

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

MEETING OF 05/10/23

Members Present:

Karen Mackay, Paul Gagnon,
Ken Stanvick, Al Steward
Mike Gendreau, David Abare,
Jesse Vaughan (alt)

APPROVED 09/13/23

Members Absent:

Scott Bowden (alt), Kara Kubit (alt)
Kelvin Webster

Al Steward brought the meeting to order at 7:02. Mr. Steward led the Commission in the Pledge of Allegiance. Mr. Steward welcomed Mr. Jesse Vaughan as an alternate member of the Commission and invited him to introduce himself. Mr. Vaughan said he bought a house in town about a year ago and works in environmental consulting. Mr. Steward appointed Mr. Vaughan as a voting member for this meeting.

OLD BUSINESS:

Map 22 Lot 8-85-1	579 Bridge Street – Discussion of WCD impacts and proposed mitigation for WCD impacts on the proposed multi-unit apartment building project. Presentation of a letter from Nancy Rundell, wetland scientist – Presentation by Joseph Maynard of Benchmark LLC and Bill Reno the developer
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This case has been before Conservation several times over the past year. The Commission wants the developer to lock up the back land and the developer does not want to make that commitment. The land will be locked up as long as Zoning stays as the same.

Mr. Maynard has been working on permitting and has received the Alteration of Terrain (AOT) permit from the state. The septic has been approved for 2 fields with 12 different dispersal areas. The systems will be Clean Solutions and will be tested every 6 months for the first several years. The lab analysis can be sent to the Commission, if requested.

Mr. Maynard sent the Commission a letter from Nancy Rendall, a wetland and soil scientist he has worked with for 20 years. She has visited this site many times over the past 10 years as different projects have been proposed. Her letter discusses the wetland complex. There are no wetland impacts for this proposed development. Ms. Rendall thought locking up the back land was a lot of mitigation for a small amount of wetland conservation district (WCD) impacts. Permanent impacts to the WCD will be about 10,000 square feet (sf). Other impacts will be temporary and side slopes will be replanted with native vegetation. Ms. Rendall reviewed the planting schedule and approved of the quantities, species and spacing of the proposed plants.

The wetland complex runs roughly through the center of the property with about 5 acres abutting Bridge Street and 10 to 12 acres of back land. The wetland complex is approximately 14 acres.

There are a few vernal pools within the wetland complex which are located toward the rear westerly property line. There is another potential vernal pool along the easterly property line though it was not thoroughly investigated. These vernal pools are nowhere near the proposed development. The wetland in the area of the vernal pools is of high quality. The wetland along Bridge Street, which is to the south-west of the development area is of lower quality due to high traffic, sand and salt on the road.

Ms. Rendall, in her letter, has proposed an increase of the WCD along the rear of the wetland, adjacent to the back land from 50 feet to 75 feet. Only one crossing should be used to minimize the impacts, if there would ever be a crossing, given that zoning rules would need to change. There would need to be drainage structures for any future development on the back land and they would need an outlet through the WCD.

Mr. Reno had been working to purchase a small piece of the neighbor's property along Bridge Street to move the driveway out of the wetland, but terms could not be agreed to by both parties. They have successfully worked with the Department of Transportation (DOT) to move the driveway and some utility poles in order to avoid wetland impacts. They expect the DOT permit in about a month. Another issue was the tangent length (length of the driveway before the driveway can have a curve), but Mr. Keach, the town engineer, said this could be shorter than the regulations specify because it was going to be a private drive. Mr. Keach changed the parking lot configuration to be a counter-clockwise rotation because he thought it would be more convenient and safe for the residents. Mr. Reno would like the Commission support for this project. He realizes our board is advisory, but would like our support. He thinks we may be able to come to some compromise now that he has state approvals, comment from the town engineer and comment from the wetland scientist.

Mr. Steward recapped the current conditions on the property. There will be approximately 4 acres of disturbance on the front section. A 14 acre wetland divides the property and 12 acres are on the back side of the lot. Mr. Steward explained we have had trouble with other properties in the past for example: Valley Hill. This property had vernal pools that were ignored and it took the town several years to get mitigation for the destruction of these pools. The Valley Hill case as well as other cases we have seen over the years has made us cautious about impacts. The Department of Environmental Services (DES) does not always seem to work in the town's interest. Town boards are sometimes left to look out for town interests. Mr. Steward said there may have not been as much push back for this project if there were not a request for a future crossing.

Mr. Maynard said any crossing must be within the least impactful location. DES would give push back if the crossing was not designed in the least impactful location. DES would give a hard time if a wetland crossing was requested for development on both sides of the wetland, but the development could be done on the front land. Mr. Maynard said there is no net gain from crossing this wetland at this time. The crossing would be 300 feet and DES would require 2 box culverts. This crossing is not feasible at this time due to costs. They are reluctant to lock up the back land because it is beautiful and may be useful in the future. Zoning currently does not allow any development in the back at this time, but in 50 years, if the zoning changes this could be a possibility.

