

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

**MEETING OF 03/08/23**

**APPROVED 04/12/23**

Members Present:

Karen Mackay, Al Steward,  
Ken Stanvick, Christine Kamal (alt),  
Mike Gendreau, David Abare,  
Lisa Loosigian, Scott Bowden (alt)

Members Absent:

Paul Gagnon,  
Kara Kubit (alt)

Al Steward brought the meeting to order at 7:06. Mr. Steward led the Commission in the Pledge of Allegiance. Mr. Steward appointed Mr. Bowden as a voting member for this meeting. He invited members of the community to apply for 2 open positions on the Conservation Commission. Ms. Loosigian and Ms. Kamal will not be reapplying to be members. Their terms end on the last day of March 2023. Anyone interested can find an application on the town website or at the town hall. The completed application can then be returned to the town hall. Mr. Steward reminded residents about the Master Plan project and the need for input/ideas/comments from the public.

**NEW BUSINESS**

Map 32 Lots 1-139, 1-140, & 1-142	Spaulding Hill Road – Proposed open space subdivision with wetland conservation district (WCD) impacts – Presentation by Shayne Gendron of Edward N. Herbert Associates, Inc.
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Mr. Gendron was before the Planning Board 2 weeks ago to discuss pre-design review for the subdivision prior to filing their application. The property is 2 lots for a total of 43 acres. There is an existing home on one of the parcels which will become one of the lots in the subdivision. All homes will be designed as 4 bedroom homes. There is an easement down the south edge of the property to access a land locked parcel along the Pelham/Hudson town line.

The conventional subdivision can be designed to meet all town requirements. The other option is an open space design. Both designs will propose 25 lots. The conventional subdivision will have 25,178 square feet (sf) of WCD impacts and 968 sf of wetland impacts. The open space option would have 1,000 linear feet less impacts for roadway. Wetland crossings, and driveway impacts would be reduced. The open space subdivision is proposed to have 4,183 sf of WCD impact and no wetland impacts. Twenty acres (48%) of the lot would be preserved as open space.

Two wells currently exist on the property. One well will pump 12 gallons per minute and the other 8 gallons per minute. These wells will be used as a community water system for the open space subdivision. The wells will be located within the open space of this subdivision and will require an easement for a pump house and storage house. If the development is designed as a conventional subdivision, there will be a well on each lot and these two wells will be incorporated into the lots they sit on. The wells were drilled by Young Brother Company. The drilling was not overseen by any town officials. The wells were drilled in 2004 or 2005. They were tested about a year ago. Planning is going through the process of reviewing the well tests. The wells will need to periodically be accessed if they are community wells. This could be done by a gravel driveway between lots 4 and 19 so as not to cross any wetlands to maintain the wells. This easement between these lots should be clearly specified on the plan.

Lewis Engineering will design the water system. This is not done yet as the plan is in a pre-design stage. Lewis Engineering is confident they can get the water needed for this development from these wells. Mr. Steward asked if there was any plan for a study on how the water used for this development would affect the surrounding properties. Mr. Gendron does not do permitting for wells, but believes there would be a 48 hour pump test to make sure the water will be available for this development without affecting surrounding homes.

Mr. Steward asked if Mr. Gendron heard of the Selectmen's vote last night to have a moratorium on building in the area which is related to water availability in already existing homes. Mr. Gendron had not.

Mr. Bowden favored the open space concept as the wetland crossings would be eliminated and the WCD impacts would be less. He asked about the costs and benefits for the developer related to both subdivision options. Mr. Gendron explained the conventional lots are worth more because the lots are larger and homes can be larger, but the much larger road must be built and paid for upfront which is a major cost to the developer. The open space subdivision costs less to build, but the lots have a lower value. Mr. Gendron thinks the overall cost/benefit is similar in both types of developments.

