



TOWN OF PELHAM CONSERVATION COMMISSION
Pelham, Massachusetts

Minutes for April 8, 2021

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

Also present: Peter Serafino (Home City Development), Linda Spink (Pelham Cultural Council), Ann McNeal (Pelham Zoning Board of Appeals), Barbara Cooper (Pelham Housing Committee), Bill Pula (Pelham Board of Health), Lucy Conley (Berkshire Design Group), Bob Hartzel (Comprehensive Environmental, Inc.), Elizabeth Wroblika (Kestrel Trust), Ralph Faulkingham (Pelham Zoning Board of Appeals), Stacey McCullough (Pelham Zoning Board of Appeals), Dan McCullough, Judy Eiseman (Pelham Planning Board), Jeff Eiseman (Pelham Zoning Board of Appeals), Randall Spalding, Jeff Squire (Berkshire Design Group), Bruce Klotz, Rusty Rowell (Pelham Assessors), Matthew Lundsted (Comprehensive Environmental, Inc.), Chase Bernier (SWCA), Val Miller (SWCA), Kevin Rothschild-Shea (Architecture Environment Life, Inc.), Ruth Melnick, Carey Clouse, Gail Kenney (Pelham Housing Committee), David Litwak (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 7:10 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 of 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 of 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.

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

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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.

Documents examined during the hearing included the original NOI plans submitted by the applicant, the peer review comments, and responses to those comments.

Chair MacDonald asked the applicant and peer reviewer to summarize their respective responses to the application and review changes. Jeff Squire, for the applicant, said that modifications had been made to the stormwater system plans and to the outfall from the Amherst Road drain. Bob Hartzel of Comprehensive Environmental, Inc. (CEI) noted that all of the comments in the initial peer review have been addressed by the applicants. He said that the applicants have made changes to the original design that have had substantial impacts. The Amherst Road drainpipe outfall now will have upgraded downslope protection. The applicant will make changes that will mitigate impact on the existing Bordering Vegetate Wetland (BVW). Comments on the planting plan have been addressed, with additional woody plantings being proposed. Mr. Hartzel suggested that the woods road area should be fully planted with at least three species of woody shrubs. He agreed that the area near the proposed wood rail fence has no need for woody plants. He suggested that the access road plantings should include more native species. Commissioner Seelig pointed out that *Fothergilla gardenii* is not native to New England. Two other species, *Pieris floribunda* and *Viburnum opulus*, are not native to Massachusetts. He suggested that these species should be replaced. Mr. Hartzel said that the viburnum has been removed, but that the plant list has some errors that will soon be fixed.

Matt Lundsted, for the peer reviewer, noted that a previous meeting there was discussion about the original plan to combine existing Amherst Road stormwater outflow with on-site generated stormwater. He said that after discussion with the applicant, these features have now been separated and the plan will be redesigned. He said that the current stormwater design now meets appropriate standards. He said that Berkshire Design has agreed to the proposed changes.

Chair MacDonald asked about the timing of the changes. Mr. Squire said that they will be done quickly if no further major changes are introduced. Chair MacDonald noted that the storm model projections now seem to be improved. He said that the Commission would like CEI to help draft the orders of conditions due to the complicated nature of the project.

Chair MacDonald opened a questioning period for Commission members. Commissioner Seelig said that he would like to see a revised list of the planting plans. Chair MacDonald said that a final digital and printed set of plans is expected to be submitted to the Commission.

Chair MacDonald then opened questioning to town officials. Elizabeth Wroblika, representing Kestrel Trust, asked about plans for on-site restoration of land that will be placed in conservation restriction. She also asked if there will be proscribed remediation and maintenance on those conservation lands, and, if so, will Kestrel be a participant in the planning of that? She noted that Kestrel requires a site assessment prior to their taking possession. She suggested that any assessment and remediation could be included in the Commission's Orders of Conditions. She said that Kestrel will require some funding for ongoing upkeep of the conservation lands. She noted that there had been discussion about a footbridge to connect the new conservation land to a Kestrel parcel across the brook, and that funding for that footbridge would need to be found. Chair MacDonald said that the footbridge could be funded from Community Preservation Committee (CPC) funds. Peter Serafino

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discussed parcels B and C that Home City Development plans to donate to Kestrel. He said that Home City is willing to have discussions about upkeep requirements. Any maintenance and upkeep would pass through to Kestrel when the parcels change hands. He welcomed the inclusion of Kestrel for writing the conservation area portion of the Orders of Conditions. He noted that the old mill remains will be preserved and that there are strict requirements related to work near the mill remains within parcel B.

Judy Eiseman noted that the CPC has dedicated \$500K for this project. She asked if some of that money can be used to construct the footbridge? Chair MacDonald said that can be looked into at a later stage of the process. Bill Pula noted his concern about opening up too much of the site at once. He said that attention needs to be made to phasing of the demolition process. Chair MacDonald pointed out that phasing is addressed in the revised reviewer's letter.