Mr. Reno feels as though the goal posts have been moved throughout this process. First there were to be 90 units of workforce housing with wetland crossings and drilled wells. The argument

was the project would suck the aquifer dry. Then they reduced the size of the project, proposed bringing a water line in which would be good for the town. Now they are being asked why there are not wells on the property.

Ms. Mackay said the applicant keeps saying the Commission wants land to be given. The Commission does not want nor has it asked for land to be given. Commission members have simply said the capacity of this land for this development has been used up according to the town regulations. Commission members want no more development on this land. Ms. Rendall stated in her letter, there was too much mitigation asked for by the Commission. The Commission is not asking for mitigation, the land is simply used already and no more development should happen on this land.

Mr. Stanvick is concerned about the vernal pools on the property. He questioned the reason for wanting the crossing as the applicant keeps saying they will not be using the crossing at this time. Mr. Maynard said he has to design the crossing in the initial plans just in case the crossing can be used in the future. If he does not design it now, there will be no space for it at a future time. Zoning will not allow any more units on this lot at this time. Mr. Stanvick said zoning can be appealed.

Mr. Gagnon said the Commission is not asking for mitigation. The calculations for the soil loading has used the whole property; therefore, there is no more property left for future development. We cannot consent to more land on this lot being used when all the capacity has already been used. Ms. Rendall suggested an easement on the wetland. This is unusable space already and should not need an easement to not be used. If the Commission agrees to the easement, we are also agreeing to a crossing and detention structures on the rear land. Mr. Gagnon also feels the whole lot was used to calculate the soil loading and then all the development is on one corner of the property. There is no place to replace septic systems if they fail. This heavy development on one corner of this lot does not make sense even if it is allowed by DES and town regulations.

Mr. Abare asked about school buses for the children. The kids are proposed to enter and exit the bus on Bridge Street. The buses will not be entering the development. Mr. Abare thought this was risky for the kids and asked for the developer to talk to Highway Safety Committee and DOT.

Public Input:
None.

Motion: (Stanvick/Gendreau) to deny the proposal of the wetland scientist as presented in the letter to the Commission. The proposal included an easement to the wetland, an increase in the WCD on the back side of the wetland by 25 feet for a total of 75 feet of WCD protection and to allow a crossing of the wetland. (Note: a vote in favor of the motion rejects the proposed comments in the letter from Ms. Rendall)

Vote: 7-0-0 in favor of the motion denying the proposal.

WALK IN ITEMS:

Mr. Stanvick has been working with the police to get a detail for town board members when they do site walks on busy roads. He was prompted to do this because of two site visits on Bridge

Street, one where Ms. Mackay's car was totaled by a driver who crashed his truck into her car while members of the Commission were in the woods on a site walk and most recently when he had to walk with the Zoning Board up a busy Bridge Street to view a site while cars flew by. Initially, the police told Mr. Stanvick the cost for a detail. (\$75.00 per hour for a minimum of 4 hours). Mr. Stanvick told the police this was for town business and should be free. Mr. Stanvick contacted Captain Steve Toom, whom he had worked with about getting patrols onto conservation land, and Cpt. Toom said he would take care of a detail with no charge. He said we were to contact him personally a minimum of a few days ahead of any site visit and he would have officers present. This would only be on busy roads. Mr. Stanvick is going to let other boards know of this arrangement and they should also utilize this service from the police department.

Mr. Abare has been working with Nashua Regional Planning Commission (NRPC) on a Conservation Plan for the town. Ms. Kamal, a prior Commission member, has been helping with the efforts as she had started this endeavor prior to her term ending. There will be a zoom meeting with Jay from NRPC on May 12, 2023. Mr. Abare will give members an update at our next meeting.

Town email must be used from this point forward for all town business including town boards. We have been transitioning to town emails for a while. At this point, all business should be done through town email. This is required so town residents have access to town business. All boards' communications are public information. As a reminder, all board members must behave professionally on the town email and must keep comments about cases to themselves until the public meeting. There should be no comments about upcoming cases. The applicant has a right to present their cases to open minded board members and needs to be able to respond to comments and questions by board members in a public meeting setting. Our Commission has never had any issues keeping these standards and we will continue to do so.

MINUTES:

Motion: (Stanvick/Gendreau) to approve the minutes of April 12, 2023.
Vote: 6-0-1 in favor. Vaughan abstained.

ADJOURNMENT:

Motion: (Stanvick/Gendreau) to adjourn
Vote: 7-0-0 in favor.
Adjourned at 8:11 p.m.

Respectfully submitted,
Karen Mackay,
Recording Secretary