



TOWN OF PELHAM CONSERVATION COMMISSION
Pelham, Massachusetts

Minutes for January 14, 2021

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

Also present: Lynda and 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 7:02 pm.

Public Hearing for the Tower Road-Abbreviated Notice of Resource Area Delineation (ANRAD)-continued from December 17, 2020

There was no discussion on the ANRAD. It was moved to continue the public hearing to a subsequent meeting. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Public Meeting for 75 Arnold Road –Request for Determination of Applicability (RDA)

Chair MacDonald read the rules governing a public meeting. An announcement of the meeting was published in the Daily Hampshire Gazette on Tuesday, January 5, 2021. Lynda and Michael Grybko were invited to describe the nature of the RDA which describes work that had partially been completed. They said that dead trees in the area between their house and Arnold Road were removed to prevent damage to their and neighbors' property. The trees were within the buffer of an identified wetland. They noted that replacement fruit trees had been planted and ground cover had been sown. Their aim is to enhance the wildlife use of the area where dead trees were removed. They noted that a portion of their property is under Chapter 61B recreational use.

Agent Borenstein described her site visit earlier in the day. She found a wetland to the north of the driveway and a possible wetland to the south. About ¼ acre of land was cleared, not all of that was in the buffer zone of the north wetland. She also viewed the area to the west of the house and noted a depression that is a potential wetland and that had been grubbed. Chair MacDonald discussed rules about wetland manipulation within 61B land that is regulated under the Wetlands Protection Act. If it turns out that there is a jurisdictional wetland at the west end of the property, the Grybkos will need to have an agreement with the Commission if they plan to continue to use equipment for maintenance in that location. It was agreed that the Grybkos should review the site with Agent Borenstein and Commission members in the spring to determine if there is a wetland there. As this is within Eastern Box

Turtle habitat, regulations may require any cutting within the property to occur in the spring or fall, not during growing (and turtle active) season. The Commission agreed that it will need to review the site and set conditions after the spring site review. The Grybkos agreed to a continuation of their RDA until the spring site visit.

It was moved to continue the public meeting until the spring after a site visit to view the potential resource area at the rear of the property. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Update on 59 Meetinghouse Road Enforcement Order

The Commission discussed the work that has been done to remove trash, install a siltation fence and fill a muddy hole in the illegal driveway at 59 Meetinghouse Road. Commissioners Lukas and Seelig reported that they had viewed the site and found that the sedimentation fence that has been installed is not adequate and has several gaps between it and the soil surface. It appeared as if a small load of dirt was placed in the driveway hole, not the trap rock that had been specified by the Commission when it met with the contractor. The large trash pile had been removed, but it appeared that the tenants seem to be dumping more at the same location. Commissioner Lukas volunteered to send a note to Amy Sporn, the agent for the owner of the property, Bank of America, that the siltation fence installation is not properly installed and that the driveway hole has not been adequately filled.

Fennessey (North Valley Road) and 8 Amherst Road Conservation Restrictions

The commission discussed the review of the conservation restrictions and signage, sent to Commission members by Chris Volonte of the Kestrel Trust, for two parcels. The matter was tabled to a subsequent meeting.

96 Harkness Road Update

Commissioner Seelig and Agent Borenstein noted that they had gone to the Rhodes Building basement to look in the Commission files for documentation about the creation of the Harkness Conservation Area. They did not find much. Commissioner Lukas noted that the area of interest was the property of Adele Simmons and thus might be found under her name. The Commission reviewed the Massachusetts Interactive Property Map from which it appears that the shed associated with 96 Harkness Road lies on town-owned land within the Harkness Conservation Area. Commissioner Lukas said that he had contacted Lawyer Elizabeth Wroblinka about drafting a letter to the owners describing the Commission's decision that the shed must be removed prior to sale of the property. He reported that she felt it was a conflict of interest for her given her role for the CR holder, the Kestrel Trust. Chair MacDonald suggested McConnell Law as an attorney to write the letter draft.

14 Daniel Shays Highway

Agent Borenstein reported on a site visit at 14 Daniel Shays Highway that was requested by the attorney representing a party interested in buying the property. She found no wetlands. It was moved that Agent Borenstein send a letter to the attorney acknowledging that the Commission found no regulated wetlands on the parcel. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Pelham Conservation Commission minutes

January 14, 2021

22 Amherst Road Notice of Intent (NOI)

There was discussion of the NOI received from Berkshire Design for their housing project at 22 Amherst Road. It was agreed that the Commission will hold a public hearing on the NOI at the January 28 meeting. It was noted that the chair of the Planning Board, Judy Eiseman, requested a hard copy of the NOI application. After some discussion it was agreed that Commissioner Lukas will give his copy to Judy since he will be recusing himself from the public hearing. Agent Borenstein will request two more hard copies from Berkshire Design, one for library and one for the Commission's consultant. Agent Borenstein will send the legal notice of the hearing to Susannah Carey with the request for her to send courtesy notifications of the application and hearing to all board chairs and department heads. There was discussion about the difficulties of having the meeting on Zoom, but the Commission agreed that meeting in an enclosed space at this time is not sensible. There was further discussion about identifying a consulting engineer to review the plans. It was noted that Stantec had declined to be the Commission's consultant. Commissioner Lukas agreed to contact Tighe and Bond to see if they would be the consultant.

Minutes from November 19, 2020 and December 17, 2020

It was moved to approve the draft minutes from meetings on November 19 and December 17. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

The meeting was adjourned at 8:54 pm.

Respectfully submitted by David Gross

