



TOWN OF PELHAM CONSERVATION COMMISSION Pelham, Massachusetts

Minutes for June 27, 2019

Present: Dana MacDonald, David Gross, Richard Seelig

Also present: Chris Volonte (Kestrel Land Trust), Paul Torpey, Alisa Pearson, John Mullen, Jane Porter, Sally Crawford

The meeting was brought to order by Chair MacDonald at 7:18 PM.

Public Hearing for a Request for Determination of Applicability (RDA) for a proposed septic repair in the Buffer Zone at 13 South Valley Road (Map 2 Parcel 49.1) Pelham, MA

Chair MacDonald reported that septic designer Alan Weiss provided payment for processing the RDA for the septic repair but not the fee for mailings to abutters. Chair MacDonald then opened the Public Meeting by describing the process by which the meeting would proceed. Applicants have the first opportunity to speak, then Commission members can speak, and then the general public may make comments or ask questions.

No applicants spoke. The Commission is considering the proposed replacement of a failed distribution box in the existing septic system at 13 South Valley Road according to an application by Barbara Weissman. The Commission visited the site on May 20, 2019, and noted that the work zone is within the wetland buffer for an intermittent stream on the west side of the property.

The Commission discussed a negative 3 determination, such that construction will occur in the buffer zone. This determination falls only under the Pelham Wetland Bylaw due to the size of the wetland. (The site is not jurisdictional under the Massachusetts Wetlands Protection Act.) A motion was made that the Commission issue a negative 3 finding with no additional conditions. The motion was seconded and approved.

Chair MacDonald noted that issuance of the RDA is conditional on receipt of the fee for mailings to the abutters.

Public Hearing for a Request for Determination of Applicability for a proposed parking area pull-off in the Buffer Zone off Arnold Road (Map 7 Parcel 1) Pelham, MA.

Prior to opening the Public Meeting, the Commission had a preliminary informational discussion of the proposed work. Chair MacDonald explained that the donor of the Pemberton Memorial Forest, Jane Pemberton, requested that parking for the conservation area not be at the trailhead, which is across Arnold Road from her house. The Commission in consultation

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with the Kestrel Land Trust proposed to move the parking area about 160 feet down the road from the trailhead. Chris Volonte of Kestrel provided a map and description of the Kestrel and Pelham-owned conservation areas adjacent to the Pemberton Forest. The map showed an existing logging trail plus user-made trails as well as improvements planned by Kestrel to create a double loop trail on the contiguous mapped properties. Trail maps for the new system should be available from Kestrel.

Chair MacDonald opened the Public Meeting. Ms. Volonte noted that there will be a modest kiosk to make it clear where the trailhead is located in relation to the parking area. The parking area will be a simple 2-car parking space made up of traprock, laid out over an existing pull-off being used by some visitors.

The public visitors asked several questions:

What is a pull-off? Ms. Volonte noted that the application uses the term “parking area”, which is what is meant by the term pull-off as discussed at the meeting. “Pull-off” is meant to indicate that the parking area is relatively informal, being contiguous with the roadway surface.

What is the usage expected for this conservation area? Chair MacDonald noted that an access plan was developed subsequent to a previous public meeting prior to the acquisition of the Pemberton parcel. Access to the conservation area is limited to times between 30 min before sunrise to 30 min after sunset.

Will hunting be allowed? Chair MacDonald said that a 2 week shotgun season for deer is the only hunting allowed on the Pemberton Memorial Forest. There are no restrictions on hunting at the adjacent Gould Conservation Area, and hunting is not allowed at the adjacent Butterhill Wildlife Sanctuary.

Are dogs allowed on trails? Chair MacDonald said that yes, dogs are allowed. Dog walkers are encouraged to stay on the trails. He noted that Town Meeting passed new regulations at the May 2019 meeting. Under the new regulations, dogs must be under voice control. However, if a dog is found in violation, that dog must be under leash at all times for subsequent visits. Additionally, there now exists a hierarchy of fines for violations. The Massachusetts Attorney General is currently reviewing the approved regulations.

What data about expected number of visitors? Ms. Volonte noted that there are none. Neither the Commission nor Kestrel has the resources to do a projection of conservation area usage. She said that the Greenberg Family Conservation area is a similar area in Westhampton to view in order to get an idea of the usage levels.

What about the sanctuary aspects of Butterhill Conservation Area? Particularly about dogs: will the regulations be changing? Ms. Volonte said that there will be no changes in access to Butterhill. The proposed trail system for the contiguous set of trails is still being designed. Signage can be used to indicate that an informal trail is entering private property should property owners want to restrict access to their property. Chair MacDonald noted that the new Pelham dog walking regulations will also be in effect at Butterhill.

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It was moved that the commission issue an RDA with a negative 3 ruling (construction only in the wetlands buffer zone with minimal impact to the adjacent wetlands) according to both the Massachusetts Wetlands Protection Act and the Town of Pelham Wetlands Bylaw with no further orders of conditions. Storage of spoils from the construction is not allowed on the conservation lands under the Conservation Restriction. The motion was seconded and approved.

The meeting adjourned at 8:25 PM.

Respectfully submitted by David Gross.

A handwritten signature in black ink, appearing to read "David Gross", written in a cursive style.