

**MINUTES**

**CALL TO ORDER**

Meeting called to order by Ms. Baker at 7:07 p.m.

**ATTENDANCE**

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

**STAFF:** Ziomek, Ciccarello

**PUBLIC:** Pete Westover, Sheila Rainford, Jennifer Paige, Stephen Paige, Matt Massengill, Chuck Dauchy, Roger Webb, Viviane Carey, Paul Dethier

**CONSERVATION COMMISSION'S ACTION**

**Approve Minutes**

**VOTED** unanimously (5-0), to approve the minutes of October 24, 2007 as amended.

**Farm Discussion**

Sheila Rainford, of “friends of Amherst Farms” came before the Commission to advocate for the Conservation Commission’s endorsement of the Historical Society’s application to the Community Preservation Act Committee for funds to establish a revolving fund for historic publications. She is one of a group of people who have put together a book about farms in Amherst, Amherst Farms in the 21st Century. The Historical Society has chosen this publication as the first publication for these funds.

Otto Stein noted that the Amherst Garden Club is working on revising the Tree’s of Amherst book and are also hoping CPAC funds can be used for this project.

Dave Ziomek questioned whether the request is to come from the Historical Commission or from CPAC and strongly urged that they check with the Historical Commission to be sure that the request falls within the timeline for the Annual Town Meeting.

**VOTED** unanimously (5-0), to endorse the Historical Commission’s application to CPAC for the creation of a revolving fund for historic publications.

**Veridian Village Conservation Restriction**

**VOTED** unanimously (5-0), to continue the discussion to January 9, 2008 at 7:05 p.m.

**Black Walnut Planting Project – Discussion**

**VOTED** unanimously (5-0), to request that the applicant submit a Notice of Intent for consideration.

**Administrative Hearing – Wetlands Violation on Potwine Lane**

Stephanie Ciccarello, Wetlands Administrator, updated the Commission on the events that led up to this point. On October 29, 2007 at about 2:00 p.m. Ms. Ciccarello received a call from an Amherst resident that lives on Potwine Lane and noticed work being conducted on what they felt looked like

wetlands in the back of the property formerly 315 Potwine Lane. Ms. Ciccarello went to the site to investigate and saw that work was being done behind an existing barn structure. A backhoe had come in and made a swath from behind the shed and connected it to the intermittent stream. Ms. Ciccarello had a very difficult time trying to contact the owners of the property, and it wasn't until the next day she and Libby Lass, the Conservation Department office assistant, were able to contact the owners after making several phone calls to several people. On October 30, 2007 Ms. Ciccarello spoke with Stephen Paige and Roger Webb regarding work that had been done on the property. She told them, after discussing the work, that the Conservation Commission would be issuing an enforcement order with a Cease and Desist and would then schedule an administrative hearing to further discuss what had happened on the site.

Chuck Dauchy, environmental consultant, pointed out on photographs where the violation had occurred.

Jennifer and Stephen Paige, owners of the property, noted that once Stephen spoke with the Wetlands Administrator, they stopped the activity immediately and the following day, at the request of Dave Ziomek and Stephanie Ciccarello, put up a silt fence and hay to stop the sediment from escaping from the area. Ms. Paige noted that the pond that borders the property has a pipe that drains thru the wetland and noted that the water level was above the pipe. She said that they thought that they were helping to maintain an existing drainage system, by clearing out what they thought was blockage behind the barn, but once the problem was pointed out to them, they realized their mistake and ceased immediately and attempted to stop whatever damage had happened.

Ms. Baker indicated to the Paige's that the Commission appreciated their responsiveness and reminded the Commission that their findings should be in terms of responsible or not responsible for this violation based on what is heard and if the final responsibility rests with the property owners or not. Once that has been done, the Commission would then determine the appropriate next steps.

**VOTED** unanimously (5-0), that the owners were found "responsible" for the wetlands violation.

After discussion with Mr. Dauchy regarding the timing of the restoration work to be done and the possibility of acquiring/maintaining an agricultural exemption for the property, the Commission determined that a restoration plan be submitted by the owners for the December 12, 2007 Conservation Commission meeting.

**VOTED** unanimously (5-0), that a second Enforcement Order be issued requiring immediate stabilization and further require the submission of a Restoration Plan to include: the restoration of hydric soils and vegetation to previous grades and contours, the restoration plan shall include oversight of all work by a professional environmental scientist and any restoration plans shall include immediate site stabilization for over-wintering conditions by the owners by December 12, 2007.

**PERMITS/CERTIFICATES**

**Notice of Intent** – Amherst DPW for drain inlet installation in the bank resource area of an intermittent stream located on Main Street (Map 14B, parcel 118 & 119).

- Opened the public hearing at 8:50 p.m.
- Closed the public hearing at 8:57 p.m.

**VOTED** unanimously (5-0), to close the public hearing and to issue an Order of Conditions with Special Conditions as follows: water should be re-directed during the course of the work.

**Notice of Intent** – Tighe and Bond (representative for Amherst DPW) for well replacement in the buffer zone of a Bordering Vegetated Wetland located on the Norwottuck Rail Trail off Warren Wright Road (Map 24D, parcel 18).

- Opened the public hearing at 8:58 p.m.

**VOTED** unanimously, to continue the public hearing to November 28, 2007 at 7:30 p.m.

**Informal Discussion** – Maria Chao for placement of a utility pole in the buffer zone of a Bordering Vegetated Wetland located at 128 Snell St (Map 14C, parcel 53).

**VOTED** unanimously (5-0), to require an “as built” plan including the utility pole.

**Request for a Certificate of Compliance – 20 Kestrel Lane**

**VOTED** unanimously (5-0), to issue a Certificate of Compliance for 20 Kestrel Lane.

**Request for a Certificate of Compliance – 35 Kestrel Lane**

**VOTED** unanimously (5-0), to issue a Certificate of Compliance for 35 Kestrel Lane.

**Request for a Certificate of Compliance – 55 Kestrel Lane**

**VOTED** unanimously (5-0), to issue a Certificate of Compliance for 55 Kestrel Lane.

**Request for a Certificate of Compliance – 35 Hop Brook Road**

**VOTED** unanimously (5-0), to issue a Certificate of Compliance for 35 Hop Brook Road.

**Request for a Certificate of Compliance – 56 Hop Brook Road**

**VOTED** unanimously (5-0), to issue a Certificate of Compliance for 56 Hop Brook Road.

**MISCELLANEOUS**

**PSTC – Honorary Lifetime Membership**

**VOTED** unanimously (5-0), to bestow upon Stan Ziomek an honorary lifetime membership in the Public Shade Tree Committee.

**Director's Report – Veridian Village**

Dave Ziomek has been in discussion with Town Counsel and Hampshire College and their consultants regarding the language for the conservation restriction on the land at Veridian Village. He is hoping to bring before the Commission the draft language and the appropriate maps on these proposed conservation restrictions on January 9, 2008.

**ADJOURNMENT**

**VOTED** unanimously (5-0), to adjourn the open meeting at 9:10 p.m.