

CONSERVATION COMMISSION MEETING

Minutes

March 24, 2021

Present: Brett Butler (Chair), LeRoy Gaynor, Ana Devlin Gauthier, Laura Pagliarulo, Jenn Fair

Staff: Dave Ziomek, Stephanie Ciccarello

Absent: Larry Ambs, Fletcher Clark

Meeting called to Order 7:08 PM

Comments from the Chair (Brett Butler)

Director's Report (Dave)

- Seeking guidance from the Building Commissioner on parking lots at Conservation Area
- Submitted a boardwalk grant to DCR for Norwottuck Trail east

Wetland Administrator's Report (Stephanie for Erin)

Review and approval of Minutes from 3/10/21

Motion: Devlin Gauthier moved to accept the minutes of 3/10/21; Gaynor second.

Vote: Approved by voice vote 3-0-2 (Gaynor & Pagliarulo abstained)

Request for Determination – Berkshire Design Group for the Town of Amherst for construction of an addition to the North Amherst Library. Located at 8 Montague Road (Map 5A, Parcel 38).

- Michael Liu presented on behalf of the Town. Work pertaining to construction of a building addition and an associated parking lot with 10 spaces is located outside wetland resource areas and Commission jurisdiction.

MOTION: Devlin Gauthier moved to issue a Negative Determination that the work is not within an area subject to protection under the MA Wetlands Protection Act and that the work and area is not subject to review under the Amherst General Bylaws Article 3.31-Wetlands Protection. Pagliarulo second.

VOTE: Unanimous voice vote in favor (5-0-0).

Notice of Intent – Haines Hydrogeologic Consulting for Amherst Poor Farm, LLC for wetland restoration in both the Riverfront and Bordering Vegetated Wetland resource areas and agricultural activities in the buffer zone of bordering vegetated wetlands. Located at 214 Pomeroy Lane (Map 20C, Parcel 23).

- Chairperson Butler opened the hearing. David Haines of Haines Hydrogeologic Consulting spoke on behalf of the applicant. Mr. Haines requested that the restoration portion of the NOI submission be removed and considered under a separate enforcement provision as originally presented to the Commission and that the hearing be continued as additional information is being developed for the agricultural portion of the Notice.

MOTION: Gaynor moved to remove the Restoration Plan from the submission to be considered under the previously issued Enforcement Order at the next meeting and to continue the hearing to April 14, 2021 at 7:25 PM. Devlin Gauthier second.

VOTE: Unanimous voice vote in favor (5-0-0).

Request for Determination (continued from 3/10/21) – Kenneth Lauzier for Amherst College for replacement and repair of 4 footbridges on Amherst College Property. Foot bridges are located in wetlands and buffer zones and within priority habitat areas (Map 14D, Parcel 1).

- Kenny Lauzier and Kate Sims presented on behalf of Amherst College. The Commission and applicants representatives discussed the procedural implications and complications of submitting Requests, rather than Notices of Intent, for work in resource areas that are also in Natural Heritage identified habitat.

MOTION: Pagliarulo moved to issue a Positive Determination that the proposed work is located in a resource area and requires the submission of a Notice of Intent. Fair second.

VOTE: Approved by voice vote (4-0-1 Devlin Gauthier abstained)

Miscellaneous

Other Business

- Informal Discussion - Eversource Montague to Fairmont Rebuild Project
 - Stephen Lecco spoke on behalf of Eversource. Will be submitting a Request for an Amended Order of Conditions regarding correction of resource area impacts and identification of additional wetland resource areas.

Certificate of Compliance:

- Request for a Certificate of Compliance - Owens Pond
 - Katie Kinsella presented on behalf of Eversource.
MOTION: Devlin Gauthier moved to issue a Complete Certificate of Compliance for work at Owen's Pond. Gaynor second.
VOTE: Unanimous voice vote in favor (5-0-0).

Enforcement Orders:

- Canton Ave (Map 11D, Lot 281) – Wilson Property Group

Emergency Certifications

- Pomeroy Court (Map 20C, Lot 70 and Map 20C, Lot 60) – beaver dam release
Ratification needed.
MOTION: Devlin Gauthier moved to ratify the issuance of an Emergency Certification for breaching a beaver dam impoundment located at Pomeroy Court. Pagliarulo second.
VOTE: Unanimous voice vote in favor (5-0-0)

- Monitoring Reports
 - Aspen Heights (3/10/21 and 3/16/21)
- Topics not reasonably anticipated 48 hours prior to the meeting

Meeting Adjourned at 9:05 PM

**Respectfully submitted,
Stephanie Ciccarello**