

**Conservation Commission Meeting
March 23, 2016
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, Allen, Brooks, Clark, Butler

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Allen reported that one of the turtle basking platforms and a wood duck box at Wentworth Farm Cons Area have sunk into the pond. Allen asked if WMECO/Eversource was still responsible for repairs. Willson said no, they have met their project requirements, we own it now and must maintain it. Ziomek added conservation staff can repair these things.

Ziomek stated the Town is now the owners of the Hall property and the Commission has care and control. Meeting with Brad & Kody about 2016 field season plans. Markert's Pond will definitely be on the list. Town Mtg starts May 5th. We have two Open Space projects coming before Town Mtg, the Hoerle APR on SE St. and the Stowes/Stocz land acquisition on East Leverett Rd. We did put out the Wentworth Farm RFP again but got no responses. Would like to bring Guilford Mooring, Superintendent DPW, to a Cons Comm mtg to have an informal discussion about the Mill St. bridge. Discussion will include combining the plans for the bridge with the idea of creating an accessible trail from the North Beach to the South Beach. Land Management Plans will be coming before the Commission soon, we will have site visits prior to meeting discussion. Butler asked about notifying the public about Land Management Plan discussions. Ziomek said it will be posted on the agendas, Friends Groups will be notified, we may consider abutter notification.

Willson stated work has started at 85 University Drive she has inspected the erosion control. Cowls, Inc. is logging off Henry St., the Commission reviewed and approved the cutting plan. Willson will visit the logging site on Friday. Willson and other Cons Dept staff will be installing over 100 drain markers as part of Fearing Brook grant.

MINUTES

Review/approve Minutes of 5-13-15, 9-24-15, & 10-14-15

Brooks moved and Clark seconded. Commission VOTED (6-0-0) to approve the minutes of 5-13-15.

Brooks moved and Boice seconded. Commission VOTED (5-0-1, Butler abstained) to approve the minutes of 9-24-15.

Clark moved and Brooks seconded. Commission VOTED (5-0-1, Butler abstained) to approve the minutes of 10-14-15.

PERMITS/DISCUSSIONS

7:15 PM Discussion – Kevin Hollerbach, plastic bag ban

Kevin Hollerbach, graduate student at UMASS and sustainability coordinator for Essential Life, stated he has written a bylaw that would follow 16 other communities in banning the use of single use plastic bags in the Town of Amherst. This has also been done by the states of CA and HI. Has endorsements from Hitchcock Ctr., Stephanie Ciccarello, League of Women Voters, Subcommittee of Refuse Mgmt., Board of Health, and Atkins Farm. Amherst has already passed a polystyrene container ban. Hollerbach is asking for the Commissions support and/or help with getting the ban passed. Angus asked why the language says, "discourage the use of" instead of outright banning? Hollerbach said the Commission doesn't have the actual bylaw, they have a promotional mailing. The bylaw is a ban on the use of plastic bags. It encourages businesses to distribute paper bags and consumers to bring re-usable cloth bags. Butler and Boice said they would like to see the bylaw. Hollerbach to provide latest version of proposed bylaw to Willson for Commission to review and decide whether or not to support at next Cons Com mtg.

7:30 PM Request for Determination – Julius and Edith Fabos for confirmation of resource area boundaries at 43-45 Canton Ave (Map 11D, Parcels 194 & 189).

Collen Puzazz & Bruce Griffin, NEE/SWCA, present the project. Revised plans were provided, additional wetland points were identified. Willson provided photos from the site visit. Willson stated there is a stream that comes through the middle of the wetland that's not shown on the plan. Logs were observed in the stream.

Abutter from 46 Canton Ave asked what is the delineation being done for, he's heard a housing development. Angus answered the only thing being asked of the Commission tonight is the boundaries and regulatory status of the wetlands. There is no project proposed and the applicant is not legally required to say why they are having the wetlands delineated. This permit sets the boundaries in place for three years.

Abutter from 145 Whitney St. said he was told that the parcel couldn't be built on because it's wetlands.

Boice moved and Allen seconded. Commission VOTED (6-0-0) to close the public meeting and issue a positive determination 2A for the resource area boundaries referenced on the most recent plan.

7:45 PM Request for Determination – Brightergy for construction of parking lot solar canopies on Lot 44, North Pleasant St., UMASS campus (Map 8C, Parcel 13).

Dave LaPoint, Neils & Thomas, and Eliot Kleinman, Britergy, present the project. UMASS has entered into an agreement with Britergy to install solar panels at a number of locations including over the parking spaces at Lot 44. There is an intermittent stream with some associated wetlands to the north of the parking lot. The only excavation will be for the posts for the canopies and trenching for electrical

conduits and drainage. Canopies will have a gutter system that will drain down the posts to conduits that will take it across the site and connect with the current drainage system. During the site visit erosion from sheet flow was observed in the northwest corner of the site. The applicant has spoken to UMASS about this and they have agreed to improve that area as part of this project. Erosion control will be installed along the outer perimeter of the paved area. Willson provided photos from the site visit.

LaPoint stated the stream is on the USGS map as intermittent and stream stats indicate a watershed size of less than 0.5 square miles. Brooks asked for a plan showing how eroded parking lot corner is going to be fixed. Britergy will own and operate the solar system and sell the electricity to UMASS under a power purchase agreement. Willson stated at the site visit she thought the drainage system for the parking lot was inadequate and that a lot of sheet flow was going to the NW corner and causing erosion. She only observed three catch basin across the entire parking lot. Angus stated the project is not going to change the volume or quality of stormwater drainage. Ziomek stated if you don't have a drainage plan you don't even know if stormwater is going to be all concentrated and released into one catch basin. LaPoint said the water will go down the posts and underground to the NW corner of the parking lot. Ziomek the Commission needs to see those plans. Willson stated we don't even know where the one catch basin along the western edge outfalls. Applicant to provide a stormwater drainage plan and provide a plan showing additional erosion control. Britergy to discuss with UMASS possibility of repairs to NW corner of parking lot.

