

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

**MEETING OF 02/14/18**

**APPROVED 04/11/18**

Members Present:

Karen Mackay (late), Ken Stanvick,  
Louise Delehanty, Lisa Loosigian,  
Paul Dadak, Paul Gagnon,  
Mike Gendreau (late)

Members Absent:

None

Paul Gagnon brought the meeting to order at 7:00 p.m.

**PRESENTATION 1:**

Ms. Sherri Trefry of VHB, Inc. and Matt Corden a permitting specialist with Eversource will present a wetland permit application for a 326 345kV electric transmission line replacement. The line will traverse Londonderry, Hudson and Pelham. There will be 7,710 square feet of temporary wetland impacts.

The project is an Eversource line improvement project located in the north-west section of town on Jeremy Hill. The section of line being discussed runs from Scobie Pond in Londonderry, through Pelham and crosses into Massachusetts from Hudson. A half-mile stretch of line falls within Pelham. A wetland permit application was prepared as part of Eversource routine line maintenance. There are 42 wooden pole structures on the 326, 345kv line that must be replaced within the three towns. Three structures must be replaced in Pelham. The poles have woodpecker damage and some grounding deficiencies. Lines are inspected on an annual basis and are identified for repair, replacement or strengthened in some way if they are found to be deficient. Wooden poles will be replaced by steel. Repairs will be conducted in 2018. Work should be started in the spring. They are waiting for DES to sign the permit. Upland structures on this line are being replace currently as they do not need a permit.

Eversource has reached out to ZBA and Planning to inquire about the need for a special exception permit to Zoning. The work impacts some buffer zones, but repairs fell within the maintenance of an existing structure. The determination was made that Eversource did not need to pursue permits in town. A standard Dredge and Fill was required by DES because the total project exceeds one acre of wetlands which is larger than the area specified for a standard Wetlands Utility Maintenance Notification.

Pole 120 is the dead end structure that will be replaced. A dead end structure is a line that comes together at an angle. The line terminates at a structure then is spliced to another line which comes in from a different angle. The angle is needed because the line is changing direction. These particular lines must be taken out of service while the replacement is done because the new pole must be placed in exactly the same location as the old pole. If the pole is moved at all, the length of the electric wires will

be different and the wires will not be able to join back together on the new pole. The procedure will be to take the line out of service, replace the wooden pole with a steel pole, connect the line, and then turn on the electricity.

Poles 119 and 122 are tangent structures which means they are on a straight line. These structures can be replaced without shutting down the electricity. This procedure will be to place the new poles near the old poles, move the line to the new poles, then remove the old poles. The pad around pole 122 is partially within the wetland. The new poles will be moved away from nearby wetlands rather than toward the wetlands. This movement of the poles was one reason the town did not require any special exception permits.

There will be 7,710 sf of temporary wetland impacts in Pelham. Timber mats will be used to cross the wetlands on existing access roads. Best management practices will be followed as described in the Utility Best Management Practices (BPM) manual. Eversource will have environmental monitors on site that will be checking for environmental compliance. Ms. Trefry is working to revise the wetland plans, for DES, which incorporate comments and suggestions of the Natural Heritage Bureau. The plan we received is slightly different than the revised plan.

Pole 120 is within a dry oak Appalachian forest which is identified as an exemplary natural community by the Natural Heritage Bureau. The Bureau recommended the use of timber mats, as a precaution, even in dry areas to protect any potential rare plants in the area to the greatest extent possible. The other option would be to conduct the replacement during frozen conditions, but timing may exclude this option. There is existing record of rare plants in the dry Appalachian Forest area, but probably not on the access road. The plants are probably within the adjacent forested area.

Mr. Gagnon explained that Eversource did a much larger upgrade project in town recently. National Grid donated a parcel about 6 acres in size to the town as mitigation for wetland impacts on that project. This land was adjacent to Peabody Town Forest; therefore, the Forest was expanded.

Motion: (Mackay/Gendreau) to recommend we accept the plan as described including 7,710 sf of temporary wetland impacts.

