

Amherst Conservation Commission
Meeting Minutes
January 24, 2007

Present: John Gerber (Chair), Harvey Allen, Dan Kaplan, Nicki Robb (Vice Chair) , Otto Stein, Liv Baker (recording).

Staff: Dave Ziomek, Libby Lass

1) Review of minutes from 1/10/07 meeting. Stein moved to accept the 1/10/07 minutes with a minor revision to item 8. Allen seconded. Passed 5-0.

2) Director's Report. Mr. Ziomek on behalf of the Conservation Department and the Commission heartily welcomed Libby Lass as the new office manager.

At the February 28th meeting the Lands Manager, Doug Hutcheson and the Assistants Lands Manager, Dave McKinnon will discuss their projects and duties in a 30 minute presentation to the Commission.

The Commonwealth is requiring that all dam owners inspect their dams. Amherst will therefore need to inspect Factory Hollow Pond and Dike, which will necessitate a drawdown within the year.

On February 27th at 7:00 PM formal funding proposals will be made to CPAC. Available CPA funds total a little over \$600,000. At the last CPAC meeting Historical Commission representatives expressed their wish to meet again with the Commission to revisit the Commission's monetary contribution to the Kimball House acquisition. Robb, Allen and Baker agreed to meet with the Historical Commission on Monday, February 12th.

3) Comments from the Chair. The Town Manager will work on finalizing the language for a bylaw that would challenge the "Mullin Rule". This bylaw would enable a board/commission member to miss a meeting and still participate in a hearing's decision by reviewing the missed evidence via a transcript or a tape of the hearing.

Andrew Cowles submitted a letter to the Commission confirming that a meadow, at 1296 South East Street, owned by Bruce and Joan Schaeffer will be commercially hayed as part of Cowles' commercial agriculture operation.

On behalf of the Commission Jesse Schwalbaum, a hydrogeologist from Watershed Hydrogeologic, Inc. has volunteered his expertise as a consultant for the Haskins View project.

In response to the Chair's concerns about the Stormwater Management Plan for Haskins View, Mark Stinson from DEP sent an e-mail outlining some of his own concerns and comments.

A letter from Town Counsel stated that the Commission may consider new information, specifically new NHESP maps, when reviewing ongoing hearings. This is relevant to both the

Strawberry Field and Haskins View projects.

4) Request for Determination - (continued from 1/10/07)– Frederick Wilson for determination of stream flow status and boundary of bordering vegetated wetlands located at 1194 West Street. Chuck Dauchy, wetlands consultant, presented. Revised plan includes the updated boundary. Baker moved to close the hearing for the Plan of Wetland Delineation dated 1/24/07 and issue a positive determination for the delineation and to confirm the status of the intermittent streams. Robb seconded. Passed 7-0. The Chair informed the public of the appeal process.

5) Request for Determination – Harvey Allen for driveway re-paving in the buffer zone located at 34 Baker Street. Mr. Allen requested a continuance. Baker move to continue the hearing on February 28th at 7:55 PM. Robb seconded. Passed 6-0.

6) Notice of Intent – (hearing continued from 7/26/06) – Haskins View, L.L.C for construction of a 27 lot subdivision partially within the buffer zone of bordering vegetated wetlands and within the riverfront resource area located on East Leverett Road. At the request of the applicant, Baker moved to continue the hearing on February 14th at 7:30 PM. Manire-Gatti seconded. Passed 7-0.

7) Notice of Intent – Trustees of Hampshire College for road construction in the buffer zone of a Bordering Vegetated Wetland located on West Bay Road. Ms. Robb recused herself as she is an employee of Hampshire College. Marc D'Urso of Berkshire Design Group and Larry Archey, Hampshire's Director of Campus Planning presented. The revised plan shows that the no work zone is properly outside the isolated wetland. Mr. Ziomek pointed out that proposed sidewalks are not represented on the current plan, he also requested that the conceptual plan for the Atkins corner be presented to the Commission in the near future. Stein moved to close the hearing for the Hampshire College-Atkins NOI revised plan dated 1/24/07 and issue an Order of Conditions, which includes inspection of the erosion control prior to the start of work. Allen seconded. Passed 6-0.

8) Request for Determination – Amherst College for Athletic Field Renovations in the buffer zone of a town jurisdictional bank located at 212 Northampton Road. Meg Patterson of Geller Sport, Inc. presented. The Commission stated that the watercourse not identified in the report by New England Environmental, in the northwest corner is jurisdictional. Thus, as part of the Order of Conditions, the vegetated buffer around it shall remain undisturbed and proper erosion control shall be installed along the limit of work. Stein moved to close the hearing issuing a negative determination for the work and an Order of Conditions emphasizing erosion control protecting all relevant wetlands. Robb seconded. Passed 7-0.

9) 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. Allen commented that DCR continues to keep the breach clear. Baker moved to continue on February 28th at 7:45 PM. Kaplan seconded. Passed 7-0.

10) Request for a Certificate of Compliance – Shaul Perry for Pine Street development. Robb moved to issue the Certificate at the recommendation of the Wetlands Administrator. Manire-

Gatti seconded. Passed 6-0 with 1 abstention.

11) Phyllis and David Smith – Ch. 61 Right of First Refusal. Written request has not been received by the Department.

12) Miscellany. Manire-Gatti, liaison to the Hitchcock Center, said the Center intends to expand its facility and will use green building practices to do so.

13) Kaplan moved to adjourn. Robb seconded. Passed 7-0.