



TOWN OF PELHAM CONSERVATION COMMISSION
Pelham, Massachusetts

Minutes for January 28, 2021

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

Also present: Michael Weinberg, Claudia Heuvel, Lexi Dewey (Pelham Planning Board), Ann McNeal (Pelham Zoning Board of Appeals), Ralph Faulkingham (Pelham Zoning Board of Appeals), Thomas Kegelman (Home City Development), David Shanabrook (Pelham Select Board), Stacey McCullough (Pelham Zoning Board of Appeals), Bruce Klotz, Kevin Rothschild-Shea (Architecture Environment Life, Inc.), David Litwak (Pelham Zoning Board of Appeals), Amy Spaulding-Fletcher (Pelham Housing Committee), Barbara Cooper (Pelham Housing Committee), Judy Eiseman (Pelham Planning Board), Jeff Eiseman (Pelham Zoning Board of Appeals), Peter Sarafino (Home City Development), Jeff Squire (Berkshire Design Group), Gary Thomann (Pelham Police Department), Amanda Huhmann (Pelham Zoning Board of Appeals), Alexandra Taylor, Ruth Elcan (Pelham Housing Committee), Charles Lynch

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 7:00 pm.

Public Hearing for the Tower Road-Abbreviated Notice of Resource Area Delineation (ANRAD)-continued from January 14, 2021

There was no discussion on the ANRAD.

Public Meeting for a Request for Determination of Applicability (RDA) submitted by Lynda and Mike Grybko for Tree Clearing in the 100-foot Buffer Zone Located at 75 Arnold Road – continued from January 14, 2021

There was no discussion on the RDA.

It was moved to continue the ANRAD public hearing and the RDA public meeting to a subsequent meeting. Second. 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. for a Riverfront Redevelopment Project

The NOI submission is for a redevelopment 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), DEP File #258-0096.

Chair MacDonald opened the hearing at 7:05 pm and read the legal announcement published in the Daily Hampshire Gazette on Thursday, January 21, 2021. He laid out the structure of the hearing as one hour of presentation and questions. He noted that the hearing will be continued to subsequent meetings with a target schedule being February 25 to draft Orders of Conditions and March 25 to approve the Orders of Conditions.

It was moved that Commissioner Lukas be recused from the proceedings of the hearing. Second, Approved 4-0-0 (Gifford – yes, Gross – yes, Lukas – abstain, MacDonald – yes, Seelig – yes).

Chair MacDonald asked if the proposed schedule will work for the applicant. Peter Sarafino said that it would.

Jeff Squire from Berkshire Design Group described the project. Included were details of the current status of the site and a description of the area where work is planned. He spend some time describing the wetlands resource areas that are jurisdictional under state and town wetlands regulations. He described the planned site changes and building footprints (current and proposed).

Mr. Squire addressed concerns raised by the Massachusetts Department of Environmental Protection (DEP). One particular concern was the proposed replacement of the Amherst Road stormwater drain, which is prohibited. He said that the plans have been revised to leave the end of the pipe in place while replacing the portion upgrade of it. He also addressed DEP concerns related to redevelopment regulated under 310 CMR 10.58(5). He said that additional conservation restriction acreage was added on the south side of Amethyst Brook in order to satisfy the requirement that the mitigation area must be developable according to regulations.

There was discussion about the two stormwater catch systems on the plans. Mr. Squire said that neither will increase the water flow rate compared to what is currently happening on site.

Chair MacDonald opened the session for questions from the Commission: Commissioner Seelig asked for clarification about the locations of the stormwater retention basins. Mr. Squire said that there will be only one for the lower parking area and only one for the upper parking area. Commissioner Seelig also asked about details on the sewer ejector pump. Mr. Squire noted that a generator will power the ejector in case of an electrical outage and that the effluent will go directly to the Amherst sewer system at Amherst Road.

Commissioner Gross asked about the parties responsible for continuing maintenance called out in the plans. Mr. Squire said that the owner is responsible and suggested that details of expected maintenance should be put in the Orders of Conditions including expectations and requirement of proof of maintenance. Commissioner Gross asked about the expected lifetime of the stormwater system. Mr. Squire said that similar systems that Berkshire Design has specified are 20 years old and are still functional.

