

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

**MINUTES**

**CALL TO ORDER**

Meeting called to order by Ms. Angus, Chair at 6:05 p.m.

**ATTENDANCE**

Present: Angus, Allen, Boice, Clark, Healey, Butler

Staff: Willson

**CHAIR, DIRECTOR & WETLANDS ADM REPORTS**

Willson stated next Tuesday is the public meeting regarding the re-mapping of the flood zones in Amherst. The Con Com is co-sponsoring the meeting with the Planning Board. The consultant will present their results so far. Please attend.

**MINUTES**

**No minutes to review**

**PERMITS/DISCUSSIONS**

**6:00 PM Review Land Management Plans – Mt. Pollux & Wentworth Farm Conservation Areas**

Angus stated this is the beginning of a process the Con Com & Cons Dept are doing for each of the conservation areas. Site specific Land Management Plans (LMP) have not previously been created for the conservation areas. First is Mt. Pollux, there is a draft LMP that the Commission has reviewed and we will discuss tonight. We will take comments/questions from both the Commission and the public. The Commission will decide tonight on what changes need to be made based on all comments and then vote to adopt or not adopt the plan. All public comments should also be provided in writing to the Wetlands Administrator. Butler thanked Town staff for putting the draft plans together.

Stephanie Ciccarello, Sustainability Coordinator for Town of Amherst, presented the process of creating the draft plans. She stated Jonathan Tucker, Senior Planner, has drafted the text, Willson has produced the maps/figures and all reviewed by a committee of staff. The draft Mt. Pollux plan has also been reviewed by the Friends of Mt. Pollux and Kestrel Land Trust. Ciccarello presented the Mt. Pollux plan, showed figures, discussed the values, historic use, and plans for the conservation area. Brad Bordewieck, Land Manager, discussed the management of Mt. Pollux. Ciccarello said we're also looking for feedback on the format and review process for the LMPs.

Brooks has submitted comments in writing. Butler asked if we have an easement for the trail connecting to Mt. Pollux Drive. Bordewieck responded the residents of Mt. Pollux have worked with the Town to

have that trail go across private land. Clark asked if we are planning one or more picnic areas. Bordewieck said the summit is really one and planning a new one near the parking area. Healey asked if there will be picnic tables. Bordewieck said just planning to mow an area, no plans for tables. Boice asked if the southern part is still planned for lease as agricultural land. Willson said due to the lead arsenate in the soil there is no current plan for farming, the LMP does say the Town will test the soil. Clark asked what methods will be used for invasive treatment. Bordewieck said based on results of the pilot studies at Wentworth they will be creating an invasive treatment approach for all conservation areas.

Angus asked how will all this planned work/recommendations in all these plans be prioritized and implemented, how will implementation be organized? Ciccarello said we will be working with Friends Groups, looking for grants for some of the recommendations. The LMPs are wish lists, living documents so they will slowly be implemented over the years. Jonathan Tucker stated as the LMPs are finished similarities and trends in needed management will emerge and prioritization will become clear. Healey suggested moving the soil testing at the beginning of the ag section.

Boice said she thought a 6 ft wide trail is wide enough, LMP currently says 6-8 ft. Healey asked how often are trails mowed and how often is field/rest of conservation area mowed. Bordewieck responded the entire area is mowed once a year, the trails and area around the parking lot are mowed periodically during the growing season. Healey asked if the annual mowing is done at a time of year good for wildlife. Bordewieck responded anytime after July 15th for grassland birds, she said what about turtles and Bordewieck said he didn't know. Tucker added we also have pollinators so fall mowing is recommended. Angus said NHESP mowing guidelines are attached to plan they should be followed. Healey said she would like to see more narrow trails. Tucker said 6-8' was meant to include entrances, etc. for the travel sections 6' is OK. Boice said there are also boot leg trails that are routinely maintained by residents. Tucker said once we establish our perimeter trail we will try to eliminate trails other than the established trails maintained by conservation staff. Healey said we need to do something about the encroachment along the NE portion, where peoples mowed lawns come far on to conservation land. Butler added we could make a trail from the summit to that area so others could enjoy it. Butler said there is no schedule/time associated with all the activities in the LMP. If there is no timeline afraid the work with never happen. Butler also wondering when the LMPs will be revisited, maybe add every 5yrs or 10yrs.

