



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### Conservation Commission

#### Draft Minutes

July 14, 2022

7:00 pm @ Community Development Department

#### Attendance:

**Chairman Dave Curto- present**

**Vice Chair Wayne Morris- present**

**Pam Skinner- present**

**Kara Feldberg, Secretary regular member- present**

**Lisa Ferrisi, regular member- present**

**Brian McFarland, alternate- excused**

**Mike Specian, alternate- present**

**Joe Bradley, alternate- excused**

#### New business/ Old business

##### **Campbell Farm Updates:**

1. Joint meeting with Museum committee/ Farmhouse artifacts: Aug. 10, 2022, at museum building 7PM

Chairman Curto stated that the Museum Committee would like to have a joint meeting with the Conservation Commission.

##### **Clyde Pond/ Ashton Park Updates:**

1. Swim platform removal quote

Chairman Curto stated there was a quote from M and D for \$500 to remove the makeshift steps and swim platform and to cut the branch so that other platforms could not be built on the branch.

**A motion was made by Vice Chair Morris to expend \$500 to M and D to remove the swim platform, branch and steps at Clyde Pond. Seconded by Ms. Feldberg.**

The other lower platform would remain at Clyde Pond.

**Vote 5-0.**

**Motion passes.**

##### **Deer Leap/ Moeckel Pond Updates:**

1. Organic matter in water

Vice Chair Morris stated that based on the pictures sent to the state, it looked like the plant was whorled bladder root, not milfoil. Vice Chair Morris stated that the vegetation is very thick. Ms. Skinner stated that there are natural herbicides available that will not harm the pond. Vice Chair Morris and Ms. Skinner will look into companies that might provide this service. Mr. Specian stated that the “old” Moeckel Pond was very weedy; he asked if part of the weed situation was partly because of the low water level.

Vice Chair Morris also mentioned the ARPA funds discussed at the Board of Selectmen meeting the other night. Vice Chair Morris stated that the stone wall needs to be done and the Board might want to consider expending money on this project no matter what.

The Board discussed that conservation lands were heavily used and impacted by Covid-19. Chairman Curto stated that the required material was installed near the ADA ramp at Moeckel Pond and the butterfly garden is being worked on in the area.

#### **Fosters Pond/ Greenway Updates:**

1. Nicole Summers: Hike Baby/LL Bean program proposal

Ms. Nicole Summers addressed the Board. Ms. Summers stated that she runs a chapter of a non-profit called “Hike It Baby” and offered a summary of what the organization does. Ms. Summers stated that she would be working with LL Bean to guide a hike with some signage. Ms. Summers stated that Foster’s Pond would be a great site for a hike. They are also willing to do a trail clean up if that was necessary. Ms. Summers would be doing this with the organization sometime in the month of August. The hikes are usually a length that small children can manage. Ms. Summers and the Board discussed Foster’s Pond and other trail options for hiking. The Board and Ms. Summers discussed the appropriate trail to use at Foster’s Pond.

**A motion was made by Ms. Skinner to approve the use of the trail at Foster’s Pond for the use of the Hike It Baby Wonder Walk in cooperation with LL Bean. Seconded by Ms. Feldberg.**

**Vote 5-0.**

**Motion passes.**

Ms. Summers stated that her organization was happy to do a trail or trash clean up at Foster’s Pond.

**Rt. 28/Melvaine Forest Updates: N/A**

#### **Other Conservation lands and Easements Updates:**

1. Landry Easement repair quote

Chairman Curto stated that the Conservation Commission made an agreement with the Noyles/Landry Family that they would pay for the repairs in the area.

**A motion was made by Vice Chair Morris to expend \$500 to M and D Services to repair the damage on the Landry land easement. Seconded by Ms. Skinner.**

**Vote 5-0.  
Motion passes.**

**Miscellaneous items:**

1. WWPD ordinance updates/Planning Board

Chairman Curto stated that they are working on updating usage in WWPD areas in relation to utilities such as gas or propane. Chairman Curto stated that draft of the proposed buffers for these items. Vice Chair Morris is concerned about over reach. Chairman Curto stated that this is still in the planning stages; there is a Planning Board member using a local city/town as a model.

2. Conservation/ Development application updates/ Planning Dept.

Chairman Curto stated that the Planning Department has begun the process of improving the application process. Chairman Curto stated that the goal is to speed up the process and be sure all the Boards are properly informed. Chairman Curto is happy to forward any information from this Board to Community Development.