Pelham Conservation Commission minutes

January 28, 2021

Chair MacDonald asked about the stormwater retention/dissipation systems, in particular whether they allow low capacity infiltration. Mr. Squire said that they do. The systems have considerable storage capacity, and they sit on cloth and gravel to permit infiltration. The system design is for pre-filtering of sediment, with cleaned water input to the retention systems. Water discharge will happen for very large storm events, otherwise storm water will infiltrate from the retention systems.

Chair MacDonald opened the floor for questions from town authorities: Ralph Faulkingham asked about water flowing down the driveway slope. Mr. Squire said that the design has catch basins in four places, one on that slope, one at the top of the slope, one at the bottom of the slope, plus one closer to the Amherst Road curb cut. The design aims to capture water before it gains energy flowing down the driveway.

Judy Eiseman asked about the height of the retaining wall. Mr. Squire said it will vary from two to about fourteen feet (with the highest portion at the bottom of the driveway near the proposed dumpster location). He said that the wall is modular in construction made up of very large concrete blocks, and that the blocks are available with a variety of surface finishes. Ms. Eiseman also asked for details about the area of land that will be set aside for mitigation, in particular what area is assumed to be developable. Mr. Squire described the newly designated conservation restriction area that is immediately to the west of the old septic field. Agent Borenstein noted that there might be a need to recalculate the riverfront area, which is not developable.

Agent Borenstein asked about the area just to the west of the apartment building, designated as lawn area. In particular, what access will there be to the area and what maintenance will be necessary? Mr. Squire said that there will be no direct access from the building, with split-rail fencing to inhibit ingress. The area will be low maintenance, to be mown one to two times per year in order to inhibit the growth of invasive species. Agent Borenstein suggested that native shrubs might be considered for that area.

Ms. Eiseman noted that it is difficult to study the plans without access to large format copies. She requested that more such copies of the updated plans for boards and abutters be made available. Chair MacDonald noted that he felt that the extended meeting times that the Commission is planning will help to allow more access for boards and abutters. He noted that it would be worthwhile to provide more copies in the Pelham Library.

Chair MacDonald opened the discussion to all interested parties. Commissioner Seelig noted that many plants called out in the plans are from nursery stock. He asked if it would be possible to get actual native plants. Mr. Squire said yes, and that he can look into that.

Select Board member Shanabrook asked about the proposed conservation restriction trail and its connections to other trails. Chair MacDonald said that this will be a topic for the second meeting. He noted that this project will begin to create a green corridor from the Amethyst Brook Conservation Area in Amherst up through the Buffam Falls Conservation Area and beyond. He noted that a bridge crossing of Amethyst Brook to the west of the project and then again upstream of the project could facilitate access to the trail system.

Bruce Kotz asked if there is there a plan for snow plowing of the parking areas and driveway. Mr. Squire said that the plowing plan has not yet been developed. He said that if there is more snow than can be accommodated on site, it will be necessary to haul the snow away. Mr. Kotz asked if the high water marks indicated on the plans are prior to or after the removal of the dam at the site. Mr. Squire said that the high water flags were placed within the past year by a professional wetlands scientist and indicate high water levels subsequent to

Pelham Conservation Commission minutes

January 28, 2021

dam removal. Mr. Kotz asked about the impact of the proposed fence on wildlife. Mr. Squire said that the split rail fence is primarily a visual deterrent for residents and should only restrict human movement, not wildlife movement. Mr. Kotz asked about the visibility of the tall retention wall from the north side of Amethyst Brook. Mr. Squire said that the wall likely will be visible from across the river. He noted that the prefab pieces have stone-type finishes that make it look not so much like concrete.

Ms Eiseman asked if there will be data on the temperature of storm water coming off the pavement. She asked if the Orders of Conditions could require that water to be held back if it is too hot. Mr. Squire noted that storm water storage is underground, and thus he expected it to be cooler than water coming from paved surfaces.

Stacey McCullough asked about potential changes to plans for parking that may be suggested by the ZBA and the effect that could have on Conservation Commission deliberations. Chair MacDonald said that the Commission would need to be involved only if the changes were relevant to the stormwater system. If plans change, i.e. for parking based on ZBA requirements, then the Orders of Conditions can be revised. That is one reason to leave the present hearing open until the ZBA process is completed.

