



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### Conservation Commission

#### Approved Minutes

April 14, 2022

7:00 pm @ Community Development Department

#### Attendance:

Chairman Dave Curto- present

Vice Chair Wayne Morris- present

Lisa Ferrisi- present

Kara Feldberg- present

Pam Skinner- excused

Brian McFarland- excused

#### Campbell Farm Updates:

Vice Chair Morris stated that there are areas of the farm that walkers are currently using and it is nice to see.

#### Clyde Pond/ Ashton Park Updates:

1-Update for re-opening trails in Clyde Pond

**A motion was made by Vice Chair Morris to open the single-track trails at Clyde Pond.**

**Seconded by Ms. Ferrisi. Vote 4-0. Motion passes.**

2- Pond flooding issues Ashton Park- Dennis Senibaldi

Chairman Curto explained the brief history in this area.

Ms. Wendy Williams addressed the Board. Ms. Williams stated that she is confused about where the beaver dam is and how this is impacting Castle Hill Road. Ms. Williams believes this is near the old school house and the water appears to be very low right now. Ms. Williams would like to understand how this might impact the water level and how capturing the beaver will change as a result of the beaver capture. Chairman Curto and several members of the public discussed the water flow in the area from the body of water based on the GIS map viewing.

Mr. Dennis Senibaldi addressed the Board. Mr. Senibaldi that they have human interference as well as beaver activity in the area. The first camera was compromised and a second camera was installed in the area. Mr. Senibaldi reported that there is a beaver in the area. Mr. Senibaldi stated

40 that the beaver activity directly impacts Castle Hill Road. Mr. Senibaldi stated that going out  
41 there every day will not do anything to reduce the beaver activity/impact. Mr. Senibaldi stated  
42 that he has reached out to the company that installs the beaver deceivers which he will also  
43 discuss with the Board. Mr. Senibaldi that he does not wish to drain the pond the whole way. Mr.  
44 Senibaldi has been in communication with residents about the best way to proceed and the  
45 importance of signage in the area. Mr. Senibaldi and the Board discussed beaver deceivers and  
46 the installation of berms in the area. Mr. Senibaldi suggested putting stakes out to monitor the  
47 movement of water in the area or a board that would help manage the water. Mr. Senibaldi stated  
48 that the water needed to be far enough back to allow for road construction. Mr. Senibaldi stated  
49 that there are a lot of trees in the area that need to be cut down, partly because of the water level.

50  
51 Chairman Curto stated that his concern is that if this beaver were to be removed, another beaver  
52 might move in or the beaver might return. Mr. Senibaldi would be back before this Board again  
53 and again to discuss the beavers. That does not appear to be a sustainable solution. Currently,  
54 Mr. Senibaldi is dismantling the dam on a regular basis. Vice Chair Morris suggested having  
55 volunteers to monitor this until the beaver deceiver company can visit the site. Mr. Senibaldi  
56 stated he is concerned about liability issues if volunteers are recruited to take down the work of  
57 the beavers. Mr. Senibaldi stated that the beavers would not be released back in Windham.

58  
59 Chairman Curto opened up discussion to the public.

60  
61 Mr. Mark Shenk, 53 Castle Hill Road, addressed the Board. Mr. Shenk stated he has resided here  
62 for 33 years. Mr. Shenk stated that the water is very low right now. Mr. Shenk stated that his  
63 concern is that the pond is his fire hydrant and if the pond dries up, there is no fire hydrant for  
64 the area, including his house. Mr. Shenk stated he would like the pond to come back to normal  
65 levels.

66  
67 Mr. Scott Stapleton, 65 Castle Hill Road addressed the Board. Mr. Stapleton stated they are out  
68 in the pond area daily. Mr. Stapleton stated that the area sometimes turns into a bog instead of a  
69 pond. Mr. Stapleton is happy to assist in monitoring the pond. The pond is low so there has been  
70 little ice skating and canoeing in the area as has been the case in the past.

71  
72 Mr. Paul Gosselin, 75 Castle Hill Road addressed the Board. Mr. Gosselin stated that he has been  
73 in his home for 22 years and he has never had any issues with flooding on the road. Mr. Gosselin  
74 does not see the point of draining a pond that is not currently a problem. Mr. Gosselin wonders  
75 why a wetland is being drained.

