

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

**MEETING OF 06/10/20**

Members Present

Karen Mackay, Paul Gagnon,  
Brandie Shydo, Lisa Loosigian,  
Mike Gendreau, Louise Delehanty,  
Ken Stanvick, Kara Kubit (alt),  
Dennis Hogan (alt)

**APPROVED 07/08/20**

Members Absent:

Al Steward (alt)

Paul Gagnon brought the meeting to order at 7:04 p.m. Mr. Hogan and Ms. Kubit were present at the meeting and were invited to participate by asking questions and sharing their opinions, but they were not voting members tonight because all full time members were participating. Mr. Gagnon read instructions about participating in public meetings with the current restrictions due to the Covid-19 pandemic. All people attending any public meeting in Sherburne Hall will wear face coverings at all times. The maximum number of people allowed in the meeting is 20 with an additional 10 people allowed in the lobby. All people attending the meeting and/or waiting in the lobby will observe social distancing guidelines. Circumstances are such that remote participation by members of the Commission, as well as, applicants and town residents was allowed for this meeting. Commission members Ms. Loosigian and Ms. Delehanty participated via zoom as did the applicant Mr. Maynard. Town residents were directed to go to pelhamweb.com to find instructions on how to connect to the meeting if they had comments or questions about the cases. In addition, instructions on how to connect to the meeting were posted along with the agenda for this month's meeting. No residents called in to this meeting.

All votes taken during this meeting were roll call votes.

**ELECTION OF OFFICERS:**

Motion: (Delehanty/Gendreau) to nominate Karen Mackay as Secretary.

Vote: 7-0 in favor.

Motion: (Mackay/Shydo) to nominate Mike Gendreau as Co-chair.

Vote: 7-0 in favor.

Motion: (Mackay/Shydo) to nominate Paul Gagnon as Chair.

Vote: 7-0 in favor.

## **NEW BUSINESS:**

Map 35 Lots 10-200, 10-312, 10-351	Currier Road – Proposed 40 lot conservation subdivision – Presentation by Shayne Gendron of Herbert Associates
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Mr. Gagnon gave a brief summary of the history of this case. The lot was initially proposed for development a few years ago by a different developer and a different engineering firm. That engineering firm submitted a yield plan to Planning and the plan was accepted. The developer proposed a conservation subdivision and asked for bonus lots based on the yield plan. Mr. Gagnon saw the yield plan after it had been accepted and noticed a mistake had been made in that the prime wetland on the site had not been identified, therefore, the 100 foot setback from the prime wetland had not been observed in the yield plan design. The original plan had significant wetland impact of around 12,000 square feet (sf). The proposed houses on the plan would not have been allowed if the 100 foot setback had been observed. The old yield plan had 36 house lots and the developer wanted 4 bonus lots for a total of 40 lots. This plan had several unrealistic lots that could not be built which made the yield plan defective.

The new developer is Mr. McCarthy and the new engineering firm is Herbert Associates. Planning has asked Herbert Associates to reengineer the yield plan. The project is proposed to be a conservation subdivision, even though town residents voted to remove the conservation subdivision regulations from the zoning ordinances in March 2020, because the project was started prior to the removal of the regulation. The new yield plan has 40 houses and they are requesting 2 bonus lots.

The Commission's goal was to look at the yield plan and make recommendations to Planning. This case, with the current developer and engineering firm has been in front of Planning since October 2019. Mr. Gendron explained his firm has been to Planning 5 times since October and the case has been extensively discussed, but the yield plan had not been brought up until the 5<sup>th</sup> meeting. This has caused some concern to Mr. Gendron as he feels the project is taking a step back to come back to us and assess the yield plan. Herbert Associates has already submitted the conservation subdivision plan to the state for approvals, now the town wants the firm to do the plan over. Mr. Gagnon encouraged the Commission to try to focus on the yield plan discussion as that it is the main priority of the meeting. He suggested we focus on the wetlands perspective and the encroachment into the 100 foot buffer.

