

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

**MEETING OF 08/12/15**

Members Present:

Karen Mackay, Louise Delehanty  
Kaela Law (late), Paul Gagnon  
Lisa Loosigian, Paul Dadak  
Mike Gendreau

**APPROVED 10/14/15**

Members Absent:

None

Chairman Paul Gagnon brought the meeting to order at 7:05 p.m.

**OLD BUSINESS:**

Merrimack Valley Reliability Project – This project proposes to upgrade high tension electric wires in Pelham as well as other towns. The upgraded line will run from Tewksbury, Massachusetts to the Scobie Pond station in Londonderry, New Hampshire. The wetland permit application will be discussed as well as possible mitigation for wetland impacts related to the project.

Sherrie Trefry of VHB Engineering will present the project.

Ms. Trefry presented this project to the Commission two months ago. Since that time, they have filed with the Site Evaluation Committee (SEC). The project was filed on July 21. The SEC has 60 days to determine if the application is complete. The town of Pelham has received a copy of the wetland permit application. All state agency permit applications are filed as one package with the SEC.

Pelham has a total of 4.54 acres of impacts. Some are permanent, some are temporary and some are secondary. Secondary impacts are impacts to wetlands where the wetland itself is not changing or being disturbed, but the nature of the wetland is changing due to the removal of the vegetated buffer. These wetlands will be converted from forested to scrub/shrub or emergent wetlands.

Permanent wetland impacts are below the 10,000 square foot threshold for NHDES to require mitigation. The Army Corps of Engineers (ACOE) and Environmental Protection Agency (EPA) will be overseeing this project and will require mitigation for the wetland impacts. In addition, the federal agencies require mitigation for temporary impacts, secondary impacts and impacts to the riparian and vernal pool buffers.

The New England Regional Guidance Document used by ACOE and EPA provides information about the percentage of impacts that need mitigation. Permanent wetland impacts require a 1:1 ratio meaning that for each square foot of impact there must be a square foot of mitigation.

Mitigation must be provided for five percent of the total temporary impacts. This project is expected to impact 3.7 acres for temporary access for construction. Five percent of the 3.7 acres must be mitigated. Secondary impacts and impacts to riparian buffers and vernal pool buffers must be mitigated at 15 percent. These impacts are not permanent, but there will be a change to the associated wetland and therefore mitigation is required.

VHB had a preapplication meeting with ACOE and EPA so they knew the requirements for the project. On August 11, 2015 VHB met with EPA to review the wetland application and update the final impact numbers for mitigation. VHB is also talking with the associated towns to gain information about in-kind mitigation opportunities. The wetland application was submitted to the SEC on July 21, 2015. The goal is to have a mitigation agreement within five months of the wetland application submittal. The final impact numbers have been calculated and will be used to finalize mitigation.

National Grid owns parcel 30/7-11. The Pelham Conservation Commission has been interested in this parcel for many years. This parcel is nearly surrounded by the Peabody Town Forest. The Commission had asked Ms. Trefry to look into the possibility of giving a piece of that parcel to the town for mitigation for the project. The parcel is about 30 acres in size with several acres of wetland. The parcel value is around \$500,000.

The mitigation for this project will be overseen by the federal government. NH DES will not be involved because the impacts are below the threshold of 10,000 square feet. Ms. Trefry did however use some DES requirements to roughly draw out a subdivision line on lot 30/7-11. DES requires a 100 foot upland buffer to wetlands and less than 50 percent of the property given for mitigation can be wetland. With these restrictions, the subdivided parcel to be considered for mitigation came to be about 15.7 acres which is roughly half the parcel. The subdivided section of the parcel included about 9.5 acres of upland and 6 acres of wetland. The required portion of the parcel to satisfy the mitigation requirement is about 5.8 acres. The 15.7 acres as half the parcel may be valued at about \$250,000. The in-lieu fee for the mitigation, if in-kind mitigation cannot be agreed upon, is \$67,000. This arrangement would put National Grid way over the mitigation required for the project.

The ACOE and EPA have requirements for in-kind mitigation. One rule is the parcel that will be used for mitigation is under threat for development. Another is the parcel must be adjacent to permanently protected conservation land. The National Grid parcel (30/7-11) has some challenges. The parcel is on a class 6 undeveloped road. A road, build to town code, could be put in to gain access to the parcel. The other challenge is that Peabody Town Forest is not permanently protected land. The land is currently in conservation and has been voted as a town forest, but this could change with a vote from town residents. In order to protect this land permanently, a conservation easement or deed restriction would need to be added to the deed. At this time, Conservation members are not sure if this could be done through the Selectmen or if a vote to change the nature of the property and add a restriction to the deed would require a vote from town residents at town meeting. Mr. Gagnon will look into the procedure.

Ms. Trefry presented lot 30/7-11 to EPA for discussion of mitigation. EPA is not currently interested in letting the town have this parcel for mitigation. They are questioning how the parcel

could be accessed for development. They need a more compelling argument than the town would like the portion of the lot because it is adjacent to Peabody Town Forest. Ms. Trefry suggested Mr. Gagnon write a letter outlining the value of the parcel to the town and making an official request for this parcel for mitigation. The letter along with a tax map should be sent to Mark Kern at the EPA. She also suggested the Commission make sure there are no restrictions on Old Lawrence Road (Briarwood) to convert the class 6 portion of the road to a town/residential road and to see if the Peabody Town Forest could be permanently protected as conservation land. If Old Lawrence Road cannot be developed then there is no chance this parcel could be developed. She suggested talking to the town attorney about these matters.

