



## TOWN OF PELHAM CONSERVATION COMMISSION

Pelham, Massachusetts

### Minutes for April 29, 2021

Present: David Gross, Richard Seelig, Dana MacDonald, Tilman Lukas, Janice Gifford

Also present: Peter Serafino (Home City Development), Maria Firstenberg (TRC), Cyd Reiman (Pelham Community Preservation Act Committee), Stacy McCullough, (Pelham Zoning Board of Appeals), Jeff Squire (Berkshire Design Group), Matthew Lundsted (Comprehensive Environmental, Inc.), Linda Spink (Pelham Cultural Council), Michael Larkin, Bob Hartzel (Comprehensive Environmental, Inc.), Amy Spalding-Fecher, Martin Silberberg

The meeting was held online via Zoom due to the ongoing COVID-19 pandemic and state-mandated restrictions on meeting in person. The link to the Zoom meeting was published as part of the regular Commission agenda. The meeting was held under guidelines from the Attorney General and the Governor.

The meeting was brought to order at 7:01 pm.

#### **Public Hearing for the Tower Road-Abbreviated Notice of Resource Area Delineation (ANRAD)**

The public hearing was continued from February 11, 2021. The ANRAD was submitted by W.D. Cows, Inc. for the parcel located on Tower Hill Road (Map 14 Parcel 1). Maria Firstenberg from TRC shared the updated wetland maps for that will be included in the updated ANRAD.

Chair MacDonald asked Ms. Firstenberg if all revisions for the ANRAD are now completed and the applicant wishes to proceed with the hearing. She said that the ANRAD is complete and it is appropriate to proceed. She noted that the only new document in the ANRAD was a revised map set. Ms. Firstenberg reported that she had met with Emily Stockman, the designated peer reviewer, in December to walk the parcel in order to complete the delineation. In subsequent visits by Ms. Stockman there were no further changes in the delineation discovered. Ms. Firstenberg noted that only small changes in the wetland delineation maps from the maps originally submitted. She reviewed the updated plans. Chair MacDonald requested that an overlay of the Zone A (surface water supply for drinking water) outlines be added to the revised maps.

Commissioner Seelig noted that in section 8 of the parcel there is a very steep gradient slope uphill of the intermittent stream. He suggested that the Commission keep that in mind for any prospective Orders of Conditions for any future Notice of Intent on the parcel.

Commissioner Lukas asked if the 100-foot delineation boundaries are by linear or horizontal measure. Ms. Firstenberg said that it is a linear measure.

Chair MacDonald asked if the flags that currently mark the boundaries in the field are GPS located in case the flags are displaced. Ms. Firstenberg said that they are GPS located and that the flags can easily be refreshed if necessary. Chair MacDonald asked Ms.

Pelham Conservation Commission minutes

April 29, 2021

Firstenberg if TRC or the applicant will submit the ANRAD to the Department of Environmental Protection and send a paper copy to the Commission. She said yes.

It was moved that the Commission approve the revised ANRAD for the Tower Road project on the condition that Zone A graphic overlays be added to the maps, this Approval falling under the Massachusetts Wetlands Protection Act and the Town of Pelham Wetlands Bylaw. Second. Approved 5-0. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

It was moved that the Commission close the Public Hearing on the Tower Road ANRAD. Second. Approved 5-0. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

**Public Meeting for a Request for Determination of Applicability (RDA) at 75 Arnold Road**

The public meeting was continued from February 11, 2021. Chair MacDonald suggested that the Commission conduct a site visit with the Grybkos. He asked if Commission members are available in the upcoming week. Some Commission members said they they will be available on Thursday May 6 at 4 pm. Chair MacDonald said that he will contact the Grybkos.

It was moved to continue the RDA until after the site visit is complete. Second. Approved 5-0. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

**Public Hearing for a Notice of Intent (NOI) Submitted by Home City Development, Inc.**

The public hearing was continued from March 11, 2021. Chair MacDonald noted that Commissioner Lukas has recused himself from the discussion. This Public Hearing for a Notice of Intent submitted by Home City Development, Inc. for a Riverfront Re-development project from an existing commercial building and single-family home to affordable housing units located at 18 to 22 Amherst Road (Map 3 Parcel 30 and 32) has DEP File #258-0096.

The draft Orders of Conditions (OoC) supplied by the peer reviewer, CEI, were shared by Chair MacDonald for attendees' viewing.

