

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

**MEETING OF 02/06/20**

Members Present

Karen Mackay, Paul Gagnon,  
Al Steward (alt), Lisa Loosigian,  
Brandie Shydo

**APPROVED 03/11/20**

Members Absent:

Ken Stanvick, Louise Delehanty,  
Kara Kubit (alt), Mike Gendreau  
Dennis Hogan (alt)

Paul Gagnon brought the meeting to order at 7:07 p.m. and appointed Al Steward as a voting member for tonight.

Map 39 Lot 1-49	157 Mammoth Road – Proposed 4 lot subdivision with wetland and WCD impacts – Williams Woods – Shayne Gendron, Herbert Associates, Inc.
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Mr. Gagnon explained that the applicant is before the Zoning Board of Adjustment (ZBA) on Monday and rather than make the applicant wait an additional month for our input we moved our meeting ahead of ZBA in order to provide our input on the case. The applicant has already waited about 6 months because the Commission was trying to negotiate the purchase of this land or part of this land. We negotiated in good faith as did the applicant, but we could not come to an agreement to purchase the land. The applicant lost many months on this process so the Commission felt we should see the case prior to the ZBA so as not to hold up the process for another month.

Ms. Mackay would like to clarify the lot listings on the agenda. Ms. Mackay initially wrote up the agenda with the Map/Lot to be 39/1-49 because that was the lot number labeled on the plan. She then changed the agenda to reflect the subdivided lots because she noticed the lots were labeled on the plan as 39/1-49-3, -4, -5, and -6. After the agenda was posted, she realized the individual lot numbers were the proposed lot numbers if the subdivision was accepted and the initial lot of 39/1-49 should have been the lot posted on the agenda.

Shayne Gendron thanked the Commission for accommodating him on an earlier night so he could get our input prior to the ZBA meeting this coming Monday. Mr. Gendron is asking the Commission to send a letter with our opinion to ZBA.

This is a 10.4 acre parcel with 1,200 feet of frontage on Mammoth Road near the intersection with Marsh Road. Gumpas Pond Brook flows through the property. A sizable wetland with many fingers and a flood plain surrounds the brook. Currently, there is one house on the north side of the lot. The proposal is to subdivide the parcel into 4 lots. The lots will be conventional and meet all zoning except the 3 new house lots will have a shared driveway. Proposed lots 1-49-5 and 1-49-6 will not have driveways entering off their frontages.

The proposed driveway is 475 feet from the intersection of Mammoth and Marsh Roads. Police and Fire are happy with the distance of the proposed driveway from the intersection. The driveway will cross the wetland and WCD to access the lots in the rear of the parent lot. The driveway is proposed to be 20 feet wide. The wetland impact will be 369 square feet (sf). Impacts for the WCD will be 3,887 sf. A 22x24 foot box culvert will be used to cross the brook. Ms. Loosigian suggested we make no comment on the size of the proposed culvert because we have not seen the site.

Mr. Gendron needs a variance for a common driveway. He must get the variance from ZBA before he can bring the case to the Planning Board. The private driveway will have no burden to the town to maintain a road. After Mr. Gendron presents to Planning, he will submit his wetland permit application to the state. He will then come back to Conservation to present the wetland permit application because Planning will need our input about the wetland impacts.

Ms. Mackay commented that this procedure is unusual. Zoning has requested input from Conservation, but the plan has not been accepted for consideration by Planning yet. Conservation does not usually see cases until Planning has accepted the plan for consideration. Mr. Gagnon explained that we need to see the case because we need to comment to ZBA. The plan will move forward only if Mr. Gendron can get a variance from ZBA. If and when the variance is approved, Mr. Gendron will work to complete the plans and apply for a wetlands permit. He expects to be before Conservation again where he will bring Mr. Hurley from Gove Environmental. Mr. Gendron is also open to a site walk when the plans are close to being finalized.

Mr. Gendron has been to the Highway Safety Board and has received their approval. The letter they wrote supports one access to the lot rather than 3. They do not want multiple driveways coming onto Mammoth Road in this location because there are some issues with the Mammoth/Marsh Roads intersection and the Mammoth/Sherburne Roads intersection. There is good sight distance in both directions on Mammoth Road from the location of the new proposed driveway. Highway Safety has requested fire suppression equipment within each home and has requested clear number labels on Mammoth Road for the houses that will be on the private drive.

Ms. Loosigian thinks one driveway is better than 3 because there will be less impact. She also wondered if the driveway could be moved to the north to reduce WCD impacts. The driveway would be outside the WCD for longer. Mr. Gendron said there could be more impact if the driveway moved to the north. Ms. Loosigian suggested angling the driveway at the end. The driveway needs certain geometry in order to accommodate emergency vehicles. There cannot be too much of a curve. He will look to see if he can make small adjustments in the angle and still maintain safety and reduce WCD impacts. There is a turnaround at the end of the driveway which is required by Police and Fire.

Wetland and WCD impacts are the crossing of Gumpas Pond Brook. The brook runs from the dam on Gumpas Pond through this property and into Beaver Brook. This is a significant stream. The proposal is for a 22x24 foot box culvert with a height of 4 to 5 feet, to go under the driveway. This culvert is not completely specked yet. Mr. Gendron will come back to talk about this again.

