

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

MEETING OF 01/12/22

Members Present:

Karen Mackay, Paul Gagnon,
Lisa Loosigian, Al Steward,
Ken Stanvick, Scott Bowden (alt)

APPROVED 02/16/22

Members Absent:

Kara Kubit (alt), Mike Gendreau,
Denis Hogan

Paul Gagnon brought the meeting to order at 7:02 p. m. Mr. Gagnon appointed Scott Bowden as a voting member for our meeting tonight.

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 as prime wetlands. The new boundaries will be presented and discussed at this public hearing. Presentation by Mark West of West Environmental

Mr. Gagnon gave a brief summary regarding these prime wetlands. In 1987, the Conservation Commission had a prime wetland study done of 7 wetlands in town. In 2000, the Commission had 5 more wetlands studied. All these wetlands were designated as prime wetlands under the regulations of the times. The state has decided the old prime wetland designations are not satisfactory, partially because of boundaries that have not been well defined. The Commission made the decision to exclude the Pelham Memorial School prime wetland, which was designated in 2000, from this new study.

In 2019, this Conservation Commission hired Mark West to look at these 11 wetlands and make sure they met the criteria of the state. Mr. West reviewed these wetlands and remapped them so boundaries were clear. In December 2019, the Commission held a public hearing for these wetlands. In March 2020, the residents voted to approve these wetlands as prime wetlands. The town submitted the wetlands to the state for final approval. At the end of 2020, the state rejected our submittal. The state said we had not notified enough abutters. We had notified 100 abutters. All abutters to these proposed wetlands were notified. We had not notified all abutters to the abutters. The late notice from the state prevented us resubmitting the wetlands for the ballot for 2021. Over the past several months, we have begun the process to re-designate these wetlands. The Commission sent out 341 certified registered letters to everyone who abuts one of these prime wetlands and everyone who abuts an abutter to a prime wetland. Mr. West will give a presentation tonight at this public hearing again and these wetlands will go on the ballot again in March 2022. These wetlands, if approved by the residents, will enjoy a higher level of protection. Mitigation must be done at a 10:1 ratio for any disturbance to the wetland. If one foot of the wetland is disturbed, than 10 feet must be mitigated.

Mark West did a prime wetland study for Pelham on Lower Beaver Brook several years ago. The wetland was approved by the state for prime wetland status. He has done prime wetland studies in roughly 25 towns. All new prime wetland designations will not have a 100 foot buffer. Only prime wetlands designated between 2009 and 2012 have the 100 foot buffers. The state found the buffers were difficult to manage and enforce especially with forestry activities. These re-designated prime wetlands will have the town buffer of 50 feet.

Mr. West explained the procedure he undertook to study these wetlands. He began by reviewing existing maps and reports. He transferred existing digital prime wetland boundaries onto new aerial photos. He evaluated the boundaries and prepared preliminary prime wetland boundary changes to match the conditions he found on the most recent aerial photos. Mr. West field checked the proposed prime wetland boundaries from public access locations, those being roads, town parks, and conservation lands. He walked the Sherburne Road wetland with Carl Benedict from the Department of Environmental Services (DES) to make sure DES understood the process and were in agreement with the methods used to evaluate the wetlands. Finally, Mr. West revised the prime wetland boundaries, digitized and prepared new maps with the correct wetland sizes.

The requirements to establish a new prime wetland status changed in 2012. The new requirements removed the 100 foot buffer to the wetlands. New requirements also included a minimum 2 acres in size. A prime wetland cannot consist of only open water. Four primary wetland functions must be observed, one of which must be wildlife habitat. Finally, the wetland must be at least 50 feet wide at the narrowest point. This last requirement changed some of the wetland boundaries on our prime wetlands as small fingers of wetlands are no longer considered part of the prime wetland.

These re-designated wetlands are already prime wetlands. They have been remapped and will be re-designated in order to be more accurately mapped and display clear boundaries. Four functions are required in order to designate a prime wetland, but most of our wetlands have seven functions. Functions for many include emergent, scrub shrub, flood storage, flood plain, forested wetland, wildlife habitat, water quality and shoreland.