3. DES letter about Dam on Mammoth Road

Chairman Curto stated that he received a letter but the dam is not owned by the town. However, there is a downstream impact that might impact conservation land in Windham. Chairman Curto does not believe there is any action items here. Mr. Specian stated that the dam was generation power for the house next to it and the house has since changed hands.

**Meeting Minutes Review and Approve – [06/23/2022](#) , [6/20/2022](#)**

**A motion was made by Vice Chair Morris to approve the site walk minutes from June 20, 2022 as presented. Seconded by Ms. Feldberg. Vote 4-0-2. Ms. Ferrisi and Ms. Skinner abstained. Motion passes.**

**A motion was made by Vice Chair Morris to approve the June 23<sup>rd</sup> draft minutes as presented. Seconded by Ms. Ferrisi. Vote 4-0-1. Ms. Skinner abstained. Motion passes.**

**ZBA:**

**Case #22-2022: Parcel(s) 11-C-425**  
**Applicant – Benchmark Engineering, Inc.**  
**Owner – Indian Rock Office Park, LLC**  
**Location – 5 Enterprise Drive**  
**Zoning District – Business Commercial District A & WPOD**

Construction of a new commercial building within the front yard setback of 111 and Enterprise/ reduce the landscape requirement

Mr. Nick Loring of Benchmark LLC addressed the Board. Mr. Loring stated that the building is in the Commercial A district and in the WPOD. There is underground drainage. There is no tenant for the building currently. Mr. Loring stated that there is zero building space outside the setback. Mr. Loring stated that it does meet the building percentage of under 30%. Mr. Loring stated that this would be dimensional relief for the building and the driveway. Mr. Loring stated that there is underground storage for drainage. Mr. Loring stated that there is a drainage easement. Mr. Loring stated that this is currently a vacant lot. Vice Chair Morris asked how tall the retaining wall is. Mr. Loring stated that he can double check on the height of both of the retaining walls on the plan. Vice Chair Morris asked what the zoning asked for in terms of the reduction of landscape areas and how much they would like to reduce it to. Mr. Loring explained the proposal and there was approximately 75 feet; there is a drive thru and a by-pass lane proposed.

The Board discussed the potential for more buffer on one side of the property to give it some protection. Mr. Loring stated that it is a narrow lot and they have kept the building to 46 feet. Mr. Loring stated that this residual land taken from the state for state roadways coming through the area. Mr. Loring stated they are trying to keep the grades low in order to access the site. Vice Chair Morris asked about the WWPD on the site as well as drainage measures can be a use in the WWPD. Mr. Loring stated they will look into the WWPD on the site.

The Board would like to see more buffer on the plan on the Route 11 side. They would like to know how high the retaining wall is on the Route 111 side. They would like to know if the drainage easement is on or near the WWPD and if the catch basin areas have WWPD.

Mr. Specian also asked if the drive thru would be open at night and asked about opposing headlights if this was open at night time and the property was on grade.

The Board discussed green spaces and landscaping.

**Case #23-2022: Parcel(s) 21-K-38**  
**Applicant – Benchmark Engineering, Inc.**  
**Owner – Robert & Heidi Odiena**  
**Location – 46 Turtle Rock Road**  
**Zoning District – Residential A & WWPD**

To allow a garage foundation to remain 19' from the side yard setback, and to allow the expansion in the area and or volume of said proposed garage where Windham zoning ordinance does not allow the increase in the area and or volume of the structure. Refer to previous ZBA case 46-2021.

Mr. Nick Loring from Benchmark LLC addressed the Board. Mr. Loring stated that when they went to go do the as built for the foundation, they found the foundation was at 19 feet rather than the permitted 21 feet from the side setback, what was previously granted. There is a letter from the abutter in support of the variance request.

The Board has no issues with the plan as presented.

**PB:**

**2022-20 - 3 Church St (Parcel 11-C-1101); Final Subdivision; Zone – Residence B District**

The Applicant, Karl Dubay-The Dubay Group, representing property owner, Terrace Communities Windham, is seeking to subdivide Parcel 11-C-1101 into two (2) parcels to remove the Floodway from lot 11-C-1101 and create a non-buildable lot.

The Board reviewed the plan and have no issues with the plan as presented. The Board would like to know about the pedestrian easement; they were able to find and view it on the map so no clarity from the applicant is necessary.

