

**CONSERVATION COMMISSION  
MEETING MINUTES  
VIA ZOOM  
September 22, 2021  
7:00 PM**

**Present:** Jenn Fair, Chair, LeRoy Gaynor, Vice-Chair, Ana Devlin Gauthier, Michelle Labbe, Lawrence Ambs, Laura Pagliarulo, Fletcher Clark

**Staff:** Erin Jacque, Wetland Administrator, David Ziomek, Director of Conservation & Development/Assistant Town Manager

Meeting opened by Fair at 7:04 PM.

Comments from the Chair (Jenn Fair) None.

Director's Report (David Ziomek)

- Noted that a new Recreation Director has been hired
- Currently Land Managers are mowing areas not in wood or box turtle habitat
- Fort River Clean-up Saturday 10 AM at Hickory Ridge
- Town is doing maintenance work at Hickory Ridge
- Sweet Alice Parking Area is open and trail improvement project is out to bid
- Kestrel Event 10/3
- Food Bank Farm Event on 10/6
- Robert Frost Trail received a 10K donation

Fair asked about the status of the KC Trail and bridge replacement. Ziomek said seasonal window was missed but that staff spent a great deal of time evaluating options in an effort to replace the bridge. All options are so far cost prohibitive. It was noted that there was damage to the Markerts Pond Dam.

Review and approval of Minutes

Moved by Ambs to approve the 10/23/2019 minutes. Clark noted a revision (Clark and Pagliarulo listed as staff) Seconded by Devlin Gauthier. All in favor.

*Moved by Clark to approve the 2/12/2020 minutes. Seconded by Devlin Gauthier. All in favor.*

*Moved by Clark to approve the 8/25/2021 minutes. Seconded by Ambs. All in favor.*

CPA Appointment

*Moved by Clark to appoint Devlin Gauthier to Community Preservation Act Committee. Seconded by Pagliarulo. All in favor.*

Jacque was asked to notify Town Manager.

**7:30 PM Request for Determination** – Cold Spring Environmental for Ben Demerath for septic replacement within the Buffer Zone to Bordering Vegetated Wetland at 30 Harris Mountain Road (Map 30B, Parcel 25).

Hearing opened by Fair at 7:32 PM. Alan Weiss of Cold Spring Environmental was present on behalf of the applicant and presented the project.

No public comment.

*Moved by Pagliarulo to Move to issue a Negative Determination under the Wetlands Bylaw (Box 3) and a Positive Determination under the Local Wetlands Bylaw (Box 5). Seconded by Gaynor. All in favor.*

**7:35 PM Notice of Intent** – The Zengineer for Historic Renovations & Rental Properties, Ltd. for removal and replacement of existing driveway and landscaping at 300 North Pleasant Street (Map 11C, Parcels 170).

Bucky Sparkle, the Zengineer was present on behalf of the applicant and presented the project.

**Public Comment:**

Barbara Pearson asked about the status of the Tan Brook and how that impacted this project.

Jacque noted that because the project is redevelopment, and the proposed project presents an improvement to existing conditions, it is not reviewed much differently as buffer zone vs. Riverfront. Jacque said she did not recommend the Commission make a determination on the status of the stream for this project.

Shirley Asked about the swale in question and lawn which is BVW that is currently mowed.

Fair noted for maintenance of the swale the commission will allow the lawn to be maintained.

Jacque recommended the standard boilerplate conditions, permanent demarcation of the wetlands, and maintenance of the swale in perpetuity.

*Moved by Devlin Gauthier to issue the Order of Conditions for 300 North Pleasant Street with the noted conditions. Seconded by Ambs. All in favor. (Pagliarulo did not vote)*

**7:40 PM Abbreviated Notice of Resource Area Delineation** – SWCA for confirmation of resource area boundaries at 52 Fearing St; 336 & 346 N Pleasant St (Map 11C, Parcels 123, 124, 159, 160, 162, 163, & 164).

Fair opened hearing and updated everyone regarding the third party review (Stockman & Associates). SWCA has not had time to make the noted revisions recommended by Stockman. There was a recommendation to consult DEP and the town attorney regarding how to proceed with re-designating Tan Brook as perennial.

**Public Comment:**

Rolf: Asked how we can make the study area permanent, and get the stream back on the USGS.

Fair stated we don't know what the process looks like, but we have requested to have the stream flow measured.

Barbara Pearson: Noted that the repetitive questioned whether they had to proceed with the watershed review. Do they have a choice?

Fair noted that there are different levels of study, and it is unlikely the applicant would pay for a multi-year study. We are trying to proceed with the delineation based on the regulations.

Edwin: Thanked the Commission for the peer review. Asked about the swales.

Jacque noted there are two swales, an intermittent stream on the east side is not flagged, and there is a BVW around it, so SWCA did not flag it. We do need to note that not all bank is flagged on site. There is another swale that also needed to be added to the plan, which also has BVW around it and above it.

Michelle Hosp: Applauded Commission. Asked for a timeline for how long this hearing will take.

Fair we are waiting for guidance, and not certain how long it will take. Generally this process goes quickly. We would ordinarily get revisions from SWCA and have another 1 or 2 hearings before approval. Recommends checking the agenda.

*Moved by Devlin Gauthier to continue the public hearing to October 13, 2021 at 7:45 PM.  
Seconded by Pagliarulo. All in favor.*

**7:45 PM Abbreviated Notice of Resource Area Delineation** –SWCA for Barry Roberts/Stanley Mitchell Life Estate for confirmation of resource area boundaries (Bordering Vegetated Wetland and Bank) at 246 Montague Road (Map 2C, Parcels 1-12, 12).

It was noted that the Commission had initiated a third party review for the delineation, and were waiting for the review to be completed.

**Public Comment:**

Hilda Greenbaum: Stated it was nice to follow the procedure of the peer review first.

Janet Keller: Stated that she appreciate the commissions professionalism and expertise.

*Moved by Pagliarulo to continue the public hearing for 246 Montague Road to October 13, 2021 at 7:50 PM.*

**7:50 PM Request for Determination** – Haines Hydrogeologic Consulting for Kim Harwood for removal of fill from a Bordering Vegetated Wetland, revegetation and vegetation management for an area altered without the benefit of a permit at 121 Pondview Drive (Map 19C, Parcel 152).

Fair opened the hearing at 8:33 PM. David Haines was present on behalf of the applicant and explained the project. Fair thanked Haines for assisting the Commission and landowner in finding a resolution.

No public comment.

*Moved by Devlin Gauthier to issue a Negative Determination under the Wetlands Protection Act and a Positive Determination under the Town of Amherst Wetlands Bylaw for 121 Pondview Drive. Seconded by Gaynor. All in favor.*

**Certificates of Compliance**

*Moved by Devlin Gauthier to issue a Complete Certificate of Compliance for 7 Moody Field Road and 31 Bayberry Lane. Seconded by Ambs. All in favor.*

*Moved by Clark to adjourn at 8:54 PM. Seconded by Pagliarulo. All in favor.*