

**Conservation Commission Meeting
June 11, 2014
Town Room, Amherst Town Hall**

MINUTES

CALL TO ORDER

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

ATTENDANCE

Present: Angus (C), Boice, Allen, Healey, Brooks, Clark

Staff: Ziomek, Willson

CHAIR, DIRECTOR & WETLANDS ADM REPORTS

Willson said Cowls, Inc. has removed the asphalt they placed within Riverfront along Cowls Rd. in response to the Enforcement Order issued. Showed pictures. Willson provided update on NRT. Old pavement has been removed from Hadley/Amherst line to S. Pleasant St. They have not started re-paving yet. They have erosion control including haybales at all drainage inlets/outlets. DCR also finishing drainage swale cleanout. Warner Bros doing that work for DCR, trying to get it done before re-paving. Willson said MSDS sheet for “rodeo” herbicide to be used at 170 University Dr. in Con Com packet.

Ziomek introduced two Amherst College interns, Phil & Kevin, who will be working with the Conservation & Development Dept. this summer. They will be working on kiosks, Ag. licensing, Land Use Policy, and sorting through Conservation files. Ziomek stated field staff all filled, 2 full time and 2 half time. Ziomek said having meetings with Carol Gray & S. Amherst Conservation Assoc. to come up with conceptual plan for SE St. parcel will bring it before Commission at one of next few meetings. Focus is on adding habitat enhancements, bird boxes, butterfly plantings. Amherst Tree Warden planted trees in right of way that some people don’t like, may eventually block the view. We still need a name and dedication ceremony for that parcel. Ziomek reminded Con Com that at spring town mtg it was voted to have a ballot question at special town mtg in fall regarding increasing CPA surcharge from 1.5% to 3%. Con Com members may be asked your opinions on that. Boice said CPA Committee working on long term plan on how they distribute funds.

MINUTES

No minutes reviewed.

PERMITS/DISCUSSIONS

7:15 PM Fort River Farm– Accept deed & sign Conservation Restriction

Ziomek closing on Fort River Farm Conservation Area next week. Two forms to sign, one acceptance of conservation restriction and 2nd acceptance of your responsibility to have care & control of property (deed). Con Com has draft copies of both documents, lawyers will probably still make changes before final. Kestrel Trust will be holder of CR. Clark asked if they will monitor? Ziomek town will monitor all

Conservation Lands but Kestrel will also monitor once a year. Vote whether you agree with CR as written, OK with what is allowed and what isn't on the land, and OK with Kestrel being holder.

Boice moved and Brooks seconded. Commission VOTED (6-0-0) to accept and sign Conservation Restriction as written.

Deed says Kestrel will sell property to Town for \$145,000 with care under CR. Con Com voting to accept care, custody, management, and control of Fort River Farm property.

Brooks moved and Boice seconded. Commission VOTED (6-0-0) to accept and sign deed.

7:30 PM Request for Determination – Javad Moshfegh and Hamid Kaboli for construction of a roof over a deck within Riverfront at 65 West St. (Map 17C, Parcel 55).

Javad Moshfegh & Hamid Kaboli stated that they have started construction of a roof over their deck but have stopped because they were told they needed permitting. Willson explained that they are in Riverfront and have been told many times what needs to be done in terms of filing for work within Riverfront. Boice stated the deck roof didn't seem to pose a threat to Riverfront but other work that had been done, tree and vegetation removal may have had a bigger effect and she wanted to reiterate that all work within Riverfront on their property needs permitting. Healey added that much of the yard is grass, it would be better for the river to have more vegetation to filter drainage. Ziomek stated vegetation along the river bank is critical for river.

Boice moved and Healey seconded. Commission VOTED (6-0-0) to close the public meeting and issue a Determination of Applicability #2.

7:45 PM Notice of Intent (cont'd from 5-29-14 mtg) – Peter Heronemus for construction of a single family house and associated driveway within resource areas on West St. (Map 22B, Parcel 1).

Willson stated that Peter Heronemus contacted her to say his plan is not ready and he will not be coming to tonight's meeting. The Commission needs to continue the hearing.

Boice moved and Brooks seconded. Commission VOTED (6-0-0) to continue the public hearing until 7:45 PM on June 25, 2014.

8:00 PM Request for Determination – Trustees of Hampshire College for road construction within the buffer zone to bordering vegetated wetlands at 893 West St. (Map 22D, Parcel 15 & Map 22B, Parcel 62).

Jeff Squire, Berkshire Design Group on behalf of Hampshire College, presented project. Circular drive being removed replaced with campus green. Two wetland areas to the north and south of access road by entrance. Project basically to realign road, no new drainage discharges or structures. Besides entrance area one other portion of road to the west comes within the 100 ft buffer. Erosion control already in place.

Healey moved Clark seconded. Commission VOTED (6-0-0) to close the public meeting and issue a Determination of Applicability #3.

8:15 PM LAND Grant submittal - Hall Property

Ziomek said State moved LAND Grant deadline to June 19, 2014. He presented maps with details of Hall property. Owner has offered over 30 acres for \$345,000. Important for many ecological reasons, also Town would own both sides of Owen's Pond. Appraisals are done, grant will pay for approximately 70% of property cost. Matching funds from Town would be asked for at Spring Town mtg 2015. Brooks asked if we get this grant would that preclude us from getting a grant in the future for another maybe better property? Ziomek said this is the most important property at this time, owner could develop as house lots. Allen it's certainly worth buying, wood turtle habitat. Ziomek looking for Commission's approval to submit LAND Grant for the Hall property.

Brooks moved Healey seconded. Commission VOTED (6-0-0) to support submitting the 2015 LAND Grant application for the Hall Property on Old Farm Rd.

Miscellaneous Untimed Items:

- Enforcement Order Landmark & O'Reilly, Talbot & Okun Co.

Willson stated that today she got a call from Amy Ball, Horseley Whitten Group, (Landmark consultant) reporting that Landmark's geotech consultant drove through wetland areas with their drill rig. Willson presented photos from today when she saw the impact areas with Ward Smith. They looked at six impact locations, all along old logging roads.

Willson has a draft Enforcement Order to Landmark for Commission to review. Commission should consider issuing one to property owner and contractor. Healey asked how we enforce wetlands that don't have an approved delineation? Willson we don't need a formal delineation to issue enforcement order on area we think is wetland. Boice read draft language to Commission. Brooks should add we need to know square footage of resource area impacted and type of resource area. Ziomek we want erosion control proposed, they need to provide photos and map of impacted areas. Willson draft language includes providing recommendations for restoration.

Willson suggests we issue first EO to Landmark to come in with documentation on impacts. Then issue additional EOs potentially to land owner and contractor. Con Com agreed to discuss issuing additional EOs to land owner and contractor at next meeting.

Brooks moved Healey seconded. Commission VOTED (6-0-0) to issue Enforcement Order as revised by Commission to Landmark.

- Topics not reasonably anticipated 48 hours prior to the meeting.

ADJOURNMENT

VOTED unanimously to adjourn the open meeting at 8:30 p.m.