

**Conservation Commission Meeting
August 14, 2017
Town Room, Amherst Town Hall**

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus, Chair at 7:02 p.m.

ATTENDANCE

Present: Angus, Allen, Clark, Brooks, Healey

Staff: Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson stated UMASS is hydro-raking Campus Pond this week under their long standing water quality treatment permit. Willson stated another public meeting is being planned in regard to the revised flood zone maps. This meeting is required under the FIRM review process. The Planning Board is looking at Tuesday, 9/12, wondering if that date works for Commissioners. She will send an email around with the date. Willson, Ziomek, and Kristen DeBoer from Kestrel Land Trust conducted a site visit of the Epstein Property with the LAND Grant representative. She stated that in the Commission's packets there are DEP comments for the Canton Ave and 324 Montague Rd projects, letters from neighbors for the Canton Ave and Aspen Heights projects, the peer review report and stormwater response to comments for Aspen Heights, and the Town Engineer comment for 324 Montague Rd.

Willson stated we do not have DEP numbers or NHESP comments for the two NOI's on Concord Way, Ron Bercume is the applicant. So, those hearings can't be opened tonight and are on the agenda for our next meeting on 8/23/17.

MINUTES

No minutes to review.

PERMITS/DISCUSSIONS

7:15 PM Notice of Intent – Adrian Fabos for construction of two single family houses and associated driveways, grading, and landscaping within resource areas at Canton Avenue (Map 11D, Parcel 189).

Approved at the 9-27-17 Conservation Commission Mtg

Angus opened the hearing. Bucky Sparkle, civil engineer working with the Fabos family on development of two flag lots at the end of Canton Ave., presented the project. Sparkle stated he was submitting the Certificates of Mailing for the public abutters notices. He presented the plans on the overhead to show location and context. The overall property owned by the Fabos' consists of about 5.88 acres. Edith and Julius Fabos reside in the house on the southeast lot. Development is being proposed on the northern parcel, they are looking to develop on two new flag lots, one about 1 acre and one about 3.8 acres.

Approximately one third of the property is Bordering Vegetated Wetland, shown as shaded area on overhead. The site is currently fully wooded, they did a tree inventory of over 100 trees that are listed on the plans. There are two intermittent streams where Bank has been delineated. New England Environmental, Inc. delineated the resource areas which were approved by the Commission through a Request for Determination in 2016.

Sparkle stated on Lot 2 will have approximately 150 feet of driveway, utilities will be brought from Canton Ave. Both lots have theoretical house lots. He showed the location of a small rain garden that will take runoff from the garage and western portion of the driveway. The rain garden is only a few feet from the wetland line, so is within the 30' setback. Resident asked about the 30' setback. Sparkle responded the bylaw has a 30' "no touch" setback. Sparkle said for Lot 3 the driveway has two wetland crossings, and again a theoretical rectangle for the house location, leaving the final footprint within that rectangle to the future owner. A number of garden locations and a lap pool have been included in the design to permit them now rather than later. There is a rain garden built to collect drainage from the house and garage. He pointed out an area that will be used for dewatering detention during construction if needed.

Sparkle presented a zoomed in plan for the wetland crossing areas. They are proposing a 24" pipe, half buried, for the southern wetland crossing that doesn't involve impacting Bank. The northern crossing is a stream crossing that involves impacts to Bank, therefore, the MA Stream Crossing Standards must be met. An eight foot wide, three-sided box culvert is proposed. Planning to use 1:1 slope off the driveway in the wetland areas to reduce impact. Disturbing 710 square feet of wetland and replicating in two areas (shaded green on overhead) at a ratio of 2:1.

Sparkle stated the application asks for two variances, one for the impact to Bank for Lot 3's driveway, and one for work within the 30' setback including the rain garden on Lot 2. Sparkle said he put the rain garden in that location because it best collects and treats the runoff prior to release into the wetland. If it was moved NW away from the wetland it would no longer collect drainage from the driveway. Sparkle stated the project will go before the Amherst ZBA asking for a 10' wide driveway with 6" shoulders instead of the required 12' due to the wetlands. They are including sprinklers in the house so that the Amherst Fire Dept will allow a 10' driveway. He presented the cross section of the driveway to show

the slope of the driveway, and showed the stream crossing. He added they will be asking the ZBA to allow a steeper driveway so they don't have to dig into the wetland.

Willson presented photos from the site visit. Angus asked if the project was being filed as a Limited Project. Sparkle said no, he thought the residential construction part couldn't be a Limited Project. Angus stated it's the resource area crossing to a building lot that you could otherwise not access that could potentially be filed as a Limited Project. Angus asked if the wetland replication areas could be located somewhere other than next to the driveway. Sparkle said he has looked for other suitable locations, he and Willson conducted a site visit to look at locations. Water flows generally southeasterly across the site, the driveway will slow flow at the current replication location so it will be well hydrated. The second replication area was less wooded and again looked to be an area that would hydrologically do well and survive as a wetland.

