation. Marley asked if more than one soil boring was dug as part of the delineation. Kendell responded no, more than one soil sample was collected as part of the initial sampling and with the 3rd party review. Art Allen added he sampled soils at over fifty locations. Marley asked if she has any recourse if a building is built and then her property floods. Angus stated if they do propose a building project that would come before the Commission and at that point we would consider stormwater and impacts to wetlands.

Mickey Marcus, NEE, reminded the Commission that there are three wetland mitigation areas along University Drive. Two may possibly be on this property. Brooks asked for old mitigation area delineations to be added to this file.

Boice moved and Butler seconded. Commission VOTED (6-0-0 Healey not present) to issue an Order of Resource Area Delineation confirming the delineation of bordering vegetated wetlands but not confirming Bank, LUWW, or any other resource area boundaries.

7:30 PM Request for Determination – General Construction and Environmental, Inc. for construction of two buildings on existing foundations within buffer zone to bordering vegetated wetlands at 75 & 101 University Dr. (Map 13-B, Parcels 17 & 22).

Bill Garrity, Garrity & Tripp, stated he first worked on this site in 1997. Dwight Scott, General Construction Inc., is the applicant and he is here tonight. Owner is Richard Slobody. Foundations exist on the property that were originally going to be used for a bank and car rental agency but those projects never happened. Slobody would now like to build two small office buildings on the foundations. All the parking lots, driveways, and utilities were constructed in the late 1990s. Chuck Dauchy re-checked the original wetland lines, there is a memo from him in the file folder. He made one change to the line marking an area that had been delineated wetland as now upland. Garrity stated he marked on the old erosion control plan where erosion control will be placed. Willson provided photos from the site visit. Angus asked how they are going to get equipment in with the wetlands so close to the foundation. Garrity said they would work from the parking lot side and there is no need to have access from the west side. Willson asked how far from the foundation would the erosion control be placed? Garrity said five feet.

Brooks asked how this could have been permitted with the wetlands so close to the foundations. Willson stated there was wetland replication done for the impacts. Brooks stated he wants to know the amount of buffer zone being impacted. Willson responded it would be everything inside the erosion control.

Ann Marley asked if drainage could impact her property. Brooks responded the water seems to be draining westerly not toward her property. Marcus stated that when the original plan was approved by the Commission there was mitigation and a waiver was given to allow construction within the setbacks.

Brooks stated he didn't feel the plans meet the Commission's standards. Angus asked applicant if he'd be willing to provide updated, clearer plans, with all information on one drawing. Garrity said they are finishing work that was already approved by the Commission and it's all buffer zone. Boice stated she would like to know exactly how many feet from the foundations erosion control will be placed so we can estimate buffer zone impact. She said if she had that information she's fine with the current map. Butler agreed, he doesn't need new maps just square footage of buffer zone impact.

Boice moved and Allen seconded. Commission VOTED (5-1-1 Brooks opposed & Healey abstained) to issue a negative determination with conditions that the erosion control around the smaller foundation be no more than two feet from the foundation and the erosion control adjacent to the larger foundation be 25' from the wetland line. The wetland line around the smaller foundation must be marked with permanent markers.

7:45 PM Notice of Intent – Miles Hovis, Solar City, for installation of a solar array and associated stormwater system, walking path improvements, and selective tree cutting within buffer zone to bordering vegetated wetlands at Hampshire College off West Bay Rd. (Map 25B, Parcel 5).

Angus recused herself due to conflict of interest. Mickey Marcus, NEE, and Todd Holland, Hampshire College presented the project. He stated that Solar City is the applicant and is the solar contractor for the project. Over twenty locations were looked at around Hampshire College for solar installations and this location in Amherst and one in Hadley were chosen. Site is 20.3 acres, solar will occupy about 8.6 acres. Project proposes no wetland alteration, maintain a buffer zone setback, and design stormwater so there is no discharge within 100' of a wetland. Only one area where grading is necessary.

The panels are on a driven post system, posts are driven 4-6' into the ground, and the panels sit on racks. Under the panels Hampshire College wanted good forage vegetation so proposed seed mix is a wildflower/grass meadow seed mix. The panels are 3-4' off the ground and the proposed seed mix should grow to 3-4'. The vegetation will get mown once a year, no herbicide/pesticide/fertilizer will be used. The electrical wiring will go underground adjacent to the road to a small substation. Directional boring will be used for the majority of the length with some areas trenched. Marcus presented the plan showing the wetland areas.

Stormwater will be managed using a couple grass drainage swales and stone swales that will act like infiltration basins. The project is not required to meet state regs but it does. The walking path will be an 8' wide pervious pavement walkway. Project proposes to cut down some trees along West Bay Rd. but they still need to talk to the tree warden. There will be a vinyl coated chain link fence around the entire

project. The red osier dogwood hedge in front of the Eric Carle museum will be continued between the fence and the road. Boice asked if the fence will be raised for wildlife. Marcus said yes.

Willson asked where the equipment staging area will be and if there will be any temporary sedimentation basins used during construction. Marcus stated they don't plan on having very much exposed soil because the posts are being driven. The equipment will be staged where the panels will be located. There will be a SWIP and a copy can be provided to the Commission. Brooks asked if there is erosion control on the maps? Marcus pointed out where the erosion control is discussed on plan sheets 6.0 and 6.1. Willson asked if where it says silt fence/straw wattle at limit of work that means around the entire site? Marcus said they will put it at the edge of the wetlands and other areas they feel important. Willson said one of the plans should show where erosion control will be placed.

Marcus showed the portion of Amherst land adjacent to the solar panel site in Hadley. The Amherst portion is wooded but needs to be cleared so it doesn't shade the panels. The larger shade trees, greater than 30', will be removed but the saplings stay. When saplings become shade trees they will be removed. Boice pointed out the small portion of the area to be cleared that is within the 100' buffer to a vernal pool. Boice suggested they not clear that small area.

Willson stated we have not heard from the Town Engineer regarding stormwater review.

Clark moved and Butler seconded. Commission VOTED (7-0-0) to continue the hearing until January 27, 2016 at 7:45pm with applicant providing a plan with erosion control, and a revised plan of the shade tree removal area. Will review Town Engineer's stormwater report.

Miscellaneous Untimed Items:

- Review & Sign LAND Grant Project Agreement for East Leverett Rd.

Clark moved and Butler seconded. Commission VOTED (7-0-0) to sign the LAND Grant Project Agreement.

- Topics not reasonably anticipated 48 hours prior to the meeting

Adjournment

Voted unanimously to adjourn the open meeting at 9:10 PM.