

**Town of Pelham, NH**  
**Pelham Conservation Commission**  
**6 Village Green**  
**Pelham, NH 03076-3723**

**MEETING OF 06/09/21**

Members Present:

Karen Mackay, Paul Gagnon  
Lisa Loosigian, Louise Delehanty,  
Ken Stanvick, Al Steward (alt),  
Dennis Hogan (alt)

**APPROVED 07/14/21**

Members Absent:

Kara Kubit (alt), Mike Gendreau

Paul Gagnon brought the meeting to order at 7:06 p. m. This was a fully in-person meeting. Mr. Gagnon appointed Mr. Steward and Mr. Hogan as a voting members for this meeting. Mr. Gagnon said there was an opening on the Commission. Ms. Brandie Shydo resigned at the end of May because she moved out of town. Mr. Gagnon would like one of our alternates to get Ms. Shydo's position and would like any new applicant to become an alternate.

**NEW BUSINESS:**

Map 10 Lot 13-2-1 (31.3 acres) & Map 11 Lot 13-3 (6.2 acres)	Bridge Street – Proposed subdivision of two lots, the first being along Bridge Street, the second being on Young's Crossing Road. In addition the remaining land will be proposed to be an open space subdivision of 17 lots. – Presentation by Joseph Maynard of Benchmark LLC.
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This is a project by Peterson Built Homes. The applicant presented to Planning on Monday night. They showed the conventional subdivision and an open space subdivision. This is to be the first open space subdivision to be presented since the ordinance was approved by the town voters in March.

The conventional subdivision plan has two, 2 acre lots. One lot has frontage on Bridge Street and the other has frontage on Young's Crossing Road. The two acre lots will be proposed to be duplex lots. There is a proposed 17 lot conventional subdivision off Bridge Street, with the road entering the subdivision north of the duplex lots. This location is needed to maintain site distance on Bridge Street. The road will be approximately 2,000 linear feet.

Mr. Maynard would like to develop an open space subdivision. In this plan, the duplex lots would stay the same. The road in the open space subdivision would be approximately 1,500 linear feet long and enter the site in the same location as the conventional subdivision. The open space regulations require 40 percent of land to be retained in open space. This subdivision plan has about 50 percent (16.6 acres) of the land in open space. Sixty-nine percent of the open space will be uplands; thirty-one percent will be wetlands. Much of the wetland land will be along the Pelham/Salem town line. There will be no impacts to the buffer or wetlands for the road or home

construction. There may be some impacts for the design of the detention ponds and outlet structures. Wells will be outside the buffer.

There are some potential vernal pools at the rear of the site, along the Pelham/Salem town line, but there will be no building in that area.

Mr. Maynard will need 2 detention ponds because the road slopes down toward Bridge Street and also slopes down toward the rear of the site with the high point of the road being roughly in the center of the road. The front detention pond will be on the north side of the proposed road. The other detention area will be at the end of the road. The access point to service the rear detention area could also be used as an access point to the open space.

Planning did not like the frontage duplex lots. Mr. Maynard said both frontage lots will be developed in a conventional manner. The lots meet all setbacks and regulations for duplex lots. The land owner will not give up the duplex lots. If the town boards do not consider the duplex lots, then the applicant will move forward with the conventional subdivision. Planning Board requires comment from Conservation for this project.

Planning felt the way the ordinance is written is there needs to be a buffer from the frontage on an existing lot. The section of the ordinance (307-100) says that frontage that lands on roads existing at the time of the application should be preserved as buffers to the maximum extent possible. Some members of the Planning Board did not like the frontage lots being developed as duplex lots rather than using them as the buffer to the open space subdivision.

Mr. Maynard described they are trying to make a large block of land toward the rear of the property and along the wetland complex area. This block of open space will not connect to other open space or any town owned land. Mr. Gagnon said this is a small amount of open space that is not attached to any other town open space. The Selectmen usually do not adopt parcels that are small and isolated from other town lands. The land could still be open space and remain with the residents of the subdivision in a homeowner's association agreement.

The wetland conservation district (WCD) will be marked on all lots prior to the plans being signed. The disk signs identifying the WCD will be nailed on trees. Mr. Gagnon asked if they could be mounted on posts along the WCD. Ms. Mackay felt that posts in the yards of the subdivision is not attractive and may be unreasonable for residents to have a line of posts along their back yards.

Lots 1 and 17 are the Bridge Street frontage lots which are located on either side of the open space subdivision road. Both lots exceed 1 acre. Planning did not have any problems with these lots, the problem was with the duplex lots. Ms. Delehanty suggested the duplex lots be regular house lots the same as the others in the subdivision. Mr. Maynard said the owner wanted the duplex lots in order to rent them out. There are several duplex lots in close proximity to these proposed lots so the duplexes would look as though they belonged in the neighborhood.

The duplex lots will have one entrance onto the main road from each building. They need to meet a 400 foot sight distance to meet the Department of Transportation (DOT) regulations. Each unit will have an area of driveway in which the residents can turn their vehicles around so they may enter the main roads in a forward driving position.