Vote: 7-0-0 in favor

#### NEW BUSINESS:

Map 22 Lot 7-1	9 Atwood Road – Proposed conservation subdivision with wetland and WCD impacts – Presentation by Karl Dubay of The Dubay Group, Inc.
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Ms. Loosigian recused herself from this case because Mr. Dubay is involved in a business relationship with her son and will be conducting business with her soon.

This plan is a conservation subdivision. The open space land is proposed to be donated to the town. The parcel is adjacent to Peabody Town Forest (Peabody) so the donated land will increase the size of Peabody. Commission members would prefer unrestricted use of the donated land. Mr. Doherty expects there are rules about how town lands can be used and is willing to work with the town to come to an agreement. The developer has been working with Planning and talking to residents in the area. They

have modified the plan after these discussions. They will be coming back to us with finalized driveway crossings and WCD impacts.

The yield plan for his project was 11 lots. The developers believe they meet the criteria for 2 bonus lots. The plans we reviewed prior to the meeting had 13 lots in the subdivision. There were 7 lots on Atwood Road, 5 lots in the pocket neighborhood and one lot on Briarwood. Mr. Dubay revised the plan to have only 5 lots on Atwood so they will not request the 2 bonus lots. The new plan will have 11 total lots on the project. All lots meet the sideline setbacks of 15 feet.

Mr. Doherty will design the subdivision around the old farmhouse and barn on Atwood Road in order to preserve this historic and cultural resource. The house needs a total rehab and Mr. Doherty feels this is feasible. The house has an accessory apartment and has had the current floor plan for at least 30 years. The barn is in poor condition. A structural engineer will need to assess the barn and see if rehab is possible. The barn rehab may be too costly to pursue. Mr. Doherty will try to rehab both structures, but he cannot promise the barn rehab will be possible.

The developers have designed the neighborhood along Atwood Road as a transitional neighborhood. Lots across the street are zoned business with some houses and some small businesses. The homes are to be built to be similar in size to the business zoned homes. The homes will be 3 bedrooms in size which will mean a reduction in septic loading and water needs from many of the larger homes that have been built in town lately. These smaller homes are appropriate in size for this project.

Initially, houses were proposed off Heather Lee Lane adjacent to the golf course and Peabody. The developer has decided to preserve all the land on the east side of the lot. This project has 73 percent of the project in open space. Town regulations require 40 percent of the land be in open space. Usable open space land is 69 percent of the lot while only 25 percent is required by town regulations. The open space area is about 17 acres with 12 acres of upland. The open space surrounds the pocket neighborhood and encompasses the east half of the parent lot. Town residents will have access to the open space at the south-east corner of the adjacent cemetery on Atwood Road as well as through Peabody. This land will also provide corridors for wildlife. The lots in the pocket neighborhood were moved toward the south and a 'T' shaped road was proposed in order to increase the buffer zone between the houses on Gaudet Lane and the new neighborhood.

The WCD impact for this project will be about 42,000 sf. These impacts will be for the shallow constructed wetlands that will be designed to detain, absorb and treat the storm water from the development. These structures will be along the farm ditches on either side of the pocket neighborhood entrance road. There will be 958 sf of wetland impact for a culvert to cross the farm ditch to enter the pocket neighborhood. The shallow constructed wetlands will be allowed to grow in with native vegetation. Water will exit the site at the same rate pre and post development.

The developer is proposing a lot line adjustment between the subject lot and lot 22/7-3-3. This lot has an encroachment onto the subject property along the north/south property line. There will be an equal area swap with the developer giving the property along the north/south line and the adjacent land owner giving the area along the back side (east end) of their property.

There are historic granite posts on the property. Mr. Gagnon and Mr. Doherty would like to protect these posts during construction then reuse them as trail markers or other sign posts within the new development. Additionally, there are stone walls within the central portion of the property. Commission members would like to see the stones reused within the project. One of the abutters would like to see buffer plantings along his joint property line.

Mr. Gagnon described the growth of Peabody over the past 10 years. About 10 years ago Peabody was 110 acres. Land has been added to Peabody and adjacent properties to double the size of open space in and around Peabody. Added properties include the golf course for 70 acres, 30 acres for non-payment of taxes, 25 acres to the south, 6 acres from National Grid and the area of the subject property.

