



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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

Conservation Commission

Approved Minutes

June 09, 2022

7:00 pm @ Community Development Department

Attendance:

Chairman Dave Curto

Vice Chair Wayne Morris

Pam Skinner- present

Brian McFarland, alternate- present (seated for Kara Feldberg)

Mike Specian, alternate- present (seated for Lisa Ferrisi)

Kara Feldberg, regular member- excused

Lisa Ferrisi, regular member- excused

Joe Bradley, alternate- arrived at 7:10pm

New business/ Old business

Campbell Farm Updates:

1- Mowing discussion

Vice Chair Morris stated that the mowers