76

77 Ms. Katie Stapleton, 65 Castle Hill Road addressed the Board. Ms. Stapleton stated that there  
78 was a large dam that was 3.5 to 4 feet tall. Ms. Stapleton said there has been beaver activity for  
79 some time since they moved here about 6 years ago. Ms. Stapleton stated that it is possible that  
80 the water is not the thing that damaged the road. Ms. Stapleton does not think the removal of the  
81 beaver was necessary nor is it necessary now. Ms. Stapleton thinks that if the dam and the  
82 beavers would be left alone, the road and the wetland would be fine. Ms. Stapleton stated that  
83 there is some pooling in the area that is not attached to the pond. Ms. Stapleton stated that some  
84 fill near the road may be helpful.

85

86 Ms. Wanda Stanley, 59 Castle Hill Road addressed the Board. Ms. Stanley stated that she walks  
87 daily with her dogs. Ms. Stanley showed the water level in pictures in certain areas of the pond.  
88 Ms. Stanley stated that when the pond got to a certain level, it would drain and correct itself. Ms.  
89 Stanley showed the Board pictures of the surrounding conditions specific to the water levels. Ms.  
90 Stanley stated that her concern is that she has seen the water levels, that they are currently too  
91 low. Ms. Stanley stated that there is a parking area near her house and they have spread the  
92 gravel so the parking area is high and away from any high water.

93

94 Mr. Schenk addressed the Board once again to discuss the current water level.

95

96 Ms. Michelle O'Leary, 44 Castle Hill Road addressed the Board. Ms. O'Leary stated that she has  
97 seen water in the other direction but never on this side of the road. Ms. O'Leary would like to  
98 know more about why it needs to be done (the draining of the pond).

99

100 Ms. Wendy Williams addressed the Board. Ms. Williams asked if this is really an area of  
101 concern.

102

103 Ms. Katie Stapleton showed on the map where the drainage area was and where the beaver often  
104 built and rebuilt the dam. Ms. Stapleton stated she does not think the current conditions require  
105 as much scrutiny as it has currently received.

106

107 Vice Chair Morris asked if this was going to be a reconstruction of the road; he asked this of Mr.  
108 Senibaldi.

109

110 Mr. Senibaldi addressed the Board once again. Mr. Senibaldi stated that a professional trapper  
111 would not through an animal back into a body of water; this was in response to a photo of a dead

112 muskrat that was found in the area. Mr. Senibaldi stated that water that close to a road often  
113 causes long term issues on a road such as heaving or cracks. Mr. Senibaldi stated that water that  
114 close to the road is not conducive to road construction. Mr. Senibaldi is not interested in draining  
115 the entire body of water. Mr. Senibaldi is interested in draining the pond low enough to allow for  
116 the construction and then it can be raised once again. Mr. Senibaldi stated that he would like to  
117 do everything he can to preserve conservation land as a former Conservation Commission  
118 member. Mr. Senibaldi stated that it is important to manage the water level on the road for the  
119 sake of construction while balancing conservation.

120

121 Ms. Wendy Williams addressed the Board. Ms. Williams stated that it sounds like they are  
122 “punishing” the beaver for the same of some intervention from humans. Ms. Williams stated that  
123 it seems premature to trap the beavers. Ms. Williams stated that there was no mal intent on  
124 behalf of Ms. Stanley regarding the muskrat photo; she was simply sharing the current conditions  
125 and there was no personal attack intended.

126

127 Mr. Gosselin addressed the Board once again. Ms. Gosselin asked for clarity around what might  
128 be considered a water level that was acceptable for the area before intervention was needed. Mr.  
129 Gosselin stated that the muskrat was a natural incident, not the result of a trap.

130

131 Mr. Schenk asked if the road could be staked so the water level could be monitored and properly  
132 maintained.

133

134 Ms. Stapleton stated that she and other neighbors are interested in communicating the levels of  
135 the water and they are in support of the project and would like communication to remain open  
136 with the town.

137

138 Ms. Stanley stated she apologizes if the picture of the muskrat was misconstrued. Ms. Stanley  
139 stated that she had not seen a large rock wall; she had only seen a partial buildup of rocks.

