

**Conservation Commission Meeting  
October 8, 2014  
Town Room, Amherst Town Hall**

**MINUTES**

**CALL TO ORDER**

Meeting called to order by Ms. Angus, Chair at 7:00 p.m.

**ATTENDANCE**

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

Staff: Ziomek, Willson

**CHAIR, DIRECTOR & WETLANDS ADM REPORTS**

Willson stated 15 Beston St. RFD was withdrawn. Summary of updates to state regs in Commissioners packets, revised regs coming out Oct. 24<sup>th</sup>. Commissioners will each get bound copy of revised regs, need to think about revising town bylaw. State will be doing workshops on revised regs, will announce dates/locations. Mitigation for Tillson Farm Rd. substation complete, description in your packets. DEP review letter in your packets, only comment is to check if work is within jurisdiction of the Army Corps. Willson spoke with Army Corps they are OK, not requiring permitting. Willson & planners will be meeting with Peter Herronemus next week he has thoughts of subdividing West St. property.

Ziomek met with Town Manager and DPW regarding Meadow St. stream. Ag Commission wrote letter to Town Manager expressing concern of impact of stream (not draining) on farmers. Culvert replacement will move forward in spring 2015. DPW to file NOI, not sure if they are hiring consultant. Town Meeting voted to spend \$40,000 on putting Conservation Restrictions, held by Kestrel Land Trust, on eight parcels we own. Should be hearing soon about the Hall Land Grant. Willson & Bordewieck to work on NOI for Southeast St. Carol Grey working on bluebird boxes, benches and signage. Staff mowing about 50% less land this year, mowed almost 100% last year, creating schedule mowing some areas every other year. Brooks had reported dump area off of Eastman Brook/Robert Frost Trail, Town is aware and has discussed how to get garbage out, tricky.

**MINUTES**

Reviewed/approved minutes 6-11-14

**Brooks moved and Clark seconded. Commission VOTED (5-0-0) to approve minutes of 6-11-14.**

**PERMITS/DISCUSSIONS**

**7:15 PM Request for Determination** – Ann Kenworthy for rebuilding of a deck within buffer zone to bordering vegetated wetlands at 93 High Point Dr. (Map 6B, Parcel 66).

Doug Donnell, builder, project is replacing existing deck. Photos provided on overhead, pointed out wetland and deck location. Deck removed by hand, dig 6 holes for new footings (sono-tubes), build off footings and stay within footprint of existing deck. Angus asked about other proposed work. Donnell that was all previously approved, new deck was last minute decision. Potentially use Bobcat for excavating, equipment come in from driveway not wetland side of property.

**Boice moved and Allen seconded. Commission VOTED (5-0-0)** to close public meeting and issue a Negative Determination #3.

**7:30 PM Vote to take a position on CPA surcharge increase.**

Ziomek CPAC held a public forum on their strategic plan for decision making on the four categories of preservation (open space, recreation, historic, community housing). Thank you to Commissioners who wrote comments in and/or came to the meeting. Open space was well represented, recreation even more represented. There was an emphasis on Puffer's Pond, questions about whether CPA funds can be used for improvements such as trails and even dredging. Deadlines for 2016 proposals in Dec. 10<sup>th</sup>. Angus thanks Boice for all her work with CPAC.

Boice on November ballot there will be a question for residents if they approve increasing the CPA surcharge from 1.5 to 3.0%. Currently with 1.5% CPAC has about \$500,000/yr for approved projects. If raised to 3% will double available funds, many more projects funded. CPAC voted 100% to endorse increase and they are looking for other committees to vote. Will be brought before the Select Board on October 20. Boice asking Conservation Commission to take a vote. Boice asked of how many of the land acquisitions in the last 10-15 years used CPA funds? Ziomek almost all of them, you can't do general maintenance but can do large restoration projects with funds. Brooks can funds be carried over year to year, what's in account now? Ziomek yes you can carry funds over and there is about \$200,000 in the pot currently.

**Allen moved and Boice seconded. Commission VOTED (4-1-0 Brooks opposed)** to endorse the added surcharge.

**7:45 PM Request for Determination** – Ruby Toledo for house addition and construction of a fence within buffer zone to bordering vegetated wetlands at 145 Eames Place (Map 11D, Parcel 13).

George Davis, homeowner, building addition 30X28. Structure will be approximately 55 feet from wetland line. Photos provided on overhead. Davis added they are proposing to add to an existing fence. Fence is over 30' from wetland and will be 6 feet high. Erosion control will be installed between work area and resource area. Dumpster and staging area will be over 50 ft from wetland. Willson stated erosion control should be moved so it's not within 30'. Construction should take about two months. Paul XX, 6 Chestnut St. asked is there going to be a basement and where is septic? No, no basement and on town sewer. Questioned way Eames Place is drawn on plan, Angus says plan says roadway not built and coincides with Town GIS and is stamped by professional land surveyor. Who is going to maintain roadway? Angus that's not within our jurisdiction. Davis said he will be maintaining. Ziomek said good topic to bring up with DPW.

**Boice moved and Brooks seconded. Commission VOTED (5-0-0)** to close public meeting and issue Negative Determination #3.

**8:00 PM Request for Determination** – Mike and Adriana Powell for determination of jurisdictional area at 149 Pomeroy Lane (Map 20C, Parcel 29).

Alan Weiss, environmental consultant, sorry he missed the site visit in the morning. He has walked the property and sampled in areas, such as depressions, that he thought might be hydric but has found no wetlands on the site. Did not see hydric features, plants or soils. Angus said there is not enough data to back this decision up, no data sheets or written description of observations. Brooks pointed out some questionable areas from the site visit and said he's not comfortable saying no wetlands based on work that's been done. Angus said what Commission needs to decide is if area depicted on plan is jurisdictional under the act. Field observations helpful but we need to decide based on what's been provided and that's not much.

**Boice moved and Brooks seconded. Commission VOTED (5-0-0)** to continue the public hearing to October 22, 2014 at 7:15 PM.

**8:15 PM Notice of Intent (cont'd from 9-23-14 mtg)** – Town of Amherst Conservation Department for replacement of cribbing, installation of fencing & trail repairs within resource areas at Puffer's Pond Conservation Area (Map 5B, Parcels 16, 129 & 130 and Map 2D, Parcel 8).

Ziomek Town asks to continue the hearing.

**Brooks moved and Boice seconded. Commission VOTED (5-0-0)** to continue the public hearing to October 22, 2014 at 7:45 PM.

#### **Miscellaneous Untimed Items:**

- Re-issue Certificate of Compliance – 69 Dennis Dr.

Willson said original COC issued years ago but never recorded.

**Brooks moved and Boice seconded. Commission VOTED (5-0-0)** to re-issue the Certificate of Compliance for 69 Dennis Dr.

- Topics not reasonably anticipated 48 hours prior to the meeting

#### **Adjournment**

**Voted** unanimously to adjourn the open meeting at 8:20 PM.