

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

MEETING OF 04/12/23

Members Present:

Karen Mackay, Paul Gagnon,
Al Steward, Mike Gendreau,
Ken Stanvick, Dave Abare,
Kelvin Webster, Scott Bowden (alt)

APPROVED 05/10/23

Members Absent:

Kara Kubit (alt)

Al Steward brought the meeting to order at 7:03 p.m. Mr. Steward led the Commission in the Pledge of Allegiance. He introduced the newest member of the Commission, Kelvin Webster. He welcomed Mr. Webster and thanked him for volunteering. Mr. Bowden was invited to participate in the meeting, but would not be able to vote as there are 7 full members present.

ELECTION OF OFFICERS:

Motion: (Gendreau/Stanvick) to elect Karen Mackay as Secretary.

Vote: 7-0-0 in favor.

Motion: (Mackay/Stanvick) to elect Mike Gendreau as Vice-Chairman.

Vote: 7-0-0 in favor.

Motion: (Gendreau/Gagnon) to elect Al Steward as Chairman.

Vote: 7-0-0 in favor.

NEW BUSINESS:

Map 22 Lot 8-118	9 Main Street – Proposed single family home to be built on a mixed use property – Presentation by Nick Loring of Benchmark Engineering, Inc. and the homeowners the Prudhomme’s
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This property is in a mixed use zone (MUZD). The building on the front portion of this lot had an approved site plan in 2018-2019 for the construction of a building with businesses on the first floor and 2 apartment units above. A parking lot is located behind the building. Zoning ordinances have changed since that time and now Conservation must be allowed the opportunity to give input, to Planning, on all projects in the MUZD. The front building will remain the same, but an additional single family home is proposed on the rear of this lot.

Conservation will comment on the rear proposal only. The project will go back to Planning after comment from Conservation. A new/updated site plan will be designed to present to Planning. There are no wetlands on the site.

A driveway easement runs along the east side of 9 Main Street and provides access to another property. A detention basin is to the east of the driveway easement at the far rear of the property. The basin was designed to be oversized for the initial development of the business/apartment units because the owner wanted to make sure there would be capacity if the rear of the property was developed. This detention basin will accommodate all the runoff from the initial development and the new proposed single family home.

The proposed new home will have 3 bedrooms and an attached garage. They have allotted 30x40 feet for the house with a 1,200 sf downstairs and a 1,000 sf upstairs. There will be approximately 4,000 square feet (sf) of impervious surface including the home, garage and driveway. The property will have a private septic system and town water.

Members were shown multiple photos of the proposed development area from different angles. The lot is wooded from the stone wall, located in the center of the property, to the rear property line. Multiple trees will be cut to create space for construction of the home. Most of the trees to be removed are pines. There are some oaks and maples that the homeowner would like to keep as they are on the edges of the property. There are also some young maples along the edge of the parking lot that were planted when the front building was developed. Mr. Gagnon asked the applicant to maintain as many trees as could be safely kept.

Mr. Gagnon said the new regulations require a 50 foot setback from other properties. He said this does not make sense as that would limit a property severely. Mr. Loring said they are in discussion with Planning about this limit as it does not make sense for this type of lot. The regulation is too tight for this lot. Clarification is needed for how to interpret this regulation. Other regulations require a 15 foot setback to side lines. This discussion will continue with Planning.

The stone wall in the center of the property will be relocated to the property line. All stones will remain on the property.

Ms. Mackay wondered if we should see the property because of the new ordinance. Mr. Gagnon thought this was unnecessary as we saw multiple photos and there are no wetland or wetland conservation district (WCD) impacts for the development. Other members agreed. Ms. Mackay conceded the point and agreed to no site visit.

Public Input:
None.

Motion: (Stanvick/Abare) Conservation has no objection to the plan as described/presented with a request to leave as many trees on the property as can be safely allowed.

Vote: 7-0-0 in favor.

Map 7 Lot 4-180-22	24 Benoit Ave – Zoning Board is requesting Conservation input for a variance to remove 3 trees in the WCD to install a ground mounted solar array – Presentation by Brett and Paul Gagnon
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Mr. Paul Gagnon recused himself from this case because he is related to the applicant and is building this project.

Mr. Stanvick saw this case as a member of the Zoning Board of Adjustment (ZBA) and requested the applicant come before Conservation because there was impact to the WCD.

Mr. Brett Gagnon will be moving into town to this property after it is built. He went to ZBA 2 nights ago for a variance to remove 3 trees from the edge of the WCD in order to maximize the function of a solar array throughout the year. He is proposing to build a single family home on the 5 acre parcel. The home is designed to be a net zero home. Electricity for the home will be supplied in large part by a 13.5 kilowatt solar array.

