



TOWN OF PELHAM CONSERVATION COMMISSION
Pelham, Massachusetts

Minutes for March 11, 2021

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

Also present: Peter Serafino (Home City Development), Kevin Rothschild-Shea (Architecture Environment Life, Inc.), Lexi Dewey (Pelham Planning Board), Stacey McCullough (Pelham Zoning Board of Appeals), Ralph Faulkingham (Pelham Zoning Board of Appeals), Barbara Cooper (Pelham Housing Committee), Jeff Squire (Berkshire Design Group), Jim Duda, Megan McDonough (Pioneer Valley Habitat for Humanity), Dan McCullough, Ruth Elcan (Pelham Housing Committee), Brendan Stratton (Architecture EL), Bob Hartzell (Comprehensive Environmental, Inc.), Judith Eiseman (Pelham Planning Board), Matthew Lunstead (Comprehensive Environmental, Inc.), Ann McNeal (Pelham Zoning Board of Appeals), Lucy Conley (Berkshire Design), William Pula (Pelham Board of Health), Amy Spaulding-Fetcher (Pelham Housing Committee), Jeff Eiseman (Pelham Zoning Board of Appeals)

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

The public hearing was continued from February 11, 2021. There was no discussion on the ANRAD.

Public Meeting for a Request for Determination of Applicability at 75 Arnold Road

The public meeting was continued from February 11, 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).

8 and 10 Amherst Road - Habitat for Humanity

Walt Kohler requested that the Commission discuss the upcoming demolition of existing structures at 8 and 10 Amherst Road to be followed by construction of two new single-family homes on those parcels. Mr. Kohler could not attend the meeting, but Megan McDonough

Pelham Conservation Commission minutes

March 11, 2021

from Pioneer Valley Habitat for Humanity was present to answer questions. The Commission viewed a draft plan submitted by Habitat for Humanity.

Commissioner Gross asked if the eastern parking spaces are set back from the edge of the nearby dropoff. Ms. McDonough indicated that the parking space does not encroach on the slope or on the siltation fence. Commissioner Gross also asked about the stormwater drainage swale located between the two proposed houses. He noted that in the site plan it appears that runoff may channel to the steep slope that drops toward Amethyst Brook. Chair MacDonald asked if the swale be vegetated. Ms. McDonough replied in the affirmative. He also asked if a 24-36 inch wide deceleration edge along the westernmost parking area be added to slow runoff. Ms. McDonough noted that both parking areas will be made with compacted TRG unless the occupants (not yet determined) will require wheelchair access. There was discussion about the permeability of the TRG, and it was agreed that no deceleration edge would be needed for this style of parking area, but it would be recommended if the parking area is constructed with impermeable materials.

Agent Borenstein asked if the Commission be notified when the sedimentation barriers are installed. Ms. McDonough said that they have applied for a demolition permit, and that demolition will be the first work happening on the site, likely to begin next week. Chair MacDonald asked if the site manager could notify the Commission when that work commences by sending a note to Agent Borenstein. Ms. McDonough said that she would pass that request to the site manager. Agent Borenstein will send a note to Ms. McDonough with the comments from the Commission.

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

The public hearing was continued from February 25, 2021. 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.

The Commission reminded hearing attendees that Commissioner Lukas has recused himself from this discussion.

Chair MacDonald noted that the main point of discussion for this session is the peer review from Comprehensive Environmental, Inc. (CEI). He asked Bob Hartzell from CEI to summarize the findings.

Mr. Hartzell focused on a few main points. The wetland resource area (BVW) at end of the drain pipe was of concern. Jeff Squire from Berkshire Design Group said that, after a conversation with CEI, changes in the plan that impact that portion of the plan are in progress.

Mr. Hartzell discussed the planting plan, noting that seeding with the proposed restoration mix in certain areas is a good idea. He suggested that, in some areas, woody plantings should be included to improve soil stability and water infiltration. CEI recommended that the low-bush cranberry and pachysandra that are proposed on the current plan be replaced with native species.