140

141 Mr. Senibaldi stated that the buildup of rocks was from human intervention, not the beavers.

142

143 Vice Chair Morris stated that it sounds like the neighbors would like reassurance that the water  
144 level will remain approximately the same until the professional coming to install the beaver  
145 deceiver comes to the area. Chairman Curto asked if it was possible for Mr. Senibaldi to put  
146 stakes in the area to monitor the water levels. Chairman Curto stated that he would like the Board  
147 to go out and look at the bridge and possible replace it with a slightly higher bridge. Chairman

148 Curto stated it might be important to have an engineer to come and take a look at the area as  
149 well. Chairman Curto read the violations of the Conservation Commission by laws and what  
150 actions in the area might be considered violations. Chairman Curto does not think it is necessary  
151 to go and trap the beaver. Chairman Curto stated that pictures were important from both the  
152 cameras and cell phones if possible.

153

154 Mr. Senibaldi stated that he has no issue not trapping a beaver. Vice Chair Morris stated that it is  
155 important to have the professional with knowledge about beavers to visit the other sites in town  
156 where there is beaver activity in town.

157

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

159

160 1- ADA walkway paving- Dennis Senibaldi

161 Mr. Senibaldi addressed the Board to discuss the paving/surface options for the area. Mr.  
162 Senibaldi stated this would be from the edge of the parking lot to where the gate is.

163

164 **A motion was made by Vice Chair Morris to approve the paving of the walkway of the**  
165 **Moeckel Pond Dam/ Simpson Boat Launch area. Seconded by Ms. Feldberg. Vote 4-0.**

166 **Motion passes.**

167

168 2- Vandalism

169 Chairman Curto discussed the vandalism in conservation areas and the need for cameras in some  
170 areas to try to deter such activity.

171

172 **Fosters Pond/ Greenway Updates:**

173

174 1- Work in the recreation Trail (Parcel 9-A 770) – Joe Maynard

175 Mr. Joseph Maynard from Benchmark LLC addressed the Board. Mr. Maynard that this is a  
176 recreational trail in the area of Kendall Pond Road. Mr. Maynard stated that the application  
177 would like to move forward with this permit but the trail runs through town owned land. Mr.  
178 Maynard stated that he must go before the Board of Selectmen and before he goes there, he  
179 thought it might be important to get input from the Conservation Commission.

180

181 Vice Chair Morris asked if the structure could be pulled any further from the wetland. Mr.  
182 Maynard stated that he might be able to curve the driveway slightly but he was trying to keep his  
183 curves sort of minimal. Mr. Maynard that there are other variances attached to this project but  
184 right now, he is coming before the Board to discuss the feasibility of this trail. Mr. Maynard and  
185 the Board also discussed the Dredge and Fill application that Mr. Maynard will be applying for.

186  
187 The Conservation Commission discussed sending a representative to the Board of Selectmen  
188 meeting to discuss the project.

189  
190 **Rt. 28/Melvaine Forest Updates: N/A**

191  
192 **Other Conservation lands and Easements Updates: N/A**

193  
194 **Miscellaneous items:**

195 1- Beaver Policy discussion

196 (This was taken as a later item on the agenda once the public and applicants had spoken and  
197 presented about specific cases.)

198  
199 The Board discussed changing the language around verbal permission, this should be written  
200 permission. The Board discussed changing the deadline for an application so that the Board has  
201 time to review the application. The Board agrees that the application should be submitted one  
202 week prior to the next Conservation Commission meeting.

203  
204 **A motion was made by Vice Chair Morris to approve the Beaver Policy as amended.**  
205 **Seconded by Ms. Ferrisi. Vote 4-0. Motion passes.**

206  
207 2- Beaver Deceiver installation discussion

208 (This was part of the discussion as part of Castle Hill Road.)

209  
210 3- Purchase cameras for Conservation lands

211 (This was taken as a later item on the agenda once the public and applicants had spoken and  
212 presented about specific cases.)

213  
214 This will be discussed at the next meeting when Mr. McFarland is present.

215  
216 **Meeting Minutes Review and Approve – [3/10/22](#), [3/24/22](#)**

217 (This was taken as a later item on the agenda once the public and applicants had spoken and  
218 presented about specific cases.)

