

**TOWN OF AMHERST
CONSERVATION COMMISSION
MEETING MINUTES
June 23, 2021
7:00 PM**

Present: Conservation Commission Members Brett Butler, Chair, Jenn Fair, Vice-Chair, Lawrence Ambs, Ana Devlin Gauthier, and LeRoy Gaynor. Staff: Erin Jacque, Wetlands Administrator.

Absent: Conservation Commission Members Fletcher Clark and Laura Pagliarulo, and staff, David Ziomek.

Meeting opened at 7:00 PM by Butler.

Comments from the Chair (Brett Butler): Butler noted that his appointment is ending and suggested we have a vote on which board members will take over leadership roles.

Moved by Devlin Gauthier to appoint Jenn Fair as Chair. Seconded by Ambs. All in favor.

Moved by Devlin Gauthier to appoint LeRoy Gaynor as Vice-Chair/Co-Chair. Seconded by Ambs. All in favor.

Director's Report (Dave) – Ziomek not present.

Review and approval of Minutes

Moved by Ambs to approve the 6/9/2021 minutes. Seconded by Gaynor. All in favor.

7:30 PM Notice of Intent (cont'd from 10/9/19)– Tofino Associates Inc. for construction of a single family house with associated driveway, utilities, and landscaping within buffer zone to bordering vegetated wetlands at Lot #1 Concord Way (Map 21D, Parcel 139).

Notice of Intent (cont'd from 10/9/19)– Tofino Associates Inc. for construction of a single family house with associated driveway, utilities, and landscaping within buffer zone to bordering vegetated wetlands at Lot #2 Concord Way (Map 21D, Parcel 138).

Notice of Intent (cont'd from 10/9/19) – Tofino Associates Inc. for construction of a single family house with associated driveway, utilities, and landscaping within buffer zone to bordering vegetated wetlands at Lot #5 Concord Way (Map 21D, Parcel 135).

Notice of Intent (cont'd from 10/9/19) – Tofino Associates Inc. for construction of a single family house with associated driveway, utilities, and landscaping within buffer zone to bordering vegetated wetlands at Lot #6 Concord Way (Map 21D, Parcel 134).

Notice of Intent (cont'd from 10/9/19) – Tofino Associates Inc. for construction of a single family house with associated driveway, utilities, and landscaping within buffer zone to bordering vegetated wetlands at Lot #7 Concord Way (Map 21D, Parcel 133).

Notice of Intent (cont'd from 10/9/19) – Tofino Associates Inc. for construction of a single family house with associated driveway, utilities, and landscaping within buffer zone to bordering vegetated wetlands at Lot #8 Concord Way (Map 21D, Parcel 132).

Ted Parker was present on behalf of the owner and re-presented the projects. Jacque provided background. Butler noted only 4 members present at this meeting could vote on this, and all four need to vote in favor to pass the projects. The board attempted to review the flagging updated by Art Allen (the Conservation Commissions peer reviewer). The applicant did not add the updated flagging to the plans. Parker said he was disputing the definition of Vernal Pool used to define the vernal pool boundary, and argued Art Allen's delineation should not be used. Ambs, Butler, Fair and Devlin Gauthier all agreed that Arts delineation should be used. The board requested that Art Allen's flagging be added to the plans so they can see where the changes to the vernal pool boundary are located. Jacque stated the original subdivision permit is from 2004 and the board needs to see an accurate delineation on paper. Jacque also noted that according to the bylaw hydric soils and dominant wetland vegetation can be used to define the vernal pool boundary. Jacque stated using the limit of ponding is very reasonable. Jacque said that once boundaries are correct the Commission can consider the requested variance to the Bylaw.

Public Comment:

Blake Sparko – Stated that the Commission hired a peer reviewer to review the boundary and that is the boundary that should be shown. Sparko also noted that the Commission should not be intimidated by Tofino or Ted Parker. Sparko noted all the neighbors are being sued, and the developer is not trying to protect the vernal pool or resources on the property.

Jacque noted the meeting on 7/14/21 was overloaded with business and suggested a continuation until 7/28/21. Butler suggested we keep it on for 7/14/21 due to the quorum issue. Parker said he was okay with a 7/14/21 continuance and understood that another continuance may be needed due to the volume of meeting business on that date.

*Moved by Devlin Gauthier to continue the Tofino hearings to July 14, 2021 at 7:55 PM.
Seconded by Ambs. Gaynor abstained. All in favor.*

7:40 PM Request for Determination (cont'd) – Keith Morris for New England Central Railroad for determining whether the sensitive area boundaries delineated on submitted plan are accurate (New England Central Railroad right-of-way).

Moved by Devlin Gauthier to issue a Positive Determination checking box 2b. Seconded by Ambs. All in favor.

7:45 PM Notice of Intent – SVE Associates on behalf of Greenfield Savings Bank for a proposed ATM machine and associated site work in the existing parking lot at 6-22 University Drive (Map 13B, Parcel 20).

Butler opened the hearing at 8:35 PM. Tony Wanseski, SVE was present on behalf of Greenfield Savings Bank, and presented the project. Wendell Wetlands Services provided the delineation. Wanseski noted a variance to the wetland bylaw is needed due to the pre-existing parking lot set back. Wanseski noted that a double straw waddle will be used, the snow removal will remain the same (snow placed in parking lot islands, not in wetlands), no herbicides or pesticides will be used. Mature trees will stay in place.

Moved by Devin Gauthier to issue an Order of Conditions with the noted conditions (state and local boilerplate, permanent demarcation of the wetland boundary with markers, no snow storage in the wetland, no herbicide and pesticide use) Seconded by Ambs. All in favor.

7:50 PM Notice of Intent (cont'd) – GZA Geoenvironmental, Inc. on behalf of Lisa Kittredge for the construction of a tennis court and associated drainage at 29 Mill Lane (Map 17C, Parcel 174).

Moved by Gaynor to continue the public hearing for 29 Mill Lane to July 28, 2021 at 7:30 PM. Seconded by Ana. All in favor.

Miscellaneous

Correspondence

300 North Pleasant Street

Commission reviewed informal correspondence from Bucky Sparkle requesting an RDA filing be considered for work for a project on 300 North Pleasant Street. There was consensus amongst the board that a Notice of Intent should be filed.

Jacque updated the board on a correspondence related to an Agricultural Emergency provided by James Hoerle regarding beavers flooding a hay field on his property on South East Street.

Emergency Certifications

20 Ball Lane for the demolition of an existing unsafe structure. Jacque said the slab must remain in place to prevent ground disturbance and mitigation must be provided.

Moved by Ambs to ratify the Emergency Certification at 20 Ball Lane. Seconded by Ana. All in favor.

Moved by Devlin Gauthier to adjourn at 8:53 PM. Seconded by Larry. All in favor.