Ms. Kamal commented the land has been absorbing a lot of water. When the development occurs, there will be a lot less water absorbed because of impervious surfaces. Mr. Gendron has not fully engineered either of these plans at this time. No detention systems have been designed. He will only fully engineer one plan. Once the decision has been made which type of subdivision to design, then the plan will be engineered. A drainage study will be done which will be reviewed by Steve Keach, the town engineer and Alteration of Terrain (AOT) at the state level. The laws and rules specify water discharge from the site cannot increase after development.

All members of the Commission expressed concern about the quantity of water that will be available for this subdivision and if water for this subdivision will be pulled from the same aquifer which will affect existing residents with wells in the area. There have been multiple

complaints from residents in the area about wells running dry. Mr. Gendron said several abutters expressed concern at the Planning meeting. Planning also has concerns.

Mr. Gagnon was not able to attend this meeting, but did write an email to Mr. Montbleau, the owner, at his request for comment. Mr. Stanvick requested this email be include in the minutes (See Appendix A). Mr. Gagnon asked Ms. Mackay to bring his concerns, as stated in the email, to the public meeting. Ms. Mackay agreed and specified at the meeting the following concerns were from Mr. Gagnon. He felt the conventional subdivision was not realistic. The driveway crossings seem as though they would not pass town or state regulations. The yield plan may not yield 25 lots. Lot 17 should be eliminated as there is no space for a yard or pool. Lots 15 and 16 should be combined. All residents should have access to the open space and there should be connectivity to lot 1-144. Mr. Gagnon would like to see lot 1-144 protected as town land or an easement. There should be a discussion about the open space as to whether it would stay with the subdivision or become town land.

Mr. Gendron answered some of Mr. Gagnon's concerns. This project is pre-design. It is not a formal application. Mr. Gendron is looking into which direction to take the project so no lots are finalized. There is plenty of space for discussion and changes to the plan. Mr. Gendron is going to ask for 25 lots, but Planning may not grant that amount. There will need to be an easement for the well heads in the open space plan. Residents will have access to the open space which can be discussed as the plan comes together. Lot 1-144 will have a stub road/cul-de-sac. There is no plan to build this out at this time, but the lot may be built in the future. Any open space land can be discussed as to whether it will be owned by the residents of the subdivision or become town land.

Ms. Mackay generally felt the open space plan was a better use of space. She would like to see fewer total lots and fewer lots with wetland and WCD within the lots. The slope of the road in the conventional subdivision is 8 percent in some places. Eight percent is allowed by the regulations, but is a steep grade. The land slopes down into the lot. The open space design has a more gentle road grade. The road should be moved/adjusted so lots could be adjusted to have less WCD impact. Ms. Mackay will be requesting a site walk for this project when the fully engineered plan is presented.

Mr. Stanvick would like to hear from the well experts to discuss the system and the gallons per minute. Lots should have more usable space and less wetland and WCD within the lots. We have problems, once properties are sold, with home owners expanding their yards into WCD and wetland areas. All WCD's should be clearly marked. He would like to see a better, more permanent system than posting placards on trees as sometimes home owners cut the trees down, and then the signs are gone. Mr. Gendron said some towns use metal, garden stakes to mark the area. These can be pushed over or pulled out, often easier than cutting a tree.

This development will have a home owners association (HOA). Mr. Gendreau requested language be added to the by-laws to specify no individual home owner could drill their

own well. He has observed in other subdivisions with community wells that individuals will drill their own wells for the purposes of irrigation. This area already has problems with the quantity of water available for residents. Irrigation cannot be a water use when some homes in the area cannot get enough water for basic necessities.

Ms. Loosigian noticed lot 1-142 was not being used in the open space plan, but was included in the conventional subdivision. The lot is 1.8 acres and has frontage on Spaulding Hill Road. This lot could be split to 2 lots, then some of the other lots with wetland and WCD areas could be taken away. The road could be adjusted to pull lots and road areas out of the WCD. The open space layout does not require 200 feet of road frontage.