Ms. Eiseman asked about the process for any potential comments from the Zoning Board of Appeals (ZBA) related to the stormwater plans. Chair MacDonald said that the applicant has agreed to continue this public hearing until the ZBA has performed its review. At that point changes to the draft Orders of Conditions can be made if needed.

Chair MacDonald said that the next steps will be to finalize the design. He suggested that Berkshire Design put forward the project redesign for the Commission to review. The next Commission meeting on April 29 will begin to draft Orders of Conditions.

It was moved to continue the Public Hearing to a subsequent meeting. 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. The document examined was the NOI submission.

Chair MacDonald called the Public Hearing to order at 8:13 pm. He noted that the NOI was received by the Commission on March 22. He said that the Commission is awaiting payment of the state filing fee. The advertisement of this Public Hearing was published on Thursday, Apr 1 in the Daily Hampshire Gazette. He said that he and Commissioners Seelig, Gross and Lukas met with SWCA representative Chase Bernier earlier in the day for a site visit.

Val Miller from SWCA noted that they anticipate that a peer reviewer will be requested to confirm locations of wetlands within the parcel. Chase Bernier, representing the applicant Hank Brakeley, described the proposal for a 1700 linear foot driveway that is 12 feet wide. He said that the NOI proposes minor impacts to a Bordering Vegetated Wetland (BVW) and its buffer zone. He noted that SWCA had considered access through other parts of the parcel but those would have had greater wetlands impact. He said that SWCA would like to request a continuation of the hearing in order to complete the peer review.

Chair MacDonald noted that this site has a connected set of wetlands that are very substantial. He said that if the present NOI is approved the applicant will need to file another NOI for septic and house construction, which will require a second peer review. He suggested that it might be wise to delineate the whole parcel rather than a partial delineation as is in the current plan. Mr. Bernier said that he will take this suggestion to the applicant. Chair

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MacDonald also said that the applicant needs to contact the property abutters to determine their willingness to allow the applicant to share their driveway as this would be the least invasive alternative scenario. He noted that the Commission will require a written communication by the applicant with the abutters for the potential use of the existing driveway.

Bill Pula, Chair of the Board of Health, said that the first septic perc test did not go well. He said that a second test is scheduled for May. Judy Eiseman questioned if the Conservation Commission should approve the movement of equipment within the parcel for any perc test. Chair MacDonald noted that during the site visit earlier in the day, no signs of wetland disruption due to recent equipment movement were noted,

Commissioner Seelig asked the applicant to provide a set of markers to delineate the proposed location of the driveway in order that the Commission can better determine distances to wetland borders. Commissioner Lukas requested that the applicant provide an overlay map of both the delineated wetlands and the proposed driveway location.

Linda Spink asked if updated or further information on the proposal will be available for review prior to the Commission's April 29 meeting. Chair MacDonald said that any new documents will be posted on the Commission's web site.

There was discussion of an appropriate peer reviewer.

It was moved to approve a peer review proposal for the NOI provided by Stockman & Associates. Second. Approved 4-0-1 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – abstain). Chair MacDonald said that he will send a signed approval to Emily Stockman.

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

5 Harkness Road Replacement of Bulkhead and Upgrade of Existing Fire Pit

Chair MacDonald reported that he and Commissioners Lukas and Gross conducted a site visit with the property owner, David Schein, to review the proposed work. The site is adjacent to an intermittent stream that empties into a constructed frog pond in the yard adjacent to the property. The bulkhead has deteriorated and needs to be replaced. The owner would like to add a stone surround to an existing fire pit in the yard withing an area that already is actively used. Work for both of these projects will be done within the 100 foot wetland buffer zone. Chair MacDonald said that the Commission will issue an advisory assessment letter including requirements to remove construction spoils, to bucket compact the work area around the replaced bulkhead and to employ best construction management protocols.

It was moved that we have Agent Borenstein issue the advisory assessment letter. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Increasing Commission Agent's Hours

Chair MacDonald noted that the Commission is now very busy with multiple NOIs, ANRADs and RDAs. He proposed that the Commission increase Agent Borenstein's hours in order that she can provide more assistance in processing applications. There was discussion about the number of excess hours that she currently works for the Commission versus the number of

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hours that she bills the town. Commissioner Lukas suggested that she submit copies of her time card to Chair MacDonald in order that he can better determine the number of extra hours that she is working to ensure that she is being paid for time worked.

Review Minutes from March 11 and 25, 2021

Commissioner Gross noted that changes to the March 25 draft minutes as suggested by Commissioner Seelig had been made.

It was moved to approve the draft minutes of March 11 and the revised draft minutes of March 25. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

The meeting was adjourned at 9:06 pm.

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

Respectfully submitted by David Gross