

**MINUTES**

**CALL TO ORDER**

Meeting called to order by Mr. Gerber at 7:05 p.m.

**ATTENDANCE**

**Members:** John Gerber, Harvey Allen, Liv Baker, Dan Kaplan, Ellie Manire-Gatti, Otto Stein

**Absent:** Nicki Robb

**Staff:** David Ziomek, Stephanie Ciccarello, Libby Lass

**Presenters:** Alan Snow, Peter Wells, Mickey Marcus

**CONSERVATION COMMISSION'S ACTION**

**Approve Minutes**

**VOTED** unanimously (6-0) to approve the Conservation Commission minutes of March 14, 2007.

**PERMITS/CERTIFICATES**

**Public Hearing – NOI 06-1042: Haskins View, L.L.C. (cont'd from 7/26/06)**

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 (Map 3A, parcels 20, 80 & Map 3B, parcel 78).

- Opened the public hearing at 7:50 p.m.

**VOTED** unanimously (6-0), to continue the public hearing to May 9, 2007 at 7:30 p.m.

**Public Hearing – RFD 07-1068: Harvey Allen, 34 Baker Street (cont'd from 1/24/07)**

Harvey Allen for driveway re-paving in the buffer zone located at 34 Baker Street (Map 13D, parcel 46).

- Opened the public hearing at 7:52 p.m.

**VOTED** Gerber, Baker, Kaplan, Manire-Gatti, and Stein "Aye", Allen recused himself, to continue the public hearing to April 11, 2007 at 7:30 p.m.

**Public Hearing – NOI 07-1073: Paul Cole, West Street**

Paul Cole for construction of an eight lot cluster subdivision in the buffer zone of bordering vegetated wetlands located on West Street (Map 25B, parcel 29).

- Opened the public hearing at 8:15 p.m.

Peter Wells, Berkshire Design Group presented the plans for the subdivision on West Street. Mickey Marcus, New England Environmental, spoke on behalf of Alice & Sy Epstein, whose property abuts the development, expressing concerns with construction and post construction management and the effects it would have on the cold water fishery pond the Epstein's purport is on their property. Mr. Marcus indicated three areas of concern: cold water fisheries, sediment and erosion control and the operations management plan. The Commission asked that Mr. Wells seek expert ruling on whether a cold water fishery exists on the Epstein's property and to present that to the Commission.

**VOTED** unanimously (6-0), to continue the public hearing to April 11, 2007 at 7:50 p.m.

**Public Hearing – NOI 07-1072: Bill Nanartonis, Pomeroy Lane (cont'd from 3/14/07)**

Bill Nanartonis for construction of a single family house in the buffer zone of a bordering vegetated wetland located on Pomeroy Lane (Map 20C, parcel 150).

- Opened the public hearing at 8:57 p.m.

**VOTED** unanimously (6-0), to close the public hearing 9:27 p.m. and to issue an Order of Conditions, with the following conditions recommended by the Wetlands Administrator:

- a. The Wetlands Administrator shall be notified at least 48 hours prior to any work.
- b. Erosion control shall be installed as close to the work area as possible, at minimum thirty-feet from the wetland edge, and shall serve as the limit –of –work boundary (except in the section of driveway which is 25 feet from the wetland edge)
- c. Erosion control shall be installed a minimum of six inches below the surface and additional fencing be stored on site for repairs as needed.
- d. The Wetlands Administrator shall be notified for an inspection upon installation of the erosion control prior to work.
- e. The erosion control shall be inspected at the end of each construction day and repaired immediately if torn, frayed, pulled up from the ground or knocked down.
- f. Once begun, driveway construction shall be expeditiously completed to minimize the opportunity for erosion.
- g. Once begun, all other grading and construction shall continue in an expeditious manner to minimize the opportunity for erosion.
- h. Only environmentally friendly snow-melt material may be used on paved surfaces, such as magnesium chloride.
- i. Snow removal shall not be directed to, or deposited in, wetland resources.
- j. Permanent markers in the form of bluebird boxes on metal posts shall be installed along the thirty-foot buffer from the wetland edge to mark the area as a permanent no disturbance area (except at 25 feet at the closest point of the driveway).
- k. Any proposed use of the land on the adjacent lot which falls within the jurisdiction of the Conservation Commission shall require the filing of either a Request for Determination or a Notice of Intent.
- l. Special Condition i. shall remain as a permanent condition.

**APR Application – W.D. Cows**

**VOTED** unanimously (6-0), to sign an APR application for W.D. Cows property in North Amherst.

**Emergency Permit – Rail Trail off Station Road**

**VOTED** unanimously (6-0), to ratify an Emergency Permit issued for work on the rail trail off Station Road.

**Spaulding Street**

**VOTED** unanimously (6-0), to issue a letter accepting the minor changes to the Order of Conditions issued to Carol Albano for property at 51 Spaulding Street.

**MISCELLANEOUS**

**Conservation Department Land Management**

Doug Hutcheson, Land Manager and Dave McKinnon, Assistant Land Manager for the Town of Amherst gave a very informative half-hour PowerPoint presentation outlining the areas that they are responsible for maintaining. The presentation was followed by a half-hour question period where they took questions from the Conservation Commission members and the audience. Dave Ziomek, Director of Conservation & Planning was encouraged to find ways to let the public know how much the Land Management staff do and what a valuable asset they are to the Town.

### **Tree Bylaw**

Alan Snow, Chair of the Public Shade Tree Committee explained the proposed Public Shade Tree Bylaw that the Committee has placed on the Annual Town Meeting Warrant. The Bylaw would help to keep Amherst's resource of trees strong, by preserving trees and by requiring replanting when trees are removed. In order to remove a tree, the Bylaw would require that a permit be requested from the Tree Warden and a public hearing with the Public Shade Tree Committee & Tree Warden. Appeals would be heard by the Select Board. The Public Shade Tree Committee is looking for endorsement by the Conservation Commission. John Gerber suggested that during their presentation to Town Meeting the Shade Tree Committee should present the number of trees that have been lost over the years.

**VOTED** unanimously (6-0) to enthusiastically support the proposed Public Shade Tree Committee Bylaw pending approval of the language by Town Counsel.

### **Special Municipal Employee Status**

**VOTED** Gerber, Allen, Kaplan, Manire-Gatti, and Stein "Aye", Baker abstained, Robb absent, to approve the letter to the Select Board regarding Special Municipal Employee status and to have Otto Stein request to appear before the Select Board at an upcoming meeting.

### **ADJOURNMENT**

**VOTED** unanimously (6-0), to adjourn the open meeting at 10:06 p.m.