

MINUTES

CALL TO ORDER

Meeting called to order by Mr. Gerber, Acting Chair at 7:10 p.m.

ATTENDANCE

PRESENT: Gerber, Allen, Angus, Hamin, Kaplan, Stein

STAFF: Ziomek, Ciccarello

OTHERS: Roger Webb, Vivienne Carey, Ellen Stutsman, Chuck Dauchy, Bill Hart, Stephen & Jennifer Page

CONSERVATION COMMISSION'S ACTION

Approve Minutes

VOTED unanimously, to approve the Conservation Commission minutes of October 22, 2008 as amended.

Nominations and Election for positions of Chair, Vice-Chair and CPA Rep

VOTED unanimously, to elect John Gerber to serve as Chair of the Conservation Commission through June 30, 2009.

VOTED unanimously, to elect Dan Kaplan to serve as Vice-Chair of the Conservation Commission through June 30, 2009.

VOTED unanimously, to elect Briony Angus to serve as Conservation Commission Representative to the Community Preservation Act Committee through June 30, 2009.

PERMITS/CERTIFICATES

Request for a Certificate of Compliance – 312 Leverett Road

VOTED unanimously, to issue a Certificate of Compliance for 312 Leverett Road.

Request for Determination – Amherst Conservation for trail work and bridge replacement off Middle Street (Map 23C, parcel 25)

- Opened the public meeting at 7:33 p.m.
- Closed the public meeting at 7:45 p.m.

David Ziomek presented.

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

Request for Determination of Applicability – Amherst Conservation for trail work off Middle Street (Map 26A, parcel 43).

- Opened the public meeting at 7:46 p.m.
- Closed the public meeting at 7:50 p.m.

David Ziomek presented. Bill Hart suggested scouts may be interested in helping to re-build the bridging.

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

Notice of Intent (Cont'd from 3/26/08) – Andrews and LaVerdiere for construction of an office building at Meadow Street, Amherst (Map 4D, Lot 3).

VOTED unanimously, to continue the public hearing to January 14, 2009 at 7:30 p.m. at the request of the applicant.

Notice of Intent – Stephen and Jennifer Page for construction of a single family home within 100 feet of a wetland located at 291 Potwine Lane, (Map 23A, Parcel 38).

- Opened the public hearing at 7:50 p.m.
- Closed the public hearing at 8:10 p.m.

Chuck Dauchy presented for the applicant.

VOTED unanimously to close the public hearing and to issue an Order of Conditions with Special Conditions as suggested by the Wetlands Administrator pending receipt of the DEP file number.

Order of Conditions - Special Conditions – NOI08-1134

Issued to: Stephen and Jennifer Page

For: House construction located at 291 Potwine Lane

Date of Issuance: November 21, 2008

1. Conditions #1-#20 on pages 1& 2 of this form shall be followed in their entirety.
2. Before any site work begins, the applicant shall record the Order of Conditions at the Hampshire County Registry of Deeds within the chain of title for this property and submit proof of recording to the Commission.
3. No activity may proceed until the applicant has received all other permits required by law, including but not limited to any permit required by Health Inspections, Planning Board, Zoning Board of Appeals, Department of Environmental Protection, and/or the Army Corps of Engineers.

4. Before any work begins on the site, a performance deposit of XXX shall be submitted to the Commission. The deposit will be returned with any accumulated interest upon completion of the project to the satisfaction of the Commission, together with the issuance of a Certificate of Compliance.
5. Before any site work begins, a site meeting scheduled by the applicant shall be held to review the Order of Conditions. Representatives of the applicant, the Commission, and the contractor in charge of site work shall be present.
6. The Wetlands Administrator shall receive 72 hours advance notice, before the commencement of any activity within, or within the 100 foot buffer zone of, the resource area(s), including site preparation and construction.
7. Work shall conform to plans and information submitted to the Commission in the Notice of Intent, and to these special conditions:
 - a. The Wetlands Administrator shall be notified upon installation of the erosion control and an inspection of the barrier/s shall be scheduled prior to work
 - b. Permanent markers shall be installed at a minimum, 30' feet from the wetland boundary and along the house lot and the back lot line to ensure that lawn area does not encroach further into the buffer zone
 - c. The area within 10' of the barn may be mown to maintain the integrity of the structure
 - d. Permanent markers shall be installed 10' from the barn on the western side to ensure that mowing does not occur beyond that point
8. Work shall proceed in strict accordance to referenced plan(s) in the Permit, and to information submitted in the Application. For any change in the approved plans, the applicant shall inquire of the Commission in writing whether the change is substantial enough to require an Amended Order of Conditions or the filing of a new Notice of Intent.
9. Before any work begins, erosion control shall be installed along the limit-of-work line. The Commission shall approve the actual location in the field. Extra materials shall be kept onsite for use as needed. Such controls shall remain in place and be maintained until all disturbed areas have been stabilized to the satisfaction of the Commission.
10. No grading, operation of machinery, storage of materials, stockpiling of fill or brush or other work shall occur on the wetland side of the erosion control. The area between this line and the wetland edge shall be kept as a permanent vegetated buffer for the purpose of minimizing any potential negative wetland impacts.
11. No fill or topsoil shall be stored within 20 feet of the silt fence.
12. All disturbed areas in the Buffer Zone shall be loamed, seeded, mulched and stabilized within 48 hours of project completion.