Matt Lunstead from CEI discussed the stormwater control aspects of the plan. He noted that state regulations require construction to meet parameters to the maximum extent possible, and that from CEI's calculations that requirement has not been met. He suggested an alternate analysis to determine what the maximum extent of stormwater flux is projected to be. He noted that CEI had a conversation with the applicant's designers and that they are reaching consensus. He further said that the goal should be to maximize stormwater

Pelham Conservation Commission minutes

March 11, 2021

infiltration. Turning to the question of the BVW below the drain outfall, he noted that the applicants have said that in revised plans the outfall will not be replaced. He further said that he expects several changes in the revised plans.

Chair MacDonald asked for questions from the Commissioners. Commissioner Gross asked about the timing for plan revisions and comments on those revisions. Mr. Hartzell replied that the applicant will respond to CEI's letter, line by line, and that will take a few days. Mr. Squire noted that he had talked with CEI representatives earlier in the day and that he understands what the concerns are. He said that the applicant will respond with comments and plan updates, likely within two to four weeks.

Commissioner Seelig commented that the plant list is mostly for nursery stock. He asked if actual native plants can be used rather than nursery varieties. He also asked if there is a cutting plan for trees on the property. Mr. Squire said that the demolition plan shows what will be removed, including trees. Mr. Hartzell said that New England Wetland Plants likely will be able to supply native plants.

Chair MacDonald noted the use of some vegetated swales and depressions, which he thought were very useful. He further noted that he would like to see as much as possible of this in the plan, with the swales being planted with native plants, particularly deep-rooted woody plants. He said that he would prefer for the Commission to wait for the applicant's response to the letter with its revised detailed engineering. He continued that he would like the most current NOAA precipitation model to be used to ensure that the performance of the stormwater infrastructure is designed to be as robust as possible to accommodate future climate variability.

Agent Borenstein asked the applicant to elaborate on how the small BVW will be impacted by the proposed work, and how that impact will be improved. Mr. Squire pointed out that the outlet pipe that discharges into the BVW carries runoff from Amherst Road, which will remain as it is currently. The proposal aims to route overflow from the below-ground retainment chambers to that same pipe, which will be replaced by a new pipe. He also pointed out that any new water entering the pipe is being treated to remove sediment. Mr. Hartzell said that comingling Amherst Road stormwater plus that from the new construction is an issue.

Chair MacDonald then opened questions from town officials. Judy Eiseman asked about mitigation for offsite stormwater that is in the current plan. Mr. Squire said that the direct impact aspects will be removed from the revised plan. Bill Pula said that phasing of demolition and construction for the overall plan is very important. He said that having the whole site open at the same time is not a good idea. Mr. Squire said that erosion control and phasing will be included in the revised construction plan.

Chair MacDonald then asked for questions from others at the meeting. Jim Duda asked about the planned 15" pipe tie that moves stormwater into the BVW. He asked about the flow carrying capacity of the pipe. Mr. Squire said that the plan analysis did include the calculation of the rain shed from Amherst Road as well as that from the new construction. Commissioner Lukas (speaking as a resident) noted that the plan calls for additional flowage out of the stormwater pipe into the BVW. He asked if this will cause erosion due to the added flow. Mr. Quired said that he hasn't yet done calculations for the full channel from outlet to old raceway.

Pelham Conservation Commission minutes

March 11, 2021

Chair MacDonald suggested that the Commission plan on reviewing the revised plans at its March 25 meeting. He noted there may be a need for further review at a subsequent meeting. Mr. Serafino said that they will try to get a response to the reviewer comments by then. Mr. Hartzell noted that the Commission might want to consider that CEI will need a bit of time to reply to the applicant's comments. Chair MacDonald said that April 8 may be a more practical date for the next big review of the plan and for review of the comments.

