

**Conservation Commission Meeting**  
**April 12, 2017**  
**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, Clark, Butler, Healey (late)

Staff: Willson

**CHAIR, DIRECTOR & WETLANDS ADM REPORTS**

Willson stated the Hoerle APR closed. She presented photos of permitted bridge built at Lutheran Church by eagle scout. Clark asked what is the work at UMASS Ag Ctr next store. Willson stated she spoke to UMASS they are moving an old barn to that location. She is meeting someone from UMASS facilities at the site this week. Willson added Simple Gifts Farm is working on their farm stand, and Habitat for Humanity has started work on the duplex next to Simple Gifts Farm. Willson stated the Town is working with the LAND grant folks to change the grant for the Cole property. The acres would decrease from approximately 10 to 6.5. Willson stated there is a flier for the Sustainability Festival in the Commission's packet and a monitoring report for the invasive species removal project at Cooley Dickinson Hospital on University Dr.

**MINUTES**

**Review/Approve 7-27-16 & 4-7-17 Minutes**

**Boice moved and Butler seconded. Commission VOTED (4-0-1, Angus abstained, Healey not present) to approve the minutes of the 7-27-16 meeting.**

**Boice moved and Butler seconded. Commission VOTED (5-0-0, Healey not present) to approve the minutes of the 4-7-17 meeting.**

**PERMITS/DISCUSSIONS**

**7:15 PM Determination of Applicability (cont'd from 3-22-17 mtg) – Julien Garnier for confirmation of resource area boundaries at 64 Montague Rd. (Map 5A, Parcel 35).**

Terry Reynolds stated we are confirming the Bank and mean annual high water delineation along the Mill River. He stated is not looking for other resource areas to be confirmed. The bank is very steep, the flags are all at about 166 MSL. He stated that the topographical lines on submitted plan are quite right

Approved at the 8-23-17 Conservation Commission Mtg

and make some of the points look higher than they are, he will revise the plan and re-submit. Willson stated no BVW was observed beyond the top of Bank.

**Boice moved and Allen seconded. Commission VOTED (5-0-0, Healey not present)** to close the public meeting and issue a Positive 2A Determination for Bank and mean annual high water with the condition that the plans are revised and re-submitted.

**7:30 PM Determination of Applicability** – Jim Hoerle for construction of a barn within buffer zone to an intermittent stream at 908 Southeast St. (Map 21C, Parcel 3).

Jim Hoerle stated that yesterday the APR was signed for his land and he is very thankful to the Town and Kestrel Land Trust for their help in that process. The APR program has asked him to locate his barn up by Southeast St. He showed on the overhead plan the location of his proposed barn. The barn is approximately 75' from the intermittent stream. Willson stated there is a silt fence already up along the stream to protect it from earlier work on the farm. Willson showed photos from the site visit on the overhead. Clark asked if there had been a building there before. Hoerle said no, it's an elevated area probably created by the previous farmer. Hoerle is not planning any grading for this project.

Willson stated we should add restriction within the 30' setback considering he plans on having animals. Hoerle asked if he could at least mow within the 30' setback since it's already being mowed. Commission agreed OK to mow within 30' setback.

**Boice moved and Allen seconded. Commission VOTED (6-0-0)** to close the public meeting and issue a Negative 3 Determination with the condition that only mowing is allowed within the 30' setback, no grazing of animals or haying.

**7:45 PM Discussion** – Tom Reidy, Bacon & Wilson, regarding Article 31 of the Town Meeting Warrant for access off University Drive (Map 13B, Parcel 33).

Angus stated this is a discussion regarding a Town Meeting warrant article about access to a parcel on University Dr. She added that we issued an Order of Resource Area Delineation for the wetland boundaries but have not seen anything having to do with the development of the property.

Barry Roberts stated he is here seeking support from the Commission on a request to the Select Board to release a restriction on access to University Dr. from the parcel. He stated that even if Town Meeting votes for the release it's still decided by the Select Board. He stated the parcel is just south of Newmarket Square. He added the zoning was changed last year from strictly office use to limited business which is a mixed use. When University Dr was created in 1963 a limit of six access points was

set between Amity St. and Route 9, he showed a map with the current six access points. It was supposed to be four lanes and continue south of Route 9 all the way to South Amherst and re-connect with Route 116. In order to add another access point they need a majority of Town Meeting to authorize the Select Board to allow another access point. This is the last developable site on University Dr., so there won't be more requests for access to University Dr.

Having an entrance off of University Dr. would allow access to the eastern side of the parcel with much less wetland crossing than an entrance from Newmarket Square. We do not have a project yet, we didn't want to put any money into designing a project until we knew if we had access off of University Dr. Healey asked to be shown where the wetland lines are and a general idea of where development might occur so we can assess access. Roberts said the developable area is pretty narrow, he showed the areas on the overhead map. Healey said you would use both entrances and Roberts responded yes. Allen said he thought he remembered there was a wetland replication area along University Dr. Willson said yes, there is wetland along University Dr. so there would most likely be some wetland impact from a new access point. Roberts added he met with DPW and an access from University Dr. would result in one tree coming down next to the bike trail. The plan for the bike trail near the access point is to make it one lane and widen it to the west to not impact the wetlands to the east.

Angus stated if we decide to support the article we should keep our statement simple, it can not be considered acceptance of any kind of work on the parcel. Any work would require a filing with the Commission. The statement could say an access from University Dr. would result in less wetland impacts than access from Newmarket Square.

**Healey moved and Butler seconded. Commission VOTED (6-0-0)** to support Warrant Article 31 because an access from University Dr. would have less wetland impacts than an access from Newmarket Square. They also acknowledge that widening the bike path westerly will result in no impact to wetlands.

#### **Miscellaneous Untimed Items:**

- Emergency Cert – DPW beaver dam breaching & swale, Pomeroy Crt.

Willson stated Pomeroy Court flooded again. We issued an Emergency Cert to breach two beaver dams and construct a temporary swale to drain the road. The swale is approximately five feet long by four feet wide. Silt fence was installed for erosion control.

**Boice moved and Healey seconded. Commission VOTED (6-0-0)** to ratify the Emergency Cert.

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

**Adjournment**

**Voted** unanimously to adjourn the open meeting at 8:10 PM.