

**Conservation Commission Meeting
September 14, 2016
Town Room, Amherst Town Hall**

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus, Chair at 7:04 p.m.

ATTENDANCE

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

Staff: Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson stated we need to move our first meeting in October because it falls on Yom Kippur. Willson suggests moving it to Thursday, 10/13. She will send around an email. Carol Gray has finished her draft sign designs, Willson has put them in a Dropbox she will share with the Commission for their review prior to our next mtg on 9/28. Willson stated the town drought committee would like to add to their emergency plan that Puffer's and Owen's Ponds can be pumped from in the event of a fire during the drought with the issuance of an Emergency Cert from the Con Com. Email him with any comments or concerns regarding that. Willson and Nate Malloy, Planning Dept., walked the Cole Property with the LAND grant folks, we should be hearing whether we got that grant in the next month. Boice stated the CPAC is moving along with their workplan which includes a section on Open Space, she would like some time on one of the upcoming agendas to review that section with the Commission and get feedback.

MINUTES

Review/Approve 1-27-16, 2-10-16, & 2-24-16 Minutes

Boice moved and Brooks seconded. Commission VOTED (4-0-0, Clark & Allen abstained) to approve the minutes of the 1-27-16 meeting.

Brooks moved and Boice seconded. Commission VOTED (6-0-0) to approve the minutes of the 2-10-16 meeting.

Clark moved and Brooks seconded. Commission VOTED (5-0-0, Butler abstained) to approve the minutes of the 2-24-16 meeting.

PERMITS/DISCUSSIONS

7:30 PM Request for Determination – General Construction & Environmental, Inc. for installation of an electrical conduit and charging stations within buffer zone to bordering vegetated

wetlands at 101 University Dr. (Map 13B, Parcels 17 & 22).

Bill Garrity, Garrity & Trip, stated the project is to install electric charging stations for electric vehicles adjacent to the parking lot at 101 University Dr. The charging station will be owned by the UMASS, they lease a lot of office space in the building. The unit will charge two vehicles. Mr. Garrity showed on the overhead map where the electrical conduit will run. A trencher will be used to create a 20" deep trench, all soil will be replaced after the conduit is put in and seeded. A silt sock will be placed between the trench location and the BVW to the north. The work will take approximately two days. Butler asked if other locations were considered. Garrity said yes, this location has a close electrical connection. Brooks said wetlands surround the building there is no great location.

Boice moved and Allen seconded. Commission VOTED (6-0-0) to close the public meeting and issue a negative determination with only condition to have erosion control inspected prior to construction.

7:45 PM Notice of Intent – Patrick Kamins, PCJ Riverside Partners LLC, for repaving of a parking lot and walkways, and general site improvements within Bordering Land Subject to Flooding and Riverfront at 15-47, & 27 Montague Rd. (Map 5A, Parcels 78 & 128).

Rob Levesque, Rob Levesque Assoc., presented the site locations and project details on overhead plans. The parking lot will be re-paved, full depth replacement, no changes to drainage structures, most of the work falls under maintenance repair. However, there is approximately 90 square feet of work that is within Riverfront that qualifies as redevelopment and they are proposing approximately 200 square feet of on-site mitigation. During the site visit we looked at locations for possibly doing some planting of native shrubs as mitigation. There will be a slight gain in overall elevation so no compensatory storage issues.

Angus asked where removed pavement will be stockpiled. Levesque responded all removed pavement will be taken off site right away so no real stockpiling will take place. Silt sacks will be used in catch basins. Drainage on-site will basically run towards the catch basins not out of parking area at all. Silt fence is proposed along the northwest area of the site.

Willson showed the location of the new dumpster pad that is the only area currently not paved that will be and, therefore, requires the mitigation. She provided photos of the site. Brooks stated he feels any plantings will just get killed by people using the area. He suggested removal of bittersweet as mitigation. Levesque stated that would require yearly monitoring. Willson stated if you buy 4-5 ft tall plants they'll survive. Work hopefully happening this year.