Mr. Gagnon explained that the original yield plan was not reviewed by the Commission because the applicant did not plan to construct that conventional subdivision but instead to construct a conservation subdivision. Since the conservation subdivision had no wetland or buffer impacts, neither the yield plan nor the conservation subdivision came before Conservation. If the yield plan had been reviewed by the Commission, the project would not have been so far down the line before we were allowed to weigh in on the project. If a new conservation subdivision regulation is ever approved by the town residents, the Commission should see all cases to make sure we feel the yield plans are reasonable.

Wetland impacts were minimized in the new yield plan design. There are no impacts to the northern side of the lot. A small cul-de-sac is proposed on the south end of the property. The road must cross a portion of wetland to create two lots. Wetland and buffer impacts will be about 800 sf. An open bottom box culvert could be used on this cul-de-sac. The yield plan is a reasonable estimate of the houses that could be developed on the lot, though it is not a fully engineered plan.

The traditional subdivision has more road frontage for each lot, more road way, full development of the property and no open space. All land in the subdivision will be privately owned by the lot owners. In addition, the cul-de-sac road would have wetland impacts and wetland buffer impacts to a prime wetland. Mr. Gendron does not want to build this subdivision. This is simply the yield plan that should give guidance for the conservation subdivision that he does want to build.

The conservation subdivision will have 1,800 linear feet less roadway than the traditional subdivision, less maintenance of roadway, no wetland impacts, and 47.98 acres of open space will be deeded to the town. The 47.98 acres will be added to the adjacent Wolven Conservation Area which is about 25 acres in size. One benefit to the open space plan is the ability of town residents to continue to use the trail system through town. In the conservation subdivision, the small cul-de-sac road would not be developed. There will be easements in the open space for drainage and two public wells which will serve the subdivision.

Mr. Gendron has worked with Planning as far as the layout of the subdivision. Highway Safety requires an exit from the property on both ends of the property. Mr. Gendron had completed a plan with a connection to Peabody Lane rather than Currier Road. He had sent the plan to Alteration of Terrain (AOT) when Planning asked for a redesign to get rid of the Peabody Road connection and design the connection to come out on Currier Road. In addition, Peabody Road residents wanted a buffer between this new development and their street. Mr. Gendron has proposed a 100 foot view shed buffer between Peabody Lane residents and the new subdivision.

Mr. Gendron is looking for 2 bonus lots which is about a 5 percent bonus. Regulations allow a 20 percent bonus. Mr. Gagnon questioned whether the state would allow the two lots on the cul-de-sac (lots 39 & 40) because they have to cross the wetland and impact a substantial portion of buffer in order to reach the buildable upland on the other side when the owner already has 38 buildable lots on the property. Mr. Gendron thinks the lots would be allowed because there is a minimal wetland impact and a land owner is allowed to use their property. Ms. Loosigian questioned if a few proposed lots in the bend of the road are too close to the 100 foot buffer. She is concerned that owners will cut trees and mow lawns in the buffer. Mr. Stanvick agreed with Ms. Loosigian that her concerns should be taken into consideration in the yield plan. Mr. Gagnon said he would agree if this was the plan that they wanted to build, but it is not and if the applicant can meet the zoning regulations the lots are legitimate. Mr. Gendron said he has 15,000 sf building envelopes outside the buffer which is plenty of space to build a house and have a yard without impacting the buffer. These few lots meet the requirements to include them in the yield plan. Mr. Gendron is not planning to build this design and he hopes we would rather see the conservation subdivision so this would not be developed anyway. Mr. Hogan was glad there is a reasonable conservation subdivision proposed because there has been some controversy over this project. He said there seems to have been work done with the Peabody Lane residents to minimize the disagreements.

