

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

**MEETING OF 07/13/22**

Members Present:

Karen Mackay, Paul Gagnon,  
Mike Gendreau, David Abare,  
Christine Kamal (alt), Al Steward

**APPROVED 09/14/22**

Members Absent:

Lisa Loosigian, Scott Bowden (alt),  
Kara Kubit (alt), Ken Stanvick

Al Steward brought the meeting to order at 7:07. Mr. Steward led the Commission in the Pledge of Allegiance. Mr. Steward appointed Ms. Kamal as a voting member for tonight's meeting.

**OLD BUSINESS:**

Map 18 Lot 12-16	Off Beechwood Road in Salem, NH – Proposed 15 lot subdivision which will extend into Salem, NH. The subdivision will have WCD impacts. – Presentation by Shayne Gendron of Edward N. Herbert Associates, Inc.
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This case was discussed at our last meeting on June 8, 2022. Commission members visited the site on June 29, 2022. There were no negative issues at the site walk, but there was talk about a trail along the back side of some lots. Mr. Gendron would like to discuss this tonight.

Mr. Gagnon asked why the developer had not chosen to design an open space subdivision on this parcel. He asked the question because we passed a new open space subdivision ordinance about a year ago and since then no developer has come forward with this type of plan. Mr. Gagnon wanted to know if the new regulations were too restrictive or undesirable for developers. We want regulations that work for the town and also for the developers. Mr. Gagnon requested that Mr. Gendron speak up if regulations are unworkable. Mr. Gendron said there was no specific reason why they did not set up an open space subdivision. The parcel was simply designed as a conventional subdivision.

At the site walk, there was discussion about a trail that crossed one of the proposed lots. Presently, there is an easement from the cul-de-sac, south-east to an open space parcel in Salem, NH. Mr. Gendron has proposed a 10 foot easement from the end of that easement to the south-east corner of the parcel, then turning to run along the southern lot line to the south-west corner of the property with the exception of the right-of-way (ROW) into a lot in Methuen, Massachusetts. The trail easement will end at the old trolley line trail. This easement is for passive recreation only, no motorized vehicles. Mr. Gagnon requested a 15 foot easement so as to make it easy to cut a trail around any large trees or boulders that may be within the easement.

These trails would be open to the public, including the trolley trail. Ms. Mackay suggested we cut the trails while the lots are being developed so we are not on private lots after people move in to the development. The easement will be on 5 lots with the trolley line being on 3 lots.

There is a ROW from this parcel into a parcel in Methuen, Massachusetts. There is no active process to develop the Methuen parcel at this time, but there may be in the future. The lot to the west of this lot slopes down to a large wetland in Pelham.

Motion: (Gagnon/Abare) to accept the plan as presented including the 15 foot trail easement that will follow the perimeter of the parcel and will connect to the trolley line. There will be 7,403 square feet of wetland conservation district (WCD) impacts for infiltration basins and grading.

Vote: 6-0-0 in favor.

Map 35 Lot 10-351, Map 41 Lot 10-312 & Map 27 Lot 2-80	Currier Road and Hinds Lane - Explanation of proposed mitigation on Hinds Lane for impacts to the prime wetland buffer for a subdivision off Currier Road – Discussion of the proposed conservation easement on Hinds Lane – Presentation by Luke Hurley of Gove Environmental Services, Inc.
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The developer along with the town has been working on this case since 2017. The development off Currier Road is a 42 lot subdivision with 47,380 sf of prime wetland buffer impacts for storm water structures. The state requires a 10:1 mitigation for impacts to the 100 foot prime wetland buffer. Commission members along with the developer began looking for a mitigation solution within the Town of Pelham. Commission members felt strongly that the impacts to the 100 foot buffer were within the Town of Pelham; therefore, the mitigation must be within the Pelham.

The developer initially wanted to do mitigation on the site of the subdivision by preserving land. This was not possible because the undeveloped land in the subdivision was already set aside for conservation and open space. The developer then mapped all the invasive species on the site and proposed to the state, the clean-up and removal of all the invasive species. The state felt this was not an adequate mitigation. The developer then started looking for a piece of land in town that could be used to mitigate the impacts to the prime wetland buffer. This option was pushed by Conservation members. Conservation members knew the last option for the developer was to pay into the Aquatic Resource Mitigation Fund (ARM Fund). This option was not acceptable to Conservation members because the penalty monies paid to the ARM Fund by the developer could be spent in another town within the watershed and may not come back to Pelham. Commission members wanted the mitigation for impacts to be within town.

Commission members found a parcel that seemed suitable. The parcel is privately owned and will remain privately owned. The owners have agreed to grant an easement to never develop the property. The developer of the Currier Road project will pay the land owners for the easement on the Hinds Lane property. The developer along with their environmental company investigated this parcel, found the parcel to be suitable, and then presented the parcel and proposal to the state. The state has conditionally agreed to the proposal of using the parcel on Hinds Lane as mitigation for the impacted prime wetlands off Currier Road. Mr. Hurley is looking for the Commission to vote to accept the easement on the Hinds Lane parcel. The state needs to know the town will hold the easement.

The Hinds Lane parcel connects to conservation land owned by the town and conservation land owned by New England Forestry Foundation. This parcel will be privately owned with no public access. Recently, town residents voted to change the status of two class VI roads into Class A trails. One of these trails runs along the southern border of this parcel. Vehicles are no longer allowed on the Class A trail. The parcel is 19.21 acres in size, which is larger than needed for the mitigation. The property is largely rocky uplands. There are 3 highly productive vernal pools located in the southern section of the property along the Class A trail. A multitude of egg masses were observed in the pools.