Boice moved and Clark seconded. Commission VOTED (6-0-0) to close the public hearing and issue an Order of Conditions with condition that the applicant work with the Wetlands Administrator to find a suitable location to plant 6 plants as mitigation.

8:00 PM Enforcement Order (cont'd from 8/10/16 mtg) – Eversource Energy for filling of an intermittent stream bank off Henry St. (Map 6A, Parcel 91).

Boice stated this is a continuation from our 8/10 meeting, this is the fourth meeting discussing this enforcement. She added we have a mitigation plan and two Devleena Ghosh-Brower, Eversource Energy, stated met with the Town, Hitchcock ctr and a representative from AECO manufacturer of the wildlife tunnels. Take home message was to put together a cost estimate for list of tunnel improvements provided by Hitchcock. What's been provided tonight is a cost estimate for everything Hitchcock would like and some other mitigation options Eversource would like considered that are less expensive.

Ghosh-Bower stated the mitigation is for the 3600 square feet of impact from the new bridge footings. The cost estimate for the all the proposed improvements to the tunnels is \$166,000. Alternative mitigation packages include providing design and permitting for the tunnel replacement for \$49,000. Boice asked if the 3600 square feet included impact to Bank and LUWW. Ghose-Brower stated intermittent streams don't have LUWW by definition. She added the impact to Bank from the fill was only temporary so not included, the 3600 square feet of impact is from the footprint of the bridge that is within the 30' no touch buffer zone of the stream. Butler stated he disagreed, this mitigation for the permanent impacts of the new bridge would be alright if Eversource had come to the Commission ahead of time with a plan for the bridge. That is not what happened. Katie, Tighe & Bond, said they are very aware of their mistake and take full responsibility for it, but they did the restoration the Commission asked by removing the fill stabilizing the bank. Ghosh-Brower asked what the Commission thought were the long term impacts from the fill that was removed within a week of being placed in the stream channel. Willson stated there was impact, if Eversource had simply put in a bridge a lot of the bank vegetation wouldn't have been cleared.

Boice asked why there are some materials listed on one of the mitigation option lists but not the other. She added each item doesn't have a unit cost so it's hard to interpret. Clark asked Hitchcock if they had any cost information. Ted Watt said no, they don't have the engineering expertise to know what's needed. Boice said maybe the Town could provide some of the work. Ghosh-Brower said no liability wise they don't open their sites to other workers. Butler said what is the reasonable dollar figure for the Commission for the mitigation? Something to think about.

Maurianna Adams, member of the public, stated that the term intermittent is really technical and not sometimes in touch with what is actually flowing so how do we catch this before hand so it doesn't happen. Are you going to include in writing that the vegetation regrows? Boice it is in the restoration plan for long term monitoring of the replanted banks. Janet Keller, member of the public, wants to thank the Commission for the care and diligence you are putting towards this enforcement.

Ted Watt, Hitchcock Ctr., also wants to thank the Commission on their efforts toward improving the salamander tunnels. He added he thinks it is the Commission's decision on the value of the mitigation not Eversource's. He agrees with Butler that a value for the mitigation needs to be determined and that that is the Commission's role. He added that the cost list needs more information including unit costs and descriptions. Ghosh-Brower said they aren't allowed to release installation costs because those are company contracted prices under master service agreements. Tighe and Bond services for design and permitting is \$15K. Eversource has to go with the companies they have master service agreements with, they can't shop around for a lower price but the Town could. Willson said we need to know the unit costs so we can shop around, the table Eversource has provided doesn't have the right information.

Eversource to provide a more broken down list of costs to Wetlands Administrator in the next week so Town can see if they can find less expensive sources for some of the materials, etc. Bring that information to the meeting on 9/28 so Commission can make a final decision on the mitigation plan. Commission and Town to think about other mitigation locations/options. **No vote taken.**

Notice of Intent - Bruce Coldham, North Amherst Community Farm, Inc., for replacement of a field drain at 1089 North Pleasant St. (Map 5C, Parcel 22).