Sam Gladstone, 15 Mt. Pollux Dr., said there has been a trail to Mt. Pollux Dr. for 30 yrs. The residents don't mind the trail coming through their land so an easement isn't necessary. The trees on the west side were planted on Town land to benefit one house and now they block the view. He stated he's a doctor and lyme disease has really become an issue, it's a real concern. He's never seen a box turtle, many people come for the view, the trails should be wide enough so people aren't afraid of getting grass brushing on them with ticks. There already exists a boot leg trail to the mowed area on the NE portion that should become a formalized trail so people can go see the sunrise.

Thomas Johnson, a co-founder of Friends of Mt. Pollux, we believe this is a unique conservation area because of it's history (orchard), geology/topography, only conservation area on a drumlin, so we urge

signage explaining these topics. The LMP is missing an implementation timeline and budget otherwise it's just a vision statement that will sit on a shelf. He provided a plan from another town in Amherst for a conservation area built on a drumlin that outlines the role of a land trust and volunteers. He said that kind of information would help to guide his group on next steps. Ciccarello stated the Town is working on a MOU with the Friends Group that will help to clarify their role.

Carol Harowitz, resident, stated she is selling Mt. Pollux t-shirts to raise money for the Friends Group. Thinks the draft LMP should be on the Town website for all residents to comment. Poison ivy is a huge problem at Mt. Pollux. She would like the trails to be wider to push poison ivy back. Encroachment is a problem but if all the private trails were closed it would be difficult for many people to access the conservation area. She'd like the Town to think about a variety of access points for residents.

Ed Bourgois, neighbor, has been picking up garbage and put 5-gallon buckets at the parking lot. Noticing that the cleaner the area is the less people leave garbage. Will continue to leave the buckets out and maintain them. Tom Johnson said there was discussion about a handicap platform near the parking area, and the need for handicap parking spots. Would need to enlarge the parking area. He said we should study how many people use Mt. Pollux and how many we want to use it, those numbers could guide parking size.

**7:30 PM Research on Conservation Land** – Todd Fuller et al., UMASS, for installation of wildlife cameras on conservation land.

Todd Fuller, UMASS Professor Dept. Env. & Conservation, presented the project. Would like to install wildlife cameras on conservation land. Much easier to deal with one land owner, the Town, than many private land owners. Needs land that is accessible to students who will maintain the cameras. Intend this to go on for years and is an opportunity for the Town to get wildlife data. He's looking for suggestions from the Town on locations. Healey suggested looking at impact dogs have on wildlife. Fuller said yes, they want to look at the impact from anything such as people, dogs, cats, etc. Fuller presented a camera and said they are very sturdy, people would have trouble breaking them.

Angus said the locations should not be located where students need to walk through wetlands or streams. Clark added or create a trail to get to the cameras. Allen suggested you place them along known wildlife corridors. Fuller said if anyone has specific locations he's happy to sit down and discuss. Willson said if this is a 20 yr project with different students managing it over time the Town wants to make sure the equipment is maintained and eventually removed from conservation land. Angus said if people have particular locations please email the applicant or contact Beth.

**Healey moved and Allen seconded. Commission VOTED (5-0-1, Butler recused)** to approve the installation of cameras on conservation lands. Applicant must come back to the Commission once a year to present data.

**7:45 PM Informal Discussion** – Shannon Rice-Nichols on CWA 319 Grant award and potential use in Amherst.

Shannon Rice Nichols, Masoud (??) Professor School of Agriculture UMASS, presented their project. Researching reducing non-point source pollution from farms to rivers and streams and best management techniques to reduce the pollution. He has a number of different grants, tonight discussing a 319 Grant through MADEP for minimizing pollution from animal operations in the Fort River watershed. Want to use the money to implement BMP on farms and then use farms for educational purposes. BMPs include pasture management, fencing, manure management, composting, barriers to wetlands, grass swales, etc. They are looking for prospective farms. Willson suggested the farms on Slobody Cons Area on Station Rd. She added that Heartland Farm would be great, they are looking for this exact type of help. Masoud said please let us know ideas for farms, must have at least one equine farm.

**8:00 PM Request for Determination** – Nina Fisher & Alan Frank for construction of a shed, patio, stone walkway, and landscaping within buffer zone to bordering vegetated wetlands at 90 Summer St. (Map 5A, Parcel 150).

Nina Fisher presented the project. They recently moved into their new house which is a zero net energy house. Willson stated the construction of the house came before the Commission. Fisher said they would like to build a shed, patio and walkway within the buffer zone. Angus asked for more description of the shed. Fisher said it would be built on sono-tubes, small enough to not need a building permit. Willson showed photos from the site visit. Healey asked why they are proposing to plant trees within the 30' no touch area. Fisher said for shade. Butler stated the property abutting is in ag use and has goats and chickens within the delineated wetland. He added if it was re-planted with native plants it would be an improvement.

