

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

MEETING OF 09/13/17

Members Present:

Karen Mackay, Mike Gendreau,
Louise Delehanty, Lisa Loosigian

APPROVED 04/11/18

Members Absent:

Paul Dadak, Ken Stanvick
Paul Gagnon,

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

OLD BUSINESS:

Map 7 Lots 9-135 & 9-135-1	Katie Lane, Wildwood Estates – Proposed conservation subdivision – Presentation by Shayne Gendron and Peter Zohdi of Edward N. Herbert Associates, Inc.
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The project is a proposed 13 lot subdivision from 2 parent lots. The 13 lots will be located entirely on the southern parent lot with the same layout as presented at our previous meeting. The northern parent lot will be designated as open space after two large lots have been subdivided from the northern lot. This case was discussed at our August meeting. In addition, the Commission walked the site with Mr. Gendron on August 16, 2017. Members walked the center line of the proposed road, saw the location of the two detention basins, walked through the proposed open space field and circled the pond on the northern end of the property.

Commission members had requested a trail from the road in the subdivision into the open space on the northern lot for the residents to access the open space. This trail has been defined on the plan as a 10 foot walking easement between lots 15 and 16. The access to the field will require the crossing of a farm ditch wetland. A wooden foot-bridge has been proposed to cross the farm ditch.

The owner is willing to maintain the farm field as field; therefore, there will be specifications in the home owners' association documents, that the field will be mowed or hayed yearly.

Mr. Gendreau asked if the open space land could be deeded to the town, including the trail easement between lots 15 and 16. Commission members want to keep trail connections open so owning the land is a better option so future land owners cannot shut down a trail connection. Mr. Zohdi did not think that would be a problem. Access to the open space parcel for town residents would probably be from Simpson Road. Access for the subdivision residents would likely be through the 10 foot easement.

If the town owned the open space, than the town would be responsible for the open space. The town would have to find someone to mow the land if we wanted it to remain a field. If the land was not mowed every few years the field would revert back to forest.

Commission members requested the land under the powerlines be included in the open space and be deeded to the town. The Commission is trying to connect pieces of land so that we do not end up with small isolated parcels of open space all around town. We want our open space to connect to other open space. If the owner of the 9+ acre lot kept ownership under the powerlines that could conceivably cut off access in the middle of a trail and not allow the trail through the area. One of our goals is to connect trails throughout the whole town. At the site walk or the last meeting, we drew an imaginary line to say we wanted the land in the powerline easement.

Mr. Zohdi offered to put a trail easement in the powerline area from the defined open space lot to the east then the south roughly in the center line of the powerlines. Commission members must keep in mind the power company has the first easement and the trail easement is contingent on the power company accepting of the conditions. Mr. Zohdi must check with an attorney to make sure this is possible. If the attorney accepts the condition than they will give the easement. Mr. Mendes does not want the land under the powerlines to go to the town. He wants to have a farm with open fields. He wants to have access through this parcel to his farm house on Hayden Road.

Ms. Mackay is concerned that if the town does not own the property then the current land owner or a future land owner could prevent access. We would like to own property outright so no one can stop the public from using the trail system and cannot cut off the trail in the center of town. Mr. Zohdi will make a permanent walking easement of 10-15 feet wide. Ms. Mackay asked about snow mobiles. Mr. Zohdi said the land owner will not allow snow mobiles. He does not want them to damage the subdivision and the farm land. If the land in the future is deeded to the town, then the town can do as it wishes, but while Mr. Mendes owns it, there will be no snowmobiles.

At our last meeting, Ms. Mackay asked Mr. Gendron to shrink the size of the lot at the end of the road because it is so large and then adjust the lot sizes of the other lots to make the tiniest lot at the beginning of the road larger or perhaps remove the small lot all together. Mr. Gendron said this may pose a problem because the lots have already been laid out. Mr. Zohdi said he would make every lot a minimum of one-half acre and will adjust lot lines as necessary. He does not want to remove the small lot because then the subdivision would not work.

Planning approved the yield plan and said the applicant could move forward with the conservation subdivision for the 13 lots. The 2 other larger lots will not be included in the area for the conservation subdivision when calculating density offsets. The two large lots are not part of this subdivision though they appear on the plan. The area for this subdivision is 17.6 acres not including the 2 large lots.