Mr. West went through each of the 11 wetlands. He explained the functions and values in each and described unique characteristics of some wetlands. He showed us the old and new boundaries on aerial photos. Some wetlands were mapped larger and some were mapped smaller than the previous study. The changes in the sizes of the wetlands is not necessarily because the wetlands on the landscape changed in size, the changes are attributed largely to the change in technology from 1987 and 2000 to the new methods of 2019. There were some changes in size due to beaver activity or development. Boundaries were previously mapped on USGS maps and soil maps which are not as accurate as lidar and aerial photos with ground verification. Mapping the line between wetland and upland is at a clear distinct point in the landscape. Aerial photos are taken in the spring prior to leaf out so the distinction between wetland and upland is clear. The overall change to the wetlands was relatively minor. The 1987 and 2000 studies mapped the total wetland area as 335 acres. The 2019 remapping had the total for all wetlands to be 355 acres. Some wetlands gained area while others lost area, but overall there was only a minor change in the total area of prime wetlands.

Mr. West remapped the wetlands, digitized them and sent them to Nashua Regional Planning Commission (NRPC). NRPC added the digitized maps to our town tax maps. Residents can find the maps on the Conservation Commission website. There is a tab for prime wetlands and a map index. Residents can find the map for their property and see where the grey outline of the prime wetland is

located. The following table is a copy of the table in the prime wetland study report that describes the sizes of the wetlands both in the past and presently.

Pelham Prime Wetland Size Changes 2019

NAME	ORIGINAL SIZE	NEW SIZE	ORIGINAL DESIGNATION DATE
Sherburne Rd Bog	3	3.7	2000
Sherburne Rd Open Water	10	19.8	2000
Little Island Pond	17	26.9	2000
St. Patrick's School	18	14.5	2000
Harris Brook	22	29.6	1987
Mountain Orchard	16	21.3	1987
Cranberry Bog	20	20.9	1987
Dunlap	91	87.8	1987
Camp Runnels	29	32.1	1987
Upper Golden Brook	72	64.1	1987
Lower Golden Brook	79	91.9	1987

There is no requirement through the state to revisit these wetlands in 10, 20 or 30 years to see if the boundaries have changed. Mr. West said it may be a good idea to check in on these wetlands in the future to see if boundaries have changed.

Ms. Loosigian asked about the benefits of designating the prime wetlands now that the 100 foot buffer is no longer applicable. Mr. West said the mapping will be more accurate. The town buffer of 50 feet will still apply to the prime wetlands. He said some towns choose to increase the buffer width on their prime wetlands. This would be a zoning issue. There is also the mitigation for any disturbance to the wetlands. A typical wetland needs to have a large disturbance before mitigation is required. Prime wetlands must be mitigated 10 feet for every one foot of disturbance.

Mr. Steward and Mr. Stanvick asked about other wetlands in town and if they could be candidates for prime status. Mr. West said that was up to the town. There are many wetlands in town and some may be of high value that the town would like to add the extra protection of prime status. Mr. West has done 3 wetland studies for the town. The first was Lower Beaver Brook. This is the largest prime wetland in town at over 400 acres. The second study was of 3 wetlands. These 4 prime wetlands have the 100 foot buffer that the state will enforce. This set of wetlands under discussion tonight will make 15 prime wetlands in total. We could look into doing more studies, but Mr. Gagnon feels good about the amount of protection we have already added to the wetlands in town. He is open to additional studies. He asked Mr. Stanvick to read through the previous prime wetland studies and see if he thought we should move forward to protect more wetlands by adding prime status.

Public Input:

Ms. Danielle Masse Quinn asked how the updated maps and boundaries would affect existing property owners. Mr. West said the maps would be more accurate and more reliable for land owners. In some cases, the new mapping would remove houses or other structures from within the prime

wetland boundary. These structures will now have no burden from being located in a prime wetland boundary. These structures were most likely mapped within the prime wetland buffer due to inaccurate techniques when the studies were conducted. New technology has made the mapping process more accurate which helps avoid problems such as these.

Mr. Guy Steucek asked the basis for the original studies and where he could find more specific information about his property. Mr. West said the original studies were done on USGS, National Wetland Inventory maps and soil surveys. The new maps are made using aerial photos. He can send the photos to the town then the town could possibly make them available on the website. Mr. Greenwood said NRPC has excellent maps for our town. They have taken Mr. West's wetland mapping and added it to the town tax maps. Residents can find maps of their property by going to the NRPC website and finding the MapGeo tab. From there, anyone can look up the lot of interest. Mr. West said he would forward the Dunlap wetland to Mr. Gagnon. Mr. Gagnon said he would send that photo to Mr. Steucek.

DISCUSSION

Samuel Thomas (Chair) and Danielle Masse-Quinn (Vice Chair) will discuss the rewriting of the Master Plan. They are looking for volunteers for the process and will discuss how interested parties can participate.