Healey asked if they are clearing everything within the green line. Sparkle said the future homeowners are trying to get as much solar gain as possible, so they are not clearing everything but are trying to have sunlight. He included a number of garden locations, solar panels and lap pool so the owners would have location options and have everything permitted now and not have to come back. Angus said she would like to see the restoration area constructed last. She asked what they are planning to do with the stumps. Sparkle replied the stumps will be removed for yard. Angus stated prior to any work on the site the wetland line should be very well marked, with snow fence for example. Willson said a wetland scientist must be on-site for stream crossing and wetland replication area installation. Willson asked why Lot 3's driveway meanders instead of going straight to the house. Sparkle said due to the slope, it can't be too steep so needs to meander. Allen asked why didn't you put the garage under the house and the solar panels on the roof. Clark asked if the wetland lines would be permanently marked, Angus replied yes there will be marking. Willson said the shed on Lot 2 should be outside the 50' setback. Sparkle said they can move the shed out of the setback. Angus asked if pervious pavement could be used, Sparkle and Fabos said yes. Healey doesn't like the amount of clearing and that the driveway divides the wetland, could you provide more water crossings. Sparkle responded it would cause more impact. Allen asked where snow would be plowed in the winter. Sparkle said driveway would be pitched to release in upland area, snow would be plowed to that area.

Benjamin Bailey, abutter, stated the project violates the Town Wetlands Bylaw, on Lot 3 the driveway goes through the wetlands and on Lot 2 the driveway is within the buffer zone. This can only be done with a variance, which has been requested, but can only be issued under rare circumstances. Bailey read the variance description from the bylaw and standards that must be met to issue a variance.

Angus asked why the project was not submitted as a Limited Project. She added you included the language but didn't check the box on the NOI form. Sparkle said he would like to move to convert the application to Limited Project status.

Approved at the 9-27-17 Conservation Commission Mtg

Leo Lucien, abutter, stated the property is very wet and not maintained. When Mr. Fabos put in a French drain his yard became flooded, that area of the property is wet. He's owned his property since 1959 and it's always been conservation/wooded land. Lucien asked how notice to abutters is supposed to be given, does the Town mail out the letters or the applicant. Willson stated the applicant. He presented his letter which he felt looks like junk mail. Angus said there are no requirements as to how the envelopes look.

Julia Rueschemeyer, abutter, stated she was surprised that so far the meeting has talked about conditions, moving part of the construction here or there, when this project doesn't meet the qualifications for a variance. She added no one needs that large of a house. Angus responded need doesn't factor into the Con Com's decision, the decision is based on whether or not it meets the state and local performance standards. Rueschemeyer read a letter from Jamie Sweeting (a copy of the letter is in the Con Com's packet). She has seen the wildlife described in the letter often on this land. She stated the Planning Director suggested the Commission could hold off on the decisions of the ZBA. Angus stated protection of wildlife is one of the interests of the state and local regs but the amount of impact for this project doesn't trigger a wildlife evaluation.

Angus said applicant should look to reduce work in the 30' setback. Healy added even in the 50' setback. Minimize cutting, better articulate on the plans and narrative the justification for the variances.

Brooks moved and Healey seconded. Commission VOTED (5-0-0) to continue the hearing until September 13, 2017 at 7:45pm.

7:30 PM Notice of Intent (cont'd from 7-26-17 mtg) – Todd Gaines/Breck Group Amherst Massachusetts, L.P. for construction of an apartment building and associated parking areas, driveways, utilities, and stormwater management system within buffer zone to bordering vegetated wetlands at 408 Northampton Rd (Map 13D, Parcel 51).

Angus stated this is a continuation of the hearing, we've received the report from the third party reviewer and comment responses from Berkshire Design on stormwater comments that are in Commission's packets. David Berson, Bacon & Wilson, along with Rachel ? and Greg Henson from Berkshire Design to discuss the project. Berson stated this is the Amherst Motel site, approximately 8.8 acres, 4.1 in Amherst. Project is to raise existing motel and roughly on same footprint construct a 131 unit apartment building. The updated plan has the revised wetland delineation, only one point changed, A-29. The parking plan layout didn't change from updated delineation. Project does not have any building in 50' setback or parking or driveway within the 25' setback. Berson stated they are still waiting for a letter from Doucet Associates accepting Berkshire's responses to their comments.

Approved at the 9-27-17 Conservation Commission Mtg

Rachel stated the soil testing was completed, looked at soil profile, the depth to groundwater was found to be 2-3 ft below grade. Berkshire Design looked at the new wetland delineation, as already stated there were no changes within Amherst just one point in Hadley so the buffer zone lines didn't change. Henson stated the design of the stormwater system did not change based on the test pit results. The groundwater is high which is what was expected and designed for, it's all D soils which do not drain very well. Willson stated at the last meeting our concern was whether the subsurface detention basin will function correctly with high groundwater. Henson stated the bottom of System 1 is 1.5 ft above groundwater, 2nd system is 1.25' above groundwater, and 3rd is 8" below estimated seasonal high groundwater. System 3 flows into 2 than into 1. He stated they are detention not infiltration systems because they are not the required 2 ft above groundwater. They've included storm ceptors for treating the stormwater.