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

Minutes from February 25, 2021

It was moved to approve the draft minutes from the February 25 meeting. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Notice of Intent (NOI) for 30 Buffam Road

Chair MacDonald said that a potential homeowner is planning to submit an NOI for construction of a driveway and house at 30 Buffam Road. SWCA sent an electronic copy of the NOI earlier in the day to Agent Borenstein. Agent Borenstein shared a map over Zoom from the application. Chair MacDonald said that the Commission will need a third party reviewer for the NOI. He asked Agent Borenstein to contact Emily Stockman to see if she can be the third party reviewer. He also noted that the NOI proposes a driveway cut to Buffam Road that is within a resource area. This is not allowed by the town wetlands bylaw. He noted that the Commission needs to do a site visit. Chair MacDonald asked Agent Borenstein to contact SWCA to determine if the emailed plan is for a preliminary review or if it is the final version for a hearing. If it is the latter, the Commission will need hard copies, have a peer review of the wetland delineation, payment, and a DEP number before it moves forward with the hearing. He noted that there are additional constraints on the site due to its inclusion of riverfront area.

Abbreviated Notice of Resource Area Delineation (ANRAD) at Tower Road

Agent Borenstein said that Emily Stockman, the Commission's third party reviewer for the ANRAD at Tower Road, will be meeting at end of March with the applicant to continue working on delineation of wetlands within the parcel. Chair MacDonald noted that the Commission should do a site visit when the ground has thawed.

Tree Cutting at 90 North Valley Road

Chair MacDonald visited 90 North Valley Road and talked to the owner, Luciano Matarazzo, about a report of tree cutting on the site. Mr. Matarazzo said that several pines were damaged during a recent storm, and that he had a logging company come in and take down the damaged trees. He had covered the top of an old logging road with 4" trap rock gravel to reduce damage. Chair MacDonald note that the loggers did a very good job and that there was very little damage to the forest floor. Chair MacDonald thinks that the Commission would have approved this work with an advisory assessment (AA). Chair MacDonald told Mr. Matarazzo that future work should be reviewed by the Commission before the work is done. Chair MacDonald suggested that we send the owner an AA letter saying that he should

Pelham Conservation Commission minutes

March 11, 2021

contact the Commission for guidance when he wants to do work on his property. Chair MacDonald asked Agent Borenstein to write the letter.

59 Meetinghouse Road Update

Commissioner Seelig noted that the silt fence at 59 Meetinghouse Road needs to be improved. He said that the fence is down in several places and that it is not yet entrenched. Chair MacDonald said that the entrenchment needs to wait until the ground has thawed. Commissioner Lukas agreed that the work needs to wait a bit longer. Chair MacDonald asked him to contact Amy Sporn, agent for Bank of America, noting that the Commission insists that this work be done correctly.

Conservation Commission Annual Report

Agent Borenstein said that she is nearly finished with the Annual Report.

Amherst Road Perc Test

Chair MacDonald reported that Susannah Cary of Amherst Road had asked him about any review required to do a septic perc test. He said that the parcel she is asking about has substantial wetland involvement, and he suggested that the Commission should do a site visit to see if a perc test would require a Request for Determination of Applicability or an Advisory Assessment. He asked that Agent Borenstein schedule a site visit once the snow melts.

Enforcement of the Wetlands Protection Act (WPA) and the Town Wetlands Bylaw

Commissioner Lukas noted that he had forwarded correspondence that he had with Jeff Eiseman, Chair of the Zoning Board of Appeals (ZBA) about the enforcement of the WPA and the town bylaw. Commissioner Lukas said that the ZBA can waive aspects of the bylaw under the state's Chapter 40B statute. He suggested that the Commission hold open its Orders of Conditions on the 20-22 Amherst Road Notice of Intent until the ZBA finalizes their review, should they choose to waive aspects of the town wetlands bylaw.

The meeting was adjourned at 9:21 pm.



Respectfully submitted by David Gross