Three trees are proposed to be cut so the solar panels can have full sun every day throughout the year. Two trees are located at 40 feet from the wetland. The third tree, as measured today, is 52 feet from the wetland. This tree is outside the WCD, but when the variance was filed they were not sure and included the tree. These trees will not cause a problem for the solar panels for 6 months out of the year, but during the winter the trees will cast shadows on the panels because of the low angle of the sun.

The trees are located in the front of the house. The solar array will be built in the rear of the house. The house faces south, as will the solar panels. The driveway enters the property from the south and was permitted by the previous land owner.

Mr. Brett Gagnon made the case that the 3 trees remove 150 pounds of carbon dioxide. The solar array he is proposing will save 9,000 pounds of carbon dioxide from entering the atmosphere which would be a net benefit to the environment. Ms. Mackay felt that if 3 trees are to be removed, than more vegetation should be planted out to the 50 foot buffer. Carbon dioxide is not her main concern related to these trees. She does not want rain beating down on exposed soils causing erosion into the wetland.

Ms. Mackay disclosed she knew Brett Gagnon and has known Paul Gagnon for many years. She said she knew they were people concerned with the environment. The issue is the Commission has given every person who has come before us a hard time about removing vegetation from the WCD. She wants to be consistent across applicants. If an applicant wants to take vegetation out of the WCD, then there should be an effort to add vegetation to the WCD. The WCD provides space to filter and slow down water prior to it entering the wetland.

Mr. Stanvick felt the lot size was large with a small impact for these 3 trees to be removed. Trees should not be felled into the wetland. Mr. Gendreau disclosed he had known Mr. Paul Gagnon for years and knew the type of people they were and knew the type of project they

wanted to build. He thought we need to be tough with the WCD because of precedent we may be setting. We must ask for some compensation for the removal of vegetation from the WCD. Mr. Stanvick wanted a quantitative recommendation such as 10 blueberry bushes for each tree removed. Members went back and forth about whether to designate a specific number and species of plants or whether to designate a square footage (area) of space to plant. Mr. Brett Gagnon offered to plant 15 shrubs in the area of the removed trees. The Commission agreed this was a reasonable compromise.

Public Input:
None.

Motion: (Stanvick/Abare) to recommend to the ZBA that the 3 trees could be removed with the stumps to remain in place, the trees not be felled into the wetland and 15 shrubs of the owner's choosing be planted in the area of the downed trees.

Vote: 6-0-0 in favor. Mr. Paul Gagnon had recused himself prior to the discussion of this case.

WALK-IN ITEMS:

Mr. Stanvick attended a ZBA site walk on route 38 where there was no off road parking. The speed limit was 50 mph. The parking and walking on the road was dangerous. He was reminded that Ms. Mackay had her car totaled at a site walk on route 38. He suggested there should be a police detail present for these type of site visits. If necessary the applicant should pay for the detail. Mr. Steward asked Mr. Stanvick if he could contact the Safety Committee to get them involved. Mr. Stanvick agreed to look into it.

Mr. Stanvick asked about the Off Highway Recreational Vehicle (OHRV) Committee. The Selectmen voted to extend the Committee for one year. There have been recent minutes approved, but may not be posted yet. There have been no more discussions on the Committee and no future meetings have been scheduled at this time.

Mr. Steward said the Department of Environmental Services (DES) accepted a shoreland permit for 4 Andover Street. The application was to make changes on the property. DES has also accepted the Long Pond Clean Water Committee permit regarding using ultrasonic devices to control cyanobacteria.

Mr. Steward said the Conservation Plan was coming along. Mr. Abare is working on it with Nashua Regional Planning Commission (NRPC).

Mr. Steward said he has a new handbook from the NH Association of Conservation Commissions.

Mr. Steward recently received a complaint call from someone on Little Island Pond that someone was trapping beavers. He contacted NH Fish and Game and found out that trapping is allowed until April 10. There are no bag limits. After April 10 trapping is allowed if beavers are causing damage to property or roads. Mr. Stanvick said individuals need a license

to trap. He said people should contact Fish and Game if they are going to trap to make sure they are doing the right thing.

MINUTES:

Motion: (Gendreau/Abare) to accept the minutes of March 8, 2023

Vote: 5-0-2 in favor. Gagnon and Webster abstained.

ADJOURNMENT:

Motion: (Mackay/Abare) to adjourn.

Vote: 7-0-0 in favor.

Adjourned at 8:29 p.m.

Respectfully submitted,
Karen Mackay,
Recording Secretary