

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

MEETING OF 09/12/18

APPROVED 04/10/19

Members Present:

Karen Mackay, Ken Stanvick,
Louise Delehanty, Lisa Loosigian,
Paul Gagnon, Brandie Shydo

Members Absent:

Mike Gendreau

Paul Gagnon brought the meeting to order at 7:04.

PRESENTATION:

Windham Conservation Commission and Friends of Moeckel Pond will discuss road repairs/construction and installation of a barrier gate at the entrance of Bayleaf Way. In addition, updates on the project plans and construction will be discussed. This is a follow-up presentation to the meeting of January 2017. Presentation by Diana Fallon, Norm Young and George Kimball.

In January 2017, The Friends of Moeckel Pond (Friends) came before the Commission to ask for support for a project to reconstruct the Moeckel Pond dam. Bayleaf Way provides access to the dam and pond through the town of Pelham. Pelham Conservation Commission wrote a letter to support this after our initial meeting on January 2017. Since that time Pelham officials have signed a MOA. Friends is now looking for a letter to Zoning for a variance for work within the WCD. There will be no work in the wetland.

The town of Windham and Friends applied for and received a grant through the Land and Water Conservation Fund. The town of Pelham's support for this project was necessary in order to win the grant. The Land and Water Conservation Fund insisted Bayleaf Way be held as an open access point in perpetuity. Friends thanked the Commission for our support for this project. Friends are waiting for the National Park Service to pass funding down to the states. Friends would like to start the dam construction in July 2019. The access road to the dam must be improved prior to dam construction. Friends would like to start the road repairs this fall. This time frame works well because conditions are dry in the fall.

A memorandum of agreement (MOA) has been signed by the town of Pelham. The agreement gives Windham permission to improve Bayleaf Way and maintain the road as a class 6 access. The agreement has the purpose of construction of the road to maintain the dam and keep open access.

On September 7, 2018, Mr. Gagnon, Jeff Gowan and Frank Ferria, the Windham Conservation Commission and Friends visited the site.

Friends needs to have the road work approved through the Pelham Conservation Commission because the majority of the road work will be done within the WCD. The end of Bayleaf Way, where it connects to Simpson Mill Road, is paved. The remainder of the road to the dam is an unpaved, class 6 road. There will be no additional pavement ever added to the road. The road will remain a class 6 gravel road. This road must be improved in order to handle large trucks and heavy equipment which are needed to reconstruct the dam.

Friends estimates 10 loads of gravel will be required to repair the access road. There will be no digging or dredging during the road construction which will minimize sediment run-off. The road will be widened from about 10 feet to 14-16 feet with three spots slightly wider to allow vehicles to pass each other. The road will be widened to the north side so as to stay away from the wetland. Friends stated there is limited space to widen the road on the south side because of a stone wall and some telephone poles along the south side. The area near the dam is naturally wide on both sides. The road will remain open to the public after construction in order for residents to utilize the area. Repairs will be done as necessary to keep the road open for dam maintenance and public access.

Mr. Stanvick does not want to lose any WCD during this construction as the road is already quite close to the wetland. Road widening will be done on the north side of the road which should minimize any further WCD impacts.

There are a few dead trees on the south side of the road. These need to be cut, but the stumps/roots should remain to stabilize the bank and protect the wetlands. Brush will be cut on the north side of the road and gravel will be spread. Brush will be removed as well as low hanging branches to allow construction vehicle passage, but all root systems will be kept in tack to hold soils in place. There will be no digging so run off will be minimal. Silt socks and silt fencing will be used in all areas that need erosion control measures. These materials will be used to prevent soils from entering the wetland.

A small parking lot, sized for about 5 cars, will be created at the end of Bayleaf Way near the dam. The parking area will provide access to Moeckel Pond, the dam, and hiking trails in both Pelham and Windham. The lot will not be plowed during the winter.

Friends would like to install a gate at the end of the street to keep the public out of the area while construction is taking place. The gate will remain open always, unless a problem with vandalism or other issues arise. Police and Fire will have a key to the gate. There is a house on the Bayleaf Way at the corner of Simpson Mill Road. The house is on the paved part of the road. The proposed gate will be 30-40 feet beyond the paved road surface.

