



TOWN OF PELHAM CONSERVATION COMMISSION
Pelham, Massachusetts

Minutes for September 9, 2021

Present: Dana MacDonald, David Gross, Janice Gifford, Richard Seelig (online), Tilman Lukas

Also present: Peter Serafino (Home City Development; online), Kathleen Holwell (online), Alan Weiss (Cold Spring Environmental; online), Chase Bernier (SWCA; online)

The meeting was held in person at the Rhodes Building. A link to a Zoom meeting was published as part of the regular Commission agenda, however, an internet outage at the Rhodes Building forced the Commission to abandon the Zoom meeting. The meeting was held under guidelines from the Attorney General and the Governor.

The meeting was brought to order at 7:08 pm.

Public Hearing for a Notice of Intent (NOI) Submitted by Home City Development, Inc.

The public hearing was continued from a previous meeting. Chair MacDonald noted that Commissioner Lukas has recused himself from the discussion. This Public Hearing for a Notice of Intent submitted by Home City Development, Inc. for a Riverfront Re-development project from an existing commercial building and single-family home to affordable housing units located at 18 to 22 Amherst Road (Map 3 Parcel 30 and 32) has DEP File #258-0096. Chair MacDonald noted that Commissioner Lukas has recused himself.

There was a review of progress on the project. Chair MacDonald said that he has not heard back from the Department of Environmental Protection concerning his inquiry about the proposed Orders of Conditions (OoC) and appropriate de-icing agents. He suggested that the Commission contact them to get an update on when their review will be completed. Peter Serafino asked about the scope of the review. Chair MacDonald said that the review is from a staff fisheries biologist concerning the final lighting plan, the proposed OoC, and the overall plan including stormwater control. He also said that he had asked for comments on appropriate deicing agents and alternatives for snow removal. In particular the re review of the lighting plan should be in light of the cold waters fishery aspect of Buffam Brook.

Chair MacDonald said that he hopes that this Public Hearing will be concluded soon. He asked Mr. Serafino for their timeline. He said that sooner would be better than later. Home City Development plans to submit an application for funding in October. They would like to have all the permits done by then. Commissioner Lukas, speaking as a member of the Housing Committee asked if there is a required timeline for our review to be completed. Chair MacDonald said that the Commission has 21 days to issue the OoC from the date that the applicant no longer is willing to continue the hearing. Chair MacDonald asked Mr. Serafino for a continuation of the hearing to September 30. Mr. Serafino agreed, though he will not be able to attend that meeting.

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It was moved to continue the NOI hearing until September 30, 2021. Second. Approved (Gifford – yes, Gross – yes, Lukas – abstain, MacDonald – yes, Seelig – yes).

Public Hearing for a Notice of Intent (NOI) submitted by Hank Brakeley c/o SWCA Environmental Consultants for a Driveway/Wetland Crossing for a Single-Family Home (Map 8 Parcel 29.A)

Chair MacDonald said that Val Miller has left SWCA. The new SWCA contact is Chase Bernier who just forwarded the revised NOI plans to Emily Stockman. Chair MacDonald received the full digital plans on the afternoon of this Commission meeting. He said that he will forward the plans to the Commission. Commissioner Seelig noted that he has recused himself from the proceedings.

It was moved to continue the hearing to a future meeting. Second. Approved 4-0-1 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – abstain).

Septic System Repair Request Submitted by Kathleen Holwell for Determination of Applicability (RDA) at 372 Amherst Road

Chair MacDonald read the public meeting boilerplate for this Public Meeting. The RDA was received on July 6 and the notice of the meeting was published in Daily Hampshire Gazette on September 2. The notice was mailed to abutters and the Department of Environmental Protection. He noted that the Commission has visited the site and reviewed the plans. Mr. Weiss said that he had nothing to add to the current application. He said that his design was the best he could do given the limitations of the site. He said that offsets from wetlands are noted on the plan and he copied the Amherst Water Department for their information. The Board of Health has approved the plan. Commissioner Gross asked for an estimate of the timing of the start of construction. Mr. Weiss said that a wetter fall than he would like is predicted and that he would prefer dry soil conditions. His advice was to delay for warm and dry soil.

It was moved to approve the RDA with a negative 3 determination. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Review of Four Invoices

The Commission reviewed invoices for \$115.10 to Amherst Copy, of \$6652.50 to Comprehensive Environmental, Inc., of \$221.49 to The Daily Hampshire Gazette, and of \$293.00 to the Massachusetts Association of Conservation Commissions (MACC).

Commissioner Lukas asked if we have received sufficient money from Home City Development to cover the amount owed to Comprehensive Environmental. Chair MacDonald said that only \$3000 has been received.

It was moved to approve the four payments after we have received the payment of \$3852.50 from Home City Development. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

Review Draft Language of Two Warrant Articles for Fall Town Meeting

The Commission discussed the draft language of a warrant article for Fall Town Meeting that will amend the dog statute and a second article to hire a second animal control officer.

Commissioner Lukas asked about the definition of “public ways” in the dog bylaw. Chair

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MacDonald said that Select Board Chair Agolia had said that this is the proper way to describe roads in town. Commissioner Lukas asked about the need to specify the cost of the half-time animal control officer. There was discussion about this being a part of the budget and not appropriate for the article. Commissioner Seelig noted that the Commission will need to justify an additional officer at Town Meeting. Commissioner Gross noted that we are proposing additional duties for the animal control officer, and thus more hours are necessary. Chair MacDonald suggested that Commissioners meet with Select Board and Police Chief Thomann to discuss the duties of the proposed animal control officer. Commissioner Lukas clarified that the bylaw change applies broadly across town and that the Commission can and will set appropriate restrictions on conservation areas.

The two draft Warrant Articles are:

To Amend the Pelham Dog Statute

Article _____. To see if the Town will vote to accept the recommendations of the Conservation Commission to amend Pelham Code 5.3 as follows:

- 1) Except that dogs must be leashed on all public ways in Pelham
- 2) To amend Schedule S-18, subsection “dogs of leash running at large” fines shall be; first offense a written warning, second offense a fine of \$50, third offense a fine of \$100
or take any action relative thereto.

Hiring of a part-time Animal Control Officer

Article _____. To see if the Town will vote to accept the recommendations of the Conservation Commission to appropriate from the Town funds to hire a part-time animal control officer, or take any other action relative thereto.

It was moved that the Commission accept the proposed warrant articles. Second. Approved 5-0 (Gifford – yes, Gross – yes, Lukas – yes, MacDonald – yes, Seelig – yes).

There was discussion of the draft dog walking forums report to the Select Board. It was agreed that there should be a summary of the Commission’s deliberations and inclusion of the proposed warrant articles. Additionally, the summary should note the Commission’s ruling on leash requirements for the Buffam Falls Conservation Area and inclusion of signage at the trail heads there. It was suggested that Kestrel Trust be asked for input on signage language.

Commission Agent

There was a brief discussion about replacing the Commission Agent. Chair MacDonald said that was contacted by Leverett about going together on an agent. It was agreed that the Commission should pursue this avenue.

The meeting was adjourned at 8:34 pm.



Respectfully submitted by David Gross