

**MINUTES**

**CALL TO ORDER**

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

**ATTENDANCE**

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

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

**Presenters:** David Paulson, Mickey Marcus, Peter Wells, Richard Brazeau, Brian Butler

**CONSERVATION COMMISSION'S ACTION**

**Approve Minutes**

**VOTED** Gerber, Allen, Baker, Kaplan, Manire-Gatti, and Stein "Aye", Robb abstained to approve the Conservation Commission minutes of March 28, 2007 as amended.

**Turtle Study at Lawrence Swamp**

**VOTED** unanimously to approve the proposed field work by David J. Paulson at Lawrence Swamp with the following conditions: a written report will be provided to the Conservation Commission after the first year; request for work in subsequent years are to come before the Conservation Commission for approval; staff and Conservation Commission members will visit the site and lab before work begins; and it is further required that trapping of female turtles must be completed by June 8.

**PERMITS/CERTIFICATES**

**Public Hearing – NOI 06-1042 : Richard Brazeau for the Department of Conservation and Recreation**

- Opened the public hearing at 7:56 p.m.

**VOTED** unanimously to continue the public hearing to April 25, 2007 at 7:55 p.m. Town Room, Town Hall.

**Public Hearing – RFD 07-1068: Harvey Allen, 34 Baker Street**

- Opened the public hearing at 8:17 p.m.

**VOTED** Gerber, Baker, Kaplan, Manire-Gatti, Stein and Robb voted "Aye", and Allen recused himself to continue the public hearing to May 9, 2007 at 7:45 p.m. Town Room, Town Hall.

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

- Opened the public hearing at 8:18 p.m.

Presentation was made by Peter Wells for Paul Cole outlining the revisions that had been made to the drainage report and the plans in accordance with the suggestions made by the Commission and recommendations made by Mickey Marcus of New England Environmental, Inc. to improve stormwater management and erosion control. Mr. Gerber restated the Commission's assumption that the intermittent streams would be included as part of the cold water fisheries designation.

**VOTED** unanimously to continue the public hearing to April 25, 2007 at 7:15 p.m. Town Room, Town Hall.

**Public Hearing – NOI 05-1009 : Levi-Nielsen Company, South East Street**

- Opened the public hearing at 8:29 p.m.
- Closed the public hearing at 10:12 p.m.

Brian Butler, a wildlife consultant presented his habitat assessment. He determined that the lack of upland forest indicated that there were no mole salamanders present. His assessment further indicated that while there would be some impact to the wildlife, such as a change in the species composition of passerines and a decrease in Lepidoptera species, it would not be significantly disrupted.

The NHESP status – priority habitat map changed during the hearing process, however a new review indicates no likely adverse impact.

Mickey Marcus presented for Scott Nielsen. Mr. Marcus stated that Mr. Nielsen has complied with all of the requests by the Conservation Commission and indicated that many changes had been made to the original plans to accommodate the Commission's concerns: the area designated as "no work" was moved away from the wetland boundary; a permanent farm access road will be present for managing conservation land; the plan includes low impact stormwater features; the 30' Town Jurisdictional "no build" area is being respected; in the 30' "no build zone" a planting plan has been developed to increase the vegetative buffer.

Abutters and neighbors were present at the meeting to express their concern that the peer wildlife habitat assessment was conducted at an inopportune time. Consequently, they believe that the assessment filed by Brian Butler does not accurately reflect the wildlife that does indeed exist in the area. Furthermore, Carol Gray, a resident of South East Street, was troubled that although Dr. Alan Richmond indicated that a salamander of special concern may reside on the property (in association with the vernal pool) efforts were not being made to confirm or deny this. Bart Bouricius shared his concern that any blasting of ledge during the construction process could drain the wetlands.

Mr. Gerber distributed a compiled list of references that provides information regarding vernal pool associated wildlife and habitat requirements.

Mr. Gerber asked the applicant if he would be willing to continue for two to three months to allow for another habitat assessment during May and June. Mr. Nielsen respectfully declined, saying that he feels that he has complied with all of the requests made by the Commission.

Mr. Gerber then asked the applicant if he would consider revising the plan to insure that no work was done in the 100' "no work area" around the vernal pool. Mr. Nielsen indicated that there would be some grading and a portion of the detention basin was planned for this area but house construction would be mostly outside of this Town Jurisdictional area.

**VOTED** Gerber, Robb, Baker, Kaplan, Stein voted "Aye", Manire-Gatti abstained, Allen recused to close the public hearing. The Order of Conditions will come before the Conservation Commission on April 25, 2007 at 8:20 p.m.

**APR Application – W.D. Cows**

**VOTED** unanimously to authorize John Gerber to sign an APR application for W.D. Cows property in North Amherst.

## **MISCELLANEOUS**

### **Comments from the Chair**

John Gerber indicated that at the end of June the Commission would be required to elect officers. Mr. Gerber indicated that he is not willing to continue to serve as chair for the last year of his term on the Commission, so members will need to determine who should replace him as chair.

### **Director's Report**

Dave Ziomek thanked the Commission for the feedback they gave to Doug Hutcheson & Dave McKinnon after their land management presentation last week. The Commission's support is very much appreciated. There will be a new intern joining the staff, Alicia Johnson, who will be working with Dave and Linda Chalfant on the Open Space and Recreation Report. Mr. Ziomek gave an update on the Comprehensive Plan Committee project. He will be meeting with Eric Nakajima, Chair of the CPC to discuss ways to foster development while preserving open space.

### **MACC Handbook Review – Chapter 2**

Otto Stein gave a summary of Chapter 2 of the MACC Handbook. This chapter primarily dealt with the makeup of the Commission – number of members, term length, residency/voter registration requirement, and whether they are elected or appointed.

### **Special Town Meeting Warrant Articles**

**VOTED** unanimously to sponsor the Special Town Meeting Warrant Article to acquire property on East Leverett Road (Map17D, Parcel 24) pending Town Counsel review and approval.

**VOTED** Baker, Kaplan, Manire-Gatti, Robb voted “Aye”, Gerber “Nay”, Stein abstained and Allen recused to sponsor the Special Town Meeting Warrant Article to acquire property on South East Street (Map3A, Parcels 20 & 80 and Map 3B, Parcel 78) pending Town Counsel review and approval.

### **Subdivision Regulations – Proposed Changes**

No Action. Jonathan Tucker to speak to the changes on April 25, 2007.

## **ADJOURNMENT**

**VOTED** unanimously to adjourn the open meeting at 10:57 p.m.