Chair MacDonald asked Jeff Squire if he had supplied a set of hardcopy NOI plans with the changes in the NOI plans that have been worked up in the past month. He said that he would like to have a set to review before the Orders of Conditions are completed. Mr. Squire noted that CEI did supply hard copy plans with revisions.

Chair MacDonald read the draft OoC supplied by CEI. The following numbers refer to the numbering of orders in the draft.

1. Chair MacDonald said that he would like to add a condition about sedimentation control around the wetland during construction.
2. Commissioner Gross asked what will happens if any replacement plantings for original plantings that did not survive also do not survive. Mr. Squire noted that any problem with the site that leads to plant death usually shows up within the first year. Commissioner Seelig said that he hasn't yet found an updated plant list as requested in previous meetings. Mr. Squire replied that the non-native species identified in the original proposal have been replaced with native species. Commissioner Seelig ask about tree cutting that will occur during the project. Mr.

Pelham Conservation Commission minutes

April 29, 2021

Squire noted that two trees near the main building must be removed. Additionally a few smaller trees at other locations also will be removed.

3. Chair MacDonald suggested that this condition should be changed to minimal use of pesticides and no use of herbicides on the parcel. Cyd Reiman asks who will monitor any such use. She additionally pointed out that Pelham Town Meeting passed a resolution that makes the town a pollinator-friendly municipality and thus pesticide use should be restricted. Chair MacDonald said that the comment will be noted. He said that there will be an operations plan included in the OoC that can include pesticide and herbicide restrictions.

Commissioner Lukas suggested that the OoC require review and approval by the Commission of any proposed herbicide/pesticide use at the site.

4. Chair MacDonald noted that the chair of the Pelham Planning Board had expressed concerns at a previous meeting about snow storage on the site. Mr. Squire pointed out that the current plan will have snow melt go through the stormwater treatment system. Chair MacDonald asked Bob Hartzel for recommendations for deicing agents that are best used on a site like this. Matt Lundsted said that one practice is to use a preapplication of deicer and another option, not as good, is to use only an abrasive like sand. Mr. Hartzel said that he will send information on deicer possibilities as suggested by the Massachusetts Department of Environmental Protection.
5. Chair MacDonald asked Peter Serafino if he has concerns about the proposed order concerning maintenance of green spaces. Mr. Serafino noted that this condition would be placed on the owner once the property is sold.
6. Mr. Serafino said that the construction design process is not yet finished, so it will not be possible to present a plan for demolition debris control until the design is complete.

Mr. Lunsted pointed out that, with respect to herbicides and pesticides, the OoC do need to consider treatment for invasives. Chair MacDonald noted that the Natural Resources Conservation Service of the USDA has grants programs that could be tapped to work on invasives that are already on site. He also noted that a restriction in the OoC could be to require a licensed applicator for any herbicide use.

Chair MacDonald said that the lighting peer review being completed for the Zoning Board of Appeals should include effects on areas across the stream from lighting on site. He suggested that the lighting proposal be forwarded to the Massachusetts Department of Environmental Protection for their comments on the effect of light on wildlife at the site, particularly anadromous fish. Mr. Serafino said that there will be a revised lighting plan for review by the Zoning Board of Appeals within the next couple of weeks in time for their meeting on May 17. Mr. Squire noted that a consultant with expertise in light and wildlife has been brought into the planning process.

Cyd Reiman asked about monitoring during construction. Chair MacDonald said that there would be. Mr. Squire noted that there will be a construction monitor assigned to the project.

Mr. Serafino asked when the next review of the OoC will be discussed. Chair MacDonald said that the OoC will be held open until the hearing is closed, and that more

Pelham Conservation Commission minutes

April 29, 2021

work will be done on it at the next Commission meeting. He said that a draft OoC will be sent to Mr. Serafino.

It was moved to continue the hearing to May 13. Second. Approved 4-0-1 (Gifford – yes, Gross – yes, Lukas – abstain, MacDonald – yes, Seelig – yes).

**Public Hearing for a Notice of Intent (NOI) submitted by Hank Brakeley c/o SWCA Environmental Consultants for a Driveway/Wetland Crossing for a Single-Family Home (Map 8 Parcel 29.A)**

Commissioner Seelig recused himself as a Commissioner since he is an abutter to property under consideration. Chair MacDonald said that the applicant has requested a continuation. The applicant is waiting for a second septic perc test before they engage the peer reviewer to do wetlands delineation. Chair MacDonald said that the Board of Health thinks that it will likely that a low nitrogen septic system will be required, and that a variance for installation will be required since town bylaws say that such systems must be within 300 feet of the main road.

It was moved to continue the hearing to May 13. Second. Approved 4-0-1 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – abstain).

**Request from the Community Preservation Committee (CPC)**

Cyd Reiman, representing the CPC, said that the committee no longer has a representative from the Commission. The CPC requests that one of the Commission members volunteer to joint the CPC in order to be a liaison between the committee and the commission.

**Commonwealth Mosquito Spraying Program**

There was discussion about the opportunity for Pelham to opt out of the Commonwealth's mosquito spraying program. Discussion focused on the negative aspects of broad scale spraying in relation to its effects on forest insects and the waters in town.

It was moved that the Commission inform the Select Board that Pelham should opt out of the Commonwealth spraying program. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Chair MacDonald said that he will write a letter to the Select Board stating the reasons for which the Commission opposes spraying in town.

**Violation at 57 South Valley Road**

Chair MacDonald reported on tree cutting near a small streamway at 57 South Valley Road. He noted that the owner had been clearing dead and live trees and picking up the debris. He said that the owner had agreed to stop the work and to submit a Request for Determination of Applicability (RDA) detailing the work that will be occurring in the buffer zone. Chair MacDonald said that he had dropped off the RDA form with the owner. Chair MacDonald will work with him, and the RDA is expected to be discussed at the May 13 meeting.

**Centennial Water Treatment Plant**

## Pelham Conservation Commission minutes

April 29, 2021

Chair MacDonald said that the Commission received a Request for Determination of Applicability (RDA) the public meeting for which will need to open on May 13. He said that the Commission will need to do a site visit. He pointed out that he and Agent Borenstein did a site visit in March 2020 with an engineer for the project. He suggested that the engineer could introduce the project to the Commission on May 13 with a site visit afterward.

### **Dog Leash Bylaw**

Commissioner Seelig pointed out that the Town Meeting Warrant includes a petition by residents that will require all dogs to be on leash when on town property. He asked if the Commission wishes to take a position on this. Chair MacDonald recalled that the Commission had considered restrictions similar to this for some town properties but not others. He noted that the proposal on the warrant is quite broad. Commissioner Seelig suggested that the Commission have a hearing concerning dogs on leashes to allow townsfolk to supply their points of view.

It was moved that the Commission not support the citizen petition dog leash statute to Town Meeting for the reason that the petition is broad, vague and too restrictive, and that the Commission proposes to hold a hearing or hearings to consider dog leash regulations for conservation lands. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

### **Agent Borenstein's Work Load**

Chair MacDonald noted that Agent Borenstein is overloaded with work as Conservation Agent for Westfield. He said that she needs to lower her hours or resign as Agent for Pelham. Chair MacDonald said that he will have a conversation with her to determine if she can continue with Pelham, and under what conditions. Commissioner Gross suggested that the Commission might hire an assistant for Agent Borenstein so that her knowledge of Pelham won't be lost. It was agreed that the Commission needs to address this right away.

### **53 Harkness Road**

Commissioner Lukas reported that Roberly Bell from 53 Harkness Road had contacted him saying that she is still interested in making an addition to the house. Commissioner Lukas noted that the Chair of the Zoning Board of Appeals (ZBA) told Ms. Bell that it was unlikely that the ZBA would issue a variance to build closer to road. Commissioner Lukas said that Ms. Bell had had someone from SWCA look at the site to provide guidance. He said that it appears the plan now is to build on north side of house. Commissioner Lukas told Ms. Bell that the Commission can't do the delineation, but it can give a general impression of where the limits would likely be delineated. Commissioner Lukas said that he is willing to go on a site visit. Chair MacDonald said that he will join him. The proposed date was set as Wednesday May 5 at 4 pm. Commissioner Lukas will contact Ms. Bell to ensure that she can be present.

### **59 Meetinghouse Road**

Commissioner Lukas said that he had been in touch with Amy Sporn who represents the Bank of America. The eviction of tenants at 59 Meetinghouse Road continues to be postponed. Ms. Sporn replied to Commissioner Lukas's email that the siltation fence installation required by

Pelham Conservation Commission minutes

April 29, 2021

the Commission last year is inadequate. The Commission has not yet learned if the siltation fence has been properly installed.

The meeting was adjourned at 9:55 pm.

A handwritten signature in black ink, appearing to read "David Gross". The signature is written in a cursive, flowing style with a large initial "D".

Respectfully submitted by David Gross