Susan Cummings, resident, asked where is the parking in relation to the stormwater detention basins. Rachel said the basins are underground, under the parking lot. The parking lot will be built up to drain.

Clark asked if there had been parking in the 30' or 50' setbacks. Rachel said no, other things had been removed from between the 30' and 50' including a 530 square foot building and parking. Brooks asked if the zoning requirements in Hadley had been looked into. Berson said it's 2 parking spaces per dwelling unit so we can't reduce the parking. Angus asked what the overall increase in impervious is? Berkshire did not have that calculated. Angus then asked if they need to go to MEPA for impervious coverage? Applicant didn't know.

Susan Cummings stated that every winter there is flooding on Greenleaves Dr. downstream by the Marriot Hotel intersection. Greenleaves pays for road repairs every year from flooding damage. Angus said that's Hadley. Louise Colligan, abutter, asked if the stormwater management system been designed to meet the more extreme storms we've been having lately. Angus said doesn't have to. Henson said they have designed the system to treat and detain up to the 100 yr storm, so peak flows will be less during a 100 yr storm than they are now.

Healey moved and Clark seconded. Commission VOTED (5-0-0) to close the public hearing and issue an Order of Conditions with conditions that if design changes occur from ZBA review or responses from Doucet Asso. applicant must ask Wetland Administrator if new application is warranted. Applicant to look into if MEPA filing necessary. Erosion control monitor required. No snow storage within 100 ft buffer zone.

7:45 PM Notice of Intent (cont'd from 7-26-17 mtg) – Ronald Bercume/Bercume Construction LLC for construction of a single family house within buffer zone to bordering vegetated wetlands on Lot 8 Concord Way (Map 21D, Parcel 132).

Willson stated we don't have the MADEP or NHESP comments for this project, so the Commission can't close the hearing and the applicant requested to continue.

Brooks moved and Clark seconded. Commission VOTED (5-0-0) to continue the hearing until August 23 at 7:30pm.

8:00 PM Notice of Intent (cont'd from 7-26-17 mtg) – Ronald Bercume/Bercume Construction LLC for construction of a single family house within buffer zone to bordering vegetated wetlands on Lot 11 Concord Way (Map 21D, Parcel 129).

Willson stated we don't have the MADEP or NHESP comments for this project, so the Commission can't close the hearing and the applicant requested to continue.

Brooks moved and Healey seconded. Commission VOTED (5-0-0) to continue the hearing to August 23 at 7:45pm.

8:15 PM Notice of Intent (cont'd from 7-26-17 mtg) – Julie Beauchemin for confirmation of resource areas and construction of a solar array within buffer zone to bordering vegetated wetlands and bordering land subject to flooding at 324 Montague Rd. (Map 2C, Parcel 3 & 9).

Mike, Waterman Assoc., stated we moved everything out of the 30' setback including the fencing and roadways. All the driveways were narrowed to 15' wide. He stated that in response to DEP comments they moved two outlet structures for the stormwater water basins out of the 100' buffer. They added notes to the plans regarding matting along access road between ponds. Jason Skeels submitted a letter saying he reviewed the stormwater calcs and had no comment. They are no longer rebuilding the access road between the ponds, using what's out there. The area where the water overflows the road they will use timber mats when there is overflow. There are two trees on either side of the road that have to come down and one utility pole that has to go up. Healey asked who will determine when to use the matting. Clark said just have matting down throughout entire construction. Angus said condition no pesticides or herbicides.

Approved at the 9-27-17 Conservation Commission Mtg

Brooks moved and Healey seconded. Commission VOTED (5-0-0) to close the public hearing and issue an Order of Conditions with conditions discussed.

Miscellaneous Untimed Items:

- Certificate of Compliance – 7 Alyssum Dr.

Willson stated the Order of Conditions is from 1981, and it's a general Order for the construction of Amherst Hills subdivision. She provided a map showing the location of the residence and stated she had conducted a site visit. The old Order did not include plans, so she looked at the residence and infrastructure for current wetland issues and didn't see any. Asking for a partial COC.

Clark moved and Brooks seconded. Commission VOTED (5-0-0) to issue a partial Certificate of Compliance for 7 Alyssum Dr.

- Certificate of Compliance – 10 Wildflower Dr.

Willson stated the Order of Conditions is from 1981, and it's a general Order for the construction of Amherst Hills subdivision. She provided a map showing the location of the residence and stated she had conducted a site visit. The old Order did not include plans, so she looked at the residence and infrastructure for current wetland issues and didn't see any. Asking for a partial COC.

Brooks moved and Healey seconded. Commission VOTED (5-0-0) to issue a partial Certificate of Compliance for 10 Wildflower Dr.

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

Adjournment

Approved at the 9-27-17 Conservation Commission Mtg

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

Approved at the 9-27-17 Conservation Commission Mtg