MINUTES OF THE
CONSERVATION COMMISSION

MEETING OF
December 2, 2015

A meeting of the Conservation Commission was held on December 2, 2015 at the Salem Town Hall, 33 Geremonty Drive, Salem, NH.

PRESENT: Stephanie Giallongo, Vice-Chairman; Larry Weil, Secretary; Stephen Campbell, Selectman’s Rep; Ruth Isaks; Thomas Campbell; Darlene Eden, Alternate; and Ross Moldoff, Planning Director.

The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance. Vice-Chairman Giallongo introduced the commission members. She went over the agenda.

NEW BUSINESS

1. TOWN OF SALEM – Request for conditional use permit for wetland setbacks for new water pump station at 7 Commercial Drive, Map 105, Lot 10330.

Mike Unger, Senior Project Engineer, Underwood Engineers, is here with Jeff Clinton, Project Engineer, also from Underwood Engineers. We are working with the town on this project. The project is a water booster pumping station. The primary purpose of it is fire protection for the industrial park at Industrial Way and Northwestern Drive. He showed an aerial photo of the site and explained why this is being done. The Fire Department has been driving this project. There are also problems with the way the pump operates currently. The reason we are proposing it on Commercial Drive has to do with the hydraulics of the system. The location of this station is being driven by the hydraulics of the system and it needs to be where we are proposing it because that’s where the pressure zone starts. The town is pursuing an easement for this property. We are seeking a conditional use permit because the proposed building is within the 100 foot prime wetland setback. We had a wetland scientist delineate it. There is an existing access road that is partially paved that separates these two parts of the wetland. The proposed station is small, 20 feet by 24 feet. It is not a big facility. We are proposing to take out some paving and improve this gravel access road and create a small turnaround area next to the building. There is an existing tree line on the plan. We are maintaining a 20 foot buffer to the wetlands and a 48 foot setback to the building. It’s the prime wetland that is the issue. He then read through the criteria.

1. The purpose of the proposed building is to improve public safety. The building has been carefully sited off an existing gravel access road in an effort to minimize impacts to the wetlands buffer while also blending in with the surrounding environment, which complies with the intent of the wetlands ordinance.
2. The proposed building location was selected in order to maintain the existing boundary of the high pressure zone, which is one of the town’s goals for the project. All sites that are feasible for the hydraulics of the water system would impact the 100 ft. prime wetland buffer. The town is pursuing an easement from the landowner in order to construct the building. We understand, from discussions with the land owner as reported by town personnel, that the owner is agreeable to the easement as long as the building is cited in a location that compliments the surrounding landscape and is not visually obtrusive. Therefore, we have located the building off the roadway in a manner that will allow the existing tree line along Commercial Drive to be re-established after construction with proposed arborvitae buffer plantings.

3. There are no proposed impacts to the wetlands. The impact to the buffer is minimized to the greatest extent practical. A minimum 20 ft. buffer to all wetlands is proposed. Arborvitaes will be planted to help mitigate impacts and re-establish a wetlands buffer.

4. There will be no adverse impacts on neighboring properties. Existing drainage pathways will be maintained. The project will have a positive impact on neighboring properties by offering increased fire protection.

5. Jurisdictional wetlands were delineated by Gove Environmental Services, Inc. during August 2015 in accordance with 1987 Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1. The limits of wetlands and setbacks to buildings and pavement are shown on the attached site plan.

6. There are no proposed impacts to wetlands. The proposed building setback is greater than the 40 ft. minimum. Proposed impacts to the wetlands buffer are mitigated with buffer plantings, including arborvitaes proposed along Commercial Drive where existing trees are to be removed for construction. We have currently shown the driveway as being paved but will discuss with Public Works and Engineering the option of keeping it gravel if it would simplify the approval process.

7. We understand the project will be reviewed by the Conservation Commission on December 2, 2015.

8. There are no applicable State or Federal permits required for the project.

Tom Campbell asked, where were the other locations that you considered? Mr. Unger said other locations were across the street. The same property owner owns both parcels, but its right in front of their property. Also at the existing sewer pumping station that the town owns further down Commercial Drive, but in order to do that, we would have had to change where the pressure zone limits are. That would be a change to the operating pressure for this facility.

Tom Campbell asked, but it could be done? What is the prime showing on the maps? Mr. Unger explained.
Tom Campbell said, that’s a big difference between the mapped prime and what you delineated. Will you be doing a redelineation of the prime as part of this?

