

**MOTIONS**

**CALL TO ORDER**

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

**ATTENDANCE**

**Present:** Angus (C), Clark, Healey, Brooks

**Absent:** Allen, Butler

**Staff:** Ziomek, Willson

**COMMENTS FROM CHAIR, DIRECTOR'S & WETLAND ADM'S REPORTS**

Willson noted that the South East Street CR site visit was moved to September. She spoke with the landowner about their landscape plan. Mill River Emergency Certification nothing done yet. Willson noted that the next meeting on August 9 will be a very big meeting and she will be away on vacation. Suggested moving that meeting to Monday, August 14, when she will be back from vacation. The Commission was in agreement with the change in schedule, so she will reserve on a room and will send an email to confirm.

**Ziomek**

- Puffer's Pond sand pile – Brad will work on a volunteer day to distribute the sand around the beach, tree roots and fill the cribbing. Try to make sure there is no trip hazard. Probably happen next week.
- Lot of work being done on the trails right now. Spoke with BB today who indicated that he has been working on the KC Trail from Middle Street to Potwine and Pomeroy is getting a lot of attention. One of our wettest trails, so we tend to lose sections of it to multiflora rose, etc. growing in. Able to purchase a new brushcutter with funds from the new FY.
- Monitoring Markert's Pond – will meet with Town Engineer on Friday morning. The pond is coming up slowly, it's an engineering situation and need to figure it out. Neighbors are concerned about their pond, but at the same time Ziomek is trying to have them seek some patience. It will fill, we are tweaking some of the things they are doing. Want to keep a minimum flow in the stream below. This fall will look at some of the upstream impacts. There has been some work 6-10 years ago on the Hampshire College campus, so going to look upstream a little bit, as it may be possible that some of their irrigation ponds may be having some impact.
- Willson, Stephanie Ciccarello and Brad Bordewieck have been working on the land management plans. They are taking advantage of Jonathan Tucker's knowledge. He is an incredible writer who grew up in Amherst and started out as a conservation planner and is going to be retiring later this summer. Asked for his help in drafting these plans. Beth is working on the maps and figures. Will have a number of draft management plans to bring to the Commission this fall and winter. Plan to get drafts to the Con Com and then schedule field visits for the Con Com to look at the trails and some of the land management practices. Also will invite abutters in to talk about the plans. Have approved one for Mt. Pollux, have about 40 of them in total.
- Kody Clark, our Assistant Land Manager, is leaving to go back to school. His position will be advertised soon.
- We have been working with Tighe and Bond on the dam safety report for the Owen's Pond Dam. It's a low hazard dam and in 13 years have never had to a dam safety inspection before because it

is such a low hazard. Hopefully it will give us 3 to 5 years to do work on the dam. We do most of the work ourselves while consulting with Jason Skeels, Town Engineer.

### **7:15 PM Town Manager Paul Bockelman**

Paul Bockelman has been meeting with all the Commissions and wanted to take the time to tell them that he appreciates and thanks the Commission for the work they do for the Town. He likened them to the Guardians of the Galaxy. The Town has done a fantastic job of preserving landscapes, farmland and things like that, so the Town hasn't changed much in landscape appearance since his days as a college student at Hampshire College. When he came here he researched the Town and knew that the Department Heads were top flight, but he was pleasantly surprised to learn that the 2<sup>nd</sup> tier employees, like Beth Willson, are really exceptional. He feels that the Town is blessed with people who are committed to their craft and are very professional. From his perspective that sort of merges the ideas of the Town - conservation and good planning and culture. Gave kudos to Dave Z for his assistance and support and thanked the Commission again for their hard work.

Angus spoke about the group. Currently have one vacancy, so she hopes that people will apply and that he will be able to appoint someone soon. She feels that they are a very solid group, having worked several years together. More so than many other Commissions in the Commonwealth they do have a big focus on land protection and conservation, thanks to Dave Ziomek's expertise. She also noted that the Commission does a lot of regulatory review with Beth's assistance.

Healey wanted to acknowledge Beth's assistance. Feels that they wouldn't be able to function as well without Beth. Many towns work without a "Beth" and she doesn't know how they do it all. Brooks noted that Beth is only part time and works more hours than she is paid. Probably nothing that can be done about that, but it doesn't seem fair.

Angus - Perennial financial challenges the Cons Dept faces in managing the land and managing Puffer's Pond, ongoing capital projects on conservation land. More money would help. Staffing certainly is an issue. We have to rely on fund raising for a lot of the summer staff through the Puffer's Pond breakfast. It is great to have such a supportive community that allows that to happen.

Healey stated it would be great to have a dog park, although not on a conservation area! It would take so much pressure off the conservation areas. People don't realize the impacts to the wildlife from the human and dog use. Angus – about 6 years ago, the issue about dogs in conservation areas took up their entire year.

