

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

MEETING OF 11/13/19

Members Present

Karen Mackay, Paul Gagnon,
Mike Gendreau, Dennis Hogan (alt),
Lisa Loosigian, Ken Stanvick,
Brandie Shydo, Al Steward (alt),

APPROVED 02/06/20

Members Absent:

Kara Kubit (alt),
Louise Delehanty

Paul Gagnon brought the meeting to order at 7:02 p.m. He appointed Mr. Hogan to a voting member for this meeting.

PUBLIC HEARING:

Seven wetlands were designated as Prime Wetlands in 1987 and four were designated in 2000. The boundaries have been re-mapped using modern GPS technology, hence must be re-designated. The new boundaries will be presented and discussed. – Presentation by Mark West of West Environmental, Inc.

Mark West has done 2 prime wetland studies for us. The first was conducted in 2007 and the second in 2010. In 1987 and 2000, members of the Commission defined 12 prime wetlands. In 2007, the state removed the 100 foot buffer around all prime wetlands that were designated prior to 2007. The wetlands are still protected, but without buffers. Any wetlands designated prior to 2007 have to be re-mapped and resubmitted to the state in order to have the 100 foot buffers. Less than 30 towns in the state have prime wetlands. Our older designated prime wetlands did not meet the criteria set by the state and need to be designated in order to have the 100 foot buffer. The Commission asked Mr. West to update these old wetlands to meet the new requirements. The state currently has a map with the Pelham prime wetlands that shows the 2007 and 2010 wetlands with the 100 foot buffer and the 1987 and 2000 wetlands without any buffer.

Mr. West began by reviewing existing maps and reports. The technology and mapping currently is drastically different and much more accurate than in 1987. He used aerial photographs and a method called lidar to designate the boundaries of the wetlands. This is not the same as delineating a wetland on the ground. He conducted a site walk with Carl Benedict, with the NH Department of Environmental Services (DES), of the Sherburne Road prime wetland in order to show Mr. Benedict his process. Mr. West explained exactly how he made decisions so Mr. Benedict would be on board with the process. Mr. West then transferred the existing digital prime wetland boundaries onto new aerial photos. He prepared the preliminary prime wetland boundary changes and field checked the boundaries from public access locations. The boundaries will be added to the tax maps when the project is complete. He will revise the prime wetland boundaries, digitize them and prepare new maps with accurate wetland sizes.

Previously he used 1980 soil maps for determining boundaries. Boundaries that were checked in the field for this study were only checked on public land. Camp Runnells granted permission for him to walk on their land to check the wetland boundaries.

Mr. West followed the new state rules that will take effect in December, when he conducted this study. New rules include that all prime wetlands must be 2+ acres in size. Our smallest wetland in this study is 3.7 acres. Open water bodies are not wetlands and cannot be included in the size of a wetland. A wetland adjacent or attach to a water body is a valid wetland and can be designated as prime. The designated wetland must have a minimum of 4 primary functions of which one must be wildlife habitat. The wetland must be at least 50 feet wide at the narrowest point. Small fingers and narrow streams connecting two wetlands cannot be included in the area of a prime wetland.

There are 14 functions and values that can be used to designate prime wetlands. Some of these include, flood storage, sediment toxicant pathogen retention, nutrient attenuation and shoreline stabilization. Mr. West has reviewed previous studies and will confirm, in the report, that all these wetlands have at least 4 functions. Mr. West showed the members pictures of multiple wetlands that he is working on to designate again. These include Newcomb Field, South Golden Brook, Christopher Lane, Camp Runnells, Meadow Lane, Old Gage/Ledge Roads, and Sherburne Deep Marsh. These wetlands were checked to make sure they met the new state criteria. They were observed from town properties, public streets, and some with the permission of the land owner. Wetland delineation was not required for the designation of prime wetland. Plant species did not need to be checked to make sure the area was a wetland. Wetland areas can clearly be seen on aerial photographs.

These wetlands are nearly all the wettest of wetlands with very poorly drained soils. They are classified as scrub/shrub, forested, emergent, large stream systems and deep marsh wetlands. Mr. West will be producing a report that can be posted online for town residents and developers to use. The outlines of any wetlands that are designated will be added to the tax maps.

The subject wetlands were not accurately sized in the 1987 and 2000 prime wetland reports. Mr. West will report the size of all the wetlands in the study. He will give the old sizes and the new sizes. Initially when he began his review of the old wetlands, he accepted the sizes in the old prime wetland reports. He then discovered the sizes were inaccurate. During the presentation tonight, he explained some wetlands look like they grew larger and others look as though they have lost area. This is true in some cases, but in other cases, for example, the old report stated a wetland was 32 acres when it was actually only 29 acres so it appears the wetland shrunk when it actually was simply measured incorrectly initially.

