

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

MEETING OF 12/13/17

APPROVED 04/11/18

Members Present:

Karen Mackay, Ken Stanvick,
Louise Delehanty, Lisa Loosigian

Members Absent:

Paul Dadak, Paul Gagnon
Mike Gendreau

Karen Mackay brought the meeting to order at 7:05 p.m.

NEW BUSINESS:

Map 18 Lots 12-15-1, 12-15-1-1, 12-15-1-2	363 Old Gage Hill Road – Proposed installation of a driveway and two wells with WCD impacts – Presentation by Joseph Maynard of Benchmark Engineering, Inc.
----------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------

The parent lot 18/12-15-01 is proposed to be subdivided into 3 single family house lots. The lot is located at the intersection of Ledge Road and Old Gage Hill Road. Recently, the old home along with several outbuildings on the lot was torn down. The applicant has applied for a conditional use permit with 3 wetland conservation district (WCD) impacts. Proposed impervious surface for lots 12-15-01-01 and 12-15-01-02 will be approximately the same as the impervious surface for the house and outbuildings that occupied the site prior to being razed.

Proposed lot 12-15-01 has no impacts and meets all town requirements. Lot 12-15-01-01 is the central lot and has a 100 square foot (sf) WCD impact for a well. The location of the well is necessary to meet all other town regulations such as setbacks to lot lines, frontage setbacks and distance from the septic system. Lot 12-15-01-02 is the most southerly lot and has impacts to the WCD including 2,500 sf of temporary impacts for the well and associated waterline to the house, along with an 800 sf permanent impact to the WCD for the driveway. Mr. Maynard stated that he may be able to create a swale along the area of the waterline. The distance between the driveway and the edge of wet is about 20 feet. The distance between the road and the wetland is also about 20 feet.

The proposed house on lot 12-15-01-01 will be set back from the road farther than the original house on the lot. The hillside along the road will be cut down to improve visibility while driving on Gage Hill Road. Visibility is hampered because of the curve of the road and the hillside on the property. The applicant is planning to excavate the hillside to provide more visibility for motorists and residents of the proposed lots. The applicant has discussed the proposed excavation of the hillside with Planning. Planning did not suggest the excavation; however, they have agreed that the visibility problem could be fixed during the development of this subdivision. Mr. Maynard does not have any reports/statistics, about traffic accidents/incidents, but is trying to fix

a known problem at the same time as the lot is redeveloped. The cutting back of the hill will be only within the subject property. There will be no interference with the road. A ditch line swale will be added to help alleviate water drainage to a neighboring lot and help with puddling along the street. The water will be directed toward the wetland. The plan has been submitted to the town engineer for review.

The applicant has proposed a generic 30x60 foot box for the house on each lot. This will be 1,800 sf of impervious surface. The actual house may be a different dimension or configuration. The 2 new houses on lots 01 and 02 will amount to about the same square footage of impervious surface as the house and outbuildings that were pulled down. The previous driveway is approximately the same area as the proposed driveway on the middle lot; though, the configuration is different. The driveway on lot 02 will add about 1000 sf of impervious surface to the lot. There will be no mitigation for runoff because there is such a small area of added impervious surface.

Mr. Maynard cannot shift the house on lot 12-15-01-02 to avoid the WCD. The proposed house is nearly on the sideline and frontline setbacks. Driveways on this type of busy road needs 35 feet off garage in order to turn around to enter the roadway. Even if the driveway is shifted slightly, the maximum reduction is 200-300 sf of impact. The well on this lot could be moved behind the house to reduce WCD impact. The impact will be about 750 sf if it is moved behind the house. Mr. Maynard thinks he can make the Zoning requirements for the movement of the well. The well has a required radius of 75 feet and another 15 feet on each side to make sideline setbacks.

Ms. Loosigian asked if the size of the house could be reduced or if there could be a variance for frontage in order to adjust the lots so lot 12-15-01-02 can have land area farther from the WCD. The house cannot shift on the lot because there is not enough space on the lot. The depth of the lot is only about 35 feet from the frontline setback to the WCD. The house cannot move closer to the road, but a different shape house may be able to take up less space on the lot. This lot has the septic system in the front yard. The septic will not interfere with the well even if the well is moved to the new location behind the house. The trees in the yard will be cut to the edge of the WCD buffer. These trees are a scrubby, shrubby type and are not of high quality.

The trees on the lot will be cut back to the WCD line. Near the driveway the trees will be cut back a few feet from the driveway. Mr. Stanvick is concerned that the WCD will be encroached into as time goes by. This lot seems to have too much stuff on the lot. Private land owners may expand their yards as time passes. Mr. Maynard may be able to reduce the driveway by about 200 sf. On the plan, we know we can move construction elements and set boundaries (WCD signs), but we know once the house is sold the owners are going to want a nice big grassy back yard. Next thing you know the grass is to the wetland and the people are fertilizing and that will flow into the wetland.

