



TOWN OF PELHAM CONSERVATION COMMISSION

Pelham, Massachusetts

Minutes for October 29, 2020

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

Also present: Maria Firstenberg (TRC), Dan McCullough, Pete Michaels (DCR Connecticut Valley ranger, Pelham Police Dept)

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 7:03 pm.

TRC ANRAD Submission

A request for an Abbreviated Notice of Resource Area Delineation (ANRAD) will be submitted by Maria Firstenberg who is representing TRC. The subject parcel is on Tower Road and contains about 60 acres. There is only one abutter, the Commonwealth of Massachusetts (the abutting area being the Cadwell Memorial Forest). Chair MacDonald pointed out that the Cadwell Memorial Forest is run by UMass, and thus he anticipates that a representative from the UMass Department of Environmental Conservation will attend the ANRAD public meeting. The ANRAD is the agreement between the Commission and the applicant as to the location of wetlands.

Ms. Firstenberg reported that she found and flagged three wetland areas within the parcel. She said that her expectation is that her delineation will be peer reviewed. Commissioner Seelig asked what project for the parcel is anticipated. Ms. Firstenberg said that it will be a solar installation proposal. Commissioner Lukas asked if the wetland delineation has been submitted to Commission. Ms. Firstenberg said that she had not as she did not want to submit close to the meeting time. Commissioner Gross asked about any current Department of Environmental Protection limitation on delineating wetlands due to the ongoing drought. Agent Borenstein said that the limitation is on delineation between intermittent and perennial streams. Chair MacDonald noted that it is important to do the wetland delineation during the spring. The Commission agreed that there should be a site visit to review the delineation that Ms. Firstenberg did in March.

Chair MacDonald said that the Commission will hire Emily Stockman as peer reviewer once the ANRAD is submitted. He also noted that the client must agree to pay for the peer review. There was discussion about holding hearings during the pandemic emergency declaration time frame, and implications on future submissions if the Commission agrees to review this ANRAD and a likely Notice of Intent (NOI) that will follow. Agent Borenstein reported that she had learned at the recent Massachusetts Association of Conservation

Commissions (MACC) fall conference that, if the Commission feels uncomfortable about any hearing, then it can decide not to review the application even when other applications have been reviewed during the pandemic emergency.

Chair MacDonald suggested that the client submit the ANRAD. Then the Commission can move forward by contacting Ms. Stockman and she can determine if the review can happen now or if it should wait until the drought is resolved. The Commission requested 6 paper copies of the ANRAD plus a PDF version.

Blazing on Mount Orient Trail

Pete Michaels from the Pelham Police Department, who is also the Division of Conservation and Recreation (DCR) Connecticut Valley ranger, described the rescue of a man in distress on Mount Orient. The rescuers had issues in locating trails to get the man off the mountain. He noted that the trail is not blazed at present. He reported that he had to locate an appropriate trail as the rescue was occurring. He would like to blaze the trail to the summit for use by emergency services. The blazes will be small dots with reflectors at their centers. After discussion the Commission agreed that this is a good thing to do. Commissioner Lukas asked about ownership of the land on which the trail runs. Mr. Michaels said that there appear to be several owners. He said that he next will check with the fire chief and the property owners before he does any blazing.

Update on 59 Meetinghouse Road Enforcement

The Commission reviewed the site visit that members Lukas, Seelig and Gross did on October 26 when they met with Ben White from Duke's. The Commission told him to install a straw bale siltation fence from Meetinghouse Road up to the area now being used for parking, adjacent to a stone wall and behind the black car stored near Meetinghouse Road. The Commission also told him to remove the household trash under the blue tarp near the parking area and to put a load of gravel into the muddy pit at the ad-hoc driveway entrance to Meetinghouse Road in order to stabilize the area and reduce further damage. Chair MacDonald suggested that the Commission ask Mark Stinson, Western Massachusetts circuit rider for the DEP, to suggest the proper language for the order of conditions. It was agreed that Agent Borenstein or Commissioner Lukas contact Mr. Stinson for suggestions.