Detention basin 2, that is located to the north of the house lots, cannot be moved closer to the farm-ditch wetland. The land is very flat and the detention basin 2 must remain in its described location because of the elevation on the site. The whole length of the road is ditch lined. Water flows into basin 1 south of the road then water is piped under the road and under one parcel to

the second basin. Detention basin 2 will take the overflow. From basin 2, water will empty into the farm-ditch wetland. Basin 1 is slightly higher than basin 2 which will facilitate drainage.

Basin one is a bio retention basin with plants inside the basin. Basin 2 is for detention. Pre and post development drainage must remain the same. Keach-Norstrom will inspect all layers. Mr. Zohdi does not know if they have reviewed the project yet, but they will make sure drainage calculations are accurate.

Mr. Gendreau and Ms. Mackay were at the site walk. The land is very flat throughout. Drainage is north to the farm-ditch which runs along the lot line. The ditch takes a perpendicular turn into the center of the field then turns toward Simpson Road and drains under the road. The farm-ditch is 2-3 feet wide. There is a pond on the north end of the property that will be on the 9+ acre full size lot. The pond/wetland area to the east side of the field, probably dries up at this time of the year. An abutter send us pictures, of extensive wetlands on the property that we displayed at the last meeting. The field area is scrubby bushes along the farm-ditch. The property is forested by the pond and in the proposed subdivision.

Ms. Loosigian asked about the yield plan not including the 2 large lots that will be divided off. She stated that the conservation subdivision regulations require that parcels already existing on town roads at the time of the application should be maintained as buffers. Mr. Zohdi said the town engineer agreed the lots meet town regulations for the yield plan and the conservation subdivision plan. He did not feel the subdivision would be affected by a view of the surrounding area. Ms. Mackay stated the reason the regulation states to maintain frontage lots is not for the integrity of the conservation subdivision it is so the existing houses in the area do not have a view of the conservation subdivision. We look at the regulations and ask questions based on our understanding of the regulation. Ms. Loosigian asked a reasonable question. Planning may agree with our understanding of the regulation or may agree with the applicant's understanding of the regulation.

Mr. Zohdi stated the subdivision regulations require 25 percent of the open space given be usable. This subdivision has 80 percent of the open space as usable. The applicant is also giving a view shed.

Ms. Mackay stated we are interested in the land under the powerlines not being able to be shut off by a private land owner. We don't prefer an easement we prefer ownership. We completely understand that land owner has the right to do what he wants with his land. Ms. Mackay stated some thoughts from Mr. Gagnon and Mr. Stanvick from the site walk. Mr. Gagnon had indicated perhaps one extra lot was warranted while Mr. Stanvick had the opinion there should not be extra lots for this subdivision.

Mr. Zohdi increased his offer of land under the powerlines. He said they would give the land under the powerlines from the stone wall south rather than just a walking trail easement. The power company already has an easement on that land so if they retain ownership and we want an easement they must ask the power company if they can give us an easement. No easement is necessary if they give the land to the town.

Ms. Mackay prefers the conservation subdivision to the conventional subdivision. The conventional subdivision has 12,000 square feet more impact to wetlands and WCD. There is 526 sf of wetland impacts and an additional road. They have the right to ask for a conservation subdivision.

Ms. Loosigian feels that there is something odd in the way this project is subdivided. The 2 large lots are not part of the subdivision yet they are on the plan as subdivided lots. They are on the plan yet they do not figure into the yield plan. The applicant is allowed to ask for a 20 percent offset in the number of lots in a conservation subdivision.

Ms. Mackay emphasized that we must vote on this project otherwise our opinion will not go to Planning. Planning is meeting on Monday. We are either recommending this plan, recommending some form of this plan or not recommending this plan. Planning will decide what they will do. They can approve this or require changes. My thought is to take the land under the powerlines, remove that one house lot (.461 acres) to allow a 1 house lot bonus offset and deed the open space land to the town.

Mr. Zohdi specified that the land that has been offered tonight is based on lots already on the plan. Other than that everything is off the table. He stated they would not lose a lot. Mr. Zohdi felt that Conservation should not get involved with number of lots or density. Conservation is for safety, welfare, and health. Density is a subject for Zoning. This plan complies with zoning. Mr. Mendes deserves to get what is in front of the Commission. Ms. Mackay insisted we always comment on density. Planning can decide whatever they decide, but it is our job to tell them what we think. They can do the opposite but we can only recommend what we think.