The original lot is a good size and we understand 200 feet of frontage must be maintained or a variance must be obtained. Ms. Mackay felt there was just not enough space on lot 12-15-01-02. The lot itself is 4.23 acres, but there is only 35,700 sf of contiguous upland. The town regulations only require 35,000. The lot is big enough for the house, but not a yard. Ideally, we would like to see everything shift to the north a little, but then you would have non-conforming lots that didn't

meet the frontage requirement. The applicant must be realistic about going for a variance. They must be able to show hardship to get a variance. This subdivision does not have an argument to request less frontage.

Commission members would prefer the well be moved to reduce the 2,500 sf of WCD impact to around 700 sf of impact. The Commission is not happy with the 800 sf of driveway impact. This is a really big lot, but only a tiny portion is buildable. The 800 sf is not that much impact, but our whole mission is to minimize to the greatest extent possible, the impacts. This is a huge lot, but only a tiny spot to allow for the house. Planning may accept the plan and say it is good. All members of the Commission are uncomfortable with the building area on lot 12-15-01-02.

Ms. Delehanty is concerned about the stone walls being damaged or destroyed. They are a historic feature and should be preserved to the greatest extent possible. Border walls will not be removed. She would like Mr. Maynard to try to maintain the walls along the roadway also.

Commission Comments:

Mr. Stanvick is concerned that the excavation of the hillside and the backing up of the house on lot 12-15-01-01 is causing the WCD to be impacted. He is concerned that relief from WCD and wetland regulations is always a first step rather than the applicant being more creative with the design of the lot. The purpose of the WCD is to protect the wetlands.

Ms. Loosigian does not want to created WCD impacts to cut the hill down. She asked if the lots could be shifted to avoid having to place the driveway in the blind spot of the hill. The lots cannot be shifted because two of the lots make the minimum frontage of 200 feet. The last lot has excess frontage, but most of that frontage is within the WCD.

Commission members felt that a site visit was not necessary.

Public Comment: None.

Motion: (Loosigian/Stanvick) to recommend the development on lot 12-15-01-01 which impacts 100 sf of the WCD for the well. In addition, the preference of the Commission is that lot 12-15-01-02 not be built upon because of the extensive impact to the WCD and the expansion that most likely will occur into the WCD as time passes; however, if Planning chooses to approve this lot the Commission would prefer the well be moved behind the house in order to reduce the well and waterline impacts to 700 sf and that both the size and the orientation of the driveway and house be changed to minimize WCD impacts.

Vote: 4-0-0 in favor

Map 3 Lot 5-174	Off Shelly Drive – Proposed duplex with a driveway crossing with wetland and WCD impacts – Presentation by Joseph Maynard of Benchmark Engineering, Inc.
-----------------	----------------------------------------------------------------------------------------------------------------------------------------------------------

Commission members walked this site in the spring of 2014. At that time, the applicant gained Zoning approvals. Mr. Maynard is presenting the same plan to us as from May 2014. Further approvals could not move forward because wetland studies were required to ensure there would

be no damage/harm to endangered/threatened species. The applicant was directed to do an extensive study of the site because NH Fish and Game flagged records for 5 plant species and spotted turtles within one mile of the site. Nancy Rundell, a wetland and soil scientist, conducted the study in the spring to summer of 2017. No flagged species were found on the site. The final sign off of Fish and game was in November 2017.

The proposal is to build a duplex on the site. The parcel is 7.5 acres in size and is located on the Pelham/Windham town line. In the 1990's, the Shelly Drive subdivision was developed. At that time, a piece of property in Windham was granted a driveway easement off the end of Shelly Drive. Another driveway easement was granted from the Windham driveway to the subject property. The easement sat dormant until a few years ago.

The lot meets all zoning regulations except for frontage on a town road. The 50 foot right-of-way (ROW) easement is the only way to access the property. The land on the Windham side of the town line has already been developed and there is no access from Windham into this lot. This ROW was approved by Planning when Shelly Drive was designed. Ms. Rundell told Mr. Maynard this driveway location was the best option for this site.

The applicant is applying for a dredge and fill from the state. The wetland impacts are about 1,200 square feet. The WCD impacts are about 3,800 square feet. The square feet of WCD impacts on a crossing will always be at least twice the square feet of wetland crossing impacts because the WCD impact is on both sides of the stream. A 48 inch wide culvert will be placed in the crossing for the driveway. The culvert will be 48 feet long and be buried in the ground 1 foot deep in order to create then maintain a natural stream bottom. The 48 foot length is needed because of the steep slopes in the area. Side slopes to the driveway will be at a 2:1 ratio. These slopes cannot be adjusted because of the 50 foot easement and the steep hillside.