John Fable, neighbor, stated that he appreciates the thoughtfulness the Fisher's are using in the landscaping of their yard.

Angus read list of trees suggested for wetland area. Commission liked Red Maple. Healey said would like the tree near wetland point C6 moved further away from the wetland line. Move 10' away from wetland line so you can plant it without causing disturbance to the wetland. Butler said don't plant the suggested non-natives such as magnolia and japanese maple. Good trees to plant: Bbrch, black gum, swamp white oak, and red maple.

**Boice moved and Healey seconded. Commission VOTED (6-0-0)** to close the public meeting and issue a Negative Determination for the work with conditions regarding trees discussed above.

**8:15 PM Request for Determination** – GP Amherst, LLC c/o You Pan Tzeng for a new stormwater management structure and grading within buffer zone to bordering vegetated wetlands at 60-62 Railroad St. (Map14B, Parcel 215).

Peter Wells, Berkshire Design Group, presented the project. Project is to make an addition to a single family house to convert it into a duplex, drainage improvements, and parking reconfiguration. The work within 50' - 100' distance from wetlands includes grading and installation of a stormwater level lip spreader. Currently there is no stormwater management, the parking drains as sheet flow to the grass lawn then to the wetland. Putting in a catchbasin with a deep sump and hood, drainage from catch basin will be piped to stone outfall and then into a stone swale that ends at the level lip spreader. Erosion control will be installed at the limit of work. Construction will occur summer 2017. Wetlands were delineated for the project.

**Clark moved and Boice seconded. Commission VOTED (6-0-0)** to close the public meeting and issue a positive determination for the resource boundaries and a negative determination for the work.

**8:30 PM Request for Determination** – David & Suzzane Stoneham for repair of a septic system within buffer zone to an intermittent stream at 299 Market Hill Rd. (Map 3C, Parcel 40).

Alan Weiss, Cold Spring Environmental, presented the project. The septic system location is not changing. Erosion control will be installed between the excavation area and the stream.

**Healey moved and Boice seconded. Commission VOTED (6-0-0)** to close the public meeting and issue a negative determination for the work.

**8:45 PM Request for Determination** – Duane Dale for constructing of a bedroom addition, covered porch, driveway turnaround and landscaping within buffer zone to bordering vegetated wetland at 764 South East St (Map 20B, Parcel 23).

Chuck Dauchy, consultant, presented the project. The conversion of the deck to a porch is within the 50' setback from the wetland, however, the project does not expand the existing deck footprint. Proposal also includes removal of some multiflora rose and foundation of a play structure within 10' of wetland. Also, would like to restore a vegetable garden within 15' of wetland boundary. Erosion control will be used around house construction area. Multi-flora rose will be cut at the base then stump treated with herbicide. They know may take several seasons to see results. Owner would like to plant native shrubs such as blueberry. There is also a proposed driveway turn around.

Healey asked if the driveway turn around will be paved. Dauchy responded yes. Healey asked if the garden could go somewhere else. Dauchy said they're putting it back where it once was. Angus said given that it's already lawn do we care that it's a vegetable garden? Healey said she'd like it out of the 30' setback. Butler said he would like to require no pesticides/herbicides/fertilizer in the garden or lawn. Organic fertilizer is fine. Butler asked if the turn-around could be pervious paver. Dauchy said plowing is trickier, area is small, and sheet flow drains through grass lawn for quite a ways before wetland.

**Clark moved and Boice seconded. Commission VOTED (6-0-0)** to close the public meeting and issue a negative determination with condition that no pesticides/herbicides/non-organic fertilizer be used on garden or lawn. Herbicides approved for wet areas can be used to treat multi-flora rose.

### **Miscellaneous Untimed Items:**

- Certificate of Compliance – University Dr. & Amity St. (Map 13B, Parcel 18).

Willson provided photos from the site visit that day. She stated the building, parking, driveways, and drainage structures were all built according to the NOI plans. It's a commercial building.

**Healey moved and Boice seconded. Commission VOTED (6-0-0)** to issue the Certificate of Compliance.

- Vote/Sign Hall CR and Baseline Report

Willson stated there are two copies for signature. The full CR and baseline report are in the folders if any Commissioners would like to look at them.

**Butler moved and Healey seconded. Commission VOTED (6-0-0)** to sign the Hall Baseline Report and CR.

- LAND Grant Application for Cole Property

Willson stated we are submitting a LAND Grant to purchase the Cole Property on West St.

**Boice moved and Healey seconded. Commission VOTED (6-0-0)** to sign the LAND Grant application for the Cole Property.

- Enforcement Order - Eversource Energy for filling of stream channel off Henry St.

