

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Robb at 7:03 p.m.

ATTENDANCE

CC: Robb, Baker, Allen, Gerber, Stein (Kaplan and Manire-Gatti – absent)

STAFF: Ciccarello, Ziomek

PUBLIC: Karen Laveille, Mark Tanner, Susan Pynchon, John Boothroyd, Robert Quinn, Tad Dabrowski, Althena Dabrowski, Vince O'Connor

CONSERVATION COMMISSION'S ACTION

Approve Minutes

VOTED unanimously (5-0), to approve the minutes of October 10, 2007 as amended.

PERMITS/CERTIFICATES

Request for Determination – (continued from 9/26/07) – Butternut Properties LP, c/o HAP for construction of a building within the buffer zone of bordering vegetated wetlands at 12 Longmeadow Drive (Map 22B, Parcel 31).

- Opened the public hearing at 7:40 p.m.
- Closed the public hearing at 8:17 p.m.

Ms. Robb shared Town Counsel's opinion regarding the special permit. Town Counsel's verbal conversations with Dave Ziomek and Stephanie Ciccarello were that the Comprehensive Permit is still valid and all the Town Bylaw issues are covered under the existing permit and cannot be addressed at this moment until the expiration of said permit, which would be two years from this past summer, unless it is extended further. The only portion of the project that the Conservation Commission can review is the one which is under the State's jurisdiction. It has nothing to do with the Town of Amherst Wetlands Bylaw; it is the State's Wetlands Protection Act. So it is the small piece of land that is being referred to – approximately 90' from the BVW. We do not have a written statement from Town Counsel yet, but expect one by the end of the week.

Susan Pynchon requested a copy of the opinion.

Karen Laveille and Mark Tanner of HAP presented a brief review of the project. Several members of the neighborhood presented questions to the Commission.

Ms. Robb informed the members of the audience that they have 10 days to appeal the Commission's decision. The appeal must be made in writing to the Conservation Commission and the DEP simultaneously.

VOTED Robb, Allen, Gerber, Stein voted "Aye", Baker – abstained, to close the public hearing and to issue a negative determination for the work.

Request for Determination – Woodgreen Amherst LP, for pruning of plant material along the roadway and removal of overgrown plant material to determine if the work depicted is subject to the Wetlands Protection Act at 6 University Drive (Map 13B, Parcel 20)

- Opened the public hearing at 8:20 p.m.
- Closed the public hearing at 8:27 p.m.

Stephanie Ciccarello represented the applicant and presented their plan to remove the junipers on the perimeter of the area and replace with low growing native vegetation. The plan calls for pruning down the other vegetation (burning bush, bittersweet, multiflora rose) surrounding the drainage area. This will improve visibility for drivers and will create a sight line for the shops.

VOTED unanimously (5-0), to close the public hearing and to issue a negative determination for the work.

Request for Determination – Amherst College Trustees for replacement of a footbridge over an intermittent stream located off College Street (Map 14D, Parcels 1 & 2)

- Opened the public hearing at 8:28 p.m.
- Closed the public hearing at 8:31 p.m.

Stephanie Ciccarello presented for the applicant. There are two foot bridges on the site that are very slanted and are posing pedestrian problems. The plan is to manually pick up the existing footbridge and replace with another that would extend a bit longer. The bridges rest on the ground, so there should be very minimal disturbance. In the area where they are on the embankment, they are right near the top, so it wouldn't require a lot of earth removal. A NOI will still be submitted for the work on the gullying that is happening underneath.

VOTED unanimously (5-0), to close the public hearing and to issue a negative determination for the work.

Request for a Certificate of Compliance – 30 Kestrel Lane

VOTED unanimously (5-0), to issue a Certificate of Compliance for 30 Kestrel Lane

Request for a Certificate of Compliance – 40 Hop Brook Road

VOTED unanimously (5-0), to issue a Certificate of Compliance for 40 Hop Brook Road

Request for a Certificate of Compliance – 10 Moody Field

VOTED unanimously (5-0), to issue a Certificate of Compliance for 10 Moody Field.

MISCELLANEOUS

Veridian Village Conservation Restriction

Town Counsel is reviewing the proposed conservation restriction and a report will be available for the November 14 Conservation Commission meeting. Mr. Ziomek reminded the Commission that they are under no obligation to approve or accept responsibility for this conservation restriction.

VOTED unanimously (5-0) to reschedule the discussion for November 14, 2007 at 7:20 p.m.

Report for the Chair

Nicki Robb reported on the CPAC meeting. CPAC voted 6-1 to propose to Town Meeting that \$123,000 go toward the Cushman Brook Corridor project, pending approval of the Self Help Grant. She also noted that the Select Board was to have voted to have Liv Baker replace her as the Conservation Commission representative to CPAC.

Dave Ziomek noted that there will be two projects looking for CPAC funding – the Cushman Brook Corridor project which is on the Fall 2007 Special Town Meeting Warrant and the Tietjen property (~\$50,000) which will be ready for the Spring 2008 Annual Town Meeting.

Ms. Robb informed the Commission that the Friends of Amherst Farms has put together a book on the history of Amherst farms. They will be making a presentation to the Commission on November 14.

Report from the Director

Dave Ziomek gave an update on the Cushman Brook Corridor project and informed the Commission that he expects Town Meeting approval to be a challenge. The Select Board is not unanimous in its support of the purchase and there are various concerns in Town about the loss of tax revenue, that too much money has been spent on open space and there is the perception that this is an effort by the neighbors to keep development at bay.

Dave feels that he and the Commission need to be proactive in their presentation to Town Meeting. It is important to convey to Town Meeting members that the Commission believes the preservation of the hillside and adjacent land on either side of Cushman Brook will only benefit the water quality in the long term in the brook that feeds one of our most precious and popular conservation area – Puffer's Pond. Mr. Ziomek noted that only once in the history of doing water quality tests at Puffer's Pond, has there ever been a problem. This is because there are no septic systems or other point or non-point pollution sources in the upper Cushman Brook and we should work to keep it that way.

Mr. Ziomek indicated that Liv will make the presentation to Town Meeting and he will answer any of the questions that Town Meeting presents. He expects that this Article (#7) may very well come up on the first night of Town Meeting, so they should be prepared for November 5.

Mr. Ziomek informed the Commission that the November 1 Open Space and Recreation Plan meeting has been rescheduled to November 8 at 7:00 p.m. in Munson Library.

Town Counsel Opinions

The Commission discussed the need to have timely responses from Town Counsel, as it puts undue burden on the Commission to address questions from the public. Dave Ziomek pointed out that they can wait for Town Counsel's opinions before making a decision, but it is not required for them to make a decision.

ADJOURNMENT

VOTED unanimously (5-0) to adjourn the open meeting at 8:43 p.m.