Brooks moved and Clark seconded. Commission VOTED (6-0-0) to continue the public hearing until April 27th at 7:30pm.

8:00 PM Notice of Intent – Matthew Striebel & Kristin Kelly for construction of a single family house, driveway, and associated site work, a portion of which is within buffer zone to bordering vegetated wetlands and an isolated wetland on East Leverett Rd. (Map 3B, Parcels 2-6).

John Kuhn (Kuhn Riddle Assoc.), Mickey Marcus (NEE/SWCA), and Matt Striebel (home owner) presented the project. Kuhn stated the project is a single family house, however, the only portion of the project that is jurisdictional is the driveway. A dirt driveway currently exists, however, there is concern about the entrance due to dangerous site lines. The plan moves the driveway entrance to the south. Marcus stated it is a buffer zone project, the construction of the driveway will include grading, paving, construction of drainage features, and replanting. Large central BVW and small isolated wetland. The closest work to resource areas is the driveway near the isolated wetland. There will be erosion control throughout the project. There is a series of drainage swales, rain gardens, and a cross culvert to try and keep stormwater off the driveway. Proposing a 10' wide, paved driveway. Willson provided pictures from the site visit.

Willson asked if the project would be phased due to its size. Marcus said the portion by East Leverett Rd will be constructed first. The driveway will hopefully be built this summer. Ziomek asked if this design meets requirements for fire department vehicles. Kuhn said yes.

Boice moved and Allen seconded. Commission VOTED (6-0-0) to close the public hearing and issue an Order of Conditions.

8:15 PM Enforcement Order – Javad Moshfegh & Hamid Kaboli for installing a dock and pumping water from the Fort River at 65 West St. (Map 17C, Parcel 55).

Willson provided a map showing the location of the property. She stated the property abuts the Lower Fort River Conservation Area, the river and its banks are part of the conservation area. She stated she investigated a report of a dock in the river which was associated with 65 West St. During the site visit she noticed piping and was told by the homeowner it was for pumping water for irrigation of yard plantings. Willson provided pictures of the dock and piping. Willson asked the homeowner to remove the pump system right away and then issued an Enforcement Order to remove the dock and come to a Conservation Commission meeting. At today's site visit the dock was observed to be out of the water.

Moshfegh asked about getting a permit to pump irrigation water from the river. He is paying \$2000 a year in water bills for irrigation. Angus said the Commission has never permitted a water withdrawal for residential irrigation especially from a river like the Fort River with rare species habitat. Willson suggested rain barrels since the house has gutters and a number of drainage spouts. Boice suggested using plants that don't require as much irrigation.

Angus asked if we've issued Enforcement Order's to this property before. Willson said yes, for construction of a deck roof without permitting. Angus stated all conditions of the Enforcement Order have been met but she wants to make it clear to the applicant that the entire property is within Riverfront so all projects need to come before the Commission.

Boice moved and Brooks seconded. Commission VOTED (6-0-0) to ratify the Enforcement Order.

8:30 PM Request for Determination (cont'd from 3-9-16 mtg) – The Common School for an increase in drainage to a drain outfall within buffer zone to bordering vegetated wetlands at 521 S Pleasant St. (Map 17A, Parcel 78).

Mike Liu, Berkshire Design, stated they have come up with some plan changes based on the Commission's comments at the last meeting. He presented the revised plans to the Commission. The new plans shows some constructed pools in the beginning of the drainage channel and then some planting along the banks further downstream. Some additional plantings are proposed near the pools and upstream at the new outfall basin.

Ziomek asked if the project is going before the Planning Board because it does have a Conservation Restriction on it that limits lot coverage. He added that the Conservation Commission has jurisdiction over the CR and should be presented with what coverage is being proposed. Liu said yes, it will go before the Planning Board but he will talk to the property owners about the CR.

Boice moved and Brooks seconded. Commission VOTED (6-0-0) to close the public meeting and issue a negative determination #3 with no additional conditions.

8:35 PM Notice of Intent (cont'd from 3-9-16 mtg) – The Common School for demolition of a garage, construction of a parking lot, associated drainage features and landscaping within buffer zone to an isolated wetland at 535 S Pleasant St. (Map 17A, Parcel 51).

Mike Liu, Berkshire Design, stated the plans have been revised to include additional planting along the southern property line to increase screening for the neighbor. They've added native plantings along the northern edge of the isolated wetland. They pulled the NE corner of the parking lot out of the 25-ft setback.

Abutter (name) asked about moving two of the southern parking spaces to the north edge. Brooks said the northern edge is where they are close to the wetland buffer so there is no room. She asked if spaces could be made along the driveway. Liu said that's within the main parcel which they've already maxed their lot impervious coverage on. Ziomek asked how robust is the vegetation between the parking lot and the Conservation land to the west? Liu said it's mostly successional vegetation low shrubs. Ziomek said car lights are going to shine into buildings on Conservation land, something to consider.

Boice moved and Allen seconded. Commission VOTED (6-0-0) to close the public hearing and issue an Order of Conditions

Miscellaneous Untimed Items:

- Topics not reasonably anticipated 48 hours prior to the meeting

Adjournment

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