Mr. Unger said we weren’t planning to.

Tom Campbell said that’s a big thing, because if you are not doing it, then to him you are sitting in the prime wetland.

Mr. Unger said we will look into it.

Tom Campbell said he can’t support it. Can you move the building closer to Commercial Drive?

Mr. Unger said we may be able to move it a few feet, but we have to look at the drainage.

Mr. Moldoff explained that one problem is that the property owner wants the facility hidden behind the trees if possible. They are trying to balance it.

Tom Campbell asked, what kind of plantings will you have between the building and the prime?

Mr. Unger said the Gove Environmental has recommended sweet fern and there is also the 20 feet of existing forest.

Tom Campbell asked about drainage around the building? Is there any pavement around it?

Mr. Unger said yes, there is a 12 foot gravel turnaround.

Tom Campbell’s concern is runoff from the building. How is that handled?

Mr. Unger explained that on one side, we have a grass swale to direct drainage where it goes currently. And on the other side we have the road following its existing pitch.

Tom Campbell said that is another concern. That’s the way things are now, but you are adding a building and everything coming off the roof could potentially run off. He has a lot of concerns and he can’t support this right now.

Ms. Isaks asked, how will you power the pumps?

Mr. Unger said it is diesel engine driven and there is a double walled diesel tank inside the facility.

Ms. Isaks said these are usually powered by electricity because it is cheaper, cleaner and preferable near a wetland area. Is there a possibility of powering this with electricity rather than diesel?

Mr. Unger said we did look at that. There are two problems. One is cost, it is more expensive. Also it would still need back up power and the only two options are either natural gas or diesel. So we would have a diesel powered generator to back up the electric one.

Ms. Isaks said you indicated that you are also going to have propane tanks.

Mr. Unger said yes. The electricity to the building itself will have a small propane generator. He showed the location of that. The driveway is just a turnaround for town staff.

Ms. Isaks mentioned that if the building is closer to the road, you could eliminate the access.

Mr. Unger said the property owner doesn’t want it there, and also the town would have to park on the road. We felt a gravel access is less of an impact.

Ms. Isaks asked, do you need that for the diesel delivery?

Mr. Unger said yes.

Vice-Chairman Giallongo is considering runoff from the roof. Are there roof drains? How will it run off from the roof?

Mr. Unger said we hadn’t proposed any.
DRAFT

Vice-Chairman Giallongo mentioned the historical wetland boundary. Depending on the boundary, that line was delineated in August, if we were to redelineate it, that would be the line, right?

Mr. Unger said that would be his understanding. The access road is not wetland.

Mr. Moldoff explained that the process to redelineate is relatively simple. He explained the process. They can go through that process and it is not a big deal. They are balancing a couple of things on what the property owner will allow and where he will allow it, and also the need for this particular location. We asked them the same question that you did. We talked to them about providing buffer plantings and they have amended the request to do that. If they get approval here, they will have to go to the Planning Board for approval.

Tom Campbell mentioned, on condition 2, it says the town is pursuing an easement from the landowner in order to construct the building. Do you have that?

Mr. Unger said, no we don’t.

Mr. Moldoff said that Mr. Goodwin is negotiating with the property owners, and he said they are close to having it finalized. They can’t go any further with the project unless they get it.

Vice-Chairman Giallongo asked for public input. There was none.

Mr. Moldoff said one of the commission’s concerns is runoff. He asked Mr. Unger to address what can be done to address those concerns.

Mr. Unger said to create drainage it would have required more clearing. So we are trying to maintain the existing drainage ways.

Jeff Clinton, project engineer, explained that the drainage on the left side of the building would have required clearing more of the buffer. There is a culvert that connects the two wetlands. We don’t see good filtration typically.

Ms. Isaks asked, if you have a diesel spill, how do you see the wetlands being protected from that?

Mr. Unger explained. The tank is double walled and we have a floor drain that goes to the sewer with an oil/water separator between the building and the sewer.

MOTION by Tom Campbell to recommend that they not issue the conditional use permit for the following reasons: Although negotiations are in place, there is no current easement as stated in the memo in condition # 2. That should have been done before it came to this commission. Also, it is currently sitting in our mapped prime and there is no current redelineation being done. He has issues with the drainage. He understands more work has to be done, but it would have been nice to see that beforehand. Also, the generator and propane or diesel is within the 48 foot setback, which is a concern. The big one is that this could be put at the sewer pump station but it just would require increasing pressure and some infrastructure work. For that reason, this project should be up there.

