

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

MEETING OF 12/12/18

APPROVED 01/09/19

Members Present:

Karen Mackay, Ken Stanvick,
Louise Delehanty, Lisa Loosigian,
Paul Gagnon, Mike Gendreau
Brandie Shydo

Members Absent:

None

Paul Gagnon brought the meeting to order at 7:04 p.m.

OLD BUSINESS:

Map 15 Lot 8-216	Windham Road – Landmark Estates Elderly Housing Community - Proposed 42 home elderly housing condominium with wetland and WCD impacts – Presentation by Shayne Gendron of Herbert Associates, Inc.
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The Commission reviewed this case in October followed by a site visit with Planning. The case has also been in front of Planning several times and been reviewed by the town engineer, Mr. Steve Keach. After the site walk, Mr. Gendron made adjustments to the plan. He straightened the road as requested by Mr. Keach and reduced impacts to the wetland and WCD. Mr. Peterson, the developer, has completed 2 projects in town. One off Sherburne Road and one on St. Margaret's Drive.

The fire department signed a waiver for a 22 foot wide road and a reduction in the diameter of the cul-de-sac from 62 feet to 50 feet. This will reduce impervious surfaces. The hammerhead design of the road near units 13 and 14 is necessary for the maneuvering of fire trucks and large equipment. A cul-de-sac could be used, but the impacts to the WCD would be greater. These roads are private ways and will be maintained by the residents of the development. There will be no public access to the development from Claudine Drive. There will be a 15 foot wide access road for emergency vehicles. The road will not be gated. The road will have a sign that specifies "emergency access only."

Mr. Gendron added a sidewalk on the main road as the town ordinances require. The sidewalk will run from the intersection of Claudine Drive, in front of the clubhouse to unit 15. There will be no sidewalks on the side roads. The developer originally did not want to install a sidewalk because it must be Americans with Disabilities Act (ADA) compliant which means the sidewalk would rise and fall on every driveway opening which is difficult to maintain. The sidewalk will be 5 feet wide.

The road cannot be moved any farther to the west, to avoid the wetland, because the houses on that side of the development are on the sideline setback limit. The realignment of the road has reduced the WCD impacts by 6,012 sf. and the wetland impacts by 962 sf. Most impacts stayed the same or decreased; however, one WCD impact increased by 259 sf. See following tables.

Table 1: Wetland Impact Areas

Wetland Area	Current Impact (sf)	Previous Impact (sf)	Increase/Decrease/Same
1	1,151	1,453	Decrease
2	737	1,395	Decrease
3	1,751	1,751	Same
Total	3,639	4,601	Decrease (962 sf)

Table 2: WCD Impact Areas

WCD Area	Current Impact (sf)	Previous Impact (sf)	Increase/Decrease/Same Impact
1	1,686	2,279	Decrease
2	3,638	3,668	Decrease
3	7,902	7,902	Same
4	8,047	12,968	Decrease
5	496	496	Same
6	3,725	3,984	Increase
7	18,112	18,112	Same
8	12,159	12,887	Decrease
9	609	609	Same
Total	56,633	62,645	Decrease (6,012 sf)

This project will use bio-retention basins rather than detention basins to manage storm water. Detention basins hold back water during storm events then slowly release the water from the site. The bio-retention basins used on this project will infiltrate storm water directly back into the ground on-site. The basins will be distributed throughout the site and will be smaller than a detention basin system would be for this site. The bio-retention areas are designed to hold water up to 72 hours. These basins will impact 3 areas of the WCD for a total of 20,317 square feet (sf) of impact which is about 35 percent of the WCD impacts on the site. Bio-retention areas are usable on this site because of the good water table and soils on the property. The bio-retention areas will have a mulch filter material over loamy-sand. The top layer of the basins will be planted with vegetation. The combination of materials and vegetation will treat storm water prior to infiltration.

Ms. Loosigian described the difference between rain gardens and bio-retention areas. Rain gardens are typically small bio-retention areas used on individual residential properties. The purpose is to capture a small amount of water. They are not engineered and there is no piping to or from them. The bio-retention areas on this project are much larger than a typical rain garden and water is piped from around the site to the bio-retention areas. There is also a forebay which is a small pool used to settle out solids prior to water flowing into the basin. Ms. Loosigian felt that the system on the plan was good as it keeps the water from the site, on the site.

Wetland impact area 3 will have a 21 inch concrete culvert under the road. This is the largest size culvert that can be used in this area without raising the level of the road which would increase the WCD impacts for grading. The applicant has been to Alteration of Terrain (AOT) and the Heritage Bureau and there are no issues with the proposed wetland impacts.

No snow will be brought in from off-site. In excessively snowy winters, snow may need to be removed from the site.

The stone walls along the property line will be left intact.

The subdivision will not have a pool. There will be a 36x48 clubhouse with kitchen and bathroom facilities.