Commissioner Lukas noted that the current enforcement order has a date certain. He said that the Commission should grant an extension to the property owner, the Bank of America, for temporary stabilization followed by restoration after the tenants have vacated and the bank has full control of the property. Chair MacDonald said that the Commission should inform the DEP and town council about changes in the enforcement order. Commissioner Lukas will contact the bank's representative to ask the bank to request a formal extension. Agent Borenstein will contact Mark Stinson for the proper language and procedure for the stabilization/remediation plan.

53 Harkness Road Site Visit

Commissioners Lukas, Gifford, Gross and Agent Borenstein reported on a site visit to 53 Harkness Road on October 20 that was requested by the property owner, Roberly Bell. Ms. Bell wants to add a studio to the property, which has a large certified vernal pool on the west third of the parcel. The Commission determined that the west face of the house is 90 feet from the edge of the vernal pool. There is a steep drop off about 10 feet beyond the west side of the

house. Ms. Bell said that a contractor had suggested a free-standing structure on the west side of the house, and the Commission noted that location would be within the buffer zone of the wetland and would not be permitted based on the Wetlands Protection Act (WPA) as well as the Pelham Wetlands Bylaw. The Commission noted that areas to the north or south of the house would not be viable sites, but construction on the east, roadway side would be permissible. Commissioner Lukas determined that Ms. Bell had contacted Jeff Eiseman, chair of the Zoning Board of Appeals (ZBA), who has said that construction on the east side would not be permitted based on zoning regulations. He had asked for a survey of the site indicating the location of the proposed studio. Ms. Bell noted that she and her husband are also considering a second story addition to the garage, which the Commission agreed would be permissible based on the WPA and town bylaw. Commissioner Lukas said that he would collect and send to Ms. Bell names of environmental consultants who can advise the owners what options are available that will satisfy WPA and town bylaw conditions. The Commission suggested contacting the ZBA with the consultant's analysis to help clarify the construction options.

Buffam Brook Community Forest (BBCF) Educational Programs

Dan McCullough emailed Chair MacDonald in July with details of the educational programs for elementary students that The Kestrel Trust would like to establish at the BBCF. Kestrel asked Mr. McCullough to consult on educational programs. He, the Hitchcock Center for the Environment, Kestrel, and the Pelham school all worked together on program planning prior to the onset of the pandemic. The goal is to bring school groups to the BBCF for hands-on programs on wildlife and the environment.

Mr. McCullough wants to install salamander boards near the trail to the quarry as a waypoint for elementary school children to study Red-backed Salamanders. Boards will be laid out on forest floor. These salamanders need very damp, dark conditions. They are nocturnal, and as such they collect under boards during the day where students will be able to find them. He wishes to install the boards now to allow them to season over the winter and spring. He intends to place 40-60 boards (9" by 9" by 1" thick, of hemlock, pine and cedar) in a couple of locations that will not be visible from the trail. The same installation could be used for a citizen science project for adults at one of the locations.

The Commission agreed that this is a worthwhile program and it approved the board installation.

Ratify King Road Emergency Certification

There was discussion of the emergency certificate that the Commission issued for reconstruction of a failed culvert on King Road subsequent to an October 13 site visit that Commissioners Lukas, Gross and Selig attended with DPW Chief Adamcek. At the site visit the Commission determined that the area around the culvert appeared not to be in a wetland and that the culvert's function was to permit transient drainage between wetlands along a gentle gradient. The emergency certificate included the conditions that the culvert work not disturb the surrounding area. The Commission discussed the worries expressed by Mark Stinson, who had not seen the site. Commissioner Lukas noted that the DPW had already completed the work. He reviewed it and reported that it looked good. The new culvert is larger than the old one, so there is improved connectivity across the road.

Pelham Conservation Commission minutes

October 29, 2020

It was agreed that Agent Borenstein will revise the emergency certificate to add more detail, and will then share the new draft with the Commission. The certificate will be ratified at a subsequent meeting.

Minutes from October 8, 2020

It was moved to accept the draft minutes. Second. Approved 4-0-1 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – abstain, Seelig – yes).

The meeting adjourned at 9:09 pm.

Respectfully submitted by David Gross

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