



## TOWN OF PELHAM CONSERVATION COMMISSION

Pelham, Massachusetts

### Minutes for October 8, 2020

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

Also present: Judith Eiseman

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.

Agent Borenstein took the roll call.

#### **Culvert Replacement on King Road**

DPW Head Rick Adamcek reports that the DPW needs to replace a failed culvert on King Road. Agent Borenstein visited the site and found water stained leaves but no moisture. She noted that there are wetlands on either side of the street. She said that the culvert is rusted out and there is a hole on the side of the road. After agreeing that this is the best time of year for the repair, the Commission agreed that it should issue an emergency certification, and that Agent Borenstein should proceed with the issuance. The certification will be active for 30 days. The Commission felt that hay bales on either side of the work area should be used for erosion control, and also agreed that one or more members of the Commission should meet with Head Adamcek to review the proposed work. Commissioner Lukas agreed to contact him and to inform the Commission of the date and time of the site visit.

#### **Debris at the Pemberton Memorial Forest**

Chair MacDonald had reported in an email that he had been notified that a debris pile was present at the Pemberton Memorial Forest. Agent Borenstein said that she had visited the area and did not see the debris. Ms. Eiseman also said that she did not know where the debris was located. Agent Borenstein will check with Chris Volonte from the Kestrel Land Trust, who reported the issue, for more details. Agent Borenstein said that DPW Head Adamcek is willing to assist with removal of the debris.

#### **Update on 53 Meetinghouse Road Enforcement**

Commissioner Lukas reported that he had received a call from Brian Dietter who is working with Bank of America on the restoration of the driveway area within the buffer zone at 53 Meetinghouse Road. Mr. Dietter was looking for names of contractors who can do the restoration. Commissioner Lukas noted that he mentioned the use of a New England Wetlands seed mix over an inch or two of topsoil as a possible remediation for the site. He also said that

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the tenants are still at the property and that it is not clear when the remediation will happen. The Commission discussed setting fines for noncompliance. There was also discussion about convening the Planning Board, Zoning Board of Appeals and Conservation Commission together to discuss the full scope of issues at the site.

The Commission discussed possible contractors for the work. It was noted that the work will require erosion control along with the restoration work. Names of contractors that Mr. Dietter can contact include Scapes Builders of South Deerfield, SWCA in Amherst, Amherst Landscape and Design Associates, and Taylor Davis Construction in Amherst. Commissioner Lukas said that he will get back in touch with Mr. Dieter with the contractor information. He also said that he will tell Mr. Dieter that the Commission expects to meet with the contractor at the site prior to the commencement of the work.

### **187 Packardville Road Update**

Agent Borenstein reported that she has been trying to contact Tom Terault, who wants to subdivide his property and build a second house on his property and also wants to cut a path through the forest to access Jabish Brook. She has called several times and left phone messages. The Commission agreed that he needs to make contact so that a site visit can be arranged. At the site visit, Mr. Terault can show the Commission what he wants to do, and then the Commission can advise him about next steps.

### **Public Records Request for 62 Buffam Road**

Agent Borenstein noted that someone has inquired about a lot for sale (58, 60 or 64 Buffam Road). She visited the site and said that there is a culvert already installed under a road that leads to a small subdivision. Commissioner Lukas said that AD George had subdivided a parcel there into separate lots a few years ago. 1 or 2 houses are built and 2 or 3 lots are left. Agent Borenstein did not locate any wetlands within the subdivision except at the very bottom of the parcel. She told the person who had inquired about the lot that he needs a determination from the Commission about the location of wetlands before any work can be done on the lot. Commissioner Lukas recalled that the Commission had worked on a Notice of Intent application for the subdivision drive installation about a decade ago. The Commission agreed that the applicant must contact the Zoning Board of Appeals, the Planning Board and the Board of Health. He will need to file a Request for Determination of Applicability with the Conservation Commission once he has specific plans.

### **75 Arnold Road Violation**

Agent Borenstein emailed, but has not yet heard back, from Lynda Grybko to discuss the clear cutting of trees within the buffer zone of a wetland along the west side of the property at 75 Arnold Road. No Request for Determination of Applicability (RDA) was submitted for this work, and it is clear that a technical violation exists. The Commission needs to schedule a site visit to determine what further work is planned, and the Grybkos need to submit an RDA for that work.

### **Minutes from September 10, 2020**

The Commission reviewed the draft minutes from the September 10 meeting. It was moved and seconded to accept the minutes. Approved unanimously, 4-0-0. (Gifford – yes, Gross – yes, Seelig – yes, Lukas – yes).

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**Buffam Brook Community Forest Violation**

There was discussion of the violation of the boundary of the Buffam Brook Community Forest and the Hirsch and Levy property at 31 Boyden Road. Chair MacDonald had referred the Commission to a letter sent to him by Paul Gagnon of the Kestrel Trust that details the violation. Agent Borenstein or Commissioner Gross will contact Chris Volonte from Kestrel to get a copy of the Gagnon letter prior to follow up by the Commission.

The meeting adjourned at 8:09 pm.

Respectfully submitted by David Gross

A handwritten signature in blue ink, appearing to read "David Gross", is positioned to the right of the typed name.