

MINUTES

CALL TO ORDER

Meeting called to order by Ms. Angus, Chair at 7:05 p.m.

ATTENDANCE

PRESENT: Angus (C), Kaplan (VC – arrived at 7:10), Allen, Gerber, Hamin, Stein, Walker,

STAFF: Ziomek

CONSERVATION COMMISSION'S ACTION

Approve Minutes

VOTED (6-01), Angus, Allen, Gerber, Hamin, Stein, Walker “Aye” and Kaplan abstained to approve the Conservation Commission minutes of November 17, 2009.

Olendzki Land Grant Project Review and Vote

VOTED unanimously, to reaffirm support for the project and to sign any and all grant documents, including the project agreement before them.

CPAC Recommendations

Mr. Ziomek presented his list of potential open space projects to go before the CPAC:

1. **Stosz Property** - Twenty six acres near Haskins Meadow and the Cushman Brook Conservation Area. The appraisal is nearing completion.
2. **Swacz Property** – 7.7 acres on the corner of Rte 116 and Meadow Street adjacent to two APR parcels (Cowl). Purchase price of \$20,000 or less.
3. **Andrews/LaVerdiere Property** – 20 acres on Meadow Street. The appraisal has been done and came in over \$1 million. There is great interest by the farming community to preserve the land for agricultural use, but there is not enough tillable land to keep it in farming.
4. **Poor Family Farm** – 2 parcels, 25 acres each. This property abuts the Cournoyer property and runs along the KC trail. The family is very interested in preserving the land as either a CR or APR. The appraisal is done. This land is very developable with 15- 20 acres open.
5. **Paul Cole Property** – 12 acres along Rte 116. The appraisal came in at \$600,000. Mr. Ziomek is in negotiations with Paul Cole and the Epsteins, who are abutters to the Cole property. If there is a way to combine this acreage with more acreage to reach 50 -60 acres, it would be very interesting, as it abuts the Mt. Holyoke Range.

VOTED unanimously, to endorse the preliminary list of Open Space properties to present to the Community Preservation Act Committee.

Cournoyer Conservation Restriction

The Kestrel Trust has been working with the Cournoyer family in South Amherst on getting two parcels of land into CR, 4 acres of which are in an area the Commission has been interested in preserving. The Cournoyer family wants to donate the CR to the Kestrel Trust. In order to do so, the Town must sign off on the effort. The Town will not be a holder of the CR and will have no legal or financial obligation to maintain the CR, it is just a matter of support of the process for a land trust.

VOTED unanimously, to approve the Conservation Restriction granted by Sabina Cournoyer to The Kestrel Trust on a parcel of land located at 66 Wentworth Manor Drive, Amherst, Massachusetts, containing 4.07 acres, more or less, and to execute a Municipal Certification, certifying that the protection of said land in its natural, open and scenic condition is in public interest.

PERMITS/CERTIFICATES

7:30 PM – Notice of Intent (cont'd from 5/27/09) – Amherst Department of Public Works for roadway reconstruction and drainage improvements partially in, and in the buffer zone of, bordering vegetated wetlands and bank resource areas (Route 116 - Atkins Corner adjacent to Map 25B, Parcel 5).

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

VOTED unanimously, to continue the public hearing to January 13, 2010 at 7:30 p.m. at the request of the applicant.

7:40 PM – Notice of Intent – Pocomo Road Nominee Trust (Barre Tozloski) for landscaping within the Riverfront Resource Area located at 260 Leverett Road (Map 3A, Parcels 8 & 11).

- Opened the public hearing at 7:40 p.m.

Steven Riberdy, biologist from Baystate Environmental Consultants presented for the applicant.

VOTED unanimously, to continue the public hearing and to January 13, 2010 at 7:40 p.m.

Request for Certificate of Compliance – Stephen and Jennifer Page – Potwine Lane

VOTED unanimously, to issue a partial Certificate of Compliance: House and driveway construction, appropriate fill and limits of work according to plans. Condition #17 and special condition #s 7.b, 7.d. and 9 are still outstanding and require Request of a Complete Certificate of Compliance upon completion.

MISCELLANEOUS UNTIMED ITEMS:

Donations

Postpone discussion until a later date.

Chair Report

Ms. Angus spoke about the letter the Commission sent to the DEP regarding their concerns about changes to the wetlands program, reductions in staff and the Circuit Rider program.

Director's Report

APR Release

Mr. Ziomek discussed a bill before the House and Senate, Article 97 – No Net Loss, which requires the municipality to petition the State to release land from protection. There has been an upsurge in requests to the State for release from Conservation Restrictions and Agricultural Preservation Restrictions that the State wants to standardize the way in which releases are granted and to make it harder to do. The Town of Amherst has actually set a standard with the Kimball House of 5:1 based on fair market value and acreage, which the Department of Agriculture is using. There will be a hearing on December 15 at 11:00 a.m. at the State House and he encouraged commissioners to attend to testify.

Olendzki Property:

The Town received \$371,000 in the form of a self help grant to purchase this property. The closing will take place in January or early February; still need to do survey work and title work. They are \$9,000 short, but the Kestrel Trust has agreed to contribute that money. They will be sending out a fund raising letter to South Amherst residents that live near this property in order to raise some of this money, but they are committed to providing the \$9,000 regardless of the outcome of the fundraiser.

Adriance Project

The Town is waiting on the DEP grant to purchase 65 acres on Pelham Road in Pelham. The Town has a commitment for \$155,000. There is a conservation buyer working thru the pre-approval process with his bank to secure funding. A total of 83 acres will be purchased, 65 acres will be preserved permanently and the hope is to have the remaining acreage be used as a small working farm.

Mitigation for 575 North East Street/Cherewatti Project

The mitigation for that project falls to Dave Ziomek and he is working with Jonathan Tucker to identify 10 acres of prime farm land for mitigation or the Town will need to pay \$100,000. The Town has two years left to finalize the mitigation process. Mr. Ziomek hopes to use some of the land near Wentworth Farm, which the Town owns and is not currently protected. Mr. Ziomek has spoken with the Town manager and the Finance Director about using 5 acres as part of the 10 acre mitigation requirement. Then due to a shortage of tillable acreage on this parcel that cannot be used to satisfy the mitigation requirement, use the acreage to lease to organic farmers. This plan hinges on whether the DAR will accept those 5 acres as satisfying the mitigation requirement.

APR Sale

Mr. Ziomek noted that the typical match required by the State is 20% from the Town and 80% from the State. With the "sale" the match could be as low as 5%, so it is a good time to try to get land into APR.

Town of Amherst Budget

The Town Manager has mandated each functional area to reduce their budgets by 10%. Mr. Ziomek noted that there is very little left in the budget to cut other than personnel. Everyone will be doing more with less. The budget is due out on January 15, 2010.

Milestone Document

Mr. Ziomek noted that the department is still actively working on that list of grants. He is currently working with Nate Malloy on a NOAH grant for the Fort Rive Dam and Amethyst Brook Project. This project will free up 6-9 miles of Amethyst Brook above the Amethyst Brook Conservation Area.

Land Manager Search

The search has concluded and Mr. Ziomek will be finalizing discussions with the candidate and will be able to notify the Commission at the next meeting.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 9:16 p.m.