**Public Input:**

Mr. Jim Tourtillotte is concerned about the development. There are 55 houses proposed on Sherburne now 25 houses on this lot. A multitude of wildlife species live in the area. He has heard coyotes hunting at night. Seen eagles flying over and beaver dams and lodges in the wetlands. He would like to see the land be owned by the town as a natural habitat. He said houses need 4 gallons per minute per house so these two wells would need to pump 100 gallons per minute to have 25 houses. He would like the Commission to ask for a study to be done on wildlife. Mr. Tourtillotte reiterated the Selectmen's moratorium (vote 4-1 in favor) on building in this area because of the water issues. Mr. Steward said we could ask for a study. He said the town would love to own this land, adjacent land and the Burton land, but that is not the case at this time. This case now is to decide whether we should support an open space development verses a conventional development.

Motion: (Stanvick/Gendreau) to recommend we support the open space concept for this development.

Vote: 7-0-0 in favor.

**WALK IN ITEMS:**

Mr. Abare and Ms. Kamal have been working with Nashua Regional Planning Commission (NRPC) on a Conservation Plan. They have been gathering information about land, wetlands, vernal pools, aquifers, watersheds, open fields, trails systems, etc. They have been comparing information written in the last Master Plan and other town plans with realities on the ground today. Some of the suggested points of action from these older plans were not taken and now we are facing conditions that were predicted in the plans. In the 2002 Master Plan there were defined pressures on water resources and future water resources. We are now facing these challenges as the town becomes more developed. Water resources must be monitored and maintained in town.

Peat lands are critical resource. They are 3 percent of the world's area, but sequester 33 percent of the world's carbon. Peat lands take millions of years to develop. They are boggy areas that stay wet. Our town has small pockets of peat lands (Golden Brook, Musquash, Bridge Street and near Dunlap farm), but none are protected. This habitat supports rare plants and animals. Setback distances to wetland districts are on the ballot next week.

Wetland areas need to be restricted further in the future. The WCD areas need to be protected so they may perform as intended to protect the wetlands. There are unnamed brooks in town. Mr. Abare would like us to try to get these water bodies named. Perhaps with involvement of the girl scouts and boy scouts. If these bodies are named, there may be more care taken to protect them. Overall, Mr. Abare and Ms. Kamal are looking for more community input. The Master Plan is being rewritten and town residents are asked to bring ideas forward. There could be a subcommittee of Conservation to look at educating the public about our natural resources.

Mr. Stanvick would like an update from Forestry as to off highway recreational vehicle (OHRV) damage on trails. Mr. Bowden has noticed less traffic and less damage at Peabody Town Forest. Mr. Stanvick asked Mr. Gendreau about the OHRV Committee. The Committee has not met since about September. The group has stalled which is a concern for Mr. Stanvick. We are nearing the time allotted for the OHRV Committee to come to a recommendation to the Selectmen and it seems there is no new information. Mr. Stanvick has noticed Zoning Board of Adjustment (ZBA) seems to be more concerned about Conservation issues. Ms. Dena Hoffman, the town environmental regulation compliance specialist, has been mapping the location of all detention basins. She is working on plans for inspection and repair of all basins.

#### **MINUTES:**

Motion: (Kamal/Abare) to approve the minutes of January 11, 2023.  
Vote: 5-0-2 in favor. Loosigian and Bowden abstained.

Motion: (Kamal/Abare) to approve the site walk minutes from the joint walk with ZBA in December 2022.  
Vote: 3-0-4 in favor. Loosigian, Gendreau, Mackay and Bowden abstained.

#### **ADJOURNMENT:**

Motion: (Abare/Gendreau) to adjourn.  
Vote: 7-0-0 in favor.  
Adjourned at 8:28 p.m.

Respectfully submitted,  
Karen Mackay,  
Recording Secretary

## Appendix A: Email regarding lots 32/1-139, 1-140, 1-142

Karen,

Here is the email I sent to Roger. Please bring these issues up for discussion at the upcoming CC meeting. Sorry I can't be there.