Mr. Gagnon suggested if 9 units at the end of the main road were eliminated, then one-half of the wetland impacts would be eliminated and one-third of the WCD impacts would be eliminated. The project would still be a 33 home subdivision, but the last crossing would be unnecessary. Mr. Gendron stated this would not be an option.

Commission Comments:

There are snow storage areas throughout the subdivision. The Commission has requested 2 of them be moved out of the WCD to the extent possible.

1. At the entrance to the subdivision from Windham Road.
2. Move the storage area north of the second stub road to beside the clubhouse.

The Commission would like obstructions added to the plan in the areas where we do not want snow stored. Obstructions can be large boulders or vegetation.

This subdivision will use some type of deicing/salt product on the roads as the project has been designed for elderly residents. The Commission requests the homeowners association hires plow contractors that have been certified through the Green Snow Pro program. These contractors have been trained in the efficient application of deicing materials.

The Commission will request the homeowners association be provided instructions on the maintenance of the bio-retention areas. In addition, a report/record should be filed in Planning each time maintenance is performed on a basin.

The land under the powerlines was not used to calculate housing units. Houses cannot be located under the powerlines. Mr. Gagnon would like the owner to offer the 10 acres of land under the powerlines to the town. Currently, there are trails on the property that run along the proposed road. These trails could be moved under the powerlines in order to maintain existing trails and keep the connectivity of the trail system. The Selectmen must accept any land donation.

Members would like vegetation added to 6 locations around the site. These locations are vulnerable because the road is close to the wetland or WCD in these areas.

1. Near the WCD on the first cul-de-sac.

2. Area 4 of WCD impact and area 2 wetland impact.
3. Area 6 of WCD impact.
4. At the corner of Windham Road.
5. At the second stub road intersection, just passed the intersection.
6. At the hammerhead at the end of the main road along WCD.

Motion: (Loosigian/Mackay) to recommend the plan based on the applicant adding 5 conditions to the plan as requested by the Commission.

1. Two snow storage areas be moved.
2. Plowing contractors be certified in the Green Snow Pro program.
3. The plan specify maintenance for the bio-retention basins and a report be sent to Planning when maintenance is performed.
4. The land under the powerlines be donated to the town, subject to the Selectmen.
5. Vegetation be planted in the 6 described locations.

Vote: 7-0-0 in favor.

NEW BUSINESS:

Map 31 Lot 11-33 & 11-37	64 Blueberry Circle – Proposed construction of a 150 foot cell phone tower by American Tower, LLC – WCD impacts on the access road to the proposed tower pad – Presentation by Edward D. Pare, Jr. of Brown Rudnick, LLP. and Luke Hurley of Gove Environmental Services.
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Ms. Mackay recused herself from this case because she lives in the neighborhood and has already decided she does not want the tower built.

American Tower came to the Zoning Board of Adjustment (ZBA) about a year and a half ago to pursue the construction of a cell phone tower on this site. Originally, the access point was proposed through Dracut, Massachusetts. There was serious opposition to the project from Dracut residents. The project would have required a wetlands crossing. American Tower sought an alternative access through Pelham. The location of the tower has changed within the original lot. Originally, the location on the lot was closer to the Dracut town line. Now the proposal is to place the tower deeper in the lot and adjacent to Pelham town land. The tower was always going to be located in Pelham.

The proposed access is from a single family house lot on Blueberry Circle. The owner of the access lot and the subject lot are father and son, respectively. A 30 foot easement for a 12 foot wide gravel driveway will be granted through the Blueberry Circle lot. The driveway will be crowned and have a one foot shoulder on each side. The driveway will run along the lot line that abuts town land. At the rear corner of the access lot the driveway will turn onto the subject parcel and continue to follow the lot line abutting town land. The driveway will impact the WCD at the rear of the access lot and along the property line of the subject lot. Impacts will be for driveway, shoulder and grading. The area is relatively steep from Blueberry Circle down to the tower site. Utilities, consisting of electricity and communications, will be buried under the driveway.

American Tower is preparing to submit to Planning in January. The developers are seeking relief from Planning. They gained approvals from ZBA in September. The application for variance was for use of the property, frontage requirements and fall zone requirement. The fall zone is a specified distance the tower must be from a property line so that if the tower fails, the tower will not fall onto an adjacent property. These towers are designed not to fail as stated by Mr. Pare. He could not tell the Commission the exact distance Pelham has in its requirements for the fall zone, but he stated that many towns require the fall zone be the height of the tower. This tower is proposed to be constructed close to Pelham town land, but will not be close to any buildings or structures.

American Tower has been to the Highway Safety Committee. The Safety Committee requested a 25 foot increase in the tower height in order to provide public safety services to Pelham and Dracut. T-Mobile needed a 125 foot height; The Safety Committee requested a 150 foot height for the tower.

Prior to ZBA approvals, American Tower had looked at other sites for this tower. They found that a tower is needed in this area for better cell phone reception. Other carriers are expected to co-locate on this tower.

Stone walls are expected to be removed for the construction of the driveway. The easement is only 30 feet wide, but 52 feet of stone wall is described on the plan (pg. c203) to be removed. The applicant did not know the answer, but speculated the area over 30 feet could be needed for grading.