Mr. Zohdi expressed his opinion that if the Commission wants to take out a lot for a total of 12 lots, we should not waste our time, we should just deny the plan and the applicant will go to the conventional subdivision. He felt they are getting an offset of 18 percent with the 2 lots rather than the 20 percent they are entitled to. He stated the plan is a good subdivision. Less lots will not make the project viable. No one will win if the plan goes conventional.

Ms. Loosigian felt this plan is better than a conventional subdivision but she feels like something about the approach that doesn't set well with us. She is uncomfortable with this plan because of the 2 full size lots that are in the plan but they are not part of the plan. We don't write a letter if we don't vote. If we don't vote we don't get to send our opinion. Planning can watch this meeting and see we are all over the place on this case, but that is not an official opinion. The official process is for us to take a vote then write a letter with our official opinion as a group.

Public Comment: None.

Motion: (Gendreau/Delehanty) to recommend the plan with the following stipulations, accept the land under the powerlines from the stone wall south, deed all open space to the town, remove one house lot (0.461 acre lot).

Vote: 3-0 in favor, Loosigian abstained

Ms. Loosigian abstained because she felt uncomfortable with the way the plan was generated, and that the two full size lots were subdivided off, but were still part of the plan. The full size

lots don't maintain the requirement in the regulation that frontage lots on an existing road will not be developed in order to maintain a buffer to the main road from the subdivision. The process was convoluted and not in the spirit of the regulation.

Map 31 Lot 11-233	South Shore Drive – Proposed restoration of a dry laid stone wall; removal and repositioning of dock structures; construction of storm water management structures – Work will be done on Little Island Pond within the Shoreland protection area – Presentation by Daniel H. Geiger of Oak Hill Environmental Services
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The proposal is to improve conditions on a lakeside parcel on the south-east corner of Little Island Pond. The property is owned by George A. Smith Trustees which is an association that has owned the land since the mid 1930's. The lake frontage measures 170 feet. The lot is slightly less than one-half acre in size. This is an altered piece of property that has been in its current condition for many years. The lot is relatively flat with mowed grass. No trees are proposed to be removed. The water on the site is coming from ground water flow and sheet flow from neighboring lots. Water settles in this area because it is the low point in the landscape.

Three permits (Shoreland, seasonal dock and wetlands) that have been submitted to the state, will be discussed. These permits overlap for jurisdictions; therefore, the state has worked with the applicant to make sure the proper information and requests were filed on the proper permit. For example, the Shoreland Permit by Notification received approval today from DES, but the removal of the concrete dock pads and the installation of 4 posts for each dock that was filed on this permit was excluded from approval. DES asked the applicant to submit those requests in a wetlands permit.

The applicant will add a French drain system to help drain water from the site. There will be two drainage cells that measure approximately 3 feet wide by 35 feet long. The cells will run perpendicular to the lake. The cells will help wick water away and keep the picnic area from remaining saturated. A 29 foot by 6 inch diameter perforated pipe will lay in the center of the drainage cells. Three-quarter inch gravel will surround the pipe. The outlet to the pipe will be 5 feet before the end of the cell. There is no possibility to capture water upslope because they cannot dig deep enough. The water from the cells will seep into the ground behind the new retaining wall. Velocity will be negligible by the time the water reaches the stone wall. The wall will be backed by geo-fabric which will prevent soil erosion into the lake. The water table is high, but the cells are above the water table. There is no direct outlet to the pond. Water will spread laterally behind the new wall.

The sod will be cut in the drain areas and rolled up. The drainage cells will be excavated 12-14 inches wide. The pipe will be laid into the cell ditch then covered with ¾ inch gravel. The drainage problem has been exacerbated over many years by the surrounding land owners raising the level of their properties and adding fill and loam. The soil profile from top to bottom is defined as loam/sand/loam/bank fill (hard pan). Depth to hard pan is 10-12 inches throughout the property. The soils have been overturned many times over many years. This lot is at a low point and receives excessive water during storms. The water on the site is not running. The water

seeps. The grade is slight and the profile to hard pan is shallow, but there is enough pitch to get water to flow down slope.