13. A copy of the Permit shall be kept on-site at all times during construction. All contractors and sub-contractors engaged during construction shall be provided with a copy of the Permit, and should be prepared to produce said Permit upon request of the Commission or its agent.
14. All structures, facilities, and equipment as part of the project shall be continually operated and maintained so as to comply with the Permit. This provision applies specifically to all heavy equipment used on the project. Any leakage of oil, hydraulic fluid, gasoline, or any other pollutant must be cleaned up immediately, and the defective equipment responsible for said leaking shall be repaired immediately or taken off-site.
15. All work shall be completed in such a manner as to prevent eutrophication or sedimentation in wetlands, water bodies, or public or private water supplies.
16. Any substantial changes made or intended to be made in the plans shall require the applicant to file a new Notice of Intent or to inquire of the Commission, in writing or by certified mail, whether the change is so substantial as to require the filing of a new Notice.
17. A Certificate of Compliance shall be requested from the Commission upon completion of the proposed work. Said request shall be accompanied by a written statement from the professional who prepared the plan certifying compliance with all plans, as well as an "as built" plan.
18. The Commission reserves the right to amend this Order of Conditions if changed conditions or new information so warrants.
19. Representatives of the Commission shall have the right to inspect the premises to ensure compliance with the Conditions and the Performance Standards applying to this Order and with the Massachusetts Wetland Protection Act and the Town of Amherst Wetlands Protection By-Law.
20. This Order shall apply to every successor in interest of the property described in the Notice of Intent and accompanying plans. In the event that this land changes ownership before or during construction, the current owner shall notify the new owner of this Order by registered mail prior to the transfer of ownership and shall forward proof of this notification to the Commission.

MISCELLANEOUS – UNTIMED ITEMS

Request for an Extension – Driveway Improvements for Lots 1, 2 & 3 located on Belchertown Road

Ellen Stutsman presented for the applicant.

VOTED unanimously, to grant a three year extension of the Order of Conditions issued to Tofino Associates.

Right of First Refusal: W.D. Cows – Ch. 61 Right of First Refusal Henry Street

VOTED Gerber, Allen, Hamin and Stein voted “Aye” and Angus abstained, to recommend that the Town not exercise its right of first refusal, and thus not purchase the parcel of land on Henry Street currently held under Chapter 61 by the Cows family, for which the family is proposing to sell a building lot for a single family home development.

However, the Conservation Commission did want to suggest to the town that we believe that any development in this area should undergo a careful review. It is important salamander habitat, is located near to the town reservoir, is part of an important viewshed, and is part of a large contiguous forested habitat. It is also fairly distant from the town’s identified village centers, and thus is not a preferred location for development according to the new master plan. We are concerned that this area in general not be subject to incremental patterns of development that have the potential to significantly reduce its environmental value.

Elisabeth Hamin will write a memo to the Select Board regarding the Commission’s vote.

PSTC UPDATE

Otto Stein gave a brief update of the Public Shade Tree Committee and their campaign to get the public to purchase shade trees for the 250th Anniversary Celebration.

Alan Snow has been working to create an inventory of every tree in Amherst (type, age, condition, etc) with the help of students.

Otto noted that Alan has developed a very good working relationship with DPW and the tree crew.

DIRECTOR’S REPORT

Dave Ziomek spoke to the Commission about the Hitchcock Center’s green building proposal that will go before the Town Meeting on Nov. 17, 2008. He and Elisabeth Hamin, the CC liaison to the HCE, have been attending meetings with the HCE and Town Manager and will meet with the Select Board regarding this proposal. Since the CC vote there have been some new developments; Town has been notified by the Massachusetts Department of Conservation Services – compensation for any land lost at Larch Hill conservation area due to a ground lease will need to be replaced (Article 97). DCS will require compensation, but not mitigation. The land must be of equal or greater fair market value and of equal or greater ecological value. If approved by Town Meeting, HCE will move forward with a fund raising feasibility study, so at some point an appraisal of the site will need to be done which will help form the basis of other land that they would need to present to CC to then present to DCS as compensation for that lost land. Dave and the Town Manager have been working with the HCE and Town Counsel on other financial implications of this process, i.e., legal costs (maybe as much as \$20K), the value of the building (a town asset) that will be lost when the building is demolished, etc.

Mr. Ziomek noted that it is now “budget season” and the next couple of years will be difficult. FY10 budgets will be coming out soon. He encouraged the CC to advocate for the importance of conservation in Amherst.

He attended a meeting in Hadley regarding the Norwottuck Rail Trail project – a potential widening of the trail. Dave has asked Rob Kusner, the chair of the Norwottuck Rail Trail Advisory Committee that there be a meeting to address this issue as it pertains to the Amherst sections of the trail. The Conservation Commission will be invited to attend, so it is important to educate ourselves about the issues. Dave will send the Conservation Commission a website that has good information.

Dave has sent a query to the Conservation Commission and Agricultural Commission to find a meeting time to discuss open space priorities and to spend a little time to get to know each other. This meeting will probably take place after the holidays.

Dave noted that despite operating budgets being so low, there is money available (state and federal) for land preservation. He is looking at some land in South Amherst and if others know of landowners who might be interested in protecting their land, to please let Dave know.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 8:47 p.m.