



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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**Conservation Commission
Draft Minutes
January 9, 2020**

7:30 pm @ Community Development Department

Attendance:

Chairman Dave Curto- present
Vice Chair James Finn- present
Pam Skinner- present
Lisa Ferrisi- present
Wayne Morris- excused
Brian McFarland- present, seated for Mr. Morris
Oliver Liu- present
Kara Feldberg- excused

Miscellaneous Items:

- Clyde Pond Eagle Scout review

Constantine Moyus addressed the Board. Constantine reviewed the work he and other Boy Scouts had done to create the kiosk. Constantine showed the process of creating the kiosk and explained the assistance that he was given by volunteers and other Boy Scouts. However, the kiosk has now been damaged by a car and Constantine and the Board discussed how to proceed to get the kiosk repaired after the accident. The Chairman signed the necessary paperwork and thanked Constantine for all his hard work.

- Ingersoll Property Annual Monitoring Report

Vice Chair Finn explained that a review of the property has to be done annually. The Conservation Commission is responsible for the monitoring. SPINA will do the monitoring and LCHIP will accept the report as they have in the past. The property needs to be walked by someone on the Conservation Commission or the town; Vice Chair Finn stated it is necessary for the report to be done and for the property to be monitored.

ZBA:

Case #01-2020: Parcel 7-A-1900
Applicant – Benchmark Engineering, Inc.
Owner – A2 Properties, LLC
Location – 54 Morrison Road
Zoning District – Rural District

Variance relief is requested from **Section(s) 601.3, 601.4.2, 601.4.6, 601.4.8.4, 702 and Appendix A-1**; to allow an existing 2.29 acre +/- parcel of land with two pre-existing non-conforming single-family dwellings (SFD) to be subdivided into two separate parcels (Lot A and Lot B) with one SFD on each lot. And from **Sec. 601.4.2**: To allow the area around the SFD on Lot B and yard area to be developed where the WWPDP shall be a buffer and include land area within one hundred feet (100') of any wetland one (1) acre in size or larger. And from **Sec. 601.4.6**: To allow the existing septic system (Lot A and Lot B) to remain approx. 30' from a wetland, which also exerts WWPDP where 100' is required, and to allow the existing shed to remain approx. 90' from the edge of a wetland that exerts WWPDP where such use is not permitted. And from **Sec. 601.4.8.4**: To place the required WWPDP signage along the existing tree line as the Planning Board shall determine to the markings to prevent encroachment is required. And from **Sec. 702 and Appendix A-1**: To allow Lot A to be approximately 49,258 +/- sq. ft in size where 50,000 sq. ft is required, and to allow 110' of frontage (measured at the 50' setback) where 175' is required, and to allow the existing home to be approximately 35' from the Morrison Rd. ROW where 50' is required, and 29' from the westerly side lot line where a sideline setback of 30' is required, and to allow the existing SFD to be 18' from the proposed lot line where 30' is required, and to allow an existing shed to remain approximately 4' from the proposed lot line with 30' is required. And from **Sec. 702 & Appendix A-1**: To allow Lot B to be approximately 50,000 sq. ft in size where 50,500 +/- sq. ft is required, and to have 140' of frontage (at the 50' setback) where 175' is required, and to allow the existing SFD on this lot to be approximately 40' from Morrison Rd. ROW where 50' is required, and to allow SFD to be 23' from the new proposed lot line where 30' is required. And from **Sec. 702 - 301 Notes for Table in Appendix A-1, Minimum Lot Area by Soil Type**: To allow Lot A to have approximately 20,000 sq. ft of land area outside of WWPDP where 30,000 sq. ft of land area outside WWPDP is required and to not require a 100'x 100' building box, and to allow Lot B to have approximately 5,000 sq. ft of land area outside the WWPDP where 30,000 sq. ft of land area is required, and to not require a 100'x 100' building box on this lot as required in the 301 Notes for Table under Appendix A-1.

Mr. Joe Maynard addressed the Board. There is a power line easement on the property as well as some wetlands on the property. There are currently 2 single-family homes on the property. At one point, the second residence was called "a barn with living quarters". Mr. Maynard stated that the houses will stay as they are, the driveways will stay as they are and the septic will remain the same; the septic is currently shared. As for the wetlands, there is a "farmer's pond" on the property and there is a WWPDP on the property as well. Mr. Maynard is looking to subdivide the lot into two separate lots as it is not conventional to have 2 houses on the same lot and it can impact the owner's ability to lend. Mr. Maynard stated that there was some research done on the property. In the 1980's, the owner tried to rectify the situation but the paper trail ended before a

Certificate of Occupancy was given. The Board discussed the history of the property and the Board has no issues with the proposal as presented.

