



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

3 N Lowell Rd, Windham NH 03087  
(603) 432-3806 / Fax (603) 432-7362  
[www.WindhamNH.gov](http://www.WindhamNH.gov)

### Conservation Commission

#### Draft Minutes

September 22, 2022

7:00 pm @ Community Development Department

#### Attendance:

**Chairman Dave Curto- present**

**Kara Feldberg, secretary- present**

**Brian McFarland, alternate- present (seated for Vice Chair Wayne Morris)**

**Vice Chair Wayne Morris- excused**

**Lisa Ferrisi- excused**

**Mike Specian, alternate- excused**

**Joe Bradley, alternate- excused**

#### New business/ Old business

**Campbell Farm Updates: N/A**

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

The jump platform at Clyde Pond has been taken down according to Chairman Curto. Also, the Landry property has also been taken care of according to Chairman Curto.

**Deer Leap/ Moeckel Pond Updates: N/A**

**Fosters Pond/ Greenway Updates: N/A**

#### **Rt. 28/Melvaine Forest Updates:**

There is a new trail leading to the cellar hole in the area by the landscaper the Board hired to do the trail work.

**Other Conservation lands and Easements Updates: N/A**

#### **Miscellaneous items:**

The Board discussed the contractor they had recently interviewed at a meeting to do the ecological/nature study on the Conservation lands in Windham. The Board is awaiting an estimate from the contractor.

**Meeting Minutes Review and Approve: [9/8/2022](#)**

**ZBA:**

**Case #30-2022: Parcel(s) 21-Z-266**

**Applicant – Benchmark Engineering, Inc.**

**Owner – William and Marion Deluca**

**Location – 4 Horne Rd**

**Zoning District – Residential District A / WPOD**

To permit the construction of year-round single-family dwelling (SFD), which would replace a pre-existing, non-conforming SFD, on a pre-existing, non-conforming lot. To allow a 19 ft. lake setback, where 50 ft. is required, a 12 ft. side yard setback, where 30 ft. is required, and a 15 ft. front yard setback, where 50 ft. is required

Mr. Joseph Maynard from Benchmark LLC addressed the Board. Mr. Maynard explained that there was a fairly large pre-existing structure on the property. The proposed home will be moved back from the lake and the non-porous pavement will be reduced and there will be a new septic system installed. Mr. Maynard explained that there is nothing in the file that shows the previous permitting process as it is an older home. Mr. Maynard discussed the water bars that will be installed to help mitigate the existing boat ramp. The Board discussed the proposed septic system. Mr. Maynard stated that the maintenance schedule for the porous surface is listed on the plan as well.

The Board has no issues with the plan as presented.

**Case #31-2022: Parcel(s) 17-J-137**

**Applicant – Benchmark Engineering, Inc.**

**Owner – Medeiros Family Trust**

**Location – 15 Gardner Rd**

**Zoning District – Residential District A / WPOD**

To permit a second story addition and deck to an existing year-round, single-family dwelling (SFD) on pre-existing non-conforming lot. To allow the addition of a deck/porch to be added to the SFD, with a 10 ft. setback from the High-Water Mark (HWM) of Cobbetts Pond, while expanding the volume of existing structure to be approximately 22 ft. from the HWM of Cobbetts Pond, where a 50 ft. setback is required.

Mr. Joseph Maynard from Benchmark LLC addressed the Board. Mr. Maynard explained that the applicant would like to raze the house and add a second floor which will not increase the footprint. However, they would also like to add a small deck to the lake side which is an allowed use. Mr. Maynard also discussed a dry well that had been previously proposed and permitted which is also part of the application. The Board also discussed some of the mitigation techniques Mr. Maynard would be using on the property.

The Board has no issues with the plan as presented.

**Case #32-2022: Parcel(s) 16-R-174D**

**Applicant – Benchmark Engineering, Inc.**

**Owner – Timothy and Lynn Sullivan**

**Location – 43 First Street**

**Zoning District – Residential District A / WPOD**

To permit the construction of year-round single-family dwelling (SFD), to replace a pre-existing, non-conforming year-round SFD, on a pre-existing, non-conforming lot. To allow 14 ft. and 18 ft. from the side yard setbacks, and 24 ft. from there rear yard setback, where 30 ft. is required for the side and rear yard setbacks.