The state regulations changed which caused any prime wetlands designated prior to 2007 to lose their 100 foot buffer. The regulations changed because land owners and forestry companies were having a difficult time working within the law and lodged complaints. The law was stricter than necessary and required public hearings to construct an addition to your home if you lived within a prime wetland boundary buffer. Mr. West attended these hearings at the state and no one would show up. This wasted an incredible amount of time and money for the land owner and state officials. Forestry companies also found the law to be cumbersome. The changes were made to make the law more workable while still protecting the wetlands.

Mr. Gagnon has submitted a warrant article to Mr. Brian McCarthy to remap and re-declare the 1987 wetlands as prime wetlands and a second warrant article to do the same for the 2000 wetlands. Mr. Gagnon has not stated the sizes of the wetlands on the warrant articles, but the sizes may be added to the language on the warrant. Mr. Gagnon will send the members the language that will be on the warrant so we can see how the articles will appear on the ballot. Mr. Gagnon would like Mr. West to completely finish his work so that if the vote passes, the prime wetland candidates can be submitted to the state for approval. In addition, if the report is complete then the public can view the report.

This town does not have an ordinance for prime wetlands or vernal pools. The WCD says any wetland over 2,000 square feet has a 50 foot buffer. Mr. Gagnon proposed, after we are done with this work, Mr. West help us rewrite the WCD ordinance to specify the wetlands, prime wetlands, and vernal pools and give different protections to each. There could be graduated buffers that would depend on the importance of each wetland or vernal pool. Mr. Stanvick would like to see larger buffers as many applicants throughout the process of development request variances to reduce buffers. The buffers are important to filter out sediments prior to them being washed into the wetlands. All options can be discussed when we begin to rework our buffer ordinances.

Motion: (Hogan/Mackay) the members' support redefining these wetlands and putting the warrant articles on the ballot. The 1987 and 2000 wetlands will be remapped with the exception of 'Pelham Memorial School wetland' that Mark West has proposed.

Vote: 7-0 in favor.

Map 40 Lot 6-183 & 06-184-01	76 Patriot Drive – Proposed conservation subdivision of a 36 acre lot as well as the subdivision of a frontage lot from the parent lot. Frontage lot to be located on Mammoth Road – Presentation by Joseph Maynard of Benchmark Engineering, Inc.
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This property is located near the corner of Marsh Road and Mammoth Road. There is a small frontage on Patriot Drive and the rest of the frontage is on Mammoth. The lots are a combined 35.9 acres and run from Mammoth Road to Beaver Brook. Mr. Maynard requested, from Planning, to pursue a conservation subdivision earlier this year. Planning did not feel the open space was quality land and asked the applicant to redesign the subdivision. The land is divided into two lots 7.9 acres and 28 acres. The frontage lot of 7.9 acres on Mammoth Road has an existing house and a commercial entity that was operated on that end of the site. The remaining 28 acres is behind this lot, will contain the conservation subdivision and runs to Beaver Brook. There will be 18 acres of open space split into two open space lots. The first open space lot will be 10 acres and is located between the Mammoth Road lot and the proposed subdivision. The second open space lot is approximately 8 acres and is located between the subdivision and Beaver Brook.

There is an old asphalt processing factory near the center of these parcels. Initially, the location of the old asphalt plant was on the open space land. Planning did not like this arrangement. The applicant has done a phase one environmental study on the 28 acre parcel and there were no issues found. Mr. Maynard will send us a copy of the environmental study. There were no borings taken into the soils to determine if any contaminates from the factory had seeped into the soil. The environmental report writers reviewed town and state records and walked the site. The

asphalt plant had sticky tar like substance in barrels. This type of material does not seep into the soil it would have floated on top of the soil. No tar was found on the soil, it was all contained in barrels.

Mr. Stanvick asked about outgassing from the old asphalt plant. The outgassing is chemicals released into the air when asphalt is heated or disturbed. He is concerned with volatile compounds coming out of soils and would like further investigation into the asphalt plant land. The asphalt plant closed approximately 20 years ago. The tanks with liquid asphalt have been removed from the property. No material leaked from the tanks. No problems were found in the phase one environmental study. All pavement will be removed from the asphalt plant area. Planning did not want the land beneath the dismantled asphalt plant to be the open space land.

On the yield plan, the conventional subdivision was proposed to have 2,000 feet of road. The length of road in the conservation subdivision will be 750 feet of new road. There is already 250 feet of road built on the lot as the stub road coming off Patriot. There is one existing lot of record on the corner of Patriot and the road stub. The developer is asking for 11 lots with no density offsets.

Mr. Maynard left a thin strip of open space land along the back side of the lots on the north side of the proposed street. The purpose of the strip of land is to give every lot direct access to the open space. More than 50 percent of the lot will be preserved in open space. There will be two open space lots on the 28 acre lot. One will be 10 acres and one will be 8 acres. Uplands will comprise 8.4 acres and wetlands will comprise 9.5 acres. Some storage containers and vehicles had been parked in the proposed open space area. These have been removed, and the area has been cleaned up and the area has been loamed and seeded.