219  
220 **A motion was made by Vice Chair Morris to approve the March 10<sup>th</sup> draft minutes as**  
221 **presented. Seconded by Ms. Feldberg. Vote 4-0. Motion passes.**

222 **ZBA:**

223 **Case #10-2022: Parcel(s) 24-F-06**  
224 **Applicant- Benchmark LLC**  
225 **Owner(s) – Edward and Renee Hahn**  
226 **Location- Johnny Hill Road**  
227 **Zoning District- Rural District**  
228

229 To allow construction of a new home on an approximately 7.26-acre lot that does not have the  
230 required 175’ frontage on a Town Class V Road, as listed Section(s) 702 and Appendix A-1. To  
231 allow 240’ of frontage, when the required frontage is 175’. To allow development of a home  
232 within 100’ of a wetland  
233

234 Mr. Joseph Maynard of Benchmark LLC addressed the Board. Mr. Maynard stated that he will  
235 be going before ZBA in a few weeks and Vice Chair Morris stated he would like to have a site  
236 walk on the site. Mr. Maynard stated that the applicant is looking for one house lot on the 7-acre  
237 property. Mr. Maynard stated that a Dredge and Fill Permit will be necessary as well as other  
238 special permits. Mr. Maynard reviewed where the property was located in proximity to Bear Hill  
239 Road and Heritage Hill Road and where the access point to Johnny Hill Road would be.  
240

241 Mr. Maynard reviewed discontinued roads in town and the best way to proceed when an owner,  
242 per the RSA, has the right to access their property; that right cannot be restricted. Also, the Board  
243 and Mr. Maynard discussed how the road might be “split” in this case.  
244

245 Vice Chair Morris stated that they were being asked to comment to the ZBA for construction in  
246 the WWPD. Ms. Ferrisi asked about where a well would be located. Mr. Maynard stated that he  
247 has not yet located where the well will be. Mr. Maynard stated that recently, ZBA has asked for  
248 site walks and he is happy to have the Conservation Commission come on the site walk and to  
249 answer their questions when there.  
250

251 Ms. Wendy Williams, 28 Bear Hill Road addressed the Board. Ms. Williams stated that she has  
252 walked the length of this area for historic purposes. Ms. Williams asked if the applicant was  
253 planning on building up the land with fill in order to build. Ms. Williams also stated that there is  
254 a significant wetland and historical items on other properties in the area. Ms. Williams stated that  
255 she had been told that not even a trail could be made on the property even to access historic  
256 items behind this.  
257

258 Mr. Maynard stated that he is not sure where the crossing will be yet.  
259

260 Chairman Curto stated that the Board would like more information in order to comment and they  
261 would also like a site walk for the area. The Board would like further clarity on the wetland  
262 impacts as well.

263

264 **Case #11-2022: Parcel(s) 21-V-230A**

265 **Applicant- Benchmark LLC**

266 **Owner(s) – Arthur Breslin**

267 **Location- 28 Fish Road**

268 **Zoning District- Residential District A / WPOD**

269

270 To raze the existing structure and construct a new single-family dwelling on a pre-existing, non-  
271 conforming lot. To allow the dwelling to be placed 8’ from the front lot line, 9’ on the North  
272 Eastern side yard, 2’ from the South Western side yard, and 9’ from the rear yard lot lines.  
273 Where the setback requirements are 50’ for front yard, and 30’ for side and rear yards. To allow  
274 a lot size of approximately 4,571 SF, where a minimum lot size of 50,000 SF is required. To  
275 allow approximately 63’ of frontage on a private road, where a public road has a 175’ lot  
276 frontage as a requirement. To allow the coverage of 25.4 %, where a maximum of 20% is  
277 required in Residential District A, Cobbett’s Pond and the Canobie Lake Watershed Protection  
278 Districts.

279

280 Mr. Joseph Maynard of Benchmark LLC addressed the Board. Mr. Maynard stated that they are  
281 looking to raze the structure and put a structure on the property that reduces the building  
282 coverage than what is existing and it will also fit the lot a bit better according to Mr. Maynard.  
283 There is a porous driveway and the geogrid on the side; there will be a one car garage. Mr.  
284 Maynard stated that they will relocate the well and be doing drop line infiltration. The old well  
285 will be capped. Vice Chair Morris asked if they might request a site walk. Mr. Maynard stated  
286 that the property will need a major POD and it will also need to go before ZBA. The Board is in  
287 agreement to request a joint site walk.