Ms. Loosigian commented on the tight space some of the lots have in the back yards. The lots are outside the wetlands, but not outside the WCD's. She is concerned that there is not enough space in the back yards for a deck, pool and/or yard space. This has been a problem in the past as residents will sometimes disrupt the WCD by cutting trees, mowing and installing pools or sheds in the WCD. The Commission would like to avoid this problem by taking care, prior to development, to allow enough space for homeowners to install pools, lawns, sheds and other amenities without impacting the WCD. Ms. Loosigian asked if the usable space could be calculated for lots 13 and 14 as they looked especially tight. She commented that we are setting people up to fail with not enough space in the yards.

Ms. Mackay asked if the lots could generally be adjusted or shifted. Lots 9 and 10 are a little larger. If the lots could be rotated around the cul-de-sac so some of the larger lots could give a small amount of area to the smaller lots this could even out the lots and allow them to be moved farther out of the buffer zones. Everyone wants a back yard with privacy and space for entertaining. Lot 13 seems especially narrow front to back and could pose a problem with outdoor living space. Ms. Mackay mentioned lot 14 as a small lot too. She asked Mr. Maynard to reevaluate the lots and try to adjust them so as to maximize land area outside the WCD.

Mr. Maynard stated all residents do not desire a pool. Mr. Gagnon said they will want pools or other features and they will place them in the WCD, then the Commission and other town boards have to deal with a violation. Mr. Maynard agreed to try to elongate some of the lots and perhaps move the road slightly south. He will try to adjust the plan to make some of the lots larger to avoid this space problem.

The 4K (4,000 sf) area on the plans is a term the state uses to identify the area with suitable soils for septic systems. Each lot must have this area within the lot.

Mr. Gagnon worked on the open space subdivision regulations that just passed in March. This is the ordinance the applicant would like to use. Mr. Gagnon is not pleased with this subdivision layout. He wants to approve open space developments, but does not think this one is a good example for the first one after the ordinance was passed. He feels the open space will be isolated as there are no other parcels of open space nearby. The lot is surrounded by residential house lots so there is no chance of connectivity. The purpose of the new ordinance was to try to get all the wetlands and WCD areas out of private homeowners' possession in order to preserve these areas. People will be less likely to infringe on the WCD and wetlands if the land is owned by a homeowners association or if the land is owned by the town. This plan has a majority of the WCD in private ownership. Mr. Gagnon gave several examples, from recent history in town, of buffer impacts including homeowners cutting mature trees feet from the water, building pools in the WCD, cutting vegetation and parking RV's in the WCD and cutting vegetation to plant flowers in or adjacent to a wetland where skunk cabbage is growing amongst the flowers. These examples have all led to town boards working through problems and violations that could have been avoided. Mr. Gagnon does not feel that Planning will be good with carving off frontage lots then using the rest of the parcel for an open space subdivision.

Multiple lots in the open space subdivision have wetlands and WCD buffers within the lots. Our goal with the open space subdivision is to minimize the wetlands and WCD's in privately owned lots. Eleven lots (duplex B, 1, 2, 3, 4, 12, 13, 14, 15, 16, and 17) have wetlands and buffers on the lots. This is a total of 11 out of 19 lots with wetlands and buffers within the lots. Only 7 lots do not have these features. Mr. Gagnon suggested the applicant take advantage of the uplands at the end of

the cul-de-sac and extend the road a bit. In addition, the lots could be shifted to make some of them smaller and others larger, but they could fit in a slightly different configuration that would work. He also suggested removing the duplex lot B that contains a large portion of wetland. He would like to see the majority of the wetlands and buffers moved into the open space. If the wetlands and buffers can be owned by the homeowners association then they are more likely to remain protected and undisturbed.

Mr. Gagnon said the applicant did a good job protecting the rear and northerly wetlands. He would like to see the wetland along Bridge Street have more protection by moving it into the open space. Mr. Maynard said the front wetland is probably not of the same quality as the rear wetlands as the front wetland has contaminants and salts running off from Bridge Street. Mr. Gagnon would like the plan to be reevaluated to see if some of our concerns can be addressed. Ms. Mackay was not sure she agreed with Mr. Gagnon on the front wetland. She thought a larger block of land together in the rear of the parcel may be of more value than two smaller pieces of land. She thought the front wetland could be sacrificed for more protections in the rear of the lot. The plan calls for a 16.6 acre block of land in the rear. Ms. Mackay feels this may be more important than splitting the 16.6 acres into a 12 acre piece in the rear and a 4 acre piece at the front along Bridge Street.

Ms. Delehanty asked about the process of purchasing land for development. Mr. Maynard said that typically a developer will come to his firm and ask for the land to be evaluated for development. They come up with a rough plan for lots and try to get them approved through the town boards. In this case, the purchase and sale was signed with the contingency of the parcel being able to be developed and the number of lots that could be developed. Mr. Maynard has had other clients that have seen land they want and have purchased the land then come to him and ask how they can develop the land.

Mr. Gagnon asked for a motion for a site walk.

Motion: (Hogan/Stanvick) to conduct a site walk.

Vote: 7-0 in favor.

Site walk was scheduled for Monday, June 14, 2021 at 6:00 p.m. Rain date Friday, June 18, 2021 at 6:00 p.m.

