

**MINUTES**

**CALL TO ORDER**

Meeting called to order by Mr. Gerber, Acting Chair at 7:08 p.m.

**ATTENDANCE**

**PRESENT:** Baker, Allen, Gerber, Hamin, Kaplan, Stein (arrived at 7:15 p.m.)

**STAFF:** Ziomek, Ciccarello

**OTHERS:** Alice & Seymour Epstein, Lisa Harvey, David Arnold, Chuck Dauchy, Rob Quinn, Ward Smith, Peter Wells, Bob Stover, Julie Johnson, Erica & John Deighton, Roger Webb, Vivienne Carey, Stephen Page, Jim Brassord, Bill Hart and Julie Johnson

**CONSERVATION COMMISSION'S ACTION**

**Approve Minutes**

**VOTED (5-0-1)** Gerber, Allen, Hamin, Kaplan, and Stein voted "Aye," Baker abstained to approve the Conservation Commission minutes of September 24, 2008 as amended.

**VOTED (5-0-1)** Gerber, Allen, Hamin, Kaplan, and Stein voted "Aye," Baker abstained to approve the Conservation Commission minutes of October 1, 2008.

**Grant Signatory**

**VOTED** unanimously, to give John Gerber authorization to sign the DCR grant for the Public Shade Tree Inventory on behalf of the Conservation Commission.

**PERMITS/CERTIFICATES**

**Request for Determination** – Elizabeth Harvey and David Arnold for replacing an existing drainage pipe within the buffer zone at 35 Hop Brook Road, Amherst (Map 18C, Parcel 89).

- Opened the public meeting at 7:31 p.m.
- Closed the public meeting at 7:35 p.m.

David Arnold presented.

**VOTED** unanimously, to close the public meeting and to issue a negative determination for the work.

**RE-OPEN - Notice of Intent** (continued from 6/11/08) – Paul Cole for development of an 8 lot 11-unit cluster subdivision located at 1194 West Street (Map #25B, Parcel 29).

- Opened the public hearing at 7:36 p.m.

Peter Wells gave an overview and Chuck Dauchy presented for the applicants.

**VOTED** unanimously, to continue the public hearing to December 10, 2008 at 7:35 p.m.

**Discussion Regarding Potwine Lane Mitigation Plan**

Chuck Dauchy presented an overview of the issues regarding the Potwine Lane mitigation plan.

Vivienne Carey wanted it made clear they did not prolong the process – conditions made it impossible to comply with the previous Enforcement Order.

**VOTED** unanimously, to accept the restoration plan and stipulated that the work be supervised by Dan Nietzsche and must be completed by November 12, 2008.

**Discussion with Dave Keenan regarding Amherst Towing**

Bob Stover presented for Mr. Keenan and is asking the Commission for clarification of what is required to extend a fence on the property. Ms. Ciccarello indicated that the original Special Permit by the ZBA (issued several years ago) required the extension of the fence on the property. Mr. Stover was directed by the Commission to delineate the wetlands and to submit a plan with boundaries clearly defined as part of the RDA with proposed fence.

**Hitchcock Center for the Environment (HCE) – Green Building Project Proposal**

David Ziomek, Director of Conservation and Development; Jim Brassord, Amherst College Facilities Director and HCE Building Committee Co-Chair; Bill Hart, Counsel for HCE and member of the Building Committee; and Julie Johnson, Executive Director HCE presented. Dave Ziomek indicated that per Town Counsel, the Commission must take two votes, one on changing the use of the land from conservation purposes only and the second, to support the green building project proposal for Article 11 of the November 10 Special Town Meeting.

**VOTED** unanimously, to support the HCE building project and to adopt the following resolution:

Warrant Article: Transfer of Property and Article 97 Authorization

Article 11. To see if the Town will vote pursuant to G.L. c. 40, §15A to transfer the care, custody, management and control of all or a portion of the following described parcel of land from the Conservation Commission for conservation purposes to the Conservation Commission for conservation purposes and for the purpose of leasing for environmental education, which parcel of land is shown as “Parcel A” on a sketch plan on file with the Town Clerk, consists of approximately eight-tenths acre, and is a portion of the Town-owned land known as “Larch Hill” and described more particularly in a deed recorded with the Hampshire District Registry of Deeds in Book 1743, Page 250, together with use of the access easement appurtenant to said land; and to authorize the Select Board to seek legislative approval for such transfer and lease under Article 97 of the Amendments to the Massachusetts Constitution, such transfer to become effective upon the enactment of said Article 97 legislation; or to take any action relative thereto.

CONSERVATION COMMISSION DETERMINATION

The Amherst Conservation Commission hereby determines, pursuant to G.L. c. 40, § 15A, that the following described parcel of land and the easement appurtenant thereto, currently held by the Commission for conservation purposes, is no longer needed solely for such purposes and that the care, custody, management and control of the foregoing may be transferred to the Conservation Commission for conservation purposes and for the purposes of leasing for environmental education, which parcel of land is shown as "Parcel A" on the sketch plan attached hereto/on file with the Town Conservation

Clerk, contains approximately eight-tenths acre, and is a portion of the Town-owned land known as "Larch Hill" and described more particularly in a deed recorded with the Hampshire District Registry of Deeds in Book 1743, Page 250, and the non-exclusive access easement appurtenant thereto, with such determination to become effective upon said transfer of Parcel A by Town Meeting and approval of such transfer and lease by the Massachusetts General Court under Article 97 of the Amendments to the Massachusetts Constitution;

And further that we authorize our Chairman to forthwith give notice of this determination to the Select Board.

**VOTED** unanimously, to recommend Article 11 in its entirety to Town Meeting.

**MISCELLANEOUS**

**Director's Report:**

Dave Ziomek acknowledged Stephanie Ciccarello's hard work on organizing and putting together this year's Energy Fair; and congratulated her on a very successful event.

Mr. Ziomek encouraged people to check out the extension of the trail at Larch Hill and the new ADA viewing platform that looks out over Bramble Hill. He also noted that the sink hole on the Emily Dickinson Trail has been fixed. Land Manager, Doug Hutcheson coordinated the work with Amherst College, which helped with the project by providing labor and equipment.

Mr. Ziomek commented on the merging of the Planning, Inspections and Conservation departments and noted that he feels a real synergy with all three departments working together. With the addition of the new Senior Planner and Associate Planner, the departments are able to work on more grant writing. Nate Malloy, Associate Planner, is working on two grants: an MET (Massachusetts Environmental Trust) grant with the Rushing Rivers Institute, and a Massachusetts DCR grant developing a Public Shade Tree Inventory.

On December 12<sup>th</sup> the Conservation Department's land management team, Doug Hutcheson and David McKinnon, will be on the agenda for a short presentation of the work they are involved in for the Town.

Also in December, Nate Malloy and Dave Ziomek will have a presentation on the Puffer's Pond Management Plan, which Mr. Malloy has been working on for the last few months.

Dave Ziomek noted that the bird blind was burned down and indications lead to arson. Plans to replace the bird blind are still being discussed.

Liv Baker announced that she is stepping down from the Commission and will be starting a PhD program in British Columbia and will be studying in England. This is her last meeting.

**ADJOURNMENT**

**VOTED** unanimously to adjourn the open meeting at 9:55 p.m.