



TOWN OF PELHAM CONSERVATION COMMISSION

Pelham, Massachusetts

Minutes for June 11, 2020

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

Also present: Chris Bain, Megan McDonough, Charles Thompson, Cydnie Reiman

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.

The meeting attendees introduced themselves.

Potential Enforcement at 59 Meetinghouse Road

Chair MacDonald described the issue with the driveway that is adjacent to Gates Brook. He noted that this driveway is a recent addition and no driveway permit was issued for its construction. It directly abuts Gates Brook and violates the Wetlands Protection Act. It is necessary to find an alternative for tenant parking. Alice Partridge is the owner of record of the property, but it is under foreclosure. The process of foreclosure is currently paused due to the pandemic state of emergency. The Board of Health has dealt with garbage and trash that was on site. The Commission must deal with the wetlands violation issue, and needs to deal with the owner. Chair MacDonald has emailed the Board of Selectmen and Chief of Police Thomann to alert them to the issue. Commissioner Lukas noted that Ms. Partridge had a reverse mortgage at one point, so at this point the bank may be the owner. He suggested that town Tax Collector Massey should know the status of the property. She can tell Chair MacDonald who is the official owner of the parcel. Chair MacDonald will update the Commission at its next meeting.

Review the Conservation Restriction (CR) for the Fennessey Parcels

The Commission discussed the CR that the town will hold for the Fennessey parcels that were recently purchased by the Kestrel Land Trust. Hunting and fishing are allowed on the parcels, which is consistent with other recent CRs issued in town. Commissioner Gross suggested language changes in one paragraph and typo corrections in other places in the CR document. Chair MacDonald suggested changes in the disallowed uses clause. He said that would prefer that use or improvement of the access road on the upper property be disallowed.

It was moved that the Commission approve the proposed Fennessey CR with typo corrections and the addition of a clause to prohibit road improvement on the parcels. Second.

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Approved unanimously. 5-0. (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Signage for Conservation Areas

Cook Road Conservation Area

The Commission discussed the proposed text for six signs to be posted near the waterfall on Dunlop Brook that straddles the Lambdin/Town of Amherst property boundary. The signs note that the location is a conservation area that should be quiet, that dogs should be leashed and cleaned up after, and that the area is on private and watershed land. Chair MacDonald noted that he has not yet contacted the Town of Amherst about the signs, which will be located on the Amherst watershed side of the site.

It was moved that the Commission approve the draft signs for Cook Road. Second. Approved unanimously. 5-0. (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Sign for the Community Garden

The Commission discussed signage and enforcement at the Community Garden to restrict dog activity at the site. Mr. Bain stated that he would like to restrict dogs to be on leash only at the Community Garden as well as at the Buffam Brook Conservation Area. After some discussion about the notable increase in dog walking at Buffam Brook, the Commission agreed to revisit a restriction on dog walking to be on-leash only in the Buffam Brook Conservation Area. Ms. Reiman, the chair of the Community Garden Committee, reported that there are often many dogs at the garden site and at Buffam Brook. She agreed that she would like to see leash-only restrictions at those sites. She noted that there appear to be a high proportion of visitors to the Buffam Brook area from out of the area since emergency restrictions have been in place. She gave the Commission permission to put up signs in the Community Garden area.

There was discussion about requesting that public safety check the Community Garden area for compliance. Chair MacDonald suggested that the Commission should do a full review of the Buffam Brook foot traffic. He will ask Chief Thomann if there have been dog complaints registered recently. It was agreed that Commissioners should stop by Buffam Brook a couple of times to survey its usage. Ms. Reiman will ask the Garden Committee to meet in the next couple of weeks to discuss signage. She noted that many more cars than usual are parked in the lot and along the road near the Community Garden. Chair MacDonald suggested that residents of Meetinghouse Road and Chief Thomann be invited to our next meeting to discuss the traffic and parking issue.

Harkness Conservation Area

In response to the request from Julia Les and Gavin Myers from 100 Harkness Road, the Commission reviewed a draft sign that requests that hikers use the proper entrance to the Harkness Conservation Area rather than the old logging road next to the Les/Myers property. The sign will be set in the middle of the old logging road adjacent to 100 Harkness.

It was moved that the Commission approve the draft sign for the Harkness Conservation Area. Seconded. Approved unanimously. 5-0. (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

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There was further discussion about the installation of the signs. Commissioner Lukas will purchase 10 8-foot pressure treated, soil contact 4X4s. Agent Borenstein will get the signs made. The Commission will install the signs when they are available.

Conservation easement at 8 Amherst Road

Commissioner Lukas reported that Habitat for Humanity has purchased 8 Amherst Road, and plans to reconfigure the site for two low-income housing units. The purchase requires an easement on the parcel to permit public access to the trail along Amethyst Brook. After discussion of the Wetland Protection Act restrictions on work within 200 feet of the brook and the layout of proposed work on the parcel, there was agreement that a simple easement for public access to the trail will be sufficient. Ms McDonough noted that affordability for future owners is key, and thus any restrictions on the property should not involve upkeep by the owners. Chair MacDonald noted that the easement would be held by the Kestrel Trust or the Town of Pelham. He said that Kestrel likely will have easement boilerplate language that can be used. He asked Ms. McDonough to contact them for that. He noted that there needs to be included in the easement a ban on motorized vehicles in the riparian area. Commissioner Lukas asked that the surveyor provide a simple written description of the location for the easement access to the trail.

Schedule a visit to 187 Packardville Road

Agent Borenstein reported that she hasn't heard back from Tom Terault, who wants to subdivide his property and build a second house on it. She had heard about this from the Planning Board and the Zoning Board of Appeals. Jabish Brook runs behind the property and thus may limit where construction can occur. Chair MacDonald noted that any construction will have to respect the 200 foot buffer from Jabish Brook. It was agreed that the Commission should make a site visit to review with the owner what restrictions on construction location are present.

Move to adjourn. Second. Approved unanimously at 8:36. Seconded. Approved unanimously 5-0. (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Respectfully submitted by David Gross

