



TOWN OF PELHAM CONSERVATION COMMISSION

Pelham, Massachusetts

Minutes for May 26, 2022

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

The meeting was held via Zoom under guidelines from the Attorney General and the Governor.

The meeting was opened at 7:06 PM.

Letter to Owner of 96 Harkness Road

Chair MacDonald said that Town Counsel has not yet replied concerning the letter to be sent to the owner of 96 Harkness Road concerning the driveway and structures that are on Harkness Conservation Area land. He noted that once Town Counsel has approved the language in the letter, the Commission can send it out and set up a meeting with the owner.

Commissioner Seelig expressed concern that further delay in notifying the owner might allow the owner to claim ownership of the portion of the Harkness Conservation Area land on which the structures stand. Chair MacDonald said that state law says that occupation such as this is not equivalent to ownership and that there are no time limits on this fact.

Addressing Trespass at 31 Boyden Road

Chair MacDonald reported that he had received a call late last week from Martha Izer of Harold Eaton and Associates concerning the digital copy of the survey. She said that she will forward a copy to Chair MacDonald. He said that he has not yet received the copy, which, according to Town Counsel, is required to be included in a letter to the owners of 31 Boyden Road concerning incursions on the Buffam Brook Community Forest property.

Domestic Fowl Enclosure at 212 Amherst Road

Chair MacDonald said that he has not yet stopped in at 212 Amherst Road to discuss the coop with the owners. Commissioner Gross reported that a black plastic sheet is now present along the edge of the pond. He asked if such weed treatment required submission of a Request for Determination of Applicability (RDA). Chair MacDonald noted that the need for an RDA depends on what the owners are doing. He felt that so long as the work is minor in nature that there is no need for an RDA. The fact that the area of work is a pre-existing lawn makes it less problematic. Commissioner Lukas was concerned that the black plastic might be a problem. Chair MacDonald said that he would meet with the owner to discuss the situation.

Update on Site Visit to 59 Butterhill Road

Chair MacDonald said that he and Commissioners Gifford and Lukas reviewed the proposed garage construction site at 59 Butterhill Road. The edge of the proposed 3-car garage was not within the a jurisdictional area though there were questions about the location of the property

line. Commissioner Lukas suggested that the owner, Larry Schwartz, get a survey so that the property line is clarified and the garage can be properly located. Chair MacDonald noted that an existing shed could be removed and the garage built there. There were questions about the low-lying corner at that location, which would be wet and might present a problem with the foundation.

Review of Minutes for May 12, 2022

It was moved that the minutes from May 12, 2022 be accepted with one typo correction. Second. Approved 4-0-1. (Gifford – yes, Gross – yes, Lukas – abstain, MacDonald – yes, Seelig – yes).

Revising Dog Walking Signage at Conservation Areas

Chair MacDonald noted that the bylaw amendment changing language concerning dog walking regulations passed at Town Meeting, and thus the signage at Buffam Falls Conservation area and the kiosks at the community forest, Pemberton Memorial Forest, and Well-Away Farm should be altered. He shared the current signage on the Zoom screen and there was discussion about the language. Chair MacDonald suggested that the phrase “Unless in the act of training, working or hunting” should be changed to include “respond to voice command” to the signs. He also suggested that for the present that the existing signs in the kiosks should be removed. He said that he will ask Stu Watson from Kestrel Land Trust to do that and he will share a draft of revised kiosk signs with the Commission. Commissioner Seelig suggested that the sign should encourage walkers to carry a lead and to be respectful of others rather than using regulatory language that the signs currently have.

Planning for Leash-Only Areas for Dog Walking

Chair MacDonald shared via Zoom the Open Space Map that was used in the dog forums last year. He pointed out that participants at the forums suggested that other areas besides Buffam Falls Conservation Area should be leash-only for dog walking. He noted that the recent vote at Town Meeting on changing the language in the dog walking portion of the bylaws was 28-26, making it clear that there are very divided views on the subject within town. He also said that he would like to clarify that Pelham Public Safety has authority to enforce the dog bylaw. He said that he would like to bring this to Fall Town Meeting for a vote. Commissioner Lucas said that he sees two separate issues that are very different. One involves the need to meet with the Select Board and Police Chief to get proper language on the fall town warrant to delegate enforcement to public safety. The other involves deciding on conservation areas that will be designated for no-leash dog walking for which the Commission should get town input.

Chair MacDonald said he wants the Commission to work on this issue over the summer. Commissioner Seelig said that there is also a need to work on restriction of dogs on town roads. Chair MacDonald noted that he wants to have written into the town bylaws which areas are leash-only. Commissioner Lukas said that there is a need to clarify the vague language of “hunting, training, or working.” Chair MacDonald asked the Commission to look at the Open Space Map prior to its next meeting in order to consider areas that might be leash-only.

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The meeting was adjourned at 8:17 pm.

A handwritten signature in black ink, appearing to read "David Gross". The signature is stylized with a large, looped "D" and a cursive "Gross".

Respectfully submitted by David Gross