

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus, Chair at 7:00 p.m.

ATTENDANCE

Present: Angus, Boice, Brooks, Clark, Butler

Absent: Allen, Healey

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLAND ADMINISTRATOR REPORTS

Ms. Willson gave an update regarding 42 Harris Street regarding the garage that was moved to new location. She presented photos showing garage in new location with seeding and plantings.

Mill Street Bridge: DOT is exempt from permitting for bridges from the WPA, but they are not exempt from water quality certification. Ms. Willson's main concern – who is going to be out there enforcing. According to Christopher Ross – DEP employee indicated that there will be DEP personnel monitoring the situation. Beth will go out to check on her own, as well. She will contact Mr. Ross if the Commission has any questions or concerns.

Market Hill Road: trees had been cut by the previous owner and the trunks and debris was dumped along the banks of and in the intermittent stream. Current owner would like to pull the chunks of tree and clean up the mess. He indicated that he is willing to work with the Commission to make sure it is down correctly.

Concerns voiced about damage that may be done when wood dragged from the stream.

Ms. Willson indicated that some of it appears to actually impede the stream flow.

Commission indicated that they would like to do a site visit to assess the situation. Ms. Willson will set one up for July 12.

Election of Community Preservation Act Committee (CPAC) Liaison

Boice moved and Butler seconded the nomination of Fletcher Clark as CPAC Liaison.

Commission VOTED unanimously (5-0-0) to elect Fletcher Clark to serve for one year as Conservation Commission Liaison to the Community Preservation Act Committee.

Election of Vice Chair

Boice moved and Clark seconded the nomination of Robert Brooks as Vice Chair of the Conservation Commission.

Commission VOTED unanimously (5-0-0) to elect Robert Brooks as Vice Chair of the Conservation Commission.

MINUTES

No minutes to review.

PERMITS/DISCUSSIONS

7:15 PM Enforcement Order – Juan Jimenez for clearing vegetation within an isolated wetland at 162 Farview Way (Map 8A, Parcel 10).

Ms. Willson received a call from neighbors concerned with clearing that was being done on the property in an area that they thought were wetlands. Ms. Willson went out to the property and could see that it was wet, but without any vegetation remaining, it was not possible to determine if it was indeed wetland. She issued an enforcement order and asked Mr. Jimenez to have a wetlands scientist come out to the property to determine the location of the wetland line. Mr. Jimenez hired Keith Morris who delineated the wetland and provided a restoration plan. A map was not included, but will be required by the Commission.

Ms. Angus discussed the Commission's role in protecting wetlands (State & local) and indicated what the enforcement order would entail. Mr. Jimenez has already been proactive in dealing with the situation. They will decide if there is anything else that should be done and agree upon a schedule for implementation of the plan and answer questions about future work at the site and their regulations.

Mr. Jimenez – area had been mowed up until about 8 years ago. Ms. Angus indicated that even though it may have been mowed before, it still could have been jurisdictional wetlands then. In order to be wetlands - must have two of three properties: soils (hydric or wet), hydrology and vegetation.

Mr. Jimenez indicated that water from the street funnels onto his property and wonders if the Town were to install curbs to fix the issue, if that would change wetland status. Ms. Willson will talk with DPW about drainage of the road, but doesn't think that will affect whether that land is wetland or not.

Mr. Jimenez asked if it is best just to let nature take its course or should they plant specific plants. Commission noted that if he lets it go, then invasive plants will take over.

Discussion about restoration plan and which plants/shrubs the commission would suggest be planted. Commission suggested red maple, yellow birch, high bush blueberry and any native wetland trees. Upland slope area should be seeded – can be lawn, because it outside the wetland. Other areas that are not wetland – trees can be planted that are not wetland trees.

Boice moved and Clark seconded. Commission VOTED unanimously (5-0-0) to ratify Enforcement Order #1 for 162 Farview Way (Map 8A, Parcel 10).

Boice moved and Brooks seconded. Commission VOTED unanimously (5-0-0) to issue Enforcement Order #2 for 162 Farview Way (Map 8A, Parcel 10) with the following conditions:

- provide map
- provide periodic monitoring reports to the Wetland Administrator
- no requirement for shrubs, but if there are shrubs they should be native wetland
- demarcate wetland line with either stakes or rocks
- vegetate within 30 ft buffer okay – no structures are to be built
- no chemicals
- one application of wetland plant seeds
- remove debris outside 30 ft buffer

- provide schedule of implementation of the restoration of the plan – something should be done within the next six months based on wetland scientist suggestions

7:30 PM Event on Conservation Land – Dr. Chris Sutherland and Benjamin Padilla for forest research at King’s Reserve and Brickyard Conservation Areas.

Benjamin Padilla – PhD student at UMass performing non-invasive ecological surveys across the Conn River Valley north to south & 2 have fallen with Amherst. Purpose of the research are twofold, the first is to offer research opportunities for 2 undergraduate students, learning to do ecological field research data collection methods and secondly to do an ecological census of different points across the landscape to validate land use change organization map gradient he is developing for his PhD. Will be doing bird point count surveys, look for presence of amphibians, doing vegetation identification, would put a small place of flagging with an id to get back to the site which would be removed after three to four visits, 2 students per visit just over the summer. Looking at one observation point to do a characterization of area in each of two points in the Town of Amherst – Kings Reserve and Brickyard. He has developed a map that integrates the whole land use surrounding the point at various spatial scales and gives a numeric value based on the land use to track gradients in human land use from urbanization and agriculture. Looking at points across the valley to validate the ecological data.

Clark moved and Brooks seconded. Commission VOTED (4-0-1) Angus, Boice, Brooks and Clark voted “Aye” and Butler “abstained” to approve research at King’s Reserve and Brickyard Conservation Areas and request copy of research results to be shared with the Commission.

