

**CONSERVATION COMMISSION
MEETING MINUTES
May 13, 2020
VIRTUAL MEETING
7:00 PM**

Present: Brett Butler, Ana Devlin Gauthier, Larry Ambs, Jenn Fair, Laura Pagliarulo and LeRoy Gaynor

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

Butler opened the meeting at 7:00 PM.

Director's Report (Dave)

- Downed trees being cleaned up
- More trail use during COVID
- Brush hogging blue bird meadow
- Encroachment at Wentworth Farm discussed
- Beaver trapping Pomeroy
- Community Gardens at Haskins Meadow and Amethyst Brook

7:10 PM Conservation Land Management – TBD

7:30 PM Request for Determination – (Cont'd from 12/11/19) Confirm whether resource area boundaries depicted on the submitted plans are accurate under the MA Wetlands Protection Act and Town of Amherst Wetlands Protection Bylaw Regulations at 214 Pomeroy Lane (20C, Parcel 22 & 23).

*Moved by Clark to continue the hearing for 214 Pomeroy Lane to June 10, 2020 at 7:30 PM.
Seconded by Ambs. 5/0/1. Gaynor abstained.*

7:45 PM Notice of Intent (cont'd from 10/09/19) – 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 10/09/19) – 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 10/09/19) – 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 10/09/19) – 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 10/09/19) – 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 10/09/19) – 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).

Kristin McDonough was present from SWCA, Ted Parker present.

McDonough said the site meets minimum criteria to certify with NHESP.

Parker wanted clarification on the 100-foot vernal pool set back, considering a valid permit is still in place for the subdivision.

Public Comment:

Blake Sparco – Lot 3: Said vernal pool has always been in existence on the site. Stated that Doug Kohl wanted snow on the ground during the Con Com review.

Rebecca Schneider – 65 Concord Way: asked for an independent field investigation. Said the vernal pool regulations need to be adhered to.

John Hoover – 103 Concord Way: Asked for a 3rd party review to determine the correct boundaries

Mark Schneider – 65 Concord Way: Encouraged Commission to abide by their own bylaw. Said Commission should get information on what was paid for the land and details on how much money the developer has made off the land.

Ira – 192 Shutesbury Road: Con Com is responsible for protecting the resources not the developer

Third party review as discussed.

Butler wants to proceeding assuming the site has a vernal pool. Jacque said that variance requests would have to be submitted for each lot with an explanation of the hardship. Butler requested an alternatives analysis making house footprints smaller and moving them further away from the resource areas.

Ziomek agreed we need variance requests on every lot, and an evaluation of the financial impacts. Also noted we need advice from Town Attorney.

Moved by Ambs to continue the public hearings for Tofino Associates lots 1 & 2, 5- 8 to June 10, 2020 at 7:40 PM. Seconded by Devlin Gauthier. Fair, Clark, Ambs, Devlin Gauthier, and Butler in favor. Gaynor and Pagliarulo abstained.

8:15 PM Abbreviated Notice of Resource Area Delineation – (Cont'd from February 12, 2020) Confirm whether resource area boundaries depicted on the submitted plans are accurate under the MA Wetlands Protection Act and Town of Amherst Wetlands Protection Bylaw Regulations at Shutesbury Road (Map 9B, Parcel 11 & 12; Map 9D, Parcel 27).

Maria Firstenberg was present on behalf of TRC.

Commission requested a revised clean plan showing original delineation and revision. Field review of final plan is needed.

Moved by Clark to continue the public hearing to June 10, 2020 at 7:50 PM. Seconded by Pagliarulo. Ams, Clark, Devlin Gauthier, Pagliarulo, and Butler in favor. Gaynor abstained.

Emergency Certification

Moved by Devlin Gauthier to ratify the Emergency Certification for Pomeroy Court. Seconded by Ams. All in favor.

Moved by Clark to ratify the Emergency Certification for Cherry Hill Golf Course. Seconded by Ams. All in favor.

Moved to adjourn by Devlin Gauthier at 9:45 PM. Seconded by Devlin Gauthier. All in favor.