

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

**MEETING OF 01/10/24**

Members Present:

Karen Mackay, Ken Stanvick,  
Mike Gendreau, Paul Gagnon  
David Abare, Jesse Vaughan (alt)  
Scott Bowden (alt), Kelvin Webster

**APPROVED 02/14/24**

Members Absent:

Kara Kubit (alt) Al Steward

Mike Gendreau brought the meeting to order at 7:01. Mr. Gendreau led the Commission in the Pledge of Allegiance. Mr. Gendreau appointed Mr. Bowden as a voting member for this meeting.

**OLD BUSINESS:**

Map 29 Lot 7-117	135 Bridge Street – Proposed redevelopment of the site with wetland conservation district (WCD) impact. Presentation by Joe Maynard of Benchmark, LLC., Julie Michaud, property owner
------------------	---

The Commission conducted a site walk of this property last month. After the site walk, Mr. Maynard read through multiple deeds from the property and figured out the easements on the land. The easement on the south side of the property was to a rear lot. In 1991, the lots were joined to one lot so the easement was no longer needed. Mr. Maynard's client owns the entire property. She has no intention of ever developing the rear land. In addition, the rear land is flood plain, WCD and wetland. The easement to the north side of the property ran along the lot line then turned and ran along the rear lot line, behind the proposed location of the building. When the bank was built, the easement was agreed upon, and changed to be a 68 x 62 foot rectangle along Bridge Street. Mr. Maynard jogged the building to keep it outside the easement. Nothing can be built within the easement.

Mr. Maynard was able to add 2 additional parking spaces on the north side of the building because the easement no longer runs to and along the rear lot line. This brings the building into compliance with the regulations for number of parking spaces per square footage. He also moved the septic system from the south side of the building to the north so it would be outside the WCD and would not need a variance from the Zoning Board of Adjustment (ZBA). He moved the underground detention basin from the north side to the south side of the building. The underground detention will now be located within the WCD. This basin is used for storm water runoff from a portion of the parking lot and the entire roof. The basin meets the town regulations for no rate of increase flow, capacity and pretreatment of runoff prior to discharge into the wetland. Any additional runoff will flow toward Bridge Street and enter the ditch/culvert that currently runs along Bridge Street.

The building will be 4,000 square feet (sf), the same size as the previous plan. Some of the square footage, from the jogged portion of the building, will be added upstairs. There is proposed to be 420 sf of office and break room space upstairs. The salon is proposed to be 2,900 sf at this time. The end rental unit will be approximately 800 sf. This area may be used by the salon at some future point in time.

The land has a 4 foot thick layer of dense fill that reminded Mr. Maynard of the fill from the Pelham Plaza. He suspects the fill came from the Plaza when it was built. Below the layer of fill is a sand and gravel layer that is typical of the soils found in the center of town and along Beaver Brook.

Gas tanks from the defunct gas station were removed in 2015. The state has been monitoring wells for many years with the goal of monitoring them for 20 years. The monitoring wells have come up clean for many years with no residues of gas, oils or gas products/byproducts. Testing is done 2-3 times per year. The state does all the monitoring. The current land owner has no responsibility or cost for the monitoring. Members asked who would be responsible if there was a problem with the monitoring wells. The land owner was assured by the state, in writing, prior to her purchase of the land, that she would not be responsible. Further, state officials told her they did not think there would be any issue with contamination at this point.

The underground detention system will work in a similar manner to an above ground detention pond. The system will collect water from the roof and part of the parking lot. The lot has a deep water table so this type of detention will work well. This system will handle a 25 year storm as required by regulations. The system will be entirely underground. The area of the system will be grassed over. The advantage of this type of system, over an above ground detention pond, is there is no need for steep side slopes and grading which increases the impacts to the WCD.

The detention basin will be privately owned. The town will not be responsible for its care, the owner will. There will be a maintenance schedule for the system. The system will have a catch basin to collect water. The water will be piped into the system where plastic chambers slow and detain the water. A fabric lining is placed under the chambers to catch sediments. Sediment are also captured in the catch basins. These areas are to be vacuumed out on a regular basis. Often yearly, cleanings are undertaken. If the sediments are minimal, cleanings may be pushed to 2 years or longer. An outlet structure will allow water to flow from the system at a slow rate.

There will be approximately 2,000 sf of permanent WCD impacts and 2,000 sf of temporary WCD impacts. The permanent impacts will be for the building. Temporary impacts will be for the installation of the underground detention system and for grading/work space behind the building while work is being done. Blueberry bushes will be planted behind the building after construction is complete. Mr. Maynard thinks they will do well as the soils are acidic and blueberries like acidic soils. Grass will be planted on top of the underground detention system. The current impervious surface of the lot is 9,000 sf. The proposed impervious surface will be 11,000 sf.

Mr. Gagnon observed the site on December 19, 2023 when Beaver Brook was flooding and some roads were closed. He saw 3 flood plain stakes and the water was exactly up to the stakes that measured the edge of the flood plain. He is satisfied no flood storage will be lost with this development. He could

see the water running under the bank at the same time. He is happy with the improvements made to this plan with the septic moved out of the WCD and the plantings around the building. The underground detention and 2 additional parking spaces are a positive.

Mr. Bowden said he had spoken to Craig Day at Shoreland Protection at Department of Environmental Services (DES) about the thin wetland finger on this lot. Mr. Bowden questioned if it would be practical to move the finger wetland so as to not have a loss to the wetland. He questioned if the wetland was moved, would the impacts be less. Mr. Maynard said it would not reduce the impacts and he does not ever want to apply for a Dredge and Fill permit from the state unless it is absolutely necessary. The state looks at avoidance and minimization. Can this wetland be avoided for this project? Is there a need to fill this wetland for a purpose? This is not needed on this project so Mr. Maynard does not think this is a good idea.