SECONd by Ms. Isaks.
DRAFT

VOTE ON MOTION: 4 – 1 (Vice-Chairman Giallongo opposed).

Vice-Chairman Giallongo asked, will there be a follow up? Mr. Moldoff doesn’t know, they will have to figure it out.

2. BURKE – Request to replace retaining wall at 269 Shore Drive, Map 34, Lot 5169.

Shawn Burke is the owner of the property at 269 Shore Drive. He purchased the property in May 2012. The retaining wall that protects the land area of the property from the lake when full was in disrepair. When the house was built in the 1940’s, they had a poured cement wall around the property. The prior owners, when the wall began to fail, began to fill the area with cinder blocks and rocks, instead of repairing the wall. When the water rose, there was minor wetness on the land. The land has started to erode. It is continually wet with standing water on top. He spoke with his neighbors. He was looking for a contractor that was versed in repairs of this type, and he was given the name of Dave Minion, a contractor from Salem who also lives in the area. He met with him prior to filling out the application for repair. We agreed to keep the wall as is and make the repairs, keeping it the same footprint and checking the safety of the existing cement. The safety will be checked where it can and the new cement will be poured to make the wall safe and to fix it. There will be no mechanized equipment to be used on the shoreline or in the lake area. The wall will keep the existing footprint and it will be 12 inches thick. He discussed what the wall will be constructed of.

Mr. Weil asked, did you look at replacing the whole thing? Other sections may deteriorate also. Mr. Burke said the contractor will check for safety of the existing wall and Mr. Burke is willing to pay for the replacement of a whole wall, but he was under the impression of, the less disturbance of that area, the better off he’d be. It wouldn’t bother him to replace it, he is just trying to obey the rules and be the least intrusive to the water area as possible. He will gladly have the contractor replace any section in question.

Ms. Isaks asked, will you be digging down for more foundation and removing soil and sand? And afterwards, will you be replenishing the fill or no?

Mr. Burke said the only digging that will take place will be if, in the existing ledge, if the wall has to be torn down, they will install the anchor that is required. The soil wouldn’t be removed, just pushed back and replenished exactly the way it was. There will be nothing added.

Tom Campbell asked, you understand that this has to be done during draw down?

Mr. Burke said yes. If approved, it will go to the State and hopefully they will approve. Weather permitting the contractor can do the cement work as soon as possible or if not, in the early spring.

Tom Campbell mentioned, regarding other damage in the wall, he appreciates you doing the minimum work, but he’d rather you come in one time and do everything you need to do, rather than coming back for another permit. He prefers that you have your guy look at it and if more needs to be replaced, so be it.

Mr. Burke said he prefers that too.
Vice-Chairman Giallongo asked for public input. There was none. She echoed the same concerns, just do it all at once. Do you plan to replenish your beach at all when the project is done? Mr. Burke said no, because this is more of a peninsula on the right side of his property, but the beach area is on the left and won’t be disturbed. His neighbors accept that. We won’t be touching the beach.

MOTION by Tom Campbell, seconded by Mr. Weil to recommend that the State issue the permit as presented tonight, with the following two conditions: that it be done during drawdown, and all defective wall found during the inspection, be replaced.

VOTE ON MOTION: 5 - 0 UNANIMOUS

UNSCHEDULED COMMISSION MATTERS

Tom Campbell stepped down from the commission.

David Jordan, MHF Design Consultants, gave plans to the board. This is a discussion of the Putnam property on Zion Hill Road and Bluff Street. We put together a sketch, a conceptual layout of a subdivision of this property. We had aerial topographic mapping of the site completed. The site is around 165 acres. We had Gove Environmental Services flag the wetlands. There is a portion that will be conveyed to the Town of Salem. Prime wetland runs through the middle of it. There is another prime wetland area at the bottom of the plan. The total acreage of the top part is 72 ½ acres. That leaves 92 acres that Steve Hatem is proposing to develop under the open space development regulations. We will be coming in with a couple roads and developing single family house lots. Half of the 92 acres will be left as open space. The open space will be under a conservation easement managed by the town. We have taken into account the topography and wetlands. We still need to do onsite soil mapping and test pits. After that, the layout may change somewhat. In the area off Zion Hill Road there are steep slopes.

