

**Conservation Commission Meeting
June 14, 2017
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, Clark, Brooks, Butler, Healey (until X)

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson stated that Many Hands Farm removed the house/structure that they had built in Riverfront. She stated that the houses on Lots 9 & 10 Concord Way are being constructed, she inspected the erosion control. Willson met with Ron LaVerdiere who plans to install the sewer connections for his two lots on Meadow St. this summer. This work was previously permitted as part of the lot development and was extended. She presented a picture of the sign created for the Mass Fish & Wildlife Grant, there are three copies which will go up at the three conservation areas (Atkins Flats, Eastman Brook, Lawrence Swamp) where work is being done under the grant. She presented photos on the overhead of the grant work so far.

Ziomek stated we have hired four summer staff. The deadline for completing the Mass Fish & Wildlife Grant is June 30th, so staff is working hard to finish all the work. Stephanie Ciccarello has been attending the Ag Commission meetings, we'd like to have some joint meetings of Ag & Conservation Commissions to talk about agricultural use on Conservation Land and the licensing for that use. Healey said we had so few farmers interested before. Ziomek said Ag Commission feels that was because the policy is too restrictive, that is something for both groups to discuss.

Ziomek stated the Hitchcock Ctr is still using the building at Larch Hill, in case anyone asks. They have a lease through 2020, and can continue to use it until they don't need it anymore. The Markert's Pond flow structure was installed last week. Willson presented photos of the installation on the overhead. A crane was rented to install the structure. Ziomek said it will take a number of weeks for the pond to fill. Brooks asked why so much rip rap was needed and if erosion control was used? Willson stated yes, during construction haybales were placed downstream of the work area. The haybales were replaced a number of times during construction. Ziomek stated that at Jason Skeels recommendation they re-enforced the dam with the rip rap because the dam was weakening so more rock was used than anticipated.

Boice stated there needs to be a new CPAC liaison appointed by the end of the month. Angus stated we will nominate and vote at our next meeting. Ziomek stated to clarify Boice is also leaving the

Conservation Commission in June, unfortunately, because she has been on for two consecutive terms (6 yrs). Angus added we will need a new Vice Chair also.

MINUTES

No minutes to review.

PERMITS/DISCUSSIONS

7:15 PM Notice of Intent – 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).

Tom Reidy, attorney with Bacon Wilson, here on behalf of the applicant Breck Group L.P. Also presented Todd Gaines, Aspen Heights developers, and Mark Darnold, Berkshire Design site engineer. Darnold introduced the project, presented maps on overhead. Project has property in both Amherst and Hadley. The project does not go inside the 30' no touch zone, and there is no building within the 50' setback, however, they do propose to remove a shed within the 50'. The project is a buffer zone project, there are no impacts to resource areas. The stormwater design includes underground detention systems to attenuate the water to lessen peak flows, stormwater is treated in stormceptors prior to entering the underground detention tanks. The project is not claiming recharge LID credit because groundwater is so high, even though the detention systems are open bottom they are not the required two feet above groundwater elevation. They checked the maximum velocity of the level spreaders during a 100-yr storm and it was below what would erode the type of soils surrounding the level spreaders. The underground detention tanks are big because they are shallow, only about 1.5-2' deep because of the high groundwater.

Planning to gate and fence the property, so that would minimize people going in or dumping in the wetlands. They mailed out 180 abutter notifications in Amherst due to the Greenleaves community. Angus asked if the applicant had seen the MADEP comments, applicant had received them that afternoon. Angus stated we don't have the Town Engineer's comments on the stormwater report, and we'd like the applicants response to the MADEP comments so we will be continuing the hearing. Angus asked the applicant where they are with the Hadley Conservation Commission. Darnold stated they were at the Hadley Con Com meeting last night, they had three items they wanted addressed: want test pits done in the locations of the detention basins, questioned the wetland delineation so are hiring a peer review of that, also want a snow storage area determined so not going into wetlands. MADEP questions also included having more test pits done, and having the stormceptor specs approved. They plans on doing the test pits ASAP.