Sam Thomas and Danielle Masse-Quinn are the chair and vice chair respectively of the Master Plan Subcommittee of the Planning Board. They are visiting town boards, veterans groups, and other town groups to discuss the writing of a new Master Plan. Applications are required to join the Subcommittee.

Ms. Masse-Quinn presented some details about the Master Plan and what it entails. The Master Plan is a guide for the town that describes how the community can and/or should develop. It takes into account the views of residents and helps guide long term objectives of the town. The town should be updating our Master Plan every 10 years. Our last update was in 2002. The Master Plan can identify new and existing opportunities as well as risks and challenges. The Plan also provides the legal basis for adopting ordinances and regulations. Legally, this document is very important for the town. Ms. Masse-Quinn reviewed the NH state regulations that govern the writing and implementing the Master Plan. She gave a history of the years Master Plans were adopted in Pelham.

Mr. Thomas described the process of hiring a company to partner with us to write the Master Plan. The Planning Board received 5 proposals to write our Master Plan. There were companies from Atlanta, Chicago, and Vermont. These companies were dismissed rather quickly because of their lack of experience in New Hampshire and/or their cost. The last two companies were Resilience Planning and Development, LLC and NRPC. The Planning Board looked at samples from both Resilience and NRPC. They were impressed with Resilience and chose to hire them at a cost of \$80,000.

The rewriting of the Master Plan must be approved by the voters on the March warrant. Resilience is not officially hired until the voters approve the rewrite. Planning and the Master Plan Subcommittee is doing pre-work before the vote so they can hit the ground running in April. The contract with Resilience is proposed to run from April 2022 to June 2023.

Resilience will write the Master Plan. The Subcommittee will be an advisory group to help Resilience collect information from the town to form our Master Plan. Mr. Thomas and Ms. Masse-Quinn are looking for volunteers throughout town boards, town groups, students and individual residents to help formulate the important features of the Master Plan. A portal will be set up by Resilience in order to facilitate input from the town residents. The Natural Resources Inventory (NRI) we have been working on will be incorporated into the Master Plan.

Meetings will be held regularly, but they are not sure how often. Mr. Thomas thinks the minimum will be twice a month. There may be separate groups within the Subcommittee depending on how many people show an interest in working on the Subcommittee. Groups may be based on expertise, skills and/or special talents of the residents.

Mr. Stanvick asked if this presentation could be made available for town residents on the website. He asked about infrastructure such as water and gas lines. Mr. Thomas said there will be more details forthcoming as they start working through the process. Mr. Thomas will talk to Planning about posting this presentation.

The Commission will discuss a citizen's petition that has been submitted to the Selectmen in regards to allowing the operation of Off Highway Recreational Vehicles (OHRV) on town owned forest land.

This is a citizen's petition submitted to the Selectmen. It will be on the warrant in March 2022. The petition involves the use of conservation land and may have implications for our ability to purchase open space in the future. The Selectmen will be discussing this petition and voting to recommend or not recommend it to the voters. The Commission needs to decide if it will recommend or not recommend it to voters. Mr. Gagnon read the petition.

Exact wording of petition

This petition is to collect signatures to see if the town of Pelham residents will put forth on the ballot to allow Pelham residents of the town to be able to access town owned forest land with OHRV wheeled vehicles.

Mr. Bowden is an alternate member of the Commission and a trail adopter for the Peabody Town Forest (Peabody) He has noticed ATV's illegally entering Peabody. He is not describing all ATV users, but a subset that does not follow rules. Many do not stay on the trails. If the trails are near water they ride through even when the trail is muddy. When this happens, the trail quickly becomes unusable for passive recreation. . He has found at least 3 places in Peabody that this has taken place. Once the trail is damaged, it becomes difficult to fix. He has tried to drag logs across the trail to prevent the wheeled vehicles from passing, but they simply move the logs. The only thing he has found that deters the riders is the huge boulders that get placed at the entrance of some trails.

The comparison to snowmobiles is stark. Snowmobiles run on frozen ground that is covered with snow. This does not damage the ground or cause ditching to the trails. The snowmobile riders have a club that organizes the group, and works to improve the trails. This type of organization does not exist in town for ATV riders or if it does no one has come forward as a club. Mr. Bowden would like to find a spot for ATV riders in town, but at this time there is a management problem. There is also a problem with enforcement of rules. Riders who ride recklessly or off trail cannot be identified because they

wear helmets so they cannot be seen and the stickers on ATV's have small print and are not readily visible. Mr. Bowden thinks a lot of prep work needs to be done before approvals to ride on town lands.