There are wetland areas dispersed throughout the property. Gove Environmental has identified a few of the wetlands as being potential vernal pools, which plays into the subdivision. There are a couple of lots and cul-de-sac coming in off Bluff Street. There are 35 lots total, two on Bluff Street. There will be no lots fronting on Zion Hill Road. He doesn’t see it as being more than 35 lots, and it may go down a few lots. We can commit to the boundary as shown on the plan. We still need input from this commission and the Planning Board.

Mr. Moldoff said a chunk of land is coming to the town adjacent to the town forest. That’s a good thing. They are protecting the prime wetland, and the prime wetland buffer, which is a priority. They have open space along Bluff Street, and there is an open field there and we talked about potentially getting a second access point to the town forest. There are several openings along the proposed road where there will be open space on one side of the road, which is a nice feature. There are some lots that are very tough. We will look at them in more detail.
Mr. Weil asked, what percentage of the total lot on average will be taken up by the house and driveway?
Mr. Jordan replied, about 50% for the house, driveway, septic system and the lot area around the house.
Ms. Isaks asked, will there be septic tanks or sewer?
Mr. Jordan said this is outside of the area serviced by town sewer. All these lots will have their own septic system and leachfield. We need to comply with Salem’s wetland setback, as well as the State’s. We will be bringing town water to the property.

Tom Campbell rejoined the commission.

OTHER COMMISSION BUSINESS

1. Review of minutes from November 4, 2015 meeting

MOTION by Mr. Weil, seconded by Tom Campbell, to approve the minutes of our meeting of November 4, 2015 as written.

VOTE ON MOTION: 5 - 0
UNANIMOUS

MOTION by Mr. Weil, seconded by Tom Campbell to approve the minutes of the non-public meeting of November 4, 2015 as written.

Stephen Campbell asked to correct the spelling of his first name. It should be “Stephen”.

VOTE ON MOTION: 5 - 0
UNANIMOUS

MOTION by Mr. Weil to approve the minutes of the site walk of October 31, 2015 as written.
SECOND by Tom Campbell with the correction to the spelling of Stephen Campbell’s name.

VOTE ON MOTION: 5 - 0
UNANIMOUS

2. Conservation Fund Report

Vice-Chairman Giallongo said we had interest income into Citizens Bank for the month of October of $2.50 and into Salem Coop of $84.73. There were no payments or deposits. The current balance in Citizens Bank is $294,874.49 and in Salem Coop of $249,956.78. The total balance of both is $544,831.27.
Mr. Moldoff said he is working to finalize the acquisition of the Braemoor Woods conservation parcel of about 31 acres on Veterans Parkway. We got a plan that’s been recorded, and he is working with our attorney and the property owner. The attorney has given Mr. Moldoff a request to do a title search for the property for certification of the title. It will cost approximately $175. Mr. Moldoff knew that the commission would be concerned about the total cost of legal fees, and the attorney said it would be about $500-$700 to finish up legal work on the property. He can get you his memo. He’d like to get the title search done in advance so we can get closer to closing on this property. The property is being donated to the town. It is on Veterans Parkway, the entrance to Braemoor Woods Road. Do you want to authorize that or do you need more information? Typically the applicant would do that, but the property owner is saying, he is giving the town the land, let them pay for the legal fees.

Vice-Chairman Giallongo asked, its 31 acres? Mr. Moldoff said yes. He doesn’t know what we have invested so far but he can get that number for you. Town meeting approved acceptance of the conservation land in 2010. We worked on it a couple of years before that. There were a lot of questions. Tom Campbell asked, so it should be $500 to $700 and then we will finally be done hopefully? Mr. Moldoff said hopefully. The $500 to $700 includes the title search.

MOTION by Mr. Weil, seconded by Tom Campbell to authorize up to $750 to be spent on legal fees and title search to complete the Braemoor acquisition.

VOTE ON MOTION: 5 - 0
UNANIMOUS

3. Conservation Commission Goals
Vice-Chairman Giallongo mentioned maintaining the farming community garden and trail at Hawkins Farm.
Tom Campbell said he hasn’t been in touch with Joan Blondin, but he will before the next meeting.
Mr. Moldoff mentioned that there is a gardener who has a plot and would be willing to help in terms of taking over. We talked about getting the Recreation Department, but we may have someone interested in doing that.
Tom Campbell suggested that if the Recreation Department is willing to take over and work with this person, that would be good.