Bruce Kotz asked about the weight limit of the retention structures. Mr. Squire said that they are designed for heavy vehicle loads.

Chair MacDonald asked the applicant if they would agree to a continuation of the hearing to a subsequent meeting. Peter Sarafino said that would be acceptable.

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

Chair MacDonald said that the next major scheduled review in the NOI hearing will be on Feb. 25. The Commission discussed the timing for review of proposals by potential peer reviewers.

The public hearing recessed at 8:23 pm.

Update on 59 Meetinghouse Road Enforcement Order

Commissioner Lukas reviewed the series of emails that have come in the past couple of weeks. He reported that Duke's put down enough gravel to fill the pit in the illegal driveway in order to stabilize it and they removed large trash pile which is now being added to again by the tenants. They have installed three siltation fences, the last one closest to the illegal driveway. He said that none of them are satisfactory since they are not heeled into the ground but rather have rocks employed to hold down the plastic sheeting silt barrier. Commissioners Lukas and Seelig found no immediate problems with siltation. Duke's will wait for the ground to thaw to finish the heeling in of the siltation barrier. Commissioner Lukas said that he has corresponded with Amy Sporn, agent for the Bank of America, to keep her informed of progress at the site.

January 28, 2021

Review Fennessy (North Valley Road) and 8 Amherst Road Conservation Restrictions (CRs)

Chair MacDonald reported that the CRs have been revised by Elizabeth Wroblinka, representing the Kestrel Land Trust, and they are now in review by the state. There was no further discussion of the CRs.

It was moved to approve the 8 Amherst Road and Fennessy CRs. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Community Forest Signage and Trail Maps

Chair MacDonald noted that draft signage and trail maps for the Buffam Brook Community Forest have been created by the Kestrel Trust and were forwarded to Commission members. These will be reviewed at the next Commission meeting.

Forest Stewardship Amendment

Chair MacDonald said that a review of the McClung parcel addition to the Buffam Brook Community Forest must be completed soon and an amendment added to the Forest Stewardship plan for the Community Forest. This is required to close the federal contract that allowed the purchase of the parcel. Mike Mauri, who wrote the original stewardship plan, is available to do the review and write the amendment for McClung property. Mr. Mauri submitted a proposal for the necessary review and report. The Commission reviewed his proposal. Chair MacDonald said that Mr. Mauri can be paid from the Commission trust fund.

It was moved to hire Mike Mauri for fee of \$2507.60 with \$150 in advance for the review of the McClung parcel and revision of the Forest Stewardship Plan. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Agent Borenstein said that she will sign the contract and request the \$150 check to be cut and sent to Mr. Mauri.

Revision of Conservation Restrictions with Kestrel Land Trust

Chair MacDonald reported that the Kestrel Land Trust is moving to a nonprofit corporate structure from its current land trust structure. Because of this, all documentation related to conservation restrictions held in cooperation with Kestrel must be revised to reflect its new structure. The Chair can sign for the Commission in order to transfer the language from Kestrel Trust to Kestrel Trust, Inc.

It was moved that the Commission approve the transfer and appoint the Chair to sign the documentation. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Chair MacDonald will sign the documentation and have it notarized by Susannah Carey in the Town Office by early next week.

January 28, 2021

Minutes from January 14, 2021

It was moved to approve the draft minutes from the Commission's January 14, 2021 meeting. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

96 and 100 Harkness Road Property Boundaries

There was discussion about the potential property boundary violation at the Harkness Conservation Area boundary with 96 Harkness Road. Commissioner Lukas reported on his efforts to contact McConnell Law to draft a letter to the owner of 96 Harkness about the boundary violation. He has been given a name to contact but that has not yet been accomplished. Chair MacDonald said that the Commission may need a survey to define the frontage for the property lines to ensure that the Commission's concerns about the intrusion onto town property are accurate. He noted that the frontage boundaries for both 96 and 100 Harkness would be useful to determine.

The meeting was adjourned at 9:19 pm.

Respectfully submitted by David Gross

A handwritten signature in black ink that reads "David Gross". The signature is written in a cursive, flowing style.