If no in-kind mitigation can be found that the town, ACOE and EPA agree upon than National Grid will pay approximately \$67,000 to the Aquatic Resource Mitigation (ARM) fund. This fund would take the money given by National Grid and distribute it to another group with a qualified project to protect wetlands in the state.

The maps used by VHB are not current and up to date, but this should not be a problem in the area of Old Lawrence Road because not much has changed in the area in many years. The roads and developments in the area are the same as depicted on the maps.

Ms. Trefry and representatives from National Grid will not appear before us again. The application has been submitted to the SEC. If the SEC deems the application complete public hearings will be scheduled to review everything with the public. All town residents will be invited as well as abutters to the project. All representatives with National Grid will be on hand to answer questions and explain the project. This procedure insures that all comments are on the record and all comments get submitted to the SEC. Ms. Trefry estimates those hearings will be in November.

Motion: (Loosigian/Gendreau) to authorize Mr. Gagnon to write a letter to ACOE and EPA to describe why the town would like to take possession of a portion of lot 30/7-11.

Vote: 7-0-0 in favor.

Kinder Morgan (North-east energy direct) pipeline – A proposal to write a letter to the Federal Energy Regulatory Commission (FERC) requesting time to complete an environmental impact study will be discussed. The town has already hired a wetland scientist to help us through the FERC process.

Kaela Law will lead the discussion

The process for the Kinder Morgan pipeline is moving quickly and Commission members would like to make sure there is enough time to prepare an environmental impact study (EIS). The town has hired Rick Van de Poll, an environmental scientist, to review town environmental documents and prepare an EIS. Ms. Law has suggested we write a letter to the Federal Energy Regulatory Commission to request more time for the scoping hearings so that we can complete our EIS with accurate information supplied by Kinder Morgan.

Mr. Van de Poll cannot complete the EIS prior to knowing the exact proposed pipeline route. This will not be known until Kinder Morgan files the final draft of the project. Kinder Morgan is

in the prefilng stage presently and no exact locations for pipeline related construction are known. Kinder Morgan is expected to file the final draft in the fall.

Scoping meetings/hearings are being conducted presently. Many residents in the affected towns have been in attendance and have tried to speak about the pipeline. The meetings are often so crowded and run so long that many residents do not get a turn to speak. Many residents that have spoken have requested extensions for the scoping sessions until after the path of the pipeline is known.

Some preparations can be done prior to knowing the pipeline route. Mr. Van de Poll is reviewing our natural resources inventory, open space plan and prime wetland studies.

Other towns have requested more time to prepare studies to define the environmental impacts. Merrimack Conservation Commission has written a letter to request more time for preparation of studies. Amherst has already written an EIS.

FERC has already received over 3,000 submittals of comments on this project. They estimate this could be the most commented project they have ever reviewed.

Mr. Gagnon suggested Ms. Law write the letter requesting more time and then send it to the board members for review/comments.

#### WALK IN ITEMS:

Mr. Gendreau was dismissed at 8:33, prior to walk in items being discussed.

Ms. Delehanty discussed the Wildlife Action Plan which is written and administered through New Hampshire Fish and Game. The plan is under a 30 day review which means the public can make comments on the plan. The plan can be viewed on line. Comments can be directed to NH Fish and Game Department. In 2005, 118 species in the state were listed as endangered, threatened or of concern. Thirteen have been removed from the list because the populations have rebounded. There are now 105 species on the list. Information about all the listed species is available on line.

Ms. Delehanty talked to the Commission about the purchase of moose plates. Moose plates are available for purchase for automobile registrations. The initial cost for the plate is \$38.00 then a fee of \$30.00 per year is added to the owner's registration fee. The money collected from the sale of the plates is used for conservation grants. The plates can be given as presents through a gift card program.

Grants can be given for permanent land protection through conservation easements or fee acquisitions. Conservation projects with a public involvement component such as involvement with the Boys and Girls Scouts are favored. Grant money can be used to enhance, maintain, protect and/or stabilize a stream or impaired water way. Soil conservation and erosion control are other qualified projects. Grant money is distributed through the Land and Community Heritage Investment Program (LCHIP). Little Island Pond Conservation Area is an LCHIP sponsored

property. LCHIP has \$230,000 available in this grant round. The maximum amount that can be requested is \$24,000.

Ms. Delehanty would like to make a grant request to have LCHIP help fund the development of the Wolven Park. The park is being looked at by Forestry to be a 'pocket park' that would be a highly developed park that could possibly be handicap accessible. Ms. Waters, the chairwoman of the Forestry Committee, has been talking to a person who does environmental design work. This type of person is needed to write a proposal of how to develop Wolven Park.

NH has certificates that are called 'hike safe'. The cost is \$25.00 per year and the card covers the cost of rescue if a hiker is in need of assistance.

Mr. Gagnon requested Ms. Mackay attend a meeting of the Windham Conservation Commission to hear about their plans to rebuild Moeckel Pond Dam. Moeckel Pond is located just north of the Pelham town line in Windham. Residents of the Pond area would like to restore the pond. Friends of Moeckel Pond have raised money and will be rebuilding the dismantled dam. Golden Brook forms Moeckel Pond in Windham and runs into Pelham and behind the transfer station. Flow rate must be maintained during the rebuild. The topography is relatively flat and a large wetland is currently in the location of the historic Moeckel Pond. Ms. Mackay will attend the meeting tomorrow night.

ADJOURNMENT:

Motion: (Mackay/Dadak) to adjourn

Vote: 6-0-0 in favor.

Adjourned 8:55 p.m.

Respectfully submitted,  
Karen Mackay,  
Recording Secretary