There was a state approved septic system installed on the site in the early 1970's. This system may be dug up in the process of this redevelopment project. The exact location of the septic is not known. Mr. Maynard said often these old systems would get approved and placed on the site, but may not be in the exact location described on the approval plans. The redevelopment should pose no problem in relation to this system.

Public Input:  
None.

Motion: (Gagnon/Stanvick) to recommend the revised plan.  
Vote: 7-0-0 in favor.

Map 32 Lots 1-139, 1-140, & 1-142	Spaulding Hill Road – Proposed open space subdivision with WCD impacts – Presentation by Shayne Gendron of Edward N. Herbert Associates, Inc.
-----------------------------------	---

This project is a proposed open space subdivision. Last year, Mr. Gendron went before Planning and discussed a conventional verses an open space subdivision. Planning preferred the open space subdivision. Two lots are proposed to be combined then subdivided into 23 lots. One lot on Spaulding Hill Road currently has a house. An additional lot on Spaulding Hill Road (lot,1-140) is proposed as a conventional lot. This lot will receive water from the new subdivision wells, but is not an open space lot. Water is a major concern in this part of town. Most abutters are concerned about having enough water. This property currently has 3 wells that were drilled several years ago. They will be used as a community water system. Recently, a 4 hour pump test was done on the wells.

Mr. Gendron has been working on the application for this project. The land slopes down to the west from Spaulding Hill Road to the rear lot line. There are no wetland impacts. There are approximately 33,760 sf of WCD impacts. Most of these impacts are for grading related to roads and the detention basin. There is a road that is currently being used, down to the proposed detention area and to the wells. This road must be maintained as it will be needed by the town for access to the detention pond and will be needed by the community water company. Mr. Gendron expects the water system will eventually be managed by Pennichuck or Hampstead Water Systems. The water company needs access so it may maintain the pumps and filtration equipment.

There will be approximately 2,050 linear feet of roadway for the two roads within the subdivision. The road will be 24 feet wide with closed drainage. The open space subdivision has the benefit of reducing the road length by 1,000 linear feet from the conventional subdivision. Another benefit of the open space plan is the conservation of 22 acres of land for open space.

Mr. Gagnon asked if coming off the end of the cul-de-sac would be a viable option for access to the wells and detention. He is hesitant because this would require a wetland crossing, but suggested it be explored because there is so much prime wildlife habitat in the area with the multiple wetland fingers running through the property. This could reduce the road length to the wells and detention area. Mr. Gendron said it would be a significant wetland crossing of about 20 feet. He said the road proposed for access to the wells and detention is an already existing old woods road. The road will not be paved, but may be graveled in order for trucks to drive down to the wells and detention area. This road is proposed to be used a few times a year for maintenance of the basin and wells. Ms. Mackay suggested the road be kept in its current location instead of running behind multiple houses. Perhaps the lots could be arranged to fit the road between them. This may reduce the length of the road and also not cross a wetland.

Mr. Gendron mentioned at a future meeting we could possibly discuss if the town is interested in acquiring the open space portion of this lot.

Public Input:

None.

Motion: (Gagnon/Abare) to conduct a site walk.

Vote: 7-0-0 in favor.

Site walk is scheduled for Saturday, February 3, 2024 at 9:00 a.m. Parking will be at 31 Spaulding Hill Road.

### **WALK IN ITEMS:**

Mr. Steward asked Ms. Mackay to mention a new Shoreline Phosphorus Ordinance that he has been thinking about and would like to explore with the Commission. He provided an outline of the proposed ordinance that mentions there should be a state approved septic system on file with the state within 250 feet of all Pelham's great ponds. He suggested fertilizers, soaps and detergents be added to the requirements and possibly limits to road salts. Mr. Stanvick thinks we should hold off on discussing this until Mr. Steward is in attendance. He thinks this could become complicated as to what to include, how to enforce, and who would be responsible for enforcement or investigations.

Ms. Mackay submitted a monitoring report for the Dunlap property (Pelham/Dracut town/state line) to the Forest Society. The property is a working farm. Pelham has an easement on 17 acres which is mostly field with some forest. The property is in good condition. Property was monitored in October.

Ms. Mackay submitted a monitoring report to LCHIP for the Little Island Pond Conservation Area located off Dutton Road. The property is 22 acres of forest land. The land was logged over 10 years

ago. The property has a large loop trail. The forest is early successional with thick pine cover. The condition of the property is good. Boundary markers are in poor condition, but will probably not be remarked until the next harvest.

Mr. Stanvick would like to get copies of the NH Planning and Land Use Regulations for the members of this board. He has a copy from his work on ZBA and thinks it is a good resource for us too. The book has a lot of information about board responsibilities. He is not sure if it is available online, but he prefers a hard copy that can be highlighted and brought to meetings. He said he could go to the Planning Department and see if he can get copies for us. Members agreed this may be a good resource for us.

### **MINUTES:**

Motion: (Abare/Stanvick) to approve the minutes of December 13, 2023.

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

Motion: (Stanvick/Abare) to approve the non-public minutes of December 13, 2023.

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

Motion: (Gagnon/Gendreau) to approve the site walk minutes of December 16, 2023.

Vote: 4-0-3 in favor. Webster, Abare, Mackay abstained.

### **NON-PUBLIC SESSION:**

Motion: (Stanvick/Abare) to go into non-public session to discuss land acquisitions in accordance with RSA 91-A:3, to seal the minutes of non-public, to adjourn after non-public.

Vote: 7-0-0 in favor.

Adjourned at 8:28 p.m.

Our next meeting will be February 14, 2024.

Respectfully submitted,  
Karen Mackay,  
Recording Secretary