Case #02-2020: Parcel 16-P-189A; 16-P-800; 16-P-801

Applicant – Benchmark Engineering, Inc.

Owner – MacThompson Realty Trust

Location – 31 Second Street

Zoning District – Res. A District and Cobbetts Pond & Canobie Lake Watershed Prot. Dist.

Variance relief is requested from **Section(s) 405.2, 616.6.4.1, 616.8.1, 702 & Appendix A -1** to allow construction of a replacement dwelling for a pre-existing non-conforming single-family dwelling (SFD) on a pre-existing non-conforming lot, with two frontages; (Second Street/Right of Way (ROW) and C-Street (ROW)). Specifically from **Sec. 405.2:** To allow an expansion in the area and/or volume of the house from 780 sf to 1,592 sf in area and 6,240 cu/ft to 19,920 cu/ft in volume, where the ordinance does not allow an increase in the area and/or volume of the structure. And from **Sec. 616.6.4.1:** To allow a new paved driveway to be constructed 25' +/- from a wetland area where no new driveways within 100' of a wetland area are allowed. And from **Sec. 616.8.1:** To allow the entire lot of record, currently within the buffer zone, to be developed without a buffer zone where a 100' wide buffer zone shall be maintained along the edge of any tributary stream discharging into Cobbett's Pond is required. And from **Sec. 702 & Appendix A-1:** To allow a lot size of 8,000 sf where a minimum land area of 50,000 sf is required and to allow 80' +/- frontage on Second Street (a private road) and 100' +/- of frontage on C-Street (a private road) where 175' of frontage is required on a public road, and to allow the SFD a Second Street front yard setback of 18' +/- from the edge of the ROW and 35' from the edge of C-Street where 50' is required from the ROW, and to allow an easterly side yard setback of 15', a northerly side/rear yard setback of 11' where 30' is required.

Mr. Maynard addressed the Board. Mr. Maynard stated that there is a shared agreement with the septic system. A plan has been worked out with a nearby lot. The lot is 29.8% impervious. The driveway would be cleaned up and a new structure would be built; 29.9% impervious would be the post development percentage. Mr. Maynard discussed language around tributaries to the pond. The adjoining lot is owned by the town of Windham and the tributary requires a buffer as it does feed into Cobbetts Pond. Mr. Liu asked if there were any changes to the way run-off is being handled. Mr. Maynard stated that he needs to show that there is some management of water. The new house will have drip line infiltration to help manage the run off. The square footage of the house is getting larger and the driveway surface is getting smaller. The new house is a two-bedroom house. The proposed driveway is 5 feet closer but it is now paved and not gravel. The grade of the street is a challenge out to 2nd Street so the driveway is safer out on the side

street according to Mr. Maynard. The Board has no issues with the plan as presented and stated they appreciate the drip edge trenches on the plan.

DES Permits & Correspondence:

- Farmer Road
- Moeckel Pond

The Chairman signed the necessary paperwork for these Farmer Road after review. The Moeckel Pond paperwork is for the dock system and was also signed by the Chairman.

Campbell Farm Discussion:

The Board had nothing new to report.

Meeting Minutes Review and Approve – 12/12/19

A motion was made by Vice Chair Finn to approve the December 12, 2019 meeting minutes as presented. Seconded by Mr. Skinner. Vote 3-0-2. Ms. Ferrisi and Mr. McFarland abstained.

Miscellaneous

Mr. McFarland discussed the removal of the buckthorn on some of the town forest property. The Forestry Committee applied for a permit and received the necessary approvals. Mr. McFarland stated that they need the approval of the Conservation Commission since the property abuts Conservation property. Ms. Ferrisi stated that she hopes the chemical is soil binding. The Board has no issues with the proposal.

A motion was made by Mr. McFarland to give the Forestry Committee the authority to hire Basic Forestry to undertake the buckthorn species treatment in the Town Forest. Seconded by Ms. Ferrisi. Vote 5-0. Motion passes.

A motion was made by Vice Chair Finn to adjourn at 8:10pm. Seconded by Ms. Skinner. Vote 5-0. Motion passes.

Respectfully submitted by Anitra Brodeur