This road is a class 6, undeveloped, unpaved road. Mr. Stanvick is concerned that when the road is filled with gravel, this could prevent water from passing over the road. The road could become a dam, and block water flow. Friends explained that the water flows from the north toward the south into the wetland. The road slopes to a sufficient degree that water coming off the slopes of Deer Leap can flow into the wetland. The road is 10-15 feet from the wetland and 3-4 feet above the wetland. The north side of the road slopes up steeply to the conservation area. Filling low spots in the road will not cause a damming problem in this situation. The road is of relatively good quality, but must be improved to handle heavy equipment.

The land to the south of the dam is Pelham town land. In March, residents of Pelham will vote to determine if the land will become a town forest. If approved, development on this parcel would be prohibited into the foreseeable future. The land to the north of the dam is owned by Windham and defined as Deer Leap Conservation Area.

Friends is waiting for funding from the Land and Water Conservation Fund for dam construction. This is federal funding that must be released. Friends are expecting the grant for the dam late next summer. The dam work would need to be completed by mid-October 2019 before Cobbett's Pond opens its dam and sends water to Moeckel Pond at the end of the season. Improving the road is not included in the grant for dam funding. The timeline for the road upgrade is September-October 2018.

In any letter sent, Friends has requested the Commission specify the work be done by the town of Windham and Friends of Moeckel Pond as both groups are working together.

Motion: (Mackay/Loosigian) to send a letter to the ZBA that we approve the proposed plan with the stipulation that any widening of the road be done on the north side.

Vote: 6-0 in favor.

Map 3 Lot 11-332	Island on Little Island Pond – Proposed installation of a water line from the shore of Little Island Pond to an island within the pond. The water line to service a proposed new home – Presentation by Joseph Maynard of Benchmark Engineering, Inc.
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Mr. Maynard presented this case last year to run a water line from the main land to the island. He applied to the state for a wetlands permit after meeting with us. His wetland application with the state was just approve and he sent our copies to us. Ms. Mackay assumed he wanted to come before the Commission so she scheduled him. He said he was not asked by Zoning or Planning to come back to us again. He offered to come back if we wanted him, but said he would have to rearrange some things to make tonight's meeting. Ms. Mackay asked him if he wanted her to tell the Commission he was unable to attend tonight. He did not respond back prior to the meeting. Ms. Mackay suggested we could ask him to come in October if we wanted the wetland application presented.

Mr. Stanvick noticed there were expired permits within the wetlands application. These were permits for the previous work on the shoreline lot. The previous work was construction on a house/garage/boathouse on the shoreline parcel. This work was completed with a valid permit several years ago. The current application included permits for the previous work.

Ms. Delehanty raised the question of working on the property during loon nesting season. Mr. Gagnon said this was a Department of Environmental Services (DES) matter if timing restrictions were needed.

Motion: (Stanvick/Loosigian) to agree that Mr. Maynard does not need to come back to the Commission to present the approved wetland permit.

Vote: 6-0 in favor.

Map 41 Lot 6-130	33 Bridge Street – Discussion of the installation of a natural gas line off Pulpit Rock Road to service Wakefield-Vette – Presentation by Ian Crabtree and Andrew Mills of Liberty Utilities.
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The town engineering firm checked out the construction of the gas line installation and the erosion control methods. The engineer approved moving forward with installation on the site.

Commission members and Liberty are trying to agree upon a set of guidelines for how the town wants the gas line installations to proceed for all new lines for houses and businesses since the recent expansion of the gas lines through the school and business district. The Commission nor Liberty want to meet to discuss every residential and business gas line installation.

The gas lines described in this policy are low pressure at 60 pounds per square inch (psi). All surface areas that are disturbed to lay the lines will be replaced in-kind as required by the state. Trenches to lay lines will be approximately 2 feet wide. The trenches will be dug and filled the same day. No trenches will be left open and unattended. This policy is a compromise so Liberty will not have to come before the Commission for each gas line to a house or business.

Motion: (Mackay/Stanvick) to approve the Liberty Utility Pelham Wetland Policy with amendments discussed at this meeting.

Vote: 6-0 in favor.

Mr. Mills and Mr. Crabtree reviewed a written wetland policy between Liberty Utilities and Pelham. The following is the agreed upon final draft policy.