There are wetlands throughout this property. This driveway location is the only reasonable location on the site. There will be 6,535 sf of WCD impact for this driveway. Mr. Gagnon described the area as being largely wetlands with an enormous wetland complex behind the property that leads into Dracut and one of the largest cedar swamps in the area. This construction should not interfere with the cedar swamp in any way as it is miles away in Dracut/Methuen.

Mr. Hurley delineated the wetlands on the subject site in 2006. He recently became involved with this project. He described the area as having extensive wetlands. He does not think there are any vernal pools in the area of the driveway or the tower as the area is hilly and many of the wetlands are slope seepage wetlands and the water then flows downslope. None of the wetlands in the area hold water long enough for vernal pool species to utilize them. These wetlands have been dry for the past 3 months. The town land has a similar topography in this area with no obvious wetlands in the proposed driveway area. Prior to designing and building a driveway on town land Mr. Hurley would need to confirm the absence of any wetlands.

Motion: (Stanvick/Delehanty) to utilize town land for the access driveway in order to avoid WCD impacts on the subject property. Discussion about the motion began.

Mr. Gagnon proposed an easement across town land to construct the driveway to the tower in order to avoid the WCD impacts. Mr. Stanvick thought this may be a good idea to avoid impacts. Ms. Mackay disagreed with the idea of using town land for private projects even if impacts could be avoided. Her concern extended to the idea that the driveway, once built, could provide access

to buildable area on the lot. Mr. Gagnon said town attorneys would need to be involved and the Selectmen may need to approve this use. In addition, Mr. Gagnon was not sure if this proposal would need to go before the voters at Town Meeting.

Mr. Pare is open to the possibility of the driveway being moved onto town land. He would like to make sure the discussion of using town land does not hold up the project and that he can get approvals from the Commission if the driveway move does not work out. Mr. Gagnon said he would talk to the town manager to see if using town land for this purpose was a possibility. The Commission does not want to waste time if this cannot happen.

Members started talking about having a site walk. Mr. Gagnon asked Mr. Stanvick if he would be willing to defer his motion until members could visit the site. Mr. Stanvick agreed.

Motion: (Loosigian/Shydo) to propose a site walk for this project.

Vote: 5-1-1 (Delehanty opposed; Mackay abstained)

A site walk was scheduled for Sunday, December 16, 2018 at 9:30 a.m. Members and the public will meet at 64 Blueberry Circle.

DISCUSSION:

The Commission will discuss the possible opening of a Facebook page. The page could be used to post Conservation and environmental information.

Ms. Shydo suggested the Commission should have a Facebook page that could be used to communicate with town residents. She proposes the site be used to push out information. The page would be public so anyone could view the information. Depending on how the page was set up, residents could ask questions or make comments on posted information. Residents could not post information on the page. Anyone wishing to interact with the page would need to have a Facebook account.

Ms. Shydo thought we could post maps and photos as well as documents related to conservation subjects. In addition, links to other conservation sites could be posted along with agendas and minutes for the Commission. Other groups in town have used Facebook to distribute information to town residents. The police and fire department have pages along with other community groups. Ms. Shydo would like members to send any information we think would be valuable to post on the site.

Mr. Gagnon and Ms. Mackay do not want Ms. Shydo to be overwhelmed by the amount of people asking questions and interacting with the Facebook page. She should not have to look at the page every day or answer questions constantly. Mr. Gendreau thinks the page should be for the Commission to post items and not have residents be able to post.

Prior to this discussion about Facebook, Ms. Loosigian had agreed to work on the town Conservation website. Mr. Greenwood said a new IT person has just been hired. The new

employee can help us manage our Conservation page on the town website. Ms. Loosigian is still committed to work on the town website.

Motion: (Shydo/Gendreau) to agree for Ms. Shydo to open a Facebook page for the Conservation Commission.

Vote: 7-0-0 in favor

WALK-IN ITEMS:

Mr. Stanvick has scheduled a biologist from NH Fish and Game to come to our next meeting on January 9. The biologist will talk to us about turtle habitat and other wildlife subjects.

Last month, the Commission had a short discussion about paper plans vs. plans sent on the computer. Mr. Stanvick likes the idea of the plans on the computer to save paper. Ms. Loosigian feels more comfortable with paper plans and questions if paper or computer plans have more environmental impacts. Members seem to feel everyone should have the plan in the form they like the best if possible.

Mr. Al Stewart sat in on our meeting. He is considering joining the Commission and wanted to check out a meeting. He has taken a few site walks and has done some work with the Forestry Committee.

MINUTES:

Motion: (Loosigian/Stanvick) to approve the minutes from November 14, 2018.

Vote: 7-0-0 in favor.

ADJOURNMENT

Motion: (Loosigian/Gendreau) to adjourn

Vote: 7-0-0 in favor.

Adjourned 9:10 p.m.

Respectfully submitted,
Karen Mackay
Recording Secretary