The wetland areas on the lot are man-made from digging gravel from the ground. There are no wetland impacts on the yield plan or the conservation subdivision. The yield plan would have possibly had 2 WCD impacts for detention and drainage. The conservation subdivision has no WCD impacts on this plan, but may have a small impact behind lot 7 for an exit water pipe. The impact may be necessary because of the elevations. Mr. Maynard has not estimated the size of the WCD impacts at this time. There are no impacts within the 250 shoreline protection area from Beaver Brook. The Commission would like WCD signs installed prior to construction on lots 7 and 8.

There is a 250 foot stub road off Patriot Drive that will enter this subdivision. The road stub was permitted into the rear property. The owners initially owned a frontage lot on Patriot Drive. The frontage lot was divided so that a one acre lot will be on Patriot and the remaining land, approximately $\frac{3}{4}$ of an acre, will be added to the 28 acre parcel and be used as part of the new development.

The lot is level farm land. There are fill piles, loam piles and boulder piles. The soils are sandy with a thick layer of loam near the interior of the site and a sparser layer of loam closer to the brook. Near Beaver Brook the land owner is willing to deed the land along the brook to the town which will connect two town owned parcels that boarder the brook.

The land between about 150 feet and 250 feet from the brook will be deeded to the town. Mr. Maynard would like the deeded land to be from the angle in the north lot line to the angle in the

south lot line. The north lot line angle is about 250 feet from the brook and the south lot line angle is about 150 feet from the brook. Mr. Maynard would like to draw a line from the north to the south lot line and deed the land along the brook to the town.

Mr. Maynard has not designed the storm water management plan yet. He is waiting for the acceptance of the plan by the Planning Board before he invests time and money into storm water design. The new proposed road will have a negative pitch from Patriot Drive into the cul-de-sac. Mr. Maynard hopes to locate the detention basin behind lot 7. He will need a shoreland permit if he constructs the detention area within the 250 foot set back from the brook. He does not anticipate any problems obtaining permits with the state.

We reviewed a case for commercial development last month that had the water from the roofs directed into a Stormtech system. Mr. Maynard said these types of detention are typically used on commercial properties because they are often high density projects. They fill with sediments over time and they require more maintenance than detention ponds. Bio-retention basins are great on private sites. This project will be a town road so the water treatment structures must be maintained by the town. Detention or infiltration ponds are more passive and can function for many years with no problems.

The Commission members asked if there was a way to start moving away from these open detention basins to more spread out rain garden type systems. Mr. Maynard told us there are new alteration of terrain (AOT) standards for detention ponds that require they be designed more like infiltration ponds or wet ponds. This site has sandy soils and will have infiltration basins for water treatment. AOT regulations require that there cannot be an increase of the elevation of the water in the pond for a two year storm. The water must infiltrate and recharge into the ground fast enough to make sure the level of the pond does not increase.

Mr. Stanvick asked about the upcoming MS4 regulations that are new federal regulations that require the town to map the location of all out-flows in town. All detention basins need to be monitored starting next year in order to comply the federal regulations. Mr. Steward said Pelham has 300 outflows that must be monitored.

Ms. Mackay requested a site walk and is unwilling to vote on this project without seeing the site. A site walk is scheduled for 8:00 a.m. on Saturday at 76 Patriot Drive.

MINUTES:

Motion: (Shydo/Hogan) to approve the minutes of October 9, 2019.

Vote: 5-0-2 Loosigian, Stanvick abstained.

WALK IN ITEMS:

Mr. Steward and Mr. Gagnon went to the New Hampshire Association of Conservation Commission (NHACC) meeting on Saturday. They went to multiple seminars. Mr. Steward brought Conservation Commission handbooks back from the meeting, at a cost of \$10 each, and

passed them out to members. The books describe the roles and responsibilities of Conservation Commission members. He spoke to Barbara, an administrator, in the NHACC. She told him she would try to find him the name of a person in the NH legislature that can direct us to who is responsible for the state land in Pelham. Jeremy Hill Natural Area is state owned land that we may want to start a forest management plan. The state laws (36A:2) specify that the town is responsible for land in town even if the land is state owned. We would also like to extend trails through this land. The Commission could eventually extend from Veteran's Memorial Park to Raymond Park. One suggestion in the handbook is that unused funds left in the conservation budget each year could be allocated to the Conservation Fund. At this time, unused funds automatically go into the general fund.

Mr. Stanvick recommended Mr. Gagnon add to the town annual report that he was honored for Conservation efforts over many years. Mr. Stanvick stated this shows the human side of conservation and speaks to how our organization is working for the town. Ms. Mackay sent suggestions to mention the two presentations from NH Fish and Game that we received during this year. The presentations were on turtles and vernal pools. Another suggestion is to talk about our cooperation with Windham and the Friends of Moeckel Pond in regards to opening Bayleaf Drive and construction of the Moeckel Pond dam.

ADJOURNMENT:

Motion: (Mackay/Gendreau) to adjourn.

Vote: 7-0 in favor.

Adjourned 9:16 p.m.

Respectfully submitted,
Karen Mackay,
Recording Secretary