Thanks

Paul

----- Original Message -----

From: PAUL GAGNON <paulrgag@comcast.net>

To: Roger Montbleau <r\_montbleau@msn.com>

Cc: Karen Mackay <krmmackay@yahoo.com>, Al Steward <steward.al@gmail.com>

Date: 03/05/2023 3:57 PM

Subject: Re: Fw: Plans presented - Spaulding Hill Road

Roger,

Since you asked for my opinion, I thought it best to deliver my comments to you, and copy them to Karen and Al. We try not to send emails around between members of the CC unless we are on camera and our comments are public. But, since you asked, I think it is okay for me to respond to you and copy Karen and Al.

First, let me say I did my best to review these plans, on a laptop but it is difficult to do that so it took me quite some time to understand everything. Roger, I'm going to be perfectly blunt with both my good and bad comments.

First of all, I do not think the conventional subdivision is realistic. There is far too much wetland and WCD disturbance. I do not think such a design would get through the NH DES approval process or the Town's process. Also, I question whether anyone would actually build something like that. For example, lots 139-4 and 139-5 have long driveways and a bridge. Worse still, lots 139-6 and 139-7 have even longer driveways and two bridges. One of the bridges is almost 50' in length. I don't think NH DES would approve of this much wetland disturbance to jamb in a few more homes. In addition, how could one afford to build two big bridges to get to only two homes and make money? To me, the conventional subdivision should only contain 19 or 20 homes.

This, to me, is the biggest problem we have with our open space subdivision process. That being, the conventional proposal is not scrutinized. People just look at it and say, that's ugly, lets go with the open space subdivision. As a result, more homes are allowed than would have been if the conventional subdivision were put through the full process.

Needless to say, I prefer the open space subdivision. But, I think lot 142-17 should be eliminated. It is all wetland or WCD. The home is being crammed in a corner with no room outside the WCD for a shed, pool, garden, or lawn. That homeowner is sure to either violate our WCD rules or go to the ZBA for a variance because of lack of yard space. Similarly, lots 142-15 and 142-16 should be combined into one lot. That would provide enough uplands for a home and a yard. With two lots, we have the same problem as lot

142-17. Combined, they allow for a home and yard comfortably. Bottom line, I support the open space subdivision with two fewer homes.

Here are some questions I would like to see answered at the meeting.

1) How much WCD and wetland disturbance is associated with the conventional and open space proposals?

2) The open space lot does not appear to have frontage on a road but I think it should, so everyone from the subdivision would have access to it, not just those who abut it.

3) Does the open space lot abut lot 1-144? In other words, does the open space lot go behind lot 1-142-12? If I'm reading the plans correctly, it does but I just want to be sure since I think connectivity to lot 1-144 is important.

4) Are there any structures in the open space other than the two wells?

5) Will the open space lot be offered to the Town as often happens with open space subdivisions?

6) This question has no bearing on my comments above. As you know, since we have discussed this in the past, I would very much like to see lot 1-144 protected along with the two lots, to the north, owned by the heirs of Eleanor Burton. I see that a "temporary" cul-de-sac is proposed at the end of the road that abuts lot 1-144. Do you plan to develop that lot as well? Please consider selling that lot to the Town or placing a conservation easement on it. Needless to say, what you chose to do with that lot has no bearing on this proposed open space subdivision. I just want to reinforce the idea that the Conservation Commission would very much like to protect that land. It would be a great addition to the Cutter Spaulding Town Forest.

As for the community wells vs private wells, I am no expert but you said one well has a 12 gpm capacity and the other 8 gpm capacity. My understanding is the Town requires a private well to have a minimum of 4 gpm. Again, I'm no expert, so perhaps two houses don't need an 8 gpm well but if they do, the two existing wells will only supply 5 houses, not 23. That would be less than 1gpm per home. Perhaps a combination of the two community wells with some private wells will be necessary. I suggest this be discussed at the meeting.

Roger, I've know you for quite some time and I respect you. I've tried to be completely transparent and fair in my comments. Please consider my suggestions. I really think this will be a nice subdivision with considerable open space. But, eliminating two homes and having the open space have frontage on the road will make it considerably better, perhaps even make it a model open space subdivision, in my humble opinion.

Thank you for reaching out. I hope the meeting goes well.

Paul