The easement must be held by the town and will run with the property in perpetuity. The state wants any land used for mitigation, such as this, closed to the public. The state does not want any activity on a site like this. No trails are permitted on the site. Ms. Mackay did not understand the 'no use' restriction. She said in order for people to have an invested interest in open space, the space needs to be open to use. Ms. Mackay understood in this case the land would be closed to the public because it would be privately owned.

The wetland dredge and fill has been submitted to the state. This mitigation is part of that application. The town must agree to the easement used for mitigation for the impacts on Currier Road. The Selectmen need to accept the easement also. The easement language has not been finalized yet, but will be modeled on the Steck Farm easement.

Motion: (Gagnon/Abare) to accept and hold the 19.21 acre easement on Hinds Lane for the 1 acre prime wetland buffer impacts for development on Currier Road with the understanding that we have not seen the final easement language yet.

Vote: 6-0-0 in favor.

### **MINUTES:**

Motion: (Abare/Gagnon) to approve the minutes of June 8, 2022.

Vote: 4-0-2 in favor. Gendreau and Steward abstained.

Motion: (Abare/Gendreau) to approve the site walk minutes of June 29, 2022.

Vote: 5-0-1 in favor. Steward abstained.

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

Mr. Gagnon announced Merriam Farm Conservation Area will have an official opening in October. The trails are ready now for visitors. The parking lot was recently completed and is located about half-way between Sherburne Road and Veteran's Memorial Park on the opposite side of Mammoth Road. The bridge over Gumpas Brook has been rebuilt and there is a yellow and an orange loop trail on the property. The trails lead down to Beaver Brook and back. The Commission voted to add benches by the brook to this park, but they have not been installed yet. The sign, at the entrance on Mammoth Road, is being built and will be installed soon.

Mr. Gendreau gave us an update from the All-terrain vehicle (ATV) committee. Meetings and minutes are posted on the OHRV page on the town website. The committee began by looking at Raymond Park. There were some issues with deed restrictions and they decided against pursuing that parcel. The committee is now looking throughout town for a suitable place for an ATV park.

The group has been working with Brian Johnson at Parks and Recreation. There will need to be in town registrations or monitoring so officials know who is using the land. They have discussed gates or barriers to the property and fees or penalties for misuse. The committee plans to involve NH Fish and Game, the Pelham Police and Fire Departments for suggestions for safety and suggestions on how to avoid sensitive environmental areas and/or hazards.

The committee has reached out to other towns to learn about challenges they faced, mistakes they made and decisions that worked. The committee has come up with a broad outline for some rules.

- A) They expect the season to be Memorial Day to Labor Day. Northern NH has a season that starts mid-May.
- B) A lot of rain/mud will shut down the trails.
- C) There may be possible riding in winter if the ground is frozen solid.
- D) The largest machines would be 51 inches wide. There will be no side-by-sides or Jeep type vehicles.
- E) All machines must have factory exhaust systems. There can be no loud mufflers.
- F) Open to Pelham residents and guests, with a pass from Parks and Rec.
- G) All machines must be registered with the state.
- H) Anyone 12-16 or without a driver's license would be required to take a safety course.
- I) Trails would be unidirectional to avoid crashes.
- J) There would be a 3 strikes and you're out penalty rule.

If they could find a location with enough space, they would like to introduce a BMX bike track. This could be fun for kids and something different the town could offer. The BMX track would be completely separate from the ATV trails. They would like the OHRV trail to be in the 2+/- mile length.

Mr. Gendreau said the committee has heard from multiple residents in support of this project and also against this project. He would like to come to a reasonable compromise so all residents can use and enjoy the land in Pelham. He welcomes feedback from town boards, and residents. Nothing is decided or settled at this time so he cannot answer questions on specifics. The committee would like to present to Conservation as soon as possible, maybe in August.

The Hillsborough County Conservation District 2022 summer legislative tour will Wednesday, July 27, 2022 at Woodmont Orchard, Silver Lake Road, Hollis, NH from 12-2 pm. Ms. Mackay will email details to members. In November, the NH Association of Conservation Commissions (NHACC) has an annual meeting. Conservation members are welcome to attend. The town will pay the fee for participation. There are classes on many conservation topics. Ms. Mackay will update the members as the date gets closer.

Mr. Steward handed members copies of the new Natural Resources Inventory (NRI). It had been years since the document had been updated. The document will be posted online so residents will have access. Nashua Regional Planning Commission (NRPC) helped the town write up the NRI. The cost was \$3,800.00. NRPC has offered to help us write a Conservation Plan for \$2,800.00. These documents will be part of the Master Plan for Pelham for the next 10 years.

Mr. Steward talked about the aquifer in town. There is no public sewage. Residents have private septic tanks and leach beds. He would like to consider a plan to collect data from wells in town. We need to establish a baseline to make sure we don't allow the degradation of the aquifer. There was a problem about 20 years ago with the water at the schools. There was no absolute proof the old dump on Simpson Mill Road was responsible, but the dump was capped and the problem stopped. Waste water and drinking water are a considerable portion of our NRI. We should collect data on water quality in town. Ms. Dena Hoffman started to collect and test waste water from 400 outfalls in town. This project is ongoing and is expected to take some time given the number of outfalls. Members asked where we should start testing and should we test for specific substances/contaminants. Mr. Steward said petroleum products was suggested to him. Other members mentioned per- and polyfluoroalkyl substances (PFAS) chemicals. The cost to do the testing has not been determined, but could be added to the warrant in March.

Mr. Gagnon said the Wolven Conservation Area and the Little Island Pond Conservation Area have had some trail modification to make them easier to walk. Residents should try them out.

#### **ADJOURNMENT:**

Motion: (Mackay/Gendreau) to adjourn.

Vote: 6-0-0 in favor.

Adjourned at 9:02 p.m.

Respectfully submitted,  
Karen Mackay,  
Recording Secretary