Vice-Chairman Giallongo mentioned continuing conservation easement monitoring.
Mr. Moldoff said he and Mrs. Harvey met with Chris Kane and we got a memo, but there is nothing that has gone forward.
Vice-Chairman Giallongo mentioned the review and update of the 2001 master plan.
Mr. Moldoff said we have a draft update chapter that was produced by an intern working for the town, and he has given you a copy of it. Mrs. Harvey has worked on it. We gave all the
information to the intern. He will email it or get you another copy at the next meeting. We can put it on the agenda for the January meeting.

Vice-Chairman Giallongo mentioned updating the town forest trail map. She went out on November 8th, and she thanked the people who helped with the clean up, especially Bill Dumont and the other volunteers. Mrs. Harvey and Stephanie mapped the remainder of the trails to be put on the trail map as well as some of the interesting features. She hasn’t had a chance to work with the data but we have it.

Vice-Chairman Giallongo mentioned updating the GRANIT conservation land maps. Mr. Moldoff said we discussed it and it is on the list of things Chris Kane will get further information on. Chris has updated a lot of the maps and will let us know what he’s done.

Vice-Chairman Giallongo mentioned Salemfest.

Ms. Eden said, if you have any suggestions, let her know. It is fine with her.

Vice-Chairman Giallongo said she was thinking of doing a trash inventory and recycling campaign.

Vice-Chairman Giallongo mentioned reviewing the quality of the Geremonty Drive wetlands.

Ms. Isaks spoke with Sandy Crystal from DES, and she said they are still doing quality control review for all of the sites and some additional sites. As soon as the review is done, the data will be available.

Vice-Chairman Giallongo has notes from the last meeting. She asked if anyone has come up with any names for the Veterans Memorial Parkway land that we discussed.

Stephen Campbell said you had a long time member on the Conservation Commission, Earl Merrow. He has passed away, but he was very active with this committee for about 15 years. That’s an idea that comes to mind. His wife still lives in town. It would be a nice honor if something like that could be done since he served on your committee and was Chairman. He was always concerned about the environment and quality of life in Salem.

Mr. Moldoff said the property owner would like to have some recognition of the Lord Family. We can do a couple of things.

Tom Campbell suggested that the area from Geremonty to Toys R Us, which was the Lord property, that would be the Lord easement. The area from Geremonty to Lawrence Road be named after Mr. Merrow. With the appropriate signage.

Vice-Chairman Giallongo mentioned the NHACC meeting. She asked if Ms. Isaks had anything to talk about.

Ms. Isaks said she did a follow up on the solar energy panels. She spoke with Joe Harrison, the Director of clean energy finance for New Hampshire Community Development Finance Authority, and he felt it was prudent for any of the towns to start looking at some sort of a zoning solar bylaw. And also look at appropriate places where solar panels and farms could possibly be constructed. Especially since some commercial areas abut residential areas. The history of that has been that there has been resistance for putting panel farms within residential zones and there
should be alternatives already looked at, like paneling buildings, instead of having farms. Also
looking at places that may be a possibility and conservation easements. There have been a
number of farms established already in New Hampshire. There is one in Peterborough that is
impressive. They put their panels over an area they had used for their water development plant.
She explained that these farms still may have conservation effects. Mr. Harrison suggested that
we have conversations about where they will be located in Salem, and do it as pre-emptive rather
than reactive.

Mr. Moldoff said this will be something that can be considered for next year. It would be great if
we could find a model ordinance for New Hampshire. The State office of Energy and Planning
has one for wind so it would be good if we had one to look at for solar.

Ms. Isaks said there are 4 listed on the website.

Mr. Moldoff said we can look at those.

Vice-Chairman Giallongo asked the commission to think about next year’s goals.

4. Review of Correspondence

Mr. Moldoff said he has nothing. He has something for non-public.

Tom Campbell said there was a letter from Anderson Willis of 4 West Lane looking to purchase
some lots in the town forest.

Mr. Moldoff said we should talk about that in nonpublic session.

Stephen Campbell, 22 Shepard Avenue, said there is a tree lighting for Tuscan Kitchen on Friday
from 4:00 to 6:00 and it is also a food drive.

MOTION by Tom Campbell, seconded by Mr. Weil to go into non-public session under the
provisions of RSA 91-A:3-II (d) - Land Acquisition.

Ms. Eden - yes
Tom Campbell - yes
Vice-Chairman Giallongo - yes
Mr. Weil - yes
Ms. Isaks - yes

The meeting went into non-public session at 8:21 p.m.

Minutes by: Susan Strugnell, Conservation Commission Recording Secretary
Approved: Conservation Commission
Date: