



TOWN OF PELHAM CONSERVATION COMMISSION

Pelham, Massachusetts

Minutes for November 19, 2020

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

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 7:07 pm.

Update on 59 Meetinghouse Road Enforcement

Commissioner Seelig shared a photo of the trash pile previously identified at the side of the ad hoc driveway at 59 Meetinghouse Road. The removal of the trash as well as filling the pit in the driveway and placement of a siltation barrier has not yet occurred. Amy Sporn, agent for Bank of America, had asked for an amended enforcement order so that she can proceed with approval for the work by Duke's. Chair MacDonald suggested that the Commission extend the order to June 30, 2021. The Commission can extend that further if need be. The June 30 timeline will provide time to deal with the immediate needs and possibly to get the site remediated. This timeline will depend on eviction proceedings that may be postponed due to the continuing state of emergency.

It was moved to extend the enforcement order to June 30, 2021 in order that the restoration can occur over a timeline that is consistent with the current emergency order in the Commonwealth. The work to fill in the hole in the driveway, removal of trash and installation of the siltation fence are to be done by Dec. 31, 2020. Seconded. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Commissioner Lukas said that he will sign the order modification and forward it to Ms. Sporn. He will send a copy to Mark Stinson, DEP Western Mass Circuit Rider.

Hearing for Mount Lincoln ANRAD

Agent Borenstein reported that the Commission received immediately prior to this meeting the expected Abbreviated Notice of Resource Area Delineation (ANRAD) for a Cows parcel near the summit of Mount Lincoln, submitted by Maria Firstenberg who is representing TRC. Agent Borenstein noted that the checks for the ANRAD fee has been deposited. Hard copies of the proposal are at the Rhodes Building in a box near the mailboxes. There is a copy for each Commissioner to pick up.

Agent Borenstein will send a letter to the applicant for approval of the cost for an independent wetlands review, subsequent to approval of the application by the Commission. Commissioner Gross noted that due to recent changes in the Commonwealth's emergency guidelines, the Commission must open a public hearing prior to December 21. It was agreed

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that the public hearing will be at the Commission's meeting on December 10. Agent Borenstein will place the legal ad in the Daily Hampshire Gazette. She will also contact Emily Stockman to determine when Ms. Stockman can complete the review, in particular if it is possible to complete by the time of the hearing. Commissioner Lukas asked Agent Borenstein to send a copy of the ANRAD to Judy Eiseman, Planning Board Chair. Chair MacDonald asked Agent Borenstein to provide a copy of the public hearing for all town mailboxes in order that all town officials have advance warning that an ANRAD has been submitted. A PDF copy of the ANRAD will be posted on the Commission's website along with the meeting agenda.

It was moved that the Conservation Commission engage Emily Stockman for the purpose of an independent wetland review as described in the applicant's ANRAD by sending a letter for approval to the applicant. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

It was agreed that the Commission should do a site visit with the TRC wetland scientist prior to the December 10 meeting.

Ratify King Road Emergency Certification

The Commission reviewed the draft Emergency Certification for the culvert replacement on King Road. There were modifications of the draft to clarify the language.

It was moved that the Commission ratify the modified draft and allow Agent Borenstein to be the signature designee for the certification. There was a second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Minutes from October 29, 2020

The draft minutes from the October 29 meeting were reviewed. Commissioner Seelig noted one technical point correction to them. It was moved that the Commission approve the draft as amended. Second. Approved 4-0-1 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – abstain, Seelig – yes).

Review of Issues at 53 Harkness Road

Commissioner Lukas reported on an email exchange between him and Roberley Bell. It seems clear that Zoning Board of Appeals will not allow construction between the current house footprint and Harkness Road. He suggested that she check with one of the environmental consultants suggested by the Commission to have them review site construction possibilities and then to contact the Commission if she wants to move forward with a construction plan.

