



## TOWN OF PELHAM CONSERVATION COMMISSION

Pelham, Massachusetts

### Minutes for July 30, 2020

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

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 7:12 pm.

Chair MacDonald took the roll call. Commissioners Lukas and Seelig joined the meeting after the roll was taken.

#### **Draft Enforcement Order under MGL 131 Section 40 and the Town of Pelham Wetland Bylaw to the Bank of America, 59 Meetinghouse Rd.**

Chair MacDonald and Commissioner Lukas reported on the draft Enforcement Order to remediate the illegal driveway in the buffer zone of Gates Brook at 59 Meetinghouse Road. He had issued an emergency order in mid July that requires ratification by the full Commission prior to its filing. Commissioner Lukas had confirmed that the Bank of America (BOA) was the property owner and that eviction of Alice Partridge from the property is suspended until the statewide emergency declaration is lifted. Chair MacDonald noted that attaching the order to the property deed is currently in progress, and since the deed is still in Ms. Partridge's name both she and BOA are listed on the Order. The Order calls for a restoration plan for the site to be provided to the Commission by October 1, 2020.

A public meeting concerning the Order and restorative work will be held at a future date. A representative from the Department of Environmental Protection (DEP), DEP council and a representative from BOA will be at the public meeting where the Commission will discuss our concerns about the site infraction with stakeholders.

Chair Macdonald aims to submit the Order, subsequent to ratification by the Commission, to the town attorney who will then submit it to the bank. Chair MacDonald also will forward the Order to the DEP. There was discussion about a site visit by the Commission. Chair MacDonald noted that this is such an unusual situation that he prefers to wait to hear back from the BOA to determine how the process will move forward.

It was moved that the Commission ratify the Enforcement Order. There was a second. Approved unanimously, 4-0. (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes).

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### **Conservation Areas Signage**

There was discussion of the installation of signs at Buffam Brook Conservation area. Three signs indicating that dog walkers must obey the town bylaw regulating dog walking were installed at three trailhead entrances. Additionally, one post holding the conservation area sign was replaced and the sign was rehung. Chair MacDonald indicated that he had some brown stain that he would apply to the new post to make it blend better with the existing posts and sign boards.

Chair MacDonald said that the Lamdins who own property on which the conservation restriction exists near Cook Road had contacted him with a request a change in the proposed sign language. The asked that next to “Town of Pelham Conservation Commission” they would like to add “and landowners”. Agent Borenstein will have six signs produces with that altered language, and she will set up a meeting with the Lamdins once the signs are produced, prior to installation.

Chair MacDonald also noted that Guilford Mooring, Amherst DPW supervisor, seems not to have any problem with putting up some signs in the vicinity of the waterfall on Dunlop Brook. Elizabeth Wilson, wetlands administrator for the Town of Amherst Conservation Commission, contacted him with a request to meet in order to clarify the locations of trails at the conservation area and the access points from Cook Road. Commissioner Lukas suggested that the Commission visit the area to determine how many signs should be posted near the waterfall.

### **Town Forest Boundary Issue**

Paul Gagnon from Kestrel contacted Chair MacDonald to ask about the disputed property line issues for the Town Forest with abutters (the Hirsches). A shed and a portion of a gravel drive are on Town Forest land. Chair MacDonald told Mr. Gagnon that we haven’t engaged on the issue so far. He prefers that until we can have substantive meetings with the abutters, that the Commission should not push the issue.

### **Minutes from June 25, 2020**

The draft minutes were amended to correct the spelling of a name in and to correct an inaccuracy in one paragraph. It was moved that the Commission accept the revised minutes of June 25. Second. Approved unanimously, 5-0. (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

It was moved to adjourn at 8:11 pm. Seconded. Approved unanimously 5-0.

Respectfully submitted by David Gross