The project will be before Planning on February 22, 2018.

Public Comment:

None.

Mr. Dubay would like to come back to us with the final revisions next month. The Commission scheduled a site walk for Saturday, February 24, 2018 at 8:00 a.m. Members and town residents will meet at the farm house on 9 Atwood Road.

Map 1 Lot 5-124	1431 Mammoth Road – Beaver Brook Estates – Proposed elderly housing community – Presentation by Mike Gospoderek of Edward N. Herbert Associates, Inc.
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The proposal is to build a 29 unit elderly housing project. Mr. Gospoderek has been to Planning for a conceptual review of the project. The high point of the land is near the center of the project and the land slopes down toward Beaver Brook. There are two impacts into the WCD. The first impact is 723 sf for an area of drainage from the street. The second impact is 1,825 sf for a berm on a detention pond. The total impact is 2,548 sf.

There are no wetland impacts on the project. The detention pond may be able to be moved toward the road a bit. The cuts in the detention pond are to balance fills in the flood plain for the road. The detention area is to be cut to allow the 100 year flood to fill the pond. Road construction will fill the flood plain. Mr. Gospoderek will remove 3,000 cubic feet more material from the flood plain than he will use to fill for the road. This cut will insure the flood plain will remain functional.

The detention pond is designed for the 2, 10 and 25 year storms. In a 100 year flood, the detention pond will not function to treat and detain water. The water will overtop the basin and freely flow out. This design is to the town and state regulations. The design is to accomplish two tasks with one structure. The detention pond will serve the purpose of detaining water in normal/average storms. In larger storms and flood events, the pond will serve as flood plain storage.

These two tasks could be accomplished with two separate structures. The design could have a detention pond in one location and then have the excavation of the flood plain in a second location. This would move the detention pond away from the wetland and WCD, but then twice as much land area would be disturbed.

Detention areas are designed to attenuate peak storm run off during frequent, lower intensity events. In a 100 year event, the basin will be full and will not be performing as a detention basin no matter where it is placed on the site. Filling the flood plain is balanced with dredging the flood plain.

There are lined bio-retention areas throughout the site every 300 feet along the road. The small basins will be tree boxes and planted gardens designed to infiltrate water. Water from the roads will be piped from the small bio-retention areas down to the detention areas. These areas will treat runoff on top of the hill. There is a planting schedule for all basins and they will have to be cleaned out about twice a year. There will be a private homeowners association that will be responsible for maintaining the basins. There must be an Operation and Maintenance manual to describe how to inspect and maintain these structures.

Trails on the land don't seem to connect to other trails in town.

Motion: (Gagnon/Dadak) to accept the plan as presented with no loss of flood storage and the applicant to make an attempt to pull the detention basin out of the WCD and to the extent possible, out of the flood plain.

Vote: 7-0-0 in favor.

#### PRESENTATION 2:

Mr. Keach, the town engineer, will discuss the maintenance and inspection procedures of detention basins. He will describe new state regulations related to detention basins.
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The Commission sent a letter to Mr. Gowan which described our concerns about compliant storm water treatment projects. We inquired about local, state and federal compliance with detention pond systems. We would like to know what the town is doing about maintaining storm basins.

Mr. Keach distributed the Municipal Separate Storm Sewer System Permit (MS4) document. The document describes how to deal with storm water. The effective date of the new compliance rules is July 1, 2018. Towns have 2 years to achieve total compliance with the MS4 document.

Each town will be acquiring more detention structures as land is developed and roads are upgraded. Water is sent into catch basins, to pipes, to detention basins then final discharge into public waters.

As a result of the Clean Water Act, we have dealt with sewerage, contaminated water and now storm water. These procedures are intended to prevent pollution in the waters of the United States. The MS4 permitting is an unfunded federal mandate. This has caused the implementation to be slow as there is limited money to fund these programs.

Frank Ferreira is the highway engineer in town. He knows where all the basins and treatment structures are in town. Mapping of these structures is required by the MS4 permitting. The federal government wants us to know where all our structures are located and they want to know where the structures are located. A plan needs to be developed to maintain the basins and to document how they are maintained.