### **OLD BUSINESS:**

Map 29 Lot 7-27-1	43 Atwood Road – Proposed addition of two modular classrooms to Crossroads Baptist Church and an alteration to the detention pond. New detention pond to have impacts to the WCD – Presentation by Shayne Gendron of Edward N. Herbert Associates.
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The Commission saw this case 3-4 months ago. The plan showed the first additional classroom with a corner of the building in the WCD. The second classroom showed about one-half of the building in the WCD. In addition, the Commission conducted a site walk in January in heavy rain.

Mr. Gendron revised the plan to lessen the WCD impacts. He moved the modular classrooms out of the WCD. When he moved the buildings, he lost parking spaces. Parking spaces were recovered by

reconfiguring the parking area and adding some spaces near the leach field in the north-west corner of the property. In total, a small amount of impervious surface was added to the site.

Parking is critical to the church and they had to retain the 110 parking spaces. These spaces are filled during weekend services. The spaces are not as important during school hours Monday through Friday as only about 35 spaces are used for the school.

The detention pond was reconfigured from a long thin pond to a short, squared up pond. There is about 1,439 square feet (sf) of impact to the WCD for the pond. The outlet structure remains in the same location as the previous pond. The pond has been slightly enlarged due to the added impervious surface from the classrooms and the parking area enlargement. The pond has been designed to accomplish the same goals for detention and treatment as it is currently serving.

The buildings are not on foundations so water will not be trapped in a low spot in front of the buildings. Water will sheet flow across the parking lot to the detention area and will flow under the classrooms if needed.

Planning has approved this plan conditionally. Planning asked Mr. Gendron to work with Conservation about the 1,439 sf impact to the WCD. Planning had no issues with the classrooms or the parking reconfiguration.

Members asked Mr. Gendron to change the grass around the detention pond and behind the classrooms to scrub/shrub type plants. Conservation would like to improve the area and make the site more functional. Mr. Gendron agreed to plant native vegetation from about 15 feet from the rear of the buildings toward the wetland. These plantings should fill the area of disturbed WCD. Plants will also be planted behind the detention pond. The space beside and behind the buildings should be only large enough for maintenance vehicles to pass around the buildings. Members requested as much of the WCD that can be filled with plants should be filled with plants. The plants must stay alive. Mr. Gendron will add a note to the plan specifying the plants must thrive. He will also add a note that WCD signs will be added to the rear of the site in the tree line.

Mr. Gendron will send us a copy of the plan revisions when he sends the plans to Planning. Mr. Gagnon will attach the Conservation letter to the plan and send it to Planning.

Mr. Hogan appreciates the applicant asked for advice then incorporated our thoughts into the plan. Other members agreed it was good the applicant worked with us on the project.

Motion: (Hogan/Steward) to approve the plan as amended with plantings specified in the WCD and WCD signs to be added in the woods along the WCD. Plantings must stay alive and thrive.

Vote: 7-0 in favor.

### **MINUTES:**

Motion: (Loosigian/Steward) to approve the minutes of May 12, 2021.

Vote: 5-0 in favor. Stanvick and Hogan abstained.

### **WALK-IN ITEMS:**

Ms. Delehanty spoke with Mr. Ed Gleason, the cemetery trustee. He is looking for Conservation support when he goes before the Budget Committee. There are several diseased and dying trees in the town cemeteries and not enough money in his budget to treat, remove and/or replace the damaged trees. There are 6 town cemeteries that fall under his jurisdiction. Members thought it would be good if he presented his plan to us on projects that needed to be done. In general, members were supportive of the mission to save the trees, but we would like specifics on how many trees should be removed, treated for disease or replanted. The meeting with the Budget Committee is in September.

National Audubon Society, which protects birds and habitats, has been asking for input from the public about parks that may be suitable for people with physical challenges. Ms. Delehanty has added Wolven Park to the Audubon website as a park that has access to birding for people with these challenges. She thought Wolven Park would be good because the loop trails are relatively level. The entrance trail, however, is a somewhat steep downhill. Ms. Delehanty thought the area would be good for bird watching as there are different habitats on the property including a large meadow with benches for observation. Mr. Stanvick questioned whether this area would be good for people with challenges as he felt the steep slope down to the loop trails could be difficult for some people. He asked if there were any other conservation areas in town that may be suitable. Mr. Gagnon thought the trail at Veteran's Memorial Park might be good as it winds through the woods then down to the pond, but he left the decision up to Ms. Delehanty as she was putting the time into the project. Ms. Delehanty showed us the Audubon website where the public could view the information. She added some pictures to the website as well as rating the accessibility. She rated accessibility as a 3 out of 5, meaning it was easily accessible, but not a perfect fit for everyone. Ms. Delehanty feels strongly that everyone should be able to access nature no matter their abilities.

The next Conservation Commission meeting will be July 14, 2021.

### **ADJOURNMENT:**

Motion: (Mackay/Hogan) to adjourn.

Vote: 7-0 in favor.

Adjourned at 8:47 p.m.

Respectfully submitted,  
Karen Mackay,  
Recording Secretary