There are trails on the property. Some of the trails will remain others will be rerouted to run along the gas line. One trail will come through the property to hug the north side of the wetland in the location of the proposed detention basins. The main trail that runs through this property connects Currier Road to route 38. This connection will remain after the development has been built, though the trail will not be sited exactly as it is now. Mr. Gendreau asked if some of the lots could be shortened up to create space for the trail to run behind the houses. He would like to see the town own the space for the trail so the trail did not run on private lots. The town has had some concern about private owners closing down trails that run through their property. This can disrupt the whole trail system through town. Mr. Gendreau would also like to see the developer help us cut in the new/rerouted trail while they have

heavy equipment on the property to move possible boulders on the proposed trail. Mr. Gendron said the developer would be more than happy to use their equipment to help reroute trails.

Mr. Stanvick asked about the traffic that would be created by this development. Mr. Gendron has not done a traffic impact analysis and is not sure if Planning will require the study, but will do the study if they do. Mr. Gendron stated that traffic for a development of 40 lots will not have a huge impact on Currier Road.

Two community wells will serve this subdivision. There will be a home owners association. All wetlands were flagged by Gove Environmental.

The prime wetland runs down to route 38 through this subdivision. The conservation subdivision has some impacts to the buffer for grading and drainage. There are no homes proposed in the buffer on either plan. There is a considerable amount of ledge on route 38 adjacent to this property. This may indicate ledge on the subject property that may require blasting. Sometimes they are able to hammer out ledge, but not if there is too much ledge area. If blasting is necessary, strict town regulations will be followed. Pre-blast surveys must be done as well as notification to the fire department before blasting can be done.

Mr. Gendron has had a Natural Heritage Bureau Inventory check done on this property. He is not sure if the study has been completed yet, but the study is necessary in order for him to have an AOT permit approval.

The Commission discussed supporting the yield plan and stating that we should make a motion to support the conservation subdivision. Ms. Loosigian suggested we support “a” conservation subdivision rather than “the” subdivision that has been proposed. The current conservation subdivision plan before us has not been fully engineered. She asked about drainage systems and if infiltration systems could be added to the site rather than having only detention systems. Ms. Loosigian stated that we should see a completed plan if we are to recommend a specific plan. Mr. Gendron said the water treatment systems will incorporate bio-retention areas to infiltrate water. He has already submitted the plan to AOT for a permit. Mr. Gendron presumes he will be back before us again with a finalized plan to discuss environmental impacts to the site.

Motion: (Mackay/Shydo) 1) to support this yield plan related to the wetlands with the exception of lots 39 and 40 (on the cul-de-sac) because they may not be realistic based on the massive buffer impact. 2) To recommend a conservation subdivision over the traditional because of the reduced wetland impact and the 1,800 linear feet less road. 3) If they build a conservation subdivision we recommend the builder offer and the Selectmen accept donating the land to the town and we add the land to Woven.

Map 30 Lot 11-102	61 Dutton Road – Proposed 2 lot subdivision with a wetland crossing for the construction of two duplexes – Presentation by Joseph Maynard of Benchmark Engineering.
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The wetlands application for this project was before the Commission last year. They were applying for a variance for frontage to subdivide the lot into 3 house lots. The case was turned down by Zoning. They are now coming before us to subdivide the land into 2 duplex lots. The wetland and WCD impacts will be the same as the application from last year.

They have gone to the Natural Heritage Bureau (NHB), NH Fish and Game and have worked through the review process with other state agencies. A 36 inch reinforced concrete pipe (RCP) will be installed for the wetland crossing. The pipe will be partially buried to provide a natural stream bottom as requested by Kim Tuttle at Fish and Game. This type of pipe has a rough interior surface that helps critters grip and crawl through the pipe easier than other types of pipe. The letter from the NHB identified historic sightings of sensitive/protected species under the powerline easement that abuts this property. A portion of this property is also under the powerlines. The applicant agreed to have a soil scientist do a study of species on site to make sure there are none of the defined species in the impact area. The scientist will search along the powerlines in a few weeks for certain plant species and will be back in August to look for other species. If any protected/sensitive species are found NHB has a procedure that the builder must go through to avoid or mitigate damage to the plant or animal community. The applicant has agreed not to start work until the studies are done.

