

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

MEETING OF 03/26/18

APPROVED 04/10/19

Members Present:

Karen Mackay, Ken Stanvick,
Louise Delehanty, Mike Gendreau

Members Absent:

Lisa Loosigian, Paul Dadak,
Paul Gagnon

Karen Mackay brought the meeting to order at 7:03 p.m.

OLD 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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This meeting was rescheduled from March 14 because at the last minute we lost our quorum. The Commission apologized for the inconvenience and appreciated the applicant could come to this meeting.

This case came before us in February. The applicant took comments from the Commission, Planning, Fire Department, road agent, town staff and Steve Keach then updated the plans to incorporate the comments. One more review by Steve Keach and Planning is scheduled. The applicant will be before Planning next week.

There will be 5 lots on the Atwood Road frontage. The farmhouse will be on one of those lots and the barn may be on the second lot. The barn will be rehabbed as a barn, designed into a house or a new house will be built on the lot. An additional 3 lots will be on Atwood Road. There is open space behind the house lots on Atwood. One house will be built on Briarwood Road and 5 will be built on the new proposed cul-de-sac. The applicant is not asking for any bonus lots. All lots will have separate wells and septic systems.

The pocket neighborhood originally had a “T” shaped road configuration. The highway safety committee requested a rounded cul-de-sac to ensure plows, fire and emergency vehicles could make a full turn in the neighborhood. There will be a small landscaped island in the center of the cul-de-sac with a drain for storm water. The cul-de-sac diameter is 96 feet with the interior vegetated island being 36 feet across. The road up to the cul-de-sac is proposed to be 22 feet wide. Rear buffers between the Gaudet Road neighborhood and the new proposed neighborhood have been maintained. Trees will be planted along the road. The roots of the trees are not expected to interfere with the integrity of the basins even when the vegetation has fully grown.

The wetland impacts are for the roadway crossing of the farmer’s ditch in the pocket neighborhood. The wetland impacts are 958 square feet. A 24 inch high density polyethylene

(HDPE) culvert, with flared end sections, will be used under the road to maintain hydrological connection. Water flows from south to north with a one percent slope. No rip rap is needed because of the minimal slope.

The WCD impacts are 44,477 square feet. Impacts are for shallow constructed wetlands and the associated grading as well as minor impact for the road. All slopes and the shallow constructed wetlands will be revegetated. Slopes will be 3:1 ratio as required by NH standards. Drainage of the interior road will be into the shallow constructed wetlands. These basins are overdesigned to make sure they can handle more water than expected from the development. When the farmland ditches are dry, the shallow constructed wetlands will be dry.

The shallow constructed wetlands will have undulating edges and slopes as well as a waterfowl island in the center of one of the wetlands. The northwest side of the interior street will feature an intercept swale to direct water into the shallow constructed wetlands. These constructed wetlands are designed to require minimal maintenance and will be naturally sloped with smooth grades. There will be no impacts to the wetlands from the detention structures. Vegetation is expected to grow in over the next 3 years. The plant material in the wetlands will help filter the run off.

Mr. Stanvick asked about maintenance of the basins. The plan specifies maintenance requirements that are recommended by the state. These requirements include periodic mowing, removal of woody species, debris and sedimentation. The town will take responsibility for the maintenance of these basins. There are catch basins on the road that have 36 inch sumps. Sediments are expected to be captured in the sumps. The sumps will need to be cleaned out by town staff. Mr. Dubay does not expect the sumps will collect voluminous debris and sediments because the road grade is mild at 5 percent which is the typical grade of a parking lot.

There will be a 25 foot easement buffer between the cemetery and the adjacent house. This buffer/easement will be for heavy equipment that may be needed for use in the cemetery and will be held in perpetuity. This area will not be open to the public as a trail for walking through to the trails on the open space. The open space trail will begin at the south-east corner of the cemetery.

Rocks from the stone walls on the property will be reused to build a hardscape at the subdivision entrance. Some of the stone walls are in good condition; others are simply a collection of rocks scattered on the ground. The walls along property boundaries and roads will not be disturbed except to construct the road and the driveway on Briarwood Road. Some walls will be removed as they cross some of the building lots and the proposed road. These stones will be used in the design of the entrance way. Commission members appreciate the effort to reuse the stones as they are historic markers and we would like to see them reused on the site. Any granite posts on site will be removed prior to construction and will be reused on site as possible trail marker posts.

Ms. Delehanty would like to see some of the barn boards saved and reused if the barn cannot be saved. Mr. Doherty, the developer, is talking to a structural engineer and may try to transform the barn into a house. If the barn cannot be saved, Mr. Doherty has some people that are interested in

taking the barn down piece by piece and reusing the lumber or rebuilding the barn in another location. If the structural engineer says the barn can be saved, he will try to save the barn.

The lot has some old trails. These will be discontinued as they interfere with the new proposed lot line divisions. A new trail, cut in by the applicant, will traverse the property from the south-east corner of the cemetery, along the wetland, across Evergreen Avenue and toward the east side of the lot. The new trail will connect with trails under the powerlines and into Peabody Town Forest. No new trails are proposed to the east of the powerlines. Town residents will have access to all trails. The new proposed trails will be within the open space. None of the trails will be within any of the proposed new lots. There is no trail easement under the powerlines as the power company holds the utility easement for that land.

The existing house on Briarwood Road will have the lot line adjusted with this application. The lot line will be adjusted because the lot was originally part of the Law family property. The Law family owned the subject property as well as the lot on Briarwood. The lot on Briarwood Road had an extended yard with chicken coops. The owner of the subject property and the new owners of the Briarwood lot will move the property line to the north on the north-south border line and in exchange the Briarwood Road property owners will give an equal size piece of their land to the subject owner in the back side of their property. The property will be an even exchange. The land given to the subject owner will be deeded to the town with the open space.