Mr. Gagnon speculated Gumpas Pond Brook is a class 3 stream. This size stream does not get the 250 foot shoreland protection as a stream must be a class 4 stream such as Beaver Brook in order to have the shoreland protection. Bowley Road just north of the proposed site, had its culvert replaced recently. The culvert under Mammoth Road to the south-east of the site is 5 feet high, 10 feet wide and more than 40 feet long. Any culvert on the subject site must be sized to handle the water flowing down Gumpas Pond Brook.

Mr. Gagnon stated that a shared driveway was not desirable, but in this case it is better than three driveways. Additionally, crossing the stream is not desirable, but there is no buildable uplands on the Mammoth Road side of the stream. The only way to use the uplands is to cross the stream. The length of the driveway requires a turnaround for emergency vehicles. The fire department is requiring fire suppression in the homes. Mr. Gagnon would like to see 2 additional lots rather than 3 lots. He would like to see a 14 foot driveway, but the fire department has agreed to a 20 foot wide driveway. Mr. Gendron is fine with us requesting a narrower driveway.

Ms. Mackay asked why the applicant was not building a road into the site. She understands there is more impact for a road, but this design does not look good. This seems like a recipe for discontent between neighbors. The driveways are 700-800 feet long. One driveway goes through the other lot's front yard. Mr. Gendron thinks the town prefers the driveway to a road because the town is not responsible for maintaining the site if the access remains a private driveway. There would need to be a covenant between the neighbors. The neighbors must pay equally to maintain the joint driveway. Mr. Gendron said there are many private driveways in town.

Ms. Mackay commented about the lot off Dutton Road that had two proposed lots with one driveway behind the parent lot. The Commission did not think that plan was a good plan. Mr. Gagnon feels this case is different because that lot did not have the required frontage and this lot does make frontage. The Dutton Road property did not have to cross the wetland to add a second home. They had frontage for 2 homes. The Mammoth Road lot has no additional homes if there is no wetland crossing. Three crossings for this development would mean 3 times the impacts to wetlands and WCD.

Mr. Gagnon asked about a few things that are not in our scope. Lot 1-49-4 has a 200 foot frontage. Lot 1-49-5 has 300 feet of frontage. The lot line between lot 1-49-5 and 1-49-6 is located where the possible roundabout may be located. Mr. Gagnon suggested the frontage of lot 1-49-5 be reduced to 200 feet with the remainder of frontage going with lot 1-49-6. By shifting the frontage, the town will only have to deal with one land owner if and when the roundabout is built. This may make negotiations easier for the town. Mr. Gendron had no particular reason for the 300 foot frontage. He may be able to adjust the lot line. At this time, there is no specific plan for a roundabout and the junction of Mammoth and Marsh Roads. Mr. Gagnon also suggested the applicant separate out some upland near the possible roundabout site, to give to the town for the roundabout. This land may be given in exchange for the triple shared driveway, the town does not like.

Mr. Gagnon asked for a 25 foot path along the southern lot line to connect Cutter Woods to Mammoth Road. The open space lot to the south of the subject parcel is owned by the home owners association for that development. The town does not have access to that land. The subject parcel may be a way for the town to connect Cutter Woods to Mammoth Road. Mr. Gendron cannot promise that type of connection, but he will ask the land owner about the possibility of the connection.

Commission members suggested a 14 foot access driveway to the upland lots. Mr. Gendron said that was fine with him, but he thought the Fire and Highway Safety Board may prefer to keep the road width at 20 feet.

Motion: (Loosigian/Shydo) If this proposal is approved, the Commission recommends the following.

- 1) We support only one access road into the uplands rather than 3 separate driveways because 1 driveway will reduce wetland and WCD impacts by 2/3.
- 2) Recommend a 14 foot wide driveway.
- 3) If possible, shift the driveway to the north, near Mammoth Road, to reduce the WCD impacts.
- 4) Recommend the applicant provide the town a 15 foot wide hiking trail along the wall that borders the south side of the property.

Vote: 5-0 in favor.

### **WALK IN ITEMS:**

Mr. Gagnon reminded residents about voting next Tuesday and on March 10<sup>th</sup>. He asked residents for their votes in favor of the prime wetlands articles and Merriam Farm as a town forest. He also asked residents to vote against the citizen's petition to repeal the Conservation Subdivision ordinance. The Commission will be working to update the conservation subdivision regulations to improve them. We feel that the ordinance that we currently have is better than not having that option for developers.

### **MINUTES:**

Motion: (Steward/Loosigian) to approve the minutes of November 13, 2019.

Vote: 5-0-0 in favor.

Motion: (Loosigian/Steward) to approve the site walk minutes of November 16, 2019.

Vote: 4-0 in favor. Shydo abstained.

Motion: (Shydo/Steward) to approve the minutes of December 11, 2019.

Vote: 4-0 in favor. Loosigian abstained.

Motion: (Steward/Shydo) to approve the minutes of January 8, 2020.

Vote: 4-0 in favor. Loosigian abstained.

### **ADJOURNMENT:**

Motion: (Mackay/Steward) to adjourn.

Vote: 5-0 in favor.

Adjourned 8:07 p.m.

Respectfully submitted,  
Karen Mackay,  
Recording Secretary