To allow re-development of the lot which includes a new building, site improvements, and leaching field area, within a 100 ft. wide buffer that is required from any tributary that discharges towards Cobbetts Pond. Furthermore, the application states that the entire lot falls in this buffer area. To allow the construction of the replacement septic system to be 23-24 ft. from wetlands, and the building to be 20 ft. from said wetlands in Residential District A and WPOD districts.

Mr. Joseph Maynard from Benchmark LLC. Mr. Maynard explained that there was a wetland on the abutting property. Mr. Maynard stated that the 100-foot setback from a wetland would still exist under these conditions. Mr. Maynard stated that there would be a new septic system installed and the current structure would be razed and replaced with a new structure. The building coverage would be approximately 19%. The current well would be utilized in the redevelop of this year-round property. Mr. Maynard stated that this is the combination of 4 lots and those lots date back to the 1920's. The Board discussed the proposed upgrades on the property.

The Board has no issues with the plan as presented.

**Case #33-2022: Parcel(s) 21-G-23A**

**Applicant – Preeti Mishra**

**Owner – Rohit Mehta and Preeti Mishra**

**Location –187 Range Rd**

**Zoning District – Residential District A / WPOD**

To permit construction of a two-vehicle car port approximately 22 ft. from Range Rd, where a 50 ft. front yard setback is required.

The Board reviewed the plan. The applicant was not in attendance. The Board discussed potential wetlands in the area as well as other structures on the property.

The Board would prefer to have an in-person explanation of the plan and a more detailed plan if possible.

**PB:**

**2022-26 – 202 Range Rd (Parcel 21-C-85); Major WPOD; Zone – Residential District A; Watershed Protection Overlay District (WPOD)**

The applicant Benchmark LLC, representing property owner Edward Richards, is applying to construct a new four (4) bedroom Single Family Dwelling with on-site septic

Mr. Joseph Maynard of Benchmark LLC addressed the Board. Mr. Maynard stated that this would be a proposed single-family home on the lot. The proposed coverage would be 24% of the lot which is over the 20% which means a major site plan application. Mr. Maynard stated that there is no WWPD on the lot. Mr. Maynard stated that this has been a vacant parcel for a number of years and DOT recently issued a curb cut for this lot as well. The Board discussed the surrounding properties.

The Board has no issues with the plan as presented.

**15 Prescott Rd (Parcel 22-L-201); Deck Additions; Zone – Residential District A; Watershed Protection Overlay District (WPOD)**

Mr. Shayne Gendron from Edward N. Herbert Associates addressed the Board. Mr. Gendron stated that there was a deck that was installed without a permit. Mr. Gendron explained that the deck was explained 39 feet from the lake; Mr. Gendron stated that they are coming before the Board to see what kind of betterments can be made to the lot in order to leave the deck. Also, the deck is not within the 12-foot buffer so no state permit is required but a town permit would be required. Mr. Gendron stated that there is a secondary driveway on the lot and the applicant would be willing to get ride of this secondary driveway to reduce the impervious surface. Mr. Gendron also suggested additional plantings or infiltration to mitigate the impact of the deck. Mr. Ford stated that there is currently drip edge infiltration around the home. Also, Mr. Gendron explained that there was a patio where the deck now sits, hence, the impervious surface was not increased.

Chairman Curto suggested adding plantings to the lot to help mitigate any run off on the lot to catch some of the storm water from the structure. Mr. Gendron explained that this will eventually have a case file and this Board will see the plan gain. Mr. Gendron came before the Board to ask for input before going before the Zoning Board of Adjustment for a variance.

**Intent to Cut Applications: N/A**

**DES Permits & Correspondence:**

- 1. 28 Fish Rd – 21-V-320A Shoreland Permit Application**

The Board has seen this application previously.

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

Topic: Land acquisition

**A motion was made by Ms. Feldberg to adjourn at 8:00pm. Seconded by Mr. McFarland.  
Vote 3-0. Motion passes.**