Trail Incident Near North Valley Road

Commissioner Gross provided information from Leonor Rodriguez of North Valley Road concerning two uncontrolled dogs on a trail near her house. To date, Ms. Rodriguez has not replied to a request for more information.

Dead Tree Between 96 and 100 Harkness Road

A summary of a site visit on Saturday, November 14 was given by Commission members who had attended (Commissioners Lukas, Seelig, Gifford and Gross). The residents of 100 Harkness Road pointed out a dead pine tree that the neighbors at 96 Harkness Road are concerned may fall onto their property. It appears that the dead tree is on town conservation

land. The Commission noted that wood storage sheds associated with 96 Harkness appear to be on town conservation land. Commissioner Lukas said that he had spoken about the tree with DPW Chief Rick Adamcek who then spoke to Tree Warden David Hawkins. The tree will be cut down on the day after Thanksgiving according to them.

Hirsch Property on Boyden Road

The Commission received information from Elizabeth Wroblecka of Conservation Works who is handling conservation restriction issues for The Kestrel Land Trust. There has been dumping of materials behind the shed owned by the Hirsches that is on the Buffam Brook Forest property. Kestrel has requested that the Commission write a letter to the Hirsches confirming that the drive and shed are on conservation land, at the present time they can remain there, but no trash can be dumped there, and what is there must be removed as it does not conform with the Conservation Restriction (CR) on the parcel. Kestrel holds the CR on the parcel. Chair MacDonald proposed that he call Jo Leslie Hirsch to request that she remove the trash as it violates the CR and is additionally a vernal pool wetland violation. If this does not remedy the situation, the Commission will proceed with writing a formal letter.

22 Amherst Road NOI

Jeff Squire of Berkshire Design notified Commissioner Lukas that he would like the Commission to join him on a site visit at the location of the proposed Amethyst Brook Apartments in order to review the wetlands boundaries that will be described in an upcoming Notice of Intent (NOI) for the project. At a previous meeting the Commission had suggested that Berkshire Design apply for a Request for Determination of Applicability (RDA) in order to get a wetlands review. It appears that they now want to move on with an NOI. The Commission discussed the public meeting aspect of an NOI review given that it most easily would be done in person given the complexity of the proposal. Commissioner Lukas suggested that several steps that need to proceed can move forward for now, before a public meeting needs to be scheduled. Commissioner Lukas said that he will recuse himself from the NOI review since he has been involved in the project design in his position as Chair of the Housing Committee. The Commission will hire one or two consultants to review the stormwater design for the project and also to review the riverfront regulations. New state orders say that the Commission has until December 21 or 21 days after the NOI is submitted, whichever is later, to open a public meeting for the NOI review.

8 Amherst Road Habitat for Humanity Project

Commissioner Lukas reported that Elizabeth Wroblecka of Conservation Works contacted him with information about a Conservation Restriction (CR) along the Amethyst Brook corridor behind 8 Amherst Road. The Pelham Planning board has ruled that Habitat can subdivide 8 Amherst Road into 2 lots. The rear portion of the current lot along Amethyst Brook will be donated to Kestrel Trust and Conservation Commission will hold a CR on that parcel. The aim is to make a continuous preserved corridor along the brook. The Amethyst Brook Apartments at 22 Amherst Road will donate river area when that project is approved, and again the Conservation Commission will hold the CR on that parcel. Ms. Wroblecka prefers to pause the process until both areas are donated and one CR can be done. Commissioner Lukas thinks that the 22 Amherst Road donation will not happen for a couple of years.

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Commissioner Lukas will have a conversation with Ms. Wroblecka about this and will get back to Commission on the outcome.

75 Arnold Road Violation

Agent Borenstein reported that Lynda Grybko of 75 Arnold Road could not attend this meeting to discuss the work that was done within a wetland boundary on her property. The Commission had previously noted that she needs to file a Request for Determination of Applicability for the revegetation work that needs to be done at the disturbed site.

The meeting adjourned at 9:30 pm.

Respectfully submitted by David Gross