Willson presented photos from the site visit on the overhead. Butler asked how much of an increase in impervious area will the project result in? Darnold said he doesn't have the numbers but there is a significant increase in impervious area. There will be 131 units and 273 parking spaces proposed. Healey asked stated there is quite a lot of currently vegetated (lawn) within the 100' buffer that will become impervious. Angus asked if the applicant is asking the ZBA for a parking requirement reduction. Reidy responded no, Amherst currently requires two per dwelling unit so that's 262 we have 273 but could lose some depending on whether the wetland delineation changes with the peer review. Reidy said they are going before the Hadley Planning Board and Conservation Commission.

The Hadley Planning Board had a peer review of the stormwater report done by Doucet & Associates. Reidy added they need a special permit from Amherst ZBA for the use. Butler said maybe there are too many units. Allen asked if they thought about putting solar over the parking lot? Reidy said solar has been discussed. Allen asked about electric plug ins. Reidy said they would like to incorporate that. Boice said we should coordinate with the Hadley Conservation Commission. Willson said she left a message for Janice Stone, Wetlands Agent for Hadley. Willson asked which section of the delineation is the peer reviewer looking at? Darnold showed the location on the map. Angus asked if the stormwater peer review was looking at the whole system in both towns. Darnold said yes, the system was designed from an engineering perspective as one parcel.

Resident asked if the proposed emergency exit road was going to go onto Greenleaves property. Darnold said no, there will be no emergency exit onto Greenleaves property.

Willson asked if the extra test pits were going to include the locations of detention systems in Amherst (not just Hadley). Darnold said yes, all needed locations will be tested. Test pits will be done in the next week. Willson said she recommends to the Commission that we have the same peer reviewer look at the Amherst portion of that wetland line. She is happy to contact the Hadley conservation agent to organize the review. Boice agrees.

Angus summarized what applicant needs to do for the next meeting: provide responses to DEP comments, Town Engineer comments, results of test pits, and peer review of delineation. There is concern of large amount of impervious, applicant should look into reducing parking/driveway as much as possible. Brooks asked if this project could get the same waiver Kendrick Place did in terms of required parking per dwelling unit. Ziomek said no, the Town has different rules for downtown development vs outer area development. Butler and Brooks both stated they felt it was a huge amount of parking with the rail trail so close and bus routes. Ziomek said that is really in the Planning Board's domain. Angus asked the applicant if other boards had asked them to reduce parking. Reidy said no, the ZBA is looking for a certain number of parking spots per dwelling unit. Reidy said they will take a look, structured parking would be difficult due to the soils and Planning zoning rules.

Brooks moved and Butler seconded. Commission VOTED (6-0-0) to continue the hearing until July 12th, 2018.

7:30 PM Notice of Intent – 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).

Tom Reidy, Bacon Wilson, Peter Wells, Berkshire Design, and Chuck Dauchy, wetland scientist, present the project. Reidy stated the Commission looked at this property a couple months ago in terms of the status of the two streams, both were determined to be intermittent under the state and perennial under the bylaw. However, it was also determined that under the bylaw a perennial stream has a 200' buffer but is not Riverfront. Reidy said there is history to this site, and Order of Conditions was issued to build a subdivision in 2008, however, it was appealed and went to Superior Court where the judge determined evidence from neighbors could be considered by the Commission who then voted the streams perennial and the project never happened.

Wells stated the design hasn't changed too much from 2008. The number of units has decreased, 7 new and one existing are proposed. There is a 16 ft wide common driveway off of Rte 116 with single family homes. The project conforms to all the requirements of the MA Stormwater Standards, they met with Jason Skeels, Town Engineer and went over the stormwater design and he seemed fine with it. Proposed open space is over half the parcel. Chris Chamberland, Berkshire Design, presented the stormwater design on the overhead. The wetland line and Bank were re-surveyed in November 2016. The soils are sandy well drained so stormwater design relies heavily on infiltration and includes bioretention basins, as well as sediment forebays and deep sump hooded catch basins for water quality treatment. Bioretention basins are built to infiltrate the 2 and 10 yr storms, only with 100 yr storm will the overflow swales and level spreaders be used. Dry wells are proposed for some locations for infiltration. Allen asked if water barrels are ever proposed so the water can be re-used. Chamberlain said they typically don't include it in the design because it's hard to calculate and enforce but it's a good idea that hopefully the homeowners will use.