The driveway easement is on two lots. One lot comes up the hill from Shelley Drive and the other lot crossed comes down from the top of the hill onto the subject lot. The driveway will slope down to the house location at a 10 percent grade. The elevation at the top of the driveway is 505 feet. The house sits at 465 feet, which is an elevation change of about 40 feet. Guard rails will be necessary along the new driveway

This application is a minimum impact expedited permit. Mr. Maynard would like the Commission to sign the permit so the project could move faster through DES.

There was no study for pre and post development run-off from the site because only one house will be built. If more houses or condos were to be built, then pre and post run-off would need to be calculated. This lot is 7.5 acres in size. Impervious surface area of the site will be 1-2 percent of the land. Those numbers are almost too small to calculate.

Commission Comments:

Mr. Stanvick questioned if the Commission ever says no to a wetland crossing. State regulations specify that owners can cross a wetland if there is buildable area on the other side. The state looks for a land owner to avoid and minimize impacts when applying for a dredge and fill

permit. Zoning affirmed this as a buildable lot with their approval of the variance. The project will need to go before Planning to request a conditional use permit to cross the WCD.

Ms. Loosigian is concerned about salt use on steep driveways near fresh water systems. Mr. Maynard said he did not know of any method to contain salts. The driveway does not have any space to add swales for treatment of storm water.

Ms. Mackay felt that building on this lot was reasonable.

Public Comment: None.

Motion: (Stanvick/Loosigian) to recommend the plan as described and sign the expedited permit.
Vote: 4-0-0 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 on the island – Presentation by Joseph Maynard of Benchmark Engineering, Inc.
------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The property is an island on Little Island Pond. The owner would like to build a new house on the property as the current house is about 100 years old and in a state of disrepair. The island lot was purchased with a tiny shoreline lot. At this time, the owner would like to run a water line from the shoreline lot to the island. Future plans will include rebuilding/restoring the old house on the island.

In 2011, the owner received approvals from Zoning to revamp the boathouse on the shoreline lot. A new structure that looks like a garage was built. The structure has a small room and a bathroom above the garage. There is a garage door on both the front and back of the building. These large doors are needed to pull boats up and out of the water. A new septic and well system was installed as part of the project. When the lot was upgraded, a future water line to the island was considered so the owners installed a water line stub that terminates in the lakeside retaining wall. Currently, electricity is sent to the island from the shoreline garage. The electric line lays along the bottom of the pond and serves the island home.

The water line will run along the same path as the electric line. The water line must be weighed down as it will float. Cinder blocks are proposed for the weights. The line will be a 1.5 inch PVC tube that will run 900 feet out to the island. The line will be threaded through holes in cinder blocks to weigh the line down. The blocks will be spaced 15 feet apart which is closer than necessary just to make sure the line stays along the bottom. There is no possibility to drill a well on the island because there is no way to get drilling equipment out to the island.

The top of bank is considered wetland by the state. The water line will need frost protection from the shore of the island up into the structure. Impacts will be temporary. A Shoreland permit will be necessary along with a ZBA variance because most of the island is within the WCD.

The new house and all decks will encroach into the WCD. The square footage of the new house is about the same as the old. The footprint of the new house is slightly larger (35x35) than the old

(20x56) because of larger wrap around decks on the new house. Decks will be 12x60 feet. The foundation of the house will be redone. The basement of the house has boulders, tree stumps, blocks and rocks for the foundation.

Currently, the home uses a drywell for a septic system. A new state approved septic system will be installed on the island when the house is redone. The town will look at the septic design. There is a clean solutions system on the shore line lot. The island may have an aeration technology design. The developers will need Board of Health approval for the design.

Mr. Maynard is looking for comments tonight. He will be coming before us again with the completed dredge and fill application. This project will be a 75 day permit application. Mr. Maynard must get Shoreland and wetland permits from the state. He will be filing the dredge and fill in the next few weeks.

Commission Comments:

Commission members would like to see a smaller house and vegetation added around the island along the shore. Various shrubs and trees including blueberries. Mr. Maynard is sure that added vegetation will be required with the Shoreland permit.

WALK IN ITEMS:

None.

ADJOURNMENT:

Motion: (Stanvick/Delehanty) to adjourn

Vote: 4-0-0 in favor.

Adjourned 8:59 p.m.

Respectfully submitted,
Karen Mackay,
Recording Secretary