



**TOWN OF PELHAM CONSERVATION COMMISSION**  
Pelham, Massachusetts

**Minutes for October 28, 2021**

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

Also present: Hank Brakeley, Chase Bernier (SWCA Environmental Consultants), Hannah Mohan, Jeff Squire (Berkshire Design, 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. The meeting was held under guidelines from the Attorney General and the Governor.

The meeting was brought to order at 7:06 pm.

**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)**

The public hearing was continued from the October 14 Commission meeting. The documents reviewed were the revised NOI plans dated received via email on October 26, a forwarded email from Alan Weiss also received on October 26 and draft Orders of Conditions that were received earlier in the day from Chair MacDonald. Commissioner Seelig recused himself as an abutter.

The Commission reviewed the updated NOI including revised plans D-1 and L-2 as well as updated WPA Form 3. The Commission also reviewed an emailed note from Alan Weiss dated October 15 that confirmed that the only percable location on the parcel is at the upland area where the house site is proposed.

Chase Bernier reviewed the Stockman Associates comments.

It was moved that the Commission accept that the applicant and his consultants have conducted a complete analysis of the parcel and that the proposed project falls under the “Limited Project” designation of the Wetlands Protection Act (WPA) and Town of Pelham Wetlands Bylaw. Second. Approved 3-0-1 (Gifford – yes, Gross – yes, Lukas – yes, Seelig – abstain).

Commissioner Lukas read the draft Orders of Conditions (OoC) from item 20 onward. After discussion, the Commission changed the wording of OoC #29 to replace “other” with “dwelling or septic” and to delete the initial phrase “Upon commencement of the driveway construction to the house site”. Additionally, the Commission deleted the reference to the WPA in #30 and #31 as well as the driveway requirement in #39.

Pelham Conservation Commission minutes

October 28, 2021

It was moved to approve the OoC for the Wetlands Protection Act. Second. Approved 3-0-1 (Gifford – yes, Gross – yes, Lukas – yes, Seelig – abstain).

The Commission reviewed the OoC for the Town of Pelham Wetland Bylaw. The Commission revised item #45 to explicitly permit utilities installation.

It was moved to accept the OoC for the Town of Pelham Wetlands Bylaw. Second. Approved 3-0-1 (Gifford – yes, Gross – yes, Lukas – yes, Seelig – abstain).

It was moved to close the NOI hearing. Second. Approved 3-0-1 (Gifford – yes, Gross – yes, Lukas – yes, Seelig – abstain).

**Outcome from Warrant Articles at Town Meeting**

There was discussion of the outcome of the two warrant articles submitted by the Commission to Town Meeting. Both were withdrawn after numerous questions came up including the specific designation of “town way”. Commissioner Selig brought up the previous discussion about signage for the Buffam Falls Conservation Area (one at the steep ad-hoc access point off of North Valley Road and others at entrances). After some discussion it was agreed that the Commission should ask Kestrel Trust for help in designing the language for the signs.

**Invoices from KP Law and The Daily Hampshire Gazette**

The Commission discussed an invoice from KP Law for additional McClung closing and legal ad fees for \$942.46 as well as an invoice from the Daily Hampshire Gazette for the 372 Amherst Road legal ad for \$221.49.

It was moved that the Commission authorize payment of the two above invoices. Second. Approved 4-0 (Gifford – yes, Gross – yes, Lukas – yes, Seelig – yes).

The meeting was adjourned at 8:31 pm.



Respectfully submitted by David Gross