### **CONSERVATION COMMISSION'S ACTION**

#### **Review and approve minutes of 9-14-16**

**VOTED unanimously (4-0-0)** to approve the minutes of 9-14-16.

### **PERMITS/CERTIFICATES**

**7:30 PM Notice of Intent (cont'd from 7-12-17 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).

Willson stated the wetland delineation peer reviewer has been contracted by the Town. The wetland scientist is Emily Stockman, Stockman Associates. She should be doing the work next week, so hopefully will have her report by the next meeting (8/14/17).

Angus noted that in terms of notification once a hearing is on the agenda and abutters have been notified, there is no good process for letting people know when things are getting continued other than to call Beth. Call the day of the next meeting to make sure it is actually happening, because with big projects like this, there is a good chance it could get continued again.

The hearing needs to be continued in order to get the peer review report, we are also waiting on test pit data.

**Motion Brooks, 2nd Healey VOTED unanimously (4-0-0)** to continue the hearing until the 8/14/17 meeting at 7:30 p.m.

**7:45 PM Notice of Intent** – 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).

Ron Bercume, applicant, noted that Ted Parker has asked that this hearing be continued until a later date. Willson says they will have to continue both hearings (Lot 8 & Lot 11), because she hasn't received anything from Natural Heritage yet. Angus stated both sites are within rare species habitat and this one (Lot 8) has a question of jurisdictional status of a resource area adjacent to it. Mr. Bercume noted that Ted will get more information on this. Willson there is a concern that some of the wetlands are actually vernal pools. The protection area around vernal pools, is no touch within 100 feet. So, the no touch area would expand if it is a vernal pool. This was brought up by some abutters. She and Bob visited the site and noted that they could be vernal pools, although they are mapped as BVW. Angus asked Willson to talk with Parker about getting information from his wetland consultant to address this issue.

Willson stated the house is outside the 50 ft setback, a lawn area is planned up to the 30 ft setback, and permanent markers will be installed along the 30 ft line. She noted that the closest wetland point to the work is the one identified as a potential vernal pool. If it is, it would push that protection area inside the current 50' line. Brooks and Willson confirmed that they are questioning the delineation – is it BVW or is it a vernal pool. A member of the public – identifying herself as a naturalists who is in the woods a lot, has seen evidence of vernal pool species – wood frogs, fairy shrimp.

Angus stated we still need a DEP # and NHESP review, so we need to continue the hearing.

**Motion Brooks, 2nd Healey, Commission VOTED unanimously (4-0-0)** to continue the hearing until the 8/14/17 meeting at 7:45 p.m.

**8:00 PM Notice of Intent** – 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).

Ron Bercume, applicant, stated that this is a single family house construction, they plan on clearing to the 30' setback line. Erosion control will be placed along the 30' line. Willson stated permanent markers

need to be placed along the 30' setback line. Bercume asked what type of markers. Rebar with blue caps that say "wetlands" can be used, or the top of the rebar can be painted orange. They should be placed 20' apart with 18" of rebar above the ground.

**Motion Healey, 2nd Brooks, Commission VOTED unanimously (4-0-0)** to continue the hearing until the 8/14/17 meeting.

**8:15 PM Notice of Intent** – 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 Scott introduced himself as an engineer working for Waterman Assoc. here on behalf of NexAmp and Montague Rd. Solar. Four people from NexAmp: Julie, Chris, Mary & Justin and the property owner, Mr. Patterson. Mr. Scott presented an overview of the entire project. The proposal is to build a 3.5 mw solar array. Waterman staff delineated the wetlands on northern two fields. The array will be surrounded with a fence, which is a code requirement. Trees will be cleared in some edge areas to reduce shading. Access will be from Sunderland Road. Scott stated there is no plan to improve or widen the driveway.

Willson presented photos taken at the site. Shows the access road going between the two ponds and the area where water sometimes flows over the driveway. She also showed the line of large oak trees that will be taken down. She asked how the area with the drainage over the driveway will be protected during construction to limit erosion into the water going between the ponds. Scott responded the area is dry most of the time, probably only spring that would be a concern. Healey asked how much will the site be accessed once it's built? Scott said twice a year. Angus asked where does the gravel road improvement start? Scott showed her on the overhead plan. Willson asked if they inventoried the trees? Scott said they located the mature trees to be removed but did not tally them. Angus asked if the access can come from Montague Road? Scott responded there is not enough room and the sight lines are not as good.

For next meeting we need a DEP file #, Town Engineer stormwater review, and more information on equipment crossing the drainage between the ponds over the access road, and moving of fencing and access roads out of the 30' setback.

**Motion Clark, 2nd Brooks, Commission VOTED unanimously (4-0-0)** to continue the hearing until the 8/14/17 meeting.

### **MISCELLANEOUS UNTIMED ITEMS:**

#### **SWCA for upcoming UMASS projects.**

Niels LaCour, UMass Planning, and Mickey Marcus, SWCA, spoke to the Commission about upcoming projects at UMass: (1) a Comprehensive NOI and (2) the dredging of Campus Pond.