Mr. Gowan will be undertaking steps to bring the town into compliance with MS4 regulations. These regulations are not optional. Regional Planning Commissions may give grants to towns for help with compliance.

Storm water management 30 years ago was quantitatively driven with little talk about treatment of storm water. Now storm water treatment along with run off from a site is very important. New systems have bio-retention and infiltration components. The development on Ballard and Wellesley Roads has a basin that looks like many others in town, but has bio-retention capability. This system does not need maintenance now, but it will someday. The town needs to make sure there is a plan in place to deal with these systems. There needs to be a written policy for storm water systems.

Mr. Keach recommended we take this compliance seriously. These regulations must be acted upon. The highway department must have the man power to perform the necessary tasks. The Selectmen must support their efforts. This mandate will require sustained action by the town.

Mr. Dadak worked for the EPA in 1972 when the Clean Water Act became law. The priority at that time was the discharge of sewer water into waterways. It took a long time to get to the point we are today. We are finally at a point we can deal with storm water discharge.

The Commission can help with compliance by making town officials aware of our responsibilities. We must write up a plan to map the facilities and design a proper maintenance plan. Systems may need to be raked out periodically and they must be checked for functionality and proper condition. The steps toward compliance will begin this year. Mr. Keach pointed out page 67 of the document which describes the regulatory framework for MS4. He asked us to pay attention to the National Pollutant Discharge Elimination System (NPDES).

### PRESENTATION 3:

Mr. Gagnon will discuss the donation of land from the Waterford Estates land development on Sherburne Road (Lot 39/1-55). Conservation comment is required prior to the Selectmen accepting the donation.

The Commission has been asked to comment on the donation of the open space land from the conservation subdivision off Sherburne Road. The Selectmen can only accept land donations after comment is made by Conservation and Planning. The land abuts Veterans Memorial Park. The development is located roughly across from the Merriam/Cutter parking lot. The open space land in the conservation subdivision is sometimes managed by a homeowners association and sometimes the land is donated to the town.

This subdivision has two sections of open space with a thin strip of land connecting the sections. This parent lot was originally approved for an over 55 housing development. Two high capacity wells were drilled for use in the development. These wells are located in the open space and are proposed to be donated to the town. These wells could potentially be used in the future to feed homes off Sherburne

Road. Some homes on the hills have had limited water supplies at times and may be served by these wells.

The Commission has just purchased a parcel of land on Mammoth Road and recommended the BOS accept the land donation from another conservation subdivision on the corner of Mammoth and Sherburne Roads.

Mr. Gagnon does not see a down side to accepting this land donation. The donated land is largely wet. There is a trail easement along the west side of the property that is not part of this donation. The donation will expand Veterans Memorial Park.

Motion: (Stanvick/Mackay) to recommend to the Selectmen the donation of land from the conservation subdivision off Sherburne Road.

Vote: 7-0-0 in favor.

#### WALK-IN ITEMS:

Ms. Delehanty asked residents to consider a program from DES that lets people opt-out of receiving phone books. Each day 14 football fields worth of trees are cut to print phone books. If you do not opt-out please recycle old phone books.

Mr. Gagnon would like a volunteer to contact Mark West of West Environmental to ask him about updating our prime wetlands. The town has conducted 4 prime wetland studies in 1987, 2000, 2007 and 2010. Regulations for designation changed in 2000 and all designations prior to that time are no longer recognized by the state. We hired Mr. West to complete our wetland studies in 2007 and 2010. We have not sent this contract out for competitive bids. We have found Mr. West to be professional and thorough. Mr. Gagnon is open to whoever volunteers going in the direction of asking for bids.

The Commission encourages residents to vote yes on warrant article 3 to approve a 1.5 million dollar bond for the purpose of protecting open space. Our last bond for \$3,000,000 was used to help protect 1,000 acres over the past 15 years.

#### ADJOURNMENT:

Motion: (Mackay/Gendreau) to adjourn

Vote: 7-0-0 in favor.

Adjourned 9:53 p.m.

Respectfully submitted,  
Karen Mackay,  
Recording Secretary