Public Input:

Mr. John Spottiswood questioned how the trails were marked and if these machines could ride on private land. Mr. Gagnon said there are trails that go from town land to private land. We don't map, mark or place signs on trails on private lands. There are no signs on trails to mark where town and private lands boundaries abut. This is a problem as riders could think they are on town land, but cross over onto private land. The snowmobile club does a good job talking to land owners. Mr. Gagnon has a signed insurance certificate that has 2 million dollars in coverage for letting the snowmobile club cross his land. He has no problem with the snowmobile club on his land. Snowmobiles are registered. The club opens and closes trails when conditions are right or wrong. They are an organized group that does lots of work on the trails and cutting trees that fall across the trails. All the work by the club is volunteer. The Forestry Committee along with other town residents do a lot of volunteer work too. Forestry hires some people to create parking areas and harvest timber. Volunteers create trails, clean trails and mark trails. Many hours of trail work has been expended to fix muddy spots. Mr. Gagnon is scared to open all trails to ATV's because so much work goes into maintaining the trails and ATV use has the potential for a lot of damage to the trails.

Mr. Kevin Cote is a Selectmen and represents the Selectmen on the Planning Board. Town residents want to have this activity while some residents do not want it. This question will be on the ballot in March. Mr. Cote said the Commission should be proactive on this question. There are ATV clubs around the state. They conduct themselves the same as snowmobile clubs such as maintaining and fixing trails and they regulate their member's behavior. Mr. Gagnon said the problem is we do not have an ATV club in town and there is no described plan. For example, If a club formed and came forward and said Raymond Park would be a good place for an ATV park, then there could be a discussion. The group would need to have a plan to maintain and fix trails, they would need to have permits/stickers to use the land, require helmets, have hours to ride, and make decisions when to close trails because of muddy conditions. This is a list of some possible regulations. At this time, there is nothing like this. Mr. Cote said we should be proactive. Members questioned what that means. Mr. Cote thinks between Conservation, Forestry and the Selectmen along with town residents we could make a committee that could set up specifications and requirements to open trails to ATV's. The state has requirements for these types of clubs for them to be accredited. A group in town could be a good start. Mr. Cote said this petition was going to come before the Selectmen. He said he would vote against recommending the petition. He feels there are safety issues with the trails. There must be a way for apparatus to get into the trails if someone gets hurt. He feels parking could be another issue as Conservation areas have relatively small parking lots. If residents are bringing ATV's to Conservation areas there may not be space for trailers in the parking lots. He is also concerned that riders may live a short distance from a Conservation area and will ride on the road to get to the trails. This poses a danger. This issue is very complicated and needs to be thought through.

Ms. Lisa LaRochelle was one of the people that brought up the petition. She had no idea the issue was so complicated. She said the people that signed the petition just want the ability to ride and enjoy the town lands. They were exploring how they could get to use the land. Her group has no formal plan, but would like to set something up. She would be willing to be on a subcommittee to work on this issue. There is a lot of interest by residents in town for riding. They want to care for the land. Mr. Gagnon said this is a challenge. The way the petition is written, if it passes it opens the town land to everyone,

anytime, on any trail or non-trail to ride as they will. There needs to be rules for safety and keeping trails in good condition.

Ms. Mackay said there is an issue between the town land and private land interface. Riders will not stay on town land as there is no signage between town and private land. Mr. Gagnon presented another problem as some of our town lands have deed restrictions on them that prohibit wheeled vehicles. These restrictions must be honored.

Motion: (Bowden/Loosigian) to vote on this petition.
Vote: 5-0-1 in favor. Steward abstained.

Motion: (Bowden/Loosigian) to vote to not support this petition.
Vote: 6-0-0 in favor of opposing the petition.

MINUTES:

Motion: (Steward/Loosigian) to approve the minutes of December 8, 2021.
Vote: 4-0-2 in favor. Stanvick and Bowden abstained.

Motion: (Steward/Loosigian) to approve non-public session minutes of December 8, 2021.
Vote: 4-0-2 in favor. Stanvick and Bowden abstained.

NON-PUBLIC SESSION:

Motion: (Mackay/Steward) to go into non-public session to discuss land acquisitions in accordance with RSA 36-A, seal the minutes of non-public and adjourn after non-public.
Vote: 6-0-0 in favor.

Respectfully submitted,
Karen Mackay,
Recording Secretary