UMASS must now follow the federal MS4 regulations which basically say you must know where all your water goes and what's in it. With the Comprehensive NOI we want to map all of the wetlands on UMass property and put them into GIS so the information is available to the whole organization. Then

no one will have an excuse that they didn't know they were working within a wetland or buffer area. This will cover land UMASS has in Amherst and in Hadley, so they will have to go before both commissions. They would like to provide info to SWCA to map all the wetlands from state sources as well as all the UMass sources, as well as all the things they have surveyed in the past, put that in GIS online so everyone can access it and see it as well as develop a whole set of best management practices. So, if they have minor maintenance issues or minor construction projects, rather than go thru a public hearing, they would like to be able to just deal with the issue, but would let Conservation Commission know ahead of time that they know they are working within the jurisdictional area and know what to do and this is how they would proceed.

Last time Campus Pond was dredged was in 1985. Realize what an important piece the Campus Pond is to their stormwater management system. Want to dredge it for its role in their stormwater management system, as well as improving the ecosystem. Mickey Marcus stated a couple of years ago the Univ installed a sediment trap at the Campus Pond and it actually works pretty well. Now that the sediment trap is in place, need to think about dredging the pond. Will have to go through water quality reviews and sampling and lab results that the Conservation Commission will be a part of. Decide if the sediment can be used or if it has to be sent to the landfill.

The Comprehensive NOI is really an operational maintenance plan. Mount Holyoke has used one for 15 years and it has worked very well. Every time there is maintenance work in the buffer zone or repairs, there is a plan in place. It would include best management practices such as if you are working within so many feet of a wetland you must put up erosion control and let the Amherst Conservation Dept know. They have had water main breaks and sidewalk breaks that required filing a Request for Determination, with the Comp NOI that wouldn't be necessary only notification to commission would be needed.

Angus stated it will need to define very clearly what is type of projects and work is included under the NOI. Marcus said any new project will have to go through the permitting process. La Cour said the goal is to define the thresholds for when additional permitting with the Town is needed. Willson asked if the wetland lines will be updated periodically? Campus permit would have to have a limit to it and at that time the wetland lines could be updated. Marcus said yes, Mt. Holyoke re-issued their NOI a few times. Angus said the NOI needs to include a mechanism for getting notification to the Wetlands Administrator so she can say whether additional permitting is needed.

La Cour said it will help with deciding which of their capital projects they want to do knowing which need a formal NOI and which are emergency or maintenance issues that don't need a formal NOI. Willson said she feels there have been many projects at UMASS that never came before the Commission for work near wetlands, so she supports the idea of the Comp NOI because it will help the wetlands overall and it will result in UMASS and Town working together more than they have on wetland issues.

Ziomek said he thinks the Comp NOI is a great project, it's an opportunity for sharing information between the Town and the University, and avoiding misunderstandings and potentially issues where we disagree. He's excited about the Campus Pond dredging and feels the Town needs to take responsibility for their part in the health of the Tan Brook. Anything that can be done to improve water quality coming out of the Campus Pond is a plus. The Mill River is an incredible gem on the UMass Campus. The UMass Master plan is almost silent on the Mill River, it could be a very vibrant part of the campus community. He hopes as part of this project there could be some work to help this compromised river. La Cour said he was frustrated that they weren't able to do the rail trail bike path extension. The Mill River could have been addressed then..

Angus asked what the timeline is? Marcus said they're hoping fall/winter 2018, they will come in again to discuss the project before they file.

**Certificate of Compliance – Lot 10 Concord Way**

Willson noted that this Certificate of Compliance is for a single lot that is part of the overall Amherst Hills subdivision. The Order of Conditions was for the infrastructure for the entire Amherst Hills subdivision. RFDs were done for Lot 9 and Lot 10, since the wetlands were so far and the houses are outside the 50' setback. There were no concerns raised during the site visit.

**Motion Brooks, 2nd Clark, Commission VOTED unanimously (4-0-0)** to issue Certificate of Compliance for Lot 10 Concord Way.

**Research on Conservation land – Scott Jackson, UMASS**

Mr. Jackson was not in attendance. Proposal to use Plum Springs Conservation Area for a one day field testing workshop. Ziomek said they are basically bringing some researchers to Plum Springs. Angus asked if there are any concerns? Willson said Jackson has organized this event for EPA, there will be people from EPA, DEP, and DAR out there testing a new EPA wetland assessment methodology for wetlands.

**Motion Brooks, 2nd Clark, Commission VOTED unanimously (4-0-0)** to approve research on conservation land.

**ADJOURNMENT**

**VOTED** unanimously to adjourn the open meeting at 9:02 p.m.