Liberty Utilities Pelham Wetland Policy

The following represents Liberty Utilities erosional control plan approved by the Pelham Conservation Committee to reflect scenarios in which Liberty Utilities can obtain permission to install Natural Gas infrastructure without needing to attend a full Pelham Conservation committee meeting. This will only apply to situation where all construction activity will take place outside a 25' non-prime wetland or shore land buffer zone and a 50' Prime wetland buffer zone (As determined by the Pelham Prime Wetland Map on NH DES's website). Pelham Conservation Committee can revoke or alter the following plan at any time, and Liberty Utilities will adhere to any alteration within 5 business days of notification to the company.

- Liberty Utilities will follow all required NH DES, Clean Water Act, and any and all other applicable local, state and federal laws. In addition Liberty Utilities will acquire all necessary permits.
- Liberty Utilities will not leave any trench unattended within 100' of a wetland, I.E. all trenches will be back filled same day.
- Liberty Utilities will install Erosion and Sediment Controls to prevent any construction run off from entering wetlands. This will be primarily be accomplished with straw wattles or compost filter sock (see appendix A for construction detail)
- Hay bales and silt fencing will be used on areas of higher grade and in drainage ditches at the discretion of the company to prevent run off from entering sensitive areas.
- Liberty Utilities will install erosion and sediment controls and notify Pelham Conservation Committee at least 72 hours prior to beginning construction via email (See Appendix C, for email distribution list).
- Pelham Conservation committee can inspect the adequacies of installed controls, if they are not installed to the committee satisfaction. Pelham Conservation shall notify Liberty Utilities with corrective actions to be taken, Liberty Utilities will address the environmental controls per Pelham conservation committee's comments, notify Pelham Conservation Committee, and then allow for another 72 hour inspection period.
- In the event Liberty Utilities doesn't hear from Pelham Conservation committee within 72 hours or is informed by Pelham Conservation committee that the controls are adequate. Liberty Utilities will begin construction as soon as practical not to exceed 30 days.

MINUTES:

Motion: (Delehanty/Stanvick) to approve the minutes from the site walk of August 23, 2018.

Vote: 5-0-1 Loosigian abstained.

WALK-IN ITEMS:

Ms. Mackay gave the results of Long Pond water testing to Ms. Loosigian.

Ms. Delehanty reminded members and residents that we would be at Old Home Day this Saturday. There is parking at the schools with shuttle buses to bring residents to the fair. The Commission has a display with the Forestry Committee and the Border Riders behind the Congregational Church.

Straws are in the news. A coastal clean-up on Hampton Beach in 2016 yielded more than 800 straws. Lots of plastics are getting into our oceans and impacting sea life.

Ice out on NH lakes is coming earlier and earlier and is being attributed to a changing climate. This reduces time for winter recreational opportunities. Warming water earlier in the season can lead to more algal blooms, and invasive plant species having a longer growing season. Warmer water can lead to more contamination and reduce swimming days. At the NH Association of Conservation Commissions (NHACC) meeting this fall there will be seminars on global warming in NH.

Ms. Delehanty found some articles on owners of open space, such as farmers, renting out their land for weddings and events. This type of arrangement can provide revenue for farmers and venues for people interested in hosting outdoor events.

Mr. Gagnon spoke about prime wetlands in town. Pelham had prime wetland studies conducted in 1987, 2000, 2007 and 2010. The state recently change the rules related to declaring a wetland prime. These new rules removed the prime status from our 1987 and 2000 wetlands. These are no longer recognized by the state. Mr. Gagnon would like the 1987 and 2000 wetlands to be looked at by a wetland scientist and have the new process followed to have these designated again. Mark West conducted the prime wetland surveys in 2007 and 2010. The wetlands designated in 2007 and 2010 are the only prime wetlands in Pelham recognized by the state. Mr. Gagnon has asked Mr. West to start working on the 1987 and 2000 wetlands.

In 2003, the Commission committed to protecting 1,000 acres in town. In 2004, town residents approved a \$3,000,000 bond to work toward the 1,000 acre goal. In March 2018, the Commission achieved this goal.

Mr. Gagnon had new conservation maps made. He distributed the maps to the members.

Mr. Gagnon applied to NHACC for an award for recognition of the work done for land conservation in the town between 2003 to the present. The awards will be announced at the annual meeting in November.

ADJOURNMENT:

Motion: (Mackay/Loosigian) to adjourn

Vote: 6-0 in favor.

Adjourned 8:46 p.m.

Respectfully submitted,
Karen Mackay
Recording Secretary