The applicant has submitted a standard dredge and fill. This permit will cover the rebuild of the retaining wall at the edge of the pond. The area of impact will be from the top of bank to below the ordinary high water mark. The proposal is to repair an existing dry laid stone retaining wall that is crumbling. The wall poses hazards for the association members and their children. The wall does not support the shore line and does not prevent erosion of the shore line in a number of places. The replacement wall will be a dry laid wall with a height of approximately 12-14 inches. The wall will be constructed by an expert stone mason using existing rocks on the site. The wall will be 1-2 rocks high with a base of 3 rocks wide. The total width will be about 15-16 inches with a length of about 100 feet. The wall will have a natural look.

There have been 5 boat docks on the property for many years perhaps since the 1950's. The proposal is to reduce the number of docks to 3. The intent is to maintain 6 boat slips. The dock on the west side of the property will be 20 feet from the property line. The remaining docks will be 20 feet between each. This distance will allow for safe movement of boats and will also keep the boats away from the swimming beach toward the east side of the property, where children play. Two concrete dock pads measuring 4x4 feet will be removed from the site. The pads were installed in the 1970's. These pads are in poor condition and pose a safety hazard. All concrete will be removed from the site. A new system of 6 inch square posts with hardware will support seasonal pads for the seasonal docks. The docks are 'grandfathered' in for length. The docks on this property should be a maximum of 6x30 feet, but this location needs 40 foot docks in order to maintain depth of water for boat slips. The boats require at least 3 feet of depth for a motor.

Part of this project will replace a bad culvert under South Shore Drive. The culvert is 10 inches in diameter and will be replaced with a 12 inch diameter culvert. South Shore Drive is a private road. This drainage path runs within underground pipes through a series of private properties. The association is responsible for this culvert along with the roads in the area. DES has allowed the culvert replacement to be attached to this project.

There is an intermittent stream, which empties into the pond, on the east side of the property. The stream creates a cove area at the edge of the pond. Work is to be done on the 100 feet to the west of the beach. The beach is about 45 feet long. The cove is at the edge of the pond to the east of the beach. The cove is a fish spawning area.

The Commission would encourage the applicant to plant shrubs on the site to absorb some of the water. Ms. Loosigian recommended some wetland shrubs along the west boundary. Mr. Geiger stated that some association members were part of a garden group and have planned to plant blueberries and red osier dogwoods. Additionally, the Commission would like to see increased vegetative cover along the spawning cove. This would keep the area shady and improve fish habitat. Plants will help mitigate the problem of the saturated soils.

The property is highly disturbed. The project area was submitted to the Natural Heritage Bureau (NHB) as required by the state. There is some record of rare wildlife and plants in the area, but NHB determined there would be no impact to them. There is no evidence of endangered species

on the site. There are some exotic species on site. Conservation recommends they be removed during this project.

All work will be conducted in the fall/autumn after the lake has been drawn down.

Open to Public:

Motion: (Mackay/Stanvick) to approve the plan as described. The Commission supports the removal of the shed and removal of the concrete walkway and the plantings near the shore. We recommend the removal of the septic tank and filling of the area as necessary and additional plantings around the plunge pool.

Vote: 4-0-0 in favor.

MINUTES:

Motion: (Stanvick/Delehanty) to approve the minutes of 08/09/17.

Vote: 3-0-1 in favor, Gagnon abstained.

WALK IN ITEMS:

Mr. Gagnon asked if there was anyone who could work a table at the Old Home Day. We would like to promote our mission to the town residents. We will send maps, the open space plan and some brochures. Louise volunteered to collect some materials and work the table for part of the day.

Ms. Mackay informed the members of a Routine Roadway and Railway maintenance notice from the state. These are sent to inform the town of maintenance on culverts. This culvert replacement is near the state line off Mammoth Road.

Ms. Mackay talked about the emerald ash borer which is a pest that attacks ash trees. UNH Cooperative Extension sent the town informational materials that describe the insect. One of the easiest ways the beetle is transported is in firewood. If you are going camping, buy your firewood at the location you camp. Burn all your wood there or leave it. Do not transport wood to your campsite or bring wood home from your campsite.

ADJOURNMENT:

Motion: (Delehanty/Stanvick) to adjourn

Vote: 4-0-0 in favor.

Adjourned 9:02 p.m.

Respectfully submitted,
Karen Mackay,
Recording Secretary