Allen asked if sewer was available. Wells said yes, sewer will be pumped up to West St. Allen asked about getting out onto busy Rte 116. Wells said because it's only eight homes they aren't proposing a traffic light. Chamberland said they are leveling out the driveway entrance so it will be safer to enter Rte 116. Ziomek stated the Town did try to buy the entire property but that didn't work out. He added we got a LAND Grant to partially fund the purchase of the property, and as plans changed we tried to still use some of that money to purchase a portion of the property but the state wasn't on board. However, Paul Cole, property owner and his team are including giving approximately 6.5 acres of the open space to the Town for conservation and building a parking area for trail access. Ziomek showed on the overhead where the parking area and conservation land would be.

Wells stated they have met with the neighbors and are putting up a stockade fence for screening purposes. Ziomek added with the sidewalk on the other side of Rte 116, this project will provide walking access for residents of Atkins corner area to the hiking trails (Trolley Line trail and Mt. Holyoke Range trails). Butler asked if six parking spots is enough for the conservation area. Ziomek said we also have parking on Bay Rd at Sweet Alice Cons Area. Butler asked which lines were the 50' vs erosion control. Angus added the line depiction changes on each map, i.e. on map 1 the 30' is dashed but on map 2 the 30' is solid, and 100' isn't even on one of the maps. Butler asked if anything is in the 50'

setback. Chamberlain said there is no proposed structures or impervious inside the 50', except for the existing house along West St. There is grading between 30' and 50' but nothing inside the 30' setback. When plans are revised new conservation area parking, etc. they will improve the lines. Angus said stamp plans too. Ziomek stated it would be good to permanently mark the property boundaries of the lots that abut the open space/conservation area. Dauchy commented that much of that end of those lots is in wetland or buffer zone. Ziomek so Commission should ask that the 30' setback be marked.

Angus said we are waiting on Town Engineer review, we have one DEP comment about test pits. Wells responded Town Engineer is aware of test pits that were done and the types of soils. DEP comment is to add test pits where retention basins will go, however, Wells feel they and Town Engineer are comfortable with soil data they have but up to the Commission. Second DEP comment is to include description/spec sheet of stormwater features in stormwater report.

Cynthia Holmes, abutter, said they voted a number of years ago that the Atkins Village Ctr wouldn't become commercial. Because of that we have a lot of wildlife. Road crossings are not safe. Glad to see new trail proposed, optimistic about project. Ziomek stated any commercial development would be near Atkins. He added because Mr. Cole is offering to donate the open space for conservation land it will become public property vs private open space. Ron Jacque, abutter, stated there should be a crosswalk to the new subdivision if people are going to come from Atkins, etc. to hike. Ziomek said that is a question for the Planning Board. Debbie Jacque, abutter, thank you to Paul Cole for working with them and agreeing to put up a fence, etc. so they don't have to see the parking lot. She is concerned about nefarious people sitting in the parking lot, and will call the authorities if they are observed. She is glad there will only be six parking spaces. Alan Maneely, abutter, stated he finds it confusing that the maps we're looking at don't have the most recent plan and that people are now talking about a duplex. He added the traffic coming down from the notch is very fast. Angus stated that is out of our purview. Wells showed Mr. Maneely the location of all the proposed lots including the duplex. Butler stated his thinks access for bikes and pedestrians is a concern of the Commission because it's access to a Conservation Area. Angus said Willson can express that concern to the Planning Dept.

Angus asked if the Commission is OK with the applicant asking Town Engineer if he feels additional test pits are needed, if he does not then no additional test pits are required. Commission said OK.

Butler moved and Clark seconded. Commission VOTED (5-0-0, Boice left) to continue the hearing to June 28th.

7:45 PM Informal Discussion – Joan Deely, Land Stewardship Inc., for invasive removal at Gulliver Meadow Conservation Area (Map 11B, Parcel 164).

