

Amherst Conservation Commission
Meeting Minutes
January 10, 2007

Present: John Gerber (Chair), Harvey Allen, Dan Kaplan, Otto Stein, Liv Baker (recording). Nicki Robb (Vice Chair) was present only for the discussion of CPA proposals.

Staff: Dave Ziomek, Stephanie Ciccarello

1) Discussion of proposals vying for CPA funds was continued from the January 3 special meeting. Mr. Ziomek presented his ranked list of proposals: two projects, a North Amherst farm block and an area in Lawrence Swamp, which he and the Conservation Department have been working on topped the list. He recommended requesting \$100,000 from CPAC for each of these land acquisitions. Mr. Ziomek also recommended asking for \$8,000 to be used toward the Kimball House mitigation/compensation agreement. As alternative plans, Mr. Ziomek prioritized the East Leverett Road wildlife corridor above the South East Street parcel – both these proposals are citizen initiatives prepared in response to potential development at these sites. On behalf of the Department Mr. Ziomek explained his rankings. Afterwards, Sheila Seamen presented on behalf of the Amherst and Leverett citizens opposed to the Haskins View subdivision and in support of protecting this land; Carol Gray spoke for the South Amherst Conservation Association, which is seeking protection of the parcel now owned by the Levi-Nielsen Company.

Following these statements, the Commission chose to support the priority of the North Amherst farm block and the Lawrence Swamp complex as set by Mr. Ziomek. The majority of Commission members were opposed to requesting conservation funds from CPAC for the Kimball House. While the Commission has on all occasions supported the spirit of the acquisition - beginning with the initial understanding that for the historical preservation to continue as planned, it required the Commission's approval to remove a parcel from Chapter 61 - it does not view it as pertinent to land conservation interests. Furthermore, the Commission believes that the removal of the land sets a potentially dangerous precedent for the Town and the Commonwealth.

The Commission recognized that the East Leverett Rd. wildlife corridor was of greater conservation significance than the South East St. parcel. However because Scott Nielsen of Levi-Nielsen Co. was willing to sell the South East St. parcel, and the East Leverett proposal had yet to confirm a willing seller, there was a suggestion by Mr. Kaplan to rank the South East Street project higher.

Stein made a motion that the Commission recommend the following ranked projects for consideration by CPAC. Allen seconded. Passed 7-0.

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| 1. Appraisals and Surveys | \$15,000 |
| 2. North Amherst Farm Block | \$100,000 |
| 3. Lawrence Swamp Complex | \$100,000 |

4. South East Street	\$50,000
5. East Leverett Road	\$100,000

2) Informal Discussion - Stephen Kucinski regarding minor plan change – 55 North East Street. The Order of Conditions, which expires August 24, 2007, states that installation of a box culvert can only be done during low or no flow of the intermittent stream. The stream is currently flowing; the applicant inquired if the water could be temporarily diverted around the work site. The Commission preferred that the applicant wait until summer when flow should decrease, but if the stream freezes and Ms. Ciccarello has inspected the frozen stream, the work may proceed. The applicant was reminded that he will have to apply for an extension of the Order of Conditions if work is not done before August 24.

Baker moved the Commission’s preference. Stein seconded. Passed 6-0.

3) Notice of Intent – (hearing continued from 12/13/06) – University of Massachusetts for reconstruction of an existing building and repaving within the buffer zone of bordering vegetated wetlands located at Tilson Farm, North Pleasant Street. The DEP file # had not been issued. As DEP does not typically comment on Buffer Zone projects, Manire-Gatti moved to close the hearing and issue an Order of Conditions and work may proceed pending the receipt of the DEP file number. Stein seconded. Passed 6-0.

4) Discussion – Alan Snow – Proposed bylaw. Alan Snow of the Public Shade Tree Committee presented a draft of a bylaw that would put replacement of public trees under the jurisdiction of the Tree Warden. Mr. Snow is working with Jonathan Tucker and Mr. Ziomek to finalize the wording of the bylaw in preparation for spring Town Meeting. The Commission was greatly in support of the bylaw.

5) Notice of Intent – (hearing continued from 11/08/06) – Richard Brazeau for the Department of Conservation and Recreation for repair of the existing Rail Trail embankment as well as permanent water level reduction in a land under water body resource area on the Norwottuck Rail Trail off Station Road. Mr. Brazeau was not present for the hearing. Baker moved to continue the hearing on January 24th at 8:10 PM. Kaplan seconded. Passed 6-0.

6) Request for Determination – Bruce and Joan Schaeffer for determination of the boundary and management for hay production in bordering vegetated wetlands located at 1296 South East Street. Charles Dauchy, wetlands consultant, presented. The applicant was asking the Commission to confirm the wetlands boundary as observed on the site visit and to confirm Agricultural Exemption status for a piece of their land that they claim has been mown for commercial hay in the past 5 years. Kaplan moved to close the hearing and issue a negative determination pending written confirmation of past and future commercial haying. Allen seconded. Passed 6-0. The applicants were also reminded that only dead trees and invasive species may be removed near and in the wetlands.

7) Request for Determination – Rus Wilson for determination of stream flow status and boundary of bordering vegetated wetlands located at 1194 West Street. Charles Dauchy presented; Rus Wilson was present. The applicant was requesting that the wetland boundary as flagged in the

field (including the 2 changes made at the behest of the Commission during the site visit) be confirmed as well as the status of two streams in question. The site has yet to be surveyed. Alice and Seymour Epstein of 37 Bay Rd were present to state that both streams flow into their pond. The Commission verbally accepted the delineation of the wetlands as observed on the site visit (with minor changes) and the intermittent stream designation as outlined by the Commonwealth. Stein moved to continue the hearing on January 24th at 7:15 PM to discuss the survey plan. Kaplan seconded. Passed 6-0.

8) Notice of Intent – The National Yiddish Book Center for construction of a building addition with associated grading and utility work in a bank resource area located at 1021 West Street. Charles Dauchy, wetlands consultant; Aaron Lansky, Book Center President; Allen Page, architect; and Mark Darnold were present. Mr. Lansky reviewed the history of the Book Center; Mr. Page went over the construction design. The retaining wall was rotated on the current design to put it farther from the intermittent stream. Kaplan moved to close the hearing and issue an Order of Conditions pending receipt of a DEP stormwater management form stating that performance standards for the bank have been met. Stein seconded. Passed 6-0.

9) Notice of Intent – (hearing continued from 3/1/06) – The Levi Nielsen Company for construction of a 24 unit residential development in the buffer zone of bordering vegetated wetlands located on South East Street. The parcel falls under the NHESP for priority habitat under the new maps. Mr. Nielsen is being required to file with NHESP. Baker moved to continue the hearing to February 28th at 7:30 PM. Stein seconded. Passed 6-0.

10) Vote to Ratify Emergency Certification for Norwottuck Rail Trail Parking Lot off Station Road. Baker moved to ratify the issuance. Stein seconded. Passed 6-0.

11) Minutes. Kaplan moved to accept the minutes for the December 13th meeting. Baker seconded. Passed 6-0.

12) Stein moved to adjourn. Kaplan seconded. Passed 6-0.

Minutes approved at the January 24, 2007 meeting.