There are 16 acres of open space on the plan. The open space will be dedicated to the town and become part of Peabody Town Forest. The Forest borders to the east and southeast of the subject property. Trails through the property will connect to the town trails in Peabody and along the powerline corridor. All trails will be open to the public.

Initially, the applicant asked for a lot of waivers now they have shortened the list. None of the waivers are for environmental impacts. One waiver is for a reduction in road width from 26 feet to 22 feet.

Public Comment:
None.

Motion: (Stanvick/Gendreau) to recommend the plan as proposed to Planning.
Vote: 4-0-0 in favor.

Map 7 Lots 9-135 and 9-135-11	Katie Lane – Discussion of a possible land donation from a conservation subdivision – Presentation by Karen Mackay
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The Commission heard this case on August 8 and September 13, 2017. In addition, members walked the site on August 16. Last week, Ms. Mackay presented the open space donation to the Selectmen. The Commission must comment to the Selectmen prior to any acceptance of a conservation land donation.

We saw this case and were not pleased with the way the project was presented. The vote was 3 in favor of recommending the plan if the applicant added the land under the powerlines from the

stone wall south to the donation. Ms. Loosigian abstained from the vote. Initially, the open space was on the north-west portion of the lot. The Commission requested additional open space from the stone wall south along the powerlines. Land under the power lines has a current easement to the power company not to the town. The Commission wants to keep as much land open as possible for potential future trails.

The applicant went to Planning after coming before the Commission. The plan in front of us tonight is the approved plan from Planning. This plan is different than the plan we initially reviewed; however, the applicant did give us what we requested. Ms. Mackay presented this plan, which was different than what we voted on, along with other parcels to the Selectmen. Quite a bit of discussion ensued and the Selectmen did not appear to be overly enthusiastic about this land donation. Ms. Mackay was not sure if the Selectmen just didn't like the plan or if they did not like the fact that we did not send them a letter on this specific Planning approved plan. Our letter was written and comments were made on the prior plan before Planning approval and prior to the final changes and incorporation of the land donation that we requested.

The Selectmen voted to move forward with the land donation on this parcel and to schedule the two public hearings. Ms. Mackay asked the Selectmen if the Commission should review the revised plan and make recommendations to the Selectmen on the new plan. The Selectmen said that was not necessary because they voted to move forward with the hearings. Ms. Mackay felt because there was such confusion at the meeting that the Commission should close the loop and review the new plan and send a recommendation on the new plan.

At the Selectmen's meeting one Selectman mentioned he didn't want a bunch of small open space land dotted around the town. Ms. Mackay explained to the Selectmen that there was a lot of open space land around this parcel that could be connected in the future. One argument for the accepting of this land was that Merriam/Cutter Conservation Area and Gumpus Pond Conservation Area were not connected for 10-12 years. The Commission worked steadily to acquire parcels in the area and eventually connected the two large conservation areas. Small parcels that seem disconnected at one point in time can sometimes be used to create corridors between larger blocks of land.

Mr. Stanvick asked if we could request the specific objections the Selectmen may have to this parcel donation. Ms. Mackay thought that would not be possible because the Selectmen said the Commission did not really need to see this case again because the Selectmen voted to move forward with the process of setting up public hearings for this parcel as well as other parcels presented at the Selectmen's meeting. The Selectmen did not have specific objections to this parcel. Their comments related to not wanting to have little, disconnected pieces of land all around town. They are looking to accept land that will form connections around town. Ms. Mackay argued that there was a vast amount of undeveloped land to the east of the parcel and a farm across the street to the west that could provide the opportunity for future trails and trail connections.

Ms. Mackay said the process is sort of going backwards. The usual process is for the Commission to see a land donation case, make recommendations to the Selectmen, then the Selectmen hold 2 public hearings. Initially, Ms. Mackay thought a copy of the Planning letter

would be sufficient for the Selectmen because, the Commission commented on the case to Planning, the applicant agreed to Commission requests and Planning approved the plan.

Ms. Mackay felt the Commission should make a comment on this plan as it is now rather than only having made a comment on the plan prior to Planning adjustments and approval because of the great confusion at the Selectmen's meeting. The new plan has the changes we requested and has been finalized. Planning has accepted the current plan; there will be no changes to the plan because of any comments from Conservation. Ms. Mackay would like to vote on this plan to recommend this specific land donation to the Selectmen. She wants to send a formal letter to the Selectmen that says the Commission voted on this plan, even though the Selectmen said it was not necessary because they already voted to move forward with public hearings.

Ms. Mackay added this discussion to the Commission agenda then heard from the Selectmen's office that it was not necessary for the Commission to hear the case again; however, Ms. Mackay feels that Mr. Gagnon would have said close the loop, see the case again, and vote.

Ms. Delehanty asked if there were any negatives related to the town taking ownership. Some Selectmen stated that they did not want little pieces of disconnected land around town. The land is in a conservation subdivision and will remain open space whether we accept the donation or the land stays with the subdivision. There is tax revenue loss, but that is minimal because conservation land is taxed at a low rate. Ms. Mackay's argument is that if the land remains with the subdivision the town does not own the land and has no control of the land. The subdivision can exclude town residents from the land. This area has a lot of open space that can be developed in the future. If the town owns the land, then corridors could be maintained throughout town.

Motion: (Stanvick/Delehanty) to recommend the Selectmen accept the donation of the land as described in the plan.

Vote: 4-0-0 in favor.

ADJOURNMENT:

Motion: (Stanvick/Gendreau) to adjourn

Vote: 4-0-0 in favor.

Adjourned 8:28 p.m.

Respectfully submitted,
Karen Mackay,
Recording Secretary