

MINUTES

CALL TO ORDER

Meeting called to order by Mr. Gerber, Chair at 7:05 p.m.

ATTENDANCE

PRESENT: Gerber, Kaplan (arrived 7:09 p.m.), Allen, Angus, Hamin (arrived 7:07 p.m), Scott, Stein
STAFF: Ziomek, Ciccarello, McKinnon
OTHERS: Mickey Marcus, Pam Monn,

CONSERVATION COMMISSION'S ACTION

Approve Minutes

VOTED unanimously (5-0), to approve the Conservation Commission minutes of February 25, 2009.

PERMITS/CERTIFICATES

Request for Determination (mtg cont'd from 2/25/09) – Conservation Department (RFD09-1147) for replacement of a bridge that crosses an intermittent stream located in a hay field on South Pleasant Street.

- Opened the public hearing at 7:20 p.m.
- Closed the public hearing at 7:30 p.m.

Dave Ziomek and David McKinnon presented the entire proposal again for the benefit of members who missed the February 25, 2009 meeting.

VOTED unanimously (7-0), to close the public hearing 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 7:35 p.m.

VOTED unanimously (7-0), to continue the public hearing to April 8, 2009 at 7:30 p.m.

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

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

VOTED unanimously (7-0), to continue the public hearing to May 13, 2009 at 7:30 p.m.

Notice of Intent (cont'd from 2/25/09) – University of Massachusetts for nuisance vegetation control and management of the Campus Pond located on North Pleasant Street (Map 8C, Parcel 13B).

- Opened the public meeting at 7:51 p.m.
- Closed the public meeting at 8:07 p.m.

Mickey Marcus, New England Environmental, Inc. and Pam Monn, UMass Facilities & Planning, presented and answered questions from the Commission.

VOTED unanimously (4-0-3), Allen, Angus, Hamin & Scott voted “Aye,” Gerber, Stein & Kaplan abstained to close the public hearing and to issue an Order of Conditions with the following special conditions:

Order of Conditions - Special Conditions – NOI09-1149

Issued to: Pamela Monn, University of Massachusetts Facilities and Planning

For: control and management of nuisance vegetation in the Campus Pond located off North Pleasant Street

Date of Issuance: March 13, 2009

This Order of Conditions pertains to the short-term management of nuisance vegetation located in the University of Massachusetts Campus Pond. The proposed management regime consists of installation of an aeration system, application of herbicides and flocculation with an alum to increase dissolved oxygen levels and to control invasive plants and algae. The application was filed as a “Limited Project” as proposed work exceeds performance standard thresholds.

The Amherst Conservation Commission has requested that the University of Massachusetts seek to develop a long-term management strategy to control nuisance vegetation, improve water quality and control sedimentation of the pond as the long-term effects of short-term, consistent application of herbicides and flocculants may/may not be suitable for the overall health of this system.

These Special Conditions are being issued under both the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131 Section 40 and the Town of Amherst Wetlands Protection Bylaw.

6. Work shall conform to plans and information submitted to the Commission in the Notice of Intent, and to these special conditions:

- a. The applicant shall provide a map to the Commission that identifies the distribution and density of target and non-target aquatic plants and the respective control methods prior to the first application. The map shall include the boundaries of the bank, bordering vegetated wetland and land under water body resource areas, as well as any important habitat features.**
- b. The applicant shall submit proof of all other required permits and licenses to the Commission prior to work.**
- c. The aeration system shall be installed and functioning prior to conducting the aquatic control work.**

- d. The herbicide application shall be conducted in phased sections of the pond to prevent oxygen depletion that could result in a fish kill.**
- e. The buffered alum treatment shall only be used if use of aeration and algaecide treatments yield insufficient control of the algae.**
- f. The contractor in charge of work shall provide contact information to the Commission and will also be held jointly responsible with the applicant in the event of a violation(s).**
- g. All applications of aquatic herbicides and algaecides approved by this Order shall be applied in compliance with all applicable federal, state and local laws, regulations and bylaws.**
- h. All application of registered aquatic herbicides and algaecides also approved for use by the Order shall be applied by a licensed applicator in the aquatic weed category by the Massachusetts Department of Food and Agriculture Pesticide Bureau.**
- i. Application of aquatic herbicides or algaecides approved by this Order shall be completed following all manufacturer's printed directions, safety considerations, warnings and guidelines.**
- j. Monitoring of aquatic plant distribution shall be reported in writing to the Commission each year for a period of two years following the complete treatment regimen. The report shall also demonstrate that there has been no adverse impact on important wildlife habitat features. It shall be noted that elimination or substantial reduction of non-indigenous aquatic plants shall be considered a form of wildlife habitat restoration when the elimination supports an increase in the diversity and density of indigenous plant species. An increase of native plant species shall be noted in the report(s) made to the Commission.**
- k. Any proposed work outside the scope of the information submitted to the Commission in the Notice of Intent and to these Conditions which changes the substrate of the pond, including but not limited to dredging, shall require the submission of a new Notice of Intent.**

MISCELLANEOUS UNTIMED ITEMS:

Dave Ziomek gave a brief update on the Breeding Bird Survey. Thanks to the volunteer efforts of Mary Alice Wilson, the survey will take place as usual this year.

Mr. Ziomek said that he is still hopeful the search to fill the Land Manager position will begin in April as planned.

On March 24th the Commission is invited to the Farmer's Forum being held at the Hitchcock Center for the Environment. They should have received an invitation in the mail.

On the land preservation front, Dave noted that work continues to move forward on the Johnson & Olendzki projects and noted that he is in support of doing an appraisal on the Andrews/LaVerdiere Meadow Street property.

Mr. Ziomek indicated that he had received lots of calls and feedback from people on the proposed widening and plowing of the Norwottuck Rail Trail.

Briony Angus gave a CPAC update – at the last meeting, no votes were taken on the proposals before them. At the CPAC meeting, Carol Gray requested again that the South East Street (Levi-Nielsen) property be moved up to the top of the list if more money becomes available. Dave Ziomek indicated that he has a completed appraisal on the Nielsen property on South East Street and would like to talk with the Conservation Commission at the next meeting after his discussions with the Town manager and Scott Nielsen

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 8:08 p.m.