

**Conservation Commission Meeting
June 22, 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, Allen, Boice, Brooks, Clark

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson stated at our next mtg, 6/13, we will be reviewing two of the Land Management Plans so we'll be meeting early at 6pm. Site visits still begin at 9am. Con Com will be sent electronic copies of the plans prior to the meeting.

MINUTES

No minutes to review

PERMITS/DISCUSSIONS

7:10 PM Event on Conservation Land Application – Amherst Conservation Department for garden tour at Orchard Arboretum.

Anne Cann, resident at Applewood and chair of Orchard Arboretum Committee, said the Amherst Historical Commission requested to include the arboretum on their annual fundraising garden tour. Applewood is providing parking, 40-80 people, between 10am-4pm. History museum providing a table and a couple people to sit at the table. Applewood is providing a brochure for people on the tour. Ziomek stated Anne will be handing out a list of events planned to take place in the arboretum in the next calendar year for the Commission's approval.

Boice moved and Allen seconded. Commission VOTED (5-0-0) to approve the Orchard Arboretum garden tour.

7:15 PM Event on Conservation Land Application – Anne Cann for yoga class at Orchard Arboretum and schedule of other Sept/Oct events.

Kat Deely, Kestrel Land Trust, provided insurance information for the yoga instructor, her studio, and Kestrel who is organizing the event. Anne Cann stated that Kestrel Land Trust approached the Arboretum Committee a couple of years ago about helping bring more public to the arboretum and they have been coming to meetings since and have come up with wonderful ideas for events, etc. Deely

stated the class will be outside and be gentle yoga. Cann said Applewood will provide parking. Ziomek said he recommends the Commission approve the yoga class, he's glad they provided insurance because once there is a fee the liability increases for the Town (property owner). Deely said we'll also have all participants sign a waiver. Deely asked if Kestrel should be asking for permission for all the public hikes they organize on conservation land. Angus yes. Willson said provide a calendar of all the hikes for the coming year or season for approval from the Commission.

Boice moved and Clark seconded. Commission VOTED (5-0-0) to approve the yoga class contingent on Town accepting insurance forms, and approving other Sept/Oct events listed on provided schedule.

7:20 PM Informal Discussion – Amherst Conservation Department on glossy buckthorn removal pilot study at Wentworth Farm Conservation area.

Brad Bordewieck, TOA Cons Land Manager, & Kody Clark, TOA Cons Assistant Land Manager, present plan for an invasive removal research project at Wentworth Farm. Using a 2.5 acre area outside any resource areas, divide it into five 0.5-acre study plots. Treatment methods studying are - just brush cutting/mowing, burning the stumps to boil plant tissue and kill plant, and herbicide treatment with glyphosate (Round Up) cut stump treatment. Five plots include: control plot with only annual fall mowing, just mowing (3" cut), mow and burn, herbicide treatment, and plow and re-seed. All five plots will be plowed, harrowed, and re-seeded with native mix.

Ziomek stated in the ten years he's been here we haven't used an herbicide as a management practice except the WMECO work at Wentworth Farm. He asked what the literature says about burning glossy buckthorn. Bordewieck said it works better with multiflora rose, glossy buckthorn has many stems so your not just boiling one central plant. Literature says to hold torch on each stem for 10 seconds so is very time consuming. Ziomek said glossy buckthorn spreads by seeds and rhizomes, so would using a herbicide be effective? Bordewieck literature says treat the stems which will penetrate roots and kill plant. Ziomek then you need to give it some time after treatment for roots to be killed before plowing.

Willson asked if buckthorn is the only invasive at the site and the only one they are studying? Bordewieck said they are treating whatever is out there, there is some multi-flora rose along the edges and poison ivy. Boice asked how will you monitor, will you be doing a baseline study to compare after affects to? Bordewieck they will evaluate plant community in small sections of each plot before and after treatment. Willson stated this should go before Natural Heritage, it's mapped as Priority and Estimated Habitat. Boice asking if the commission would even want to see herbicide used at conservation areas, why even study it if we think we'd never use it. Angus said site specific and stem application may be acceptable at certain conservation areas.

Brooks asked if this pilot study is in the Land Management Plan? Ziomek said it's referenced. Brooks said in final plan he would like to see a list of the seed mix, details on monitoring, and a timeline. Clark suggested getting volunteers to help with monitoring. Angus asked Brooks if he wanted that info before approving? Brooks said yes. Ziomek said would like to have Cynthia Bentencourt, Fish & Wildlife invasive specialist, see the plan.