7:45 PM Request for Determination – Pamela Wilkinson for septic system repairs within buffer zone to an intermittent stream at 741 North East St. (Map 9B, Parcel 64).

Allan Weiss, Cold Spring Environmental presented for the owners. The property has an intermittent stream that is pretty clearly a losing stream in that the water infiltrates right into the ground. The soils are so permeable that the stream is usually dry. Tried to move septic out of buffer but would have had to use a pump which would be expensive for the elderly home owners. The septic is about 40 – 50 years old.

Septic plan has been reviewed by Ed Smith, Amherst Health Sanitarian, and approved. There is a tree on the property that will have to be removed as Title V requires 50 feet from the resource area and it cannot move the septic without having to use a pump, which is costly. The owners are a senior couple that has limited resources.

Beth Willson noted that leaf litter and the wheelbarrow must be removed from stream.

Brooks moved and Boice seconded. Commission VOTED unanimously (5-0-0) to close the public meeting and issue a negative determination for the septic system repairs within buffer zone to an intermittent stream at 741 North East St. (Map 9B, Parcel 64).

8:00 PM Notice of Intent (cont’d from 6/14/17 mtg) – Paul Cole for construction of a seven single family house subdivision with associated roadway, site preparation, utilities, and stormwater management system within buffer zone to a river and bordering vegetated wetlands at 1194 West St. (Map 25B, Parcel 29).

Angus Recap: noted that the letter from the Town Engineer has been received and the Commission had requested changes to the drawings.

Chris ?, Berkshire Design, presented changed plans that have been updated based on comments from the last meeting.

- Now showing the proposal that would involve selling Lot 7 to the Town of Amherst and constructing a parking lot for conservation land access, which reduces impervious area on the lot and reduces grading.
- The house on Lot 8 has been updated to reflect that this is now a duplex as opposed to a single family house.
- Revised the driveway on Lot 1 to remove all pavement from within the 25 ft setback.
- Updated line work on plans to more clearly shows the buffer line and erosion control barrier which represents the limited work.
- Added 8 ft high cedar posts, 4" diameter, sunk 4 ft into the ground with blue painted tops to mark the edged of the 30 ft no disturb zone.
- Plans are stamped.

Response to comments 11-15 from Jason Skeels, Town Engineer:

- 11 DPW stormwater management plan balances pre and post runoff achieves 80% TSS removal.
12. Directly related to comment from Mark Stinson, DEP that Jason feels that the stormwater BMPs do meet guidelines of the stormwater handbook.
13. Reflected in plans – level spreaders for the overflow on all of the basins – will lay a flat section of concrete curb for basin overflow. Original called for a stone dam, but they tend to be uneven when it releases water.
14. Jason is satisfied that soil conditions here are sandy and consistent across the site based on test pits that were submitted and his experience with public projects in the area. Test pits are sufficient to characterize the soils for infiltration purposes.
Ms. Willson inquired if they would be doing new test pits applicant replied that there would be no new test pits. He indicated that Jason has deemed that the six existing test pits are sufficient.
15. Question on the infiltration basin overflows is a question of protecting the slopes. The location of each of these basins is near steep slopes that head toward the resource area. They have two pieces to their response to this concern:
 - In the ten year storm across the board, none of these basins are estimated to overflow. It's going to be a very rare condition when they do fill up to the point where they overflow. They have added curbs so that sheet flow is spread out to the maximum extent possible. The stone armoring they have provided in the disturbed sections of the steep slopes, they feel is sufficient to protect those slopes. They will consult with Jason to see if a geotextile or something under that stone in addition to bump that up, is appropriate. They have no objection to that.
 - Other areas they disturbing are vegetated – so they are proposing to leave that in place. Water flow is going to be heavy occasionally, but rare, they feel good about their plan.

Angus asked Willson to include something that when you go out to do a cert of comp inspection you look over the edge of those. It is going take a while for them to be constructed, be established and live through a couple of storms to see if this even plays out.

Willson asked if they plan to do any seeding amongst the rip rap they are putting down. Chris indicated that no, they had not. They expect it to grow in over time. The operation maintenance plan on each of these basins calls for examining the entire basin that would include the overflow for any sign of erosion on a regular basis. Willson indicated that a condition can be added to address that.

Brooks moved and Boice seconded. Commission VOTED unanimously (5-0-0) to close the public hearing and to issue an Order of Conditions for work at 1194 West Street (Map 25B, Parcel 29).

Miscellaneous

Order of Conditions Extension – Peter Heronemus for West St. parcel (Map 22B, Parcel 1)

This request is for the property next to 730 West Street issued in July 2014.

Ms. Willson indicated that Mr. Heronemus has met the requirements to request the extension – he submitted the request before the expiration date and work has been started on the project. He has done the replication on the project and there has been no damage to the land by the work done so far. She has no problem with the request to extend the OOC.

Clark motioned and Butler seconded. Commission VOTED unanimously (5-0-0) to approve three year extension of Order of Conditions, West Street parcel (Map 22B, Parcel 1).

Certificate of Compliance – 103 Concord Way (Lot 9)

Ron Bercume has completed a house on this lot and it is being sold. The Order of Conditions was issued for the entire subdivision, so they need to issue a partial certificate of compliance for this particular lot.

Ms. Willson did a site visit.

Brooks moved and Clark seconded. Commission VOTED unanimously (5-0-0) to approve issuing a partial Certificate of Compliance for 103 Concord Way (Lot 9)

Ms. Angus recognized Ms. Boice’s contributions to the Conservation Commission and CPAC and thanked her for her work.

Adjournment

Voted unanimously (5-0-0) to adjourn the open meeting at 8:37 PM.