288

289 **Parcel(s) 17-L-80**

290 **Applicant- Benchmark LLC**

291 **Owner(s) – Anthony Deluca**

292 **Location- 24 Horseshoe Rd**

293 **Zoning District- Residential District A / WPOD**

294

295 Boathouse and Wall

296

297 Mr. Joseph Maynard of Benchmark LLC addressed the Board. Th applicant would like to rebuild  
298 the wall and the boathouse on the property. Mr. Maynard stated that the plan is for the two



299 structures to be replaced on the property. Chairman Curto asked if there was any storm water  
300 management planned. Mr. Maynard explained that the new construction on the property has  
301 storm water management and explained the drip line infiltration and other basins. Mr. Maynard  
302 explained that the applicant would likely use concrete instead of the granite that is currently  
303 there. The Board and Mr. Maynard discussed when the construction would be completed; it  
304 would likely be when the water was low, before it was let out and the materials would be brought  
305 in before the house is constructed. Chairman Curto signed the paperwork for the boathouse and  
306 the wall. Mr. Maynard stated that the ramp made of sand would not change at all.

307 **PB:**

308

309 **Case 2021-49 – 154 Rockingham Road (Parcel 8-B- 6200); Major Final Site Plan**  
310 **Application, WWPD Special Permit, and Design Review Regulations Application; Zone –**  
311 **Neighborhood Business, WWPD, and Rt. 28 Access Management Overlay District.**

312

313 The applicant, Richard Gregory of Edward N. Herbert Assoc., Inc., representing property owner  
314 Comrock, LLC, Gerry Beique, Mgr., requests a Major Final Site Plan, Wetland and Watershed  
315 Protection District (WWPD) Special Permit, and Design Review Regulations Application for a  
316 proposed 3,600 sq.ft. commercial building, associated parking, and access.

317 *Previous hearing dates: 11/17/21 (opened and immediately continued); 12/15/21 (immediately*  
318 *continued); 1/19/22 (immediately continued)*

319

320 Mr. Shayne Gendron of Edward N. Herbert and Associates addressed the Board. Mr. Gendron  
321 stated that this is a continuation of a final application. Mr. Gendron stated that they have been  
322 permitted by ZBA to put the building in the WWPD. The parking, septic and retaining wall was  
323 also discussed as items that have been worked on since the last time the Board saw this  
324 application. Mr. Gendron stated that they have used to input from the town's engineer to change  
325 the flow of traffic around the site and to do angled parking around the site. There is a retaining  
326 wall and the applicant has gone back to the fire department to ask for input as well. Mr. Gendron  
327 stated that they have proposed a bioretention area for snow storage and there is also underground  
328 infiltration for drainage on the site. The state driveway permit has been approved along with the  
329 septic approval. Mr. Gendron stated that Mr. Luke Hurley will also be present at the ZBA  
330 meeting to review the wildlife study; Mr. Hurley could not be present this evening. Mr. Gendron  
331 stated that the applicant has strived to impact the wetland as little as possible and has tried to  
332 incorporate as much input as possible from the town's engineer. Mr. Gendron stated that the  
333 applicant is still open to donating some of the land to Conservation.

334

335 Vice Chair Morris stated that putting a retaining wall in a wetland for the sake of construction  
336 goes against his grain. Yet, he also understands that Mr. Gendron and the applicant has done a  
337 great job. Mr. Gendron stated that the applicant has not been taxed on the property as if it were  
338 an unbuildable lot. Mr. Gendron stated that they have also made the building slightly smaller.

339 The Board discussed the potential for the deeded open space to the Conservation Commission on  
340 the back of the lot.

341  
342 The Conservation Commission would like to accept the open space as deeded property to the  
343 town if possible.

344  
345 Mr. Gendron stated that it is possible to add a note to the plan that in the event of heavy snow,  
346 that the snow would be carried off site. The site is Green Snow Pro on the plan as well.

347  
348 The Board appreciates the wildlife study completed by the applicant. The Board also appreciates  
349 the rain garden on the application as well as the snow storage solutions.

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

351 **DES Permits & Correspondence:**

352  
353 32 Dorian Rd, Application Denial – Insufficient Response

354  
355 The Board reviewed the application.

356  
357 15 West Shore, Shoreland Impact Permit

358  
359 The Board reviewed the application.

360  
361 **A motion was made by Vice Chair Morris to enter non-public session under RSA 91A: 3 II**  
362 **(d). Seconded by Ms. Ferrisi. Roll call vote: Ms. Ferrisi, Vice Chair Morris, Chairman**  
363 **Curto, and Ms. Feldberg- yes.**

364  
365 Respectfully submitted by Anitra Lincicum