Mr. Maynard would like to move forward with the plan while he is waiting for the studies. He will be in front of Planning soon. The dredge and fill is being reviewed by NH Department of Environmental Services (DES) currently. He would like to have any comments about this lot from us as he moves the plan forward.

Both lots are proposed to be duplex lots. The front lot has a single family home that will be modified to a duplex by building an addition. The rear lot is proposed as a duplex lot. Originally, the applicant wanted to build 3 house lots on this property. There would have been 3 families on this lot. Zoning turned down the application. The Commission was also opposed to the 3 house lots because a wetland had to be crossed to reach the third lot. Ms. Delehanty observed there will now be 2 duplexes and 4 families rather than 3 families and more impact to the lot.

Mr. Maynard has more than enough area on each lot to build the proposed duplexes. Zoning regulations require 200 feet of frontage and 2 acres for each duplex lot. He has over 400 feet of frontage on Dutton Road. The rear lot has 173,214 sf of contiguous upland outside the powerline easement and 59,150 outside the WCD. The front lot has 89,892 sf of contiguous upland with 72,518 sf outside the WCD.

The driveway has a 2:1 slope and will require only a minimal impact for grading in the WCD. Storm water is proposed to sheet drain from the driveways. Ms. Delehanty asked if there were a way to prevent salt use on the driveway as she is concerned salts will wash into the wetlands. The Commission can request salt not be used on the driveway, but this is difficult to impossible to enforce. Mr. Stanvick is opposed to us requesting anything that cannot be enforced. Other members thought it could be asked for, but admitted the difficulty in making sure salts are not used.

Mr. Gagnon asked about some terminology on the application. Mr. Maynard said that the change in terminology has complicated filling out the applications. Mr. Gagnon asked specifically about 'priority resource areas' and the question 'Does the project qualify for an impact classification adjustment?' These questions came up in the NHB letter that referenced sensitive species. The application for this case could have been under an expedited permit because of the minimal impacts to wetlands, but because of the NHB hits the permit application had to be a standard review. Expedited permits can move faster through the state approval process.

Ms. Loosigian asked if the wetland was being crossed in the narrowest space because the plan looks as though there is wider section of wetland in the proposed crossing area. Mr. Maynard said his soil and

wetland scientist chose the crossing location as the least impactful. Ms. Loosigian requested that the slopes in the WCD area be planted with native shrubs and seeds. Mr. Stanvick agreed and said this should be on the plan. He asked who insures our recommendations on plantings are followed. He mentioned the case on route 38 across from the church. We recommended that blueberry bushes be planted along the driveway in the WCD and that the area no longer be mowed. He has noticed the mowing has stopped, but he did not see blueberry bushes planted. Mr. Maynard said he would check on that project and make sure the plan had been followed.

There will be no slash or tree debris dumped in the buffer. WCD signs will be posted. There will be no clearing of trees in the WCD except in the crossing area.

The plans are currently at the Wetlands Bureau. No variances are needed for this project, but the applicant will need a special permit for the wetland crossing. Mr. Maynard requested we send a letter to NHDES with our comments. He will be submitting to Planning next week.

Motion: (Loosigian/Gendreau) to recommend the crossing though we do not want them to cross the wetland. We see no better location to cross the wetland than documented on the plan. In addition, members recommend the planting of native shrubs in the crossing area.

Vote: 6-1 in favor. Delehanty was opposed because the previous plan was rejected for 3 house lots with 3 families and now we have 4 dwelling units with 4 families and more impact. In addition she does not like the disruption of possible threatened or endangered species as described in the NHB letter.

#### **MINUTES:**

Motion: (Loosigian/Shydo) to approve the minutes of March 11, 2020.

Vote: 5-0-2 in favor. Delehanty and Gagnon abstained.

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

None.

#### **AJOURNMENT:**

Motion: (Gagnon/Gendreau) to adjourn.

Vote: 7-0 in favor.

Adjourned 8:56 p.m.

Respectfully submitted,  
Karen Mackay,  
Recording Secretary