Recommendation that staff collect more info as discussed and come back before Commission.

7:30 PM Informal Discussion – Amherst Conservation Department for re-routing of a hiking trail and construction of a walking bridge at 270 Potwine Ln (Map 23A, Parcel 13).

Brad Bordewieck presented the project. Re-routing of KC Trail north of Potwine Lane out of Plum Brook floodplain because it's constantly flooding. Propose to build a raised boardwalk and bridge over wetlands and thinnest section of the brook. Angus asked if applicant could explain why we're not opening the NOI tonight. Bordewieck stated the trail is on private land and the owner is in favor of re-routing the trail, however, another abutter has concerns about the trail being closer to their house. Brooks asked how the bridge will be supported. Bordewieck said the bridge will sit on 6x6 beams and the boardwalk will sit on 4x4 beams. Ziomek stated we are in discussions with the neighbors to determine what needs to be changed in the design so they are OK with moving the trail to higher ground.

No vote. Put application on 2nd mtg in July.

7:45 PM Request for Determination – Matthias Kaindl for construction of a single family house and associated grading, driveway, and landscaping within buffer zone to bordering vegetated wetlands at 30 Palley Village Place (Map 21B, Parcel 88).

Chuck Dauchy, representing the property owner, presented the project. Dauchy said the property was delineated and approved for development a number of years ago as part of development of Palley Village Place. That permit has expired. Currently some clearing was done under the impression that that permit was still valid, but all work ceased when they were told they needed to come back before the Commission. Dauchy presented the new plan for a single family house. House is outside the 50' setback, there will be some fill, erosion control will be used. Willson presented photos from the site visit. They have cleared right up to the 30' line. Willson stated the only erosion control is very old and half buried, new erosion control should be installed immediately considering clearing is done and soil is stockpiled on site. Boice suggested a permanent marker along the 30' line with boulders or something else substantial. Dauchy suggested having a registry exhibit plan with the deed showing the 30' limit. Willson said that can be in addition to a physical barrier.

Norm Shamusen, abutter at 21 Paley Village Place, provided written questions to Commission. Angus read comments/questions out loud. Dauchy answered first question regarding building setbacks. Second question, Dauchy answered no, grading will not impact adjacent picnic lot and house construction will not affect catch basin. Angus stated the other three questions are outside the jurisdiction of the Commission.

Mark Fritz, abutter, asked is the house an additional 50' from the 30' setback? Dauchy said no, structure must be 50' from wetland line. Fritz asked how will drainage be addressed, will it drain to the wetland? How will drainage and privacy be addressed in regard to the picnic area? Dauchy said the privacy is a question for the Home Owners Association. Dauchy said the state has determined that run off from a single family home is not significant enough to warrant regulation. The stormwater drainage for the development, road basically, was designed for development of this lot.

Boice moved and Allen seconded. Commission VOTED (5-0-0) to close the public meeting and issue a Negative Determination #3 with conditions: install silt fence immediately (remove old silt fence), mark 30' line with permanent markers and have registry exhibit plan. Can use silt sock or silt fence.

8:00 PM Request for Determination – Jeremy Ober for construction of a deck, clearing, grading, and re-vegetation within buffer zone to bordering vegetated wetlands at 16 Palley Village Place (Map 21B, Parcel 85).

Chuck Dauchy, representing the property owner, presented the project. This lot was approved for construction nine years ago along with rest of Palley Village Place but the permit has expired. The wetland boundary was reflagged, basically the same as original. Work within 100' buffer includes a portion of the deck, grading for walk out basement, and clearing for lawn/yard up to 30' buffer line with leaving selective trees. The lawn will be loamed and reseeded. The topography is relatively level. Willson presented photos from the site visit. There is some stockpiled soil on the parcel that is outside the Con Com's jurisdiction.

Mark Fritz, neighbor, stated that under the fill that has recently been left at the site there is sand that came from a construction project on Lockspar Rd. The sediment may contain salt and hydrocarbons that may be damaging the wetland. When it was first dumped neighbors contacted the Town and the owners to get the dumping to stop. It was said it was just fill. He wants to protect the wildlife and wetlands and is concerned about what that old fill might be leaching. He welcomes new owners and development just wants to protect the wetlands. Willson said at the time it was dumped she visited the site to make sure it was outside the 100' buffer. At that time the Building Commissioner and inspectors were involved and decided where and how the sediment was to be stored. Ziomek said he was part of some of the conversations with the Building Commissioner at the time the old fill was brought to the site and if there had been concerns about contamination the inspection services staff would have followed up. Willson to follow up with Building Commissioner regarding contamination of soils and get back to neighbors.

