

Pembroke Conservation Commission

Minutes

December 9, 2019

In attendance: Ammy Heiser, Carol Bertsimas, David Baril, Mike Crockwell (BOS), Wendy Weisiger, Ayn Whytemare

1. Call to Order @ 7:15 pm

2. Planning Board Applications

- a. **San-Ken Homes** New Open Space development with 56 homes, PB has now decided that it is concern of Regional Impact which means that the Central NH Regional Planning Commission needs to review it. We have concern that compacting the homes, septic systems, wells and driveways within an even more compact space means there is even more pressure on the wetlands. Viewing plans shows that some of these structures (primarily wells) fall within the 50' wetland setbacks. Questionable whether all wells and setbacks with septic systems meet the 75' setbacks, also chance that 56 wells in the area will be too much on the aquifer and will cause area wells to go dry (Neighbors have already said that this happens sometimes) Concern over keeping the wetland buffers intact with houses abutting them, there will be major pressure for people who want to make lawns, treat standing water for mosquitos and otherwise use their land which is protected per state and town law. Town Master Plan says that the purpose of Open Space Developments is "intended to encourage environmentally sound planning" and to "preserve those areas of a site that have high ecological value and important water resources" and to "avoid developing areas that are ill-suited for development (including, for example, areas with poor soil conditions, with a high water table, with frequent flooding, or excessively steep slopes). Ammy's reading of the plan says that 26 of the proposed homes have wells, septic or homes within the 50' wetland setback. There are 4 detention ponds to take in stormwater runoff and therefore the most polluted water in the development. Several homes have wells or well setbacks within the detention ponds. Some detention ponds also are within the wetland buffer. What will happen if some lots don't pass the percolation tests needed for septic approval? Concern that house will go through anyway on unacceptable site.

3. DES Letters and Applications

- a. **San-Ken Homes** See concerns noted above.

ACTION ITEM: Ammy will send letter to DES with concerns voiced at this meeting.

4. Review and Approve Minutes ~ October 14th

Ammy moved to accept, Carol seconded, All three in attendance approved, Wendy, Mike and David abstained.

November 11th Ammy moved to accept the minutes as written, David seconded, All in favor with Mike abstaining.

- 5. Wetlands Ordinance** Proposed changes attached. Preferable that this be up for discussion at town meeting rather than straight vote. PB will have questions when considering them.
- 6. Conservation Lands**
- a. Heiser – 2 Signs**
 - b. Center Hill – 3 Signs**
 - c. White Sands (For Pembroke Pines acquisition)- Baseline and 2 Signs**
ACTION ITEM: Carol will take measurements of signs, take pictures of White Sands and Beck and make order with Sign Shop at NH Corrections.
Carol moved to spend the money needed to buy the signs from the Sign Shop not to exceed \$1000. Ammy seconded. All in favor.
 - d. Monitoring Update** Ayn and Brian Mrazik did Baseline for Center Hill, Carol did Scripture, Hillman done by 5 Rivers.
- 7. Land Acquisitions**
- a. Skip Hillman, 655 Kimball Rd.** ACTION ITEM: Ammy needs to see if he has a recent survey.
 - b. Sixth Range, Lot 260-42** Going to town meeting, will be Doherty Extension.
 - c. Whittemore Homestead Parcel** Tom Maslin, atty for 5 Rivers, handling the arrangements. This parcel is of interest to us because of shoreline to Merrimack River and RailTrail bed.
- 8. Other Business** 45 tires collected for Tire month, it's a success, they are not dumped on the Range Roads. Perhaps do it every year?
- 9. Mail and Correspondences** None
- 10. Adjournment** Carol moved to adjourn, David seconded, All in Favor!

NEXT MEETING ON JANUARY 13TH

[Amended 3-08-2011 Town Meeting by Amendment No. 5]

- A. Purpose: The purpose of this section is to protect those lands identified as wetlands as defined by NHDES regulations by:
- (1) Controlling building and land uses on naturally occurring wetlands which would contribute to pollution of surface and groundwater;
 - (2) Preventing the destruction of natural wetlands which provide flood protection, recharge of groundwater supply and augmentation of stream flow during dry periods;
 - (3) Preventing unnecessary or excessive expenses to the Town to provide and maintain essential utilities and services which arise because of inharmonious use of wetlands; and
 - (4) Encouraging uses that can be appropriately and safely located in wetland area.
- B. General: The Wetlands Protection regulations shall be considered as having precedence over all other regulations in any area designated as a wetland. Any use permitted in that portion of the underlying Zoning district shall only be permitted subject to all of the provisions of this section.
- C. Allowed uses: Any of the following uses that do not result in the erection of any building, or alter the surface configuration, or the addition of fill, and that are otherwise allowed by the Zoning Ordinance are allowed by right and do not require a Special Use Permit:
- (1) Forestry, silviculture;
 - (2) Agriculture, including grazing, farming, truck gardening and harvesting of crops with usual and customary fencing;
 - (3) Water impoundments and well supplies;
 - (4) Wildlife refuge;
 - (5) Parks and such recreational uses as are consistent with the purpose and intention of this section;
 - (6) Conservation areas and nature trails; and
 - (7) Open space as permitted by the Pembroke Subdivision Regulations

Editor's Note: See Ch 205, Subdivision of Land. and other pertinent sections of this Chapter.

EXCEPTIONS: Uses not expressly allowed in Paragraph C. above may be allowed by the Pembroke Planning Board through a special use permit.

Paragraph D. below states which uses may qualify for application for a special use permit and the subsequent process and requirements thereof.

D. Special use permits: The Planning Board, after proper public notice and a public hearing thereon, may grant a special use permit for any use not otherwise allowed in the Wetlands Protection areas so long as the use is located and constructed as to minimize any detrimental impact of such uses upon the wetlands. These uses may include:

- (1) The erection of a structure;
- (2) The construction of streets, roads, and other access ways and utility rights-of-way, if essential to the productive use of adjoining land;
- (3) Otherwise altering the surface configuration of the land.

The approval of any special use permit is subject to the following:

- (1) The application for such special use permit having been referred by the Planning Board to the Conservation Commission and reported thereon prior to the public hearing or 30 days having lapsed following such referral without receipt of such report;
- (2) The Planning Board may require a review by the Town Engineer and/or a Certified Wetland Scientist **of the Board's choice** at the applicant's expense;
- (3) The application for a special use permit shall demonstrate that the proposed use will not conflict with the purpose and intention of this section, and that the proposed use is otherwise permitted by the Zoning Ordinance;
- (4) An engineering and/or other professional study **of the Planning Board's choice** may be required to accompany the application for a special use permit clearly demonstrating the following:
 - (a) How the proposed construction has been designed to minimize impact to the wetlands;
 - (b) That alternatives to a wetlands impact have been thoroughly studied and found to be impractical.
- (5) Permanent wetland boundary demarcation may be required by the Planning Board.

E. Other requirements:

- (1) No septic tank or leach field may be located closer than a minimum of 75 feet measured horizontally from any wetland, nor 125 feet measured horizontally from any body of open water.

(2) All wetlands shall have a no-disturb buffer measured 50 feet horizontally from any wetland boundary.

(3) All vernal pools shall have a no-disturb buffer measured 100 feet horizontally from any vernal pool boundary.

(4) All applicable wetlands permits required by any State and/or Federal authorities shall be submitted to the Town of Pembroke prior to Planning Board final approval.