Angus recuses herself because she is a neighbor and Tighe & Bond (Angus works for) did delineation. Willson stated that on Fri., 7/8 she responded to two reports from residents that a stream had been blocked by a construction project off Henry St. Willson found Northern Land Clearing, contractor to Eversource Energy, was building an access road in the electrical right of way for transmission line maintenance and had filled an intermittent stream channel for the road to cross. At that time Willson told Northern to stop working and she contacted Eversource to find out what was going on. That afternoon Willson met representatives from both Eversource and their contractor Tighe and Bond on site. The Enforcement Order was issued on Monday under the Town Bylaw, the state does not consider this stream jurisdictional, saying all work must cease and an Eversource representative must come to the 7/13 Con Com mtg. Willson stated she did speak to MADEP who said they are looking into this action as potentially being a violation of the Federal Clean Water Act but that has not been determined.

Devleana Ghosh-Brower, Eversource Energy, and Kate Wilkins from Tighe & Bond. The project is to replace the insulators on the transmission line structures and to build better access roads to get to

structures for maintenance and emergencies. She stated a maintenance notification letter was sent to the Commission describing the work on 7/6. Willson stated the letter is dated 7/6 but she just received it on Monday, after the filling of the stream. Ghosh-Brower stated the WPA allows this work to be done without filing with the Commission as maintenance of utility services. All that is required is the maintenance notification letter. As road was being built the stream channel was filled, there is a pretty big drop in grade 10-12' for the channel, now filled with shrap rock. The stream wasn't flowing, doesn't originate in a resource area, but apparently flows into one on the other side of Henry St. She stated that Eversource has come up with two ideas for fixing the situation, installing an "Enviro-Span" which is a half-moon shaped, corrugated pipe or installing a three-sided, concrete, box culvert. She added in response to discussion at the site visit this morning straw wattles have been placed downstream of the filled area as erosion control.

Boice asked if Commission had questions so far. Healey asked how wide the road is. Ghosh-Brower responded 16' wide. Healey said she wants the fill to be removed, and be removed with as little damage as possible to the stream bottom and banks. Healey said if the Enviro-Span is used it must be wider than the stream by a few feet. Ghosh-Brower said she thinks the span's come in 85" or 96" widths. She added the shrap rock will be removed by an excavator down to the last foot which will be removed by hand with shovels to protect the stream bottom. Allen stated wildlife will use the box culvert but not the curved span. He added that the channel is a corridor wildlife uses in addition to where the stream flows. Healey stated she would like more information on the two options.

Boice stated we have some options, require Eversource to submit a restoration plan through the Enforcement Order or require them to submit an NOI. Do we want them to remove the shrap rock and restore the channel prior to determining the kind of crossing or do it all at once. Healey said it depends how soon the span or culvert can be installed. Ghosh-Brower stated the stream can flow through the shrap rock. Willson stated one plan would be for Eversource to put together a restoration plan for the next Con Com mtg in two weeks and in the meantime remove all the fill. It will take them one day to remove the material. Ghosh-Brower argued they would prefer to do it all at once, if they remove the fill now they will have to go in twice with their equipment, once to remove fill and again to install new crossing. Willson added MADEP has stated they are looking into this as a violation of the Clean Water Act and the Commission needs to make sure that whatever crossing is proposed meets all federal, state, and local regulation.

Clark asked how did this happen and what are you doing to make sure it doesn't happen again. Ghosh-Brower said they are having someone walk all lines prior to work to make sure all wetland's are flagged and flags are easily visible for contractor and what BMPs are. She stated Willson is invited to walk the lines with them.

Boice stated the Commission has decided they would like the fill removed now and the stream channel restored and erosion control installed. Also, Eversource would be required to come to the next Con Com mtg on 7/27 with a restoration plan with more details on crossing choices. Willson to put together Enforcement Order #2 stating these requirements. Willson to also continue discussions with MADEP and report on those at next meeting.

Janet Slocum, 58 Henry St., she's concerned about silt getting into stream from construction. Ghosh-Brower stated erosion control was just installed in the downstream side today and once the fill is removed more will be installed. She added they can monitor the site after rain events until crossing is constructed.

**Healey moved and Butler seconded. Commission VOTED (5-0-1, Angus recused) to ratify Enforcement Order #1.**

**Healey moved and Bulter seconded. Commission VOTED (5-0-1, Angus recused) to issue Enforcement Order #2 with requirements discussed above.**

### **Adjournment**

**Voted** unanimously to adjourn the open meeting at 10:15 PM.