



**TOWN OF PELHAM CONSERVATION COMMISSION**  
Pelham, Massachusetts

**Minutes for May 13, 2021**

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

Also present: Peter Serafino (Home City Development), Ryan Neyland (Tata and Howard), Jeff Squire (Berkshire Design Group), Matt Morganelli (Town of Amherst), Lynda Grybko, Michael Grybko

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 7:07 pm.

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

The public meeting was continued from February 11, 2021.

The Grybkos noted that they had done work in their front yard and also in the back yard. The front yard is within 100 feet of a wetland. The back yard appears to have some wet areas and is box turtle habitat. Chair MacDonald said that he had sent information on vegetation and box turtle habitat to the Grybkos as well as others on Arnold Road. He noted that management of vegetation in box turtle habitat should be done only between October 15 and May 1 which are the dates considered the activity period for the box turtle. Logging in box turtle habitat should be restricted to the period December 1 to March 31.

Chair MacDonald suggested to continue the public meeting for a couple of weeks. He noted that the Commission needs to issue Orders of Conditions and that feedback from Natural Heritage will be needed for that. Commissioner Lukas asked if the area in the back is jurisdictional. Chair MacDonald confirmed that it is.

It was moved to continue the public meeting in order to get feedback from MassWildlife's Natural Heritage and Endangered Species Program. 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 25, 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

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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, and the boilerplate DEP Form 5 were shared by Chair MacDonald for attendees' viewing. Chair MacDonald read the first 20 boilerplate conditions on WPA Form 5. Peter Serafino asked about the 3-year limitation for project completion. Chair MacDonald noted that if a project is not completed within that time frame, the Commission will be required to have a public hearing subsequent to a request from the applicant placed thirty days prior to the end date indicated in the OoC in order for the Commission to approve an extension. Commissioner Seelig asked if there was a five year total time limit. Chair MacDonald said that he would check on that with the Department of Environmental Protection.

Chair MacDonald then read the draft Commission OoC. He said that the numbering in special orders 25 and 26 should be changed to 18 to 21. He also noted that number 39 should have the word "fall" removed.

It was moved to accept the current draft Orders of Conditions, to be finalized at a subsequent meeting after the Zoning Board of Appeals (ZBA) has made its recommendations. Second. Approved 4-0-1 (Gifford – yes, Gross – yes, Lukas – abstain, MacDonald – yes, Seelig – yes).

Commissioner Gross asked about lighting issues as noted in the lighting report obtained from the ZBA. Chair MacDonald noted that conditions related to lighting can be added to the current OoC prior to the final vote on them. Mr. Serafino asked Chair MacDonald to let the ZBA chair know that the draft OoC have been approved. Discussion ensued.

It was moved to reopen the draft OoC. Second. Approved 4-0-1 (Gifford – yes, Gross – yes, Lukas – abstain, MacDonald – yes, Seelig – yes).

Chair MacDonald proposed to add to the draft OoC an item 47 concerning future ZBA conditions related to site lighting and other specific conditions imposed.

It was moved to accept the modified draft OoC. Second. Approved 4-0-1 (Gifford – yes, Gross – yes, Lukas – abstain, MacDonald – yes, Seelig – yes).

It was moved to continue the hearing indefinitely until the ZBA completes its review. Seconded. 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)**

Chair MacDonald reported that he has heard nothing from applicant. Commissioner Seelig noted that as an abutter, he recused himself from the discussion.

It was moved to continue the NOI to a subsequent meeting. Second. Approved 4-0-1 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – abstain).

**Public Meeting for a Request for Determination of Applicability (RDA) for Work at 86 Amherst Road**

Chair MacDonald noted that this meeting relates to an RDA submitted by the Amherst Department of Public Works (DPW) for the demolition and reconstruction of the Centennial water treatment plant at 86 Amherst Road. The document reviewed during the meeting was the RDA submitted by the Amherst DPW.

Chair MacDonald said that Ryan Neyland and Matt Morganelli were present to represent the Amherst DPW. Chair MacDonald opened the meeting for RDA at 8:36 pm. He asked Mr. Neyland and Mr. Morganelli present the plan to the Commission. He noted that the filing fee paid by the applicant will be returned as this is a municipal RDA.

Mr. Neyland said that the RDA is for a new water treatment plant on the site of the old Centennial water treatment plant. The new plant building will be sited very close to the location of the old plant, which will be demolished. Plans include diversion of stormwater from Amherst Road, the building and a paved drive into remodeled treatment lagoons. Chair MacDonald asked about the vegetation that will be used within the new stormwater collection pools. He suggested that there be a mix of vegetation with both wet- and dry-preferring species. Chair MacDonald asked about any change in impervious surfaces currently at the site. Mr. Morganelli said that the impervious area will be increased, but at present there is no stormwater control in place so that stormwater will be better handled subsequent to the completion of the new controls. Chair MacDonald asked for a 6" spacing at bottom of the security fence as per DEP suggestions for wildlife movement. Mr. Neyland was concerned about security at the site but that they will look into fence modifications.

It was moved to issue a negative 3 determination for the RDA. (Work will occur within the WPA and town bylaw but will not create adverse conditions.) Orders for the RDA will request wildlife spacing for the site fence dependent on the security review plus a change to a native wetland seed mix for the stormwater collection pools. Approved 5-0. Second. Approved 5-0. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Chair MacDonald said that he will write up the determination and submit it to the applicant.

It was moved to close the public meeting. Seconded. Approved 5-0. (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

**Anticipated Request for Determination at 57 South Valley Road**

Chair MacDonald said that Nathaniel Bruursema, the owner of 57 South Valley Road, intends to file a Request for Determination (RDA) for work on his property, but that the RDA is delayed and will be addressed at a later meeting.

**Minutes from April 8 and 29, 2021**

It was moved to approve the minutes from the April 8 and April 29 meetings. Second. Approved 5-0. (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

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**Emergency Certification for Beaver Dam Removal, Eversource**

Chair MacDonald shared the Emergency Certification Form submitted by Beaver Solutions, Southampton MA that he reviewed in the field this past week. The form requested dam deconstruction at the powerline crossing on Route 202 that has created flooding conditions at the Eversource work site.

Chair MacDonald said that he had conferred with Mark Stinson of DEP who asked about the emergency condition. Chair MacDonald suggested that an emergency existed since powerline repairs cannot move forward with more than 18” of water in place, and the beaver dam has backed up water higher than that. He noted that all work on the dam will be manual. The Emergency Permit he signed expires on June 9, 2021. Commissioner Lukas asked about the timing of Eversource work that makes this an emergency. Chair MacDonald said that he was told that the work is pending, dependent on the reduction in wetland water level. There was discussion about the level of emergency.

It was moved to ratify the Emergency Certification Form for removal of the beaver dam. Second. Approved 5-0. (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

**Dog Walking Issues Raised at Town Meeting**

Chair MacDonald noted that discussion at the recent Town Meeting about dog walking on leash in town prompted him to offer that the Commission would hold two public hearings on Saturdays from 10-12 am to allow discussion by townsfolk prior to any issuance of guidelines. He suggested that the hearings should occur from the middle of June to the middle of July. One goal will be to identify problem areas in Pelham. A likely outcome will be to create guidelines to have dogs on leash on public roads and in Buffam Falls Cons Area. After some discussion, the dates of June 12 and 26 were selected. Chair MacDonald said that he will draft a postcard to be mailed to all residents notifying them of the two meeting dates. Commissioner Gross said that he will contact the Town Administrator to see if the town Zoom account is available for those dates.

The meeting was adjourned at 10:01 pm.



Respectfully submitted by David Gross