Norm Shamuson, neighbor, stated he wanted to re-iterate that he also is supportive of the development of the lot. He added when the fill was brought to the site the Town was very responsive to neighbors concerns. Angus said it's fill being placed on private property outside the Con Com's jurisdiction.

Boice moved and Clark seconded. Commission VOTED (5-0-0) to close the public meeting and issue a Negative Determination with conditions that a permanent boundary be installed along the 30' setback, an exhibit plan be recorded with the deed, and that not pesticides, herbicides, or inorganic fertilizer be used on the parcel (add that to previous Palley Village determination).

8:15 PM Request for Determination – Florence Savings Bank for installation of new parking spaces within buffer zone to bordering vegetated wetlands at 385 College Street (Map 15C, Parcel 47).

Jeff Squire, Berkshire Design Group represented the owner, presented the project. He stated the property is improved with a commercial building with Florence Savings Bank, Amherst Pharmacy, etc. The owner would like to convert an existing grass lawn area on the south side of the building into a 10 or 11 space parking lot. Area will drain to the north into an existing trench drain that flows into an existing stormceptor prior to being released into the Town stormwater system on SE St. Work is outside the 30' buffer. Willson presented photos from the site visit.

Brooks moved and Clark seconded. Commission VOTED (5-0-0) to close the public meeting and issue a Negative Determination #3 with no special conditions.

8:30 PM Request for Determination – Dale & Robert Rice for construction of a shed within buffer zone to bordering vegetated wetlands at 10 Moody Field Rd. (Map 14C, Parcel 96).

Dale Rice, property owner, presented the project. She stated she would like to build a shed approximately 19' east of her house and 35 ft west of the wetland boundary. The shed will be built by hand and the materials will be brought to the backyard by hand. Erosion control will be installed between the work area and the wetland. The shed will be on concrete blocks. The area is currently long. Willson stated the 50' setback for a structure doesn't apply here because the shed doesn't require a building permit. Willson provided photos from the site visit. Willson said they need to make sure the shed is at least 30' from the wetland line. The current lawn extends past the wetland boundary, do not extend the lawn any further.

Boice moved and Allen seconded. Commission VOTED (5-0-0) to close the public meeting and issue a Negative Determination #3 with no conditions.

8:45 PM Notice of Intent – Javad Moshfegh for construction of three benches within Riverfront and Bordering Land Subject to Flooding at 65 West St. (Map 17C, Parcel 55).

Javad Moshfegh, property owner, presented the project. He stated bench #1 is 60 ft from the river, bench #2 is 65 ft, and bench #3 is 60 ft from the river. Erosion control will be installed between the work area and the river. The benches will be built around trees but will leave space around the trunk for the tree to grow. Willson presented photos from the site visit. The benches will be built by hand. Willson stated the work is exempt from NHESP. Angus said looking at review letter from DEP she thinks we can ignore comments two and three because this doesn't alter a resource area.

Boice moved and Clark seconded. Commission VOTED (5-0-0) to close the public hearing and issue a Negative Determination #2 (in a resource area but no impact).

Miscellaneous Untimed Items:

- Permit Extension – Ronald LaVerdiere for Meadow St. (Map 4D, Parcels 1&2)

Ron LaVerdiere, property owner, stated he needs an extension because he hasn't gotten to the sewer line work permitted with the project due to finishing up his project on West St. He stated he had extended the permit once and it expires this July.

Brooks moved and Boice seconded. Commission VOTED (5-0-0) to issue the extension until October 1, 2017.

- Pomeroy Lane Housing – maintenance plan change

Jeff Squire, Berkshire Design, stated there was a detention basin permitted when the housing development was built. There was an RFD submitted in 2010 for maintenance of the detention basin. The 2010 RFD asked for maintenance every five years, the housing development group is asking to change that to 10 yrs based on the fact that there was little sediment build up after five.

Brooks moved and Allen seconded. Commission VOTED (5-0-0) to allow for changing the maintenance schedule to every 10 yrs with inspection every 5 yrs.

Adjournment

Voted unanimously to adjourn the open meeting at 9:30 PM.