Bruce Coldham introduces project. Chuck Dauchy, Env. consultant, states there is an old stone culvert drain that runs through the building lot. In order to build on the lot the drain needs to be re-routed. The drain only operates during a wet spring or storm. Willson presented photos from the site visit of the drain. Proposal is to re-route the water in a new pipe around the parcel to stormwater manhole in N. Pleasant St. The elevation would stay the same so wetland drainage would not change. The new pipe will handle a 100yr storm. DPW is OK with the pipe tying into the stormwater system.

Maurianna Adams, Amherst Community Land Trust owners of the land, stated they are leasing to Habitat for Humanity to do the building. They express their support for the projects.

Brooks asked if the field would ever be used for crops. Dave Hepford, Simple Gifts Farm, said no it's too wet. Brooks added he's concerned about cleaning of the drain system. Dauchy said the covers will be marked so they can be opened and cleaned out if needed. Work will hopefully be started in November.

Boice moved and Brooks seconded. Commission VOTED (6-0-0) to close the public hearing and issue an Order of Conditions with no special conditions.

Request for Determination - Pioneer Valley Habitat for Humanity for construction of a duplex and associated grading and landscaping within buffer zone to bordering vegetated wetlands on North Pleasant St. (Map 5C, Parcel 28).

Megan McDermott, Executive Director for Habitat for Humanity, introduced project. Chuck Dauchy, env. consultant, presented the plans for the duplex. He stated the structure and driveway is very similar to what Habitat is currently building on E. Pleasant St. and was previously approved by the Commission. The building meets the 50' setback for structures and the majority of the work is down gradient of the wetland. Requesting to allow the yard to extend into to 30' no touch setback, otherwise there really isn't enough room for a yard. Since the yard area is actually at a lower elevation than the wetland it won't impact the integrity of the wetland. Dauchy said they could use the stone from the old drain and build a wall along the limit of work line. This would create a good mark of where the edge of the yard is. Clark added there are at least 8 or 9 different species of trees on the property including a very large elm tree.

Allen asked why so much paved area. Dauchy said they need two parking spaces and a turn around, they made it as compact as they could. Commission OK with yard extending into 30' setback and stone wall or "wind row" being built along work limit.

Boice moved and Allen seconded. Commission VOTED (6-0-0) to close the public meeting and issue

a Negative Determination with conditions that a stone wall or “wind row” be built along the limit of work line.

Miscellaneous Untimed Items:

- Emergency Certificate - TOA Cons Dept for breaching a beaver dam at Puffer’s Pond

Willson stated there is a large beaver dam where Cushman Brook outflows into the pond. Brooks asked why we needed to breach. Willson stated the water is backing up and will erode the banks around the culverts under State St.

Allen moved and Boice seconded. Commission VOTED (5-0-1, Brooks abstained) to ratify the Emergency Cert.

- Ch 61A Withdrawal - Mohammed Idrees & Shakeela Yasmeen property on University Dr.

Willson stated this is the property on University Dr. that we reviewed an ANRAD for and had a third party review. She stated Town staff is not of the opinion that this land should be purchased for open space, it does not connect to other protected parcels or have mapped endangered species.

Boice moved and Brooks seconded. Commission VOTED (6-0-0) to recommend to the Select Board not to use their right of first refusal and purchase the property.

- Certificate of Compliance - Tofino Assoc. for 32 (Lot 45) Hawthorn Rd.

Willson stated this is a house built by Tofino Assoc. about a year ago that finally has vegetation grown in so silt fence can be removed and COC can be issued.

Brooks moved and Allen seconded. Commission VOTED (6-0-0) to issue the Certificate of Compliance.

- Topics not reasonably anticipated 48 hours prior to a meeting.

Carol Gray stated she had been working on the signs for the SE St. parcel and had gotten comments from Mike Olkin and Beth Willson. She will create another folder in Dropbox of final drafts. Carol will drop hard copies off with Harvey. Commission to review draft final versions in Dropbox and discuss at next mtg. Butler suggests bringing full size versions to 9/28 mtg.

Adjournment

Voted unanimously to adjourn the open meeting at 9:32 PM.