**Land off of Kendall Pond Road (Parcel 9-A-825), Pre-Planning and DES Permit; Zone– Rural District / WPOD**

The Applicant, Benchmark LLC, representing property owner, MLC Realty Partnership is proposing to install a 36” culvert with a partially filled bottom to replace an 18” culvert across the greenway at Parcel 9-A-770. This wetland crossing and associated work for the new home and driveway will require a NHDES Wetlands Permit and a special permit from the Planning Board for the allowed WWPD disturbance.

Mr. Nick Loring from Benchmark LLC addressed the Board. Mr. Loring stated Mr. Loring stated that the land is a 3.2-acre land locked lot that was previously owned by the railroad. The closest road is the intersection of Shamrock and Kendall Pond Road. There is WWPD on the lot. The proposal is for a single-family dwelling and there is a variance for that house; the septic will be outside the WWPD. Mr. Loring stated that there is a wetland crossing. The petition for access to the property was on the ballot several years ago and it did pass at that time. Mr. Loring stated that there will be driveway and landscape improvements. Mr. Loring stated that there are proposing a 36-inch culvert with sand in the bottom. Mr. Loring stated that there was a culvert removed so their wetland scientist is waiting to get some clarity around the culvert that should be installed. The Board discussed the improvements in the area including the new culvert. Mr. Loring stated that the Board of Selectmen will need to sign the DES paperwork for the improvements as they are the owner. Mr. Loring stated they would be looking for a letter of support from the Conservation Commission for that reason. The application does also need to go to Planning Board for the Special Permit.

**A motion was made by Vice Chair Morris to approve the signing of the special permit. Seconded by Ms. Skinner. Vote 5-0. Motion passes.**

**A motion was made by Vice Chair Morris to authorize Chairman Curto to write a letter to the Board of Selectmen to approve the proposed permit and work on the parcel. Seconded by Ms. Feldberg. Vote 5-0. Motion passes.**

### **Intent to Cut Applications:**

- 10 Enterprise Drive (Parcel 16-D-201)

The Board stated that the work is already under way. The Board discussed the timber harvest listed on the proposal.

### **DES Permits & Correspondence:**

- **COBURN ROAD – (Parcels 8-B-530 & 13-J-100), Pre DES-permit application,** The Applicant, Benchmark LLC, would like to replace an existing drainage Culvert.

Mr. Nick Loring from Benchmark LLC addressed the Board. Mr. Loring stated that they would like to replace the culvert before the paving is completed. The Board discussed that this is an improvement in the area. Since the town owns a portion of the lot, before the application can be filed, the Board of Selectmen needs to sign the application and Mr. Loring is looking for a letter of support from the Conservation Commission.

**A motion was made by Vice Chair Morris to write a letter to the Board of Selectmen in support of the culvert on Coburn Road. Seconded by Ms. Feldberg. Vote 5-0. Motion passes.**

### **Miscellaneous**

Vice Chair Morris mentioned they got a letter about culverts being installed behind the high school on the trails. There was an application submitted for the culverts and those were granted by DES. Vice Chair Morris was informing the Board of that notification.

Vice Chair Morris asked about the beaver deceivers that were currently on Conservation land.

Mr. Specian asked about access to Conservation land before the culvert off of Westchester. Mr. Specian reports that there is a beaver dam in the area. The Board discussed if it was town land and/or conservation land. Mr. Specian reports that the trail is not passable at this time because of the beaver dam.

Chairman Curto discussed a conversation he had with a member of the NH Conservation Commissions. Chairman Curto stated he would like to send the information about properties they might be interested in purchasing to get feedback about these potential properties.

**A motion was made by Vice Chair Morris to allow the information to be released to the appraiser. Seconded by Ms. Ferrisi. Vote 5-0. Motion passes.**

**Non-public session under RSA 91A: 3 II (d)**

Topic: Land acquisition

**A motion was made by Vice Chair Morris to go into non-public session under RSA 91A: 3 II (d) at 9:09pm. Seconded by Ms. Skinner. Vote 5-0. Motion passes.**

**A motion was made by Ms. Feldberg to come out of non-public session at 9:16pm. Seconded by Ms. Skinner. Vote 5-0. Motion passes.**

**A motion was made by Ms. Feldberg to seal the minutes for a period of 2 years. Seconded by Ms. Feldberg. Vote 5-0. Motion passes.**

**A motion was made to adjourn at 9:17pm. Seconded by Vice Chair Morris. Vote 5-0. Motion passes.**

Respectfully submitted by Anitra Lincicum