Chris Riddle, property owner, stated his property is at 252 Strong St. and abuts the Gulliver Meadow Conservation area. He would like to remove the invasive plants along he property boundaries including the boundary with Town land. Joan Deely, landscape architect, provided a map showing where the invasive plants are that they want to remove. There are wetlands so they will also be submitting an NOI for the work, but they wanted to make sure first if they could work on conservation land. The plan is to

first mow the plants, the multi-flora rose plants are huge. Herbicides will be used, chemicals approved for wetland areas will be used. The Riddles will be talking with the other abutters. Ziomek said in his thirteen years with the Town he can only remember the Town allowing herbicide treatment on conservation land once at Wentworth Farm. Deely said plan would be to mow the large masses, let it resprout then treat with a foliar herbicide. Ziomek said we should do a site visit.

Clark asked what type of herbicide are you planning on using. Deely the wetland approved version of glyphosate, 2% solution. Butler doesn't like the idea of using foliar application. Ziomek sees this as a potential for a pilot study for what could be done on other conservation areas. He added this might cause other abutters to ask if the Town could do this same thing in their backyard. Ziomek suggested a site visit with the applicant and then Willson/Ziomek report back to the Commission. Riddle said he is not asking for funding, they will pay for the consultant and contractor to remove invasives on both their land and abutting conservation land. Deely said they do the removal and then have two years of follow up, and guarantee 95% removal after two years. Deely said they have done this type of work on conservation land and land trust lands. Willson will set up a site visit.

No vote.

8:00 PM Informal Discussion - Barry Roberts for development of University Dr. parcel (Map 13B, Parcel 33).

Barry Roberts stated they came before the Commission previously for support to take to Town Meeting in constructing an access off of University Dr. Now they are looking for support to take to the Select Board, they already talked once to the Select Board who told them to talk to the Shade Tree Committee and the Transportation Advisory Committee. The access driveway will impact the double bikepath along UDrive. Current plan is to combine the double pathway into a single path on the east side next to the wetland. A site visit was conducted, Willson and Ziomek attended. Idea is to not get any closer to the wetland but expand to the west toward the shade trees.

Reidy presented a map on the overhead showing access location and bikepath re-route. The path will be increased to nine feet wide. Allen asked if this will impact the root systems of the trees. Reidy said they won't be digging but going up and using pervious pavement. Butler said you will be going right up to the trees. Willson said they are looking for the Commission to recommend to the Select Board that they allow this access off University Dr. because it will cause less wetland impact that accessing the souther portion of the site from Newmarket Square. She added the Commission could say they appreciate the effort to not impact wetland with the new design of the bikepath.

Ziomek asked if the bikepath will be replaced or added to. Roberts said replace and remove western path. Angus said we should use the same language we used with Town Meeting recommendation/acknowledgement. Willson to write up language and send to Commission.
Brooks moved and Butler seconded. Commission VOTED (5-0-0, Boice left) to acknowledge to Select Board that this access will result in less wetland impact.

Miscellaneous Untimed Items:

- Certificate of Compliance – Joseph & Patricia Kislo for 80 Chapel Rd (Map 26B, Parcel 83)

Willson stated this is an Order of Conditions from 1973, the Order doesn't say what the work is for. Baby Carriage Brook goes through the property. Willson and Allen did a site visit that morning. Willson added to on-going conditions that any work in Riverfront must come before the Commission.

Brooks moved and Allen seconded. Commission VOTED (5-0-0, Boice left) to issue the Certificate of Compliance.

- Review & sign CR, Baseline Report, and LAND Grant Reimbursement for Stowes/Stotz parcels

Ziomek stated these are the standard documents for getting a grant to purchase land. This property is on North Leverett Rd. Kestrel Land Trust will hold the CR. No trails are proposed down to Cushman Brook, it's NHESP endangered species, and a perennial stream.

Brooks moved and Butler seconded. Commission VOTED (5-0-0, Boice left) to approve and sign the CR, Baseline Report, and LAND Grant Reimbursement form.

- Event on Conservation Land – Wedding at Mt. Pollux

Willson stated the applicant couldn't come to the meeting tonight. Ziomek said many people have held weddings on Mt. Pollux and it's just great that word has gotten out that you need to ask. Brooks asked about parking. Willson said the applicant said they would carpool.

Brooks moved and Butler seconded. Commission VOTED (5-0-0, Boice left) to approve the request to hold a wedding on Mt. Pollux.

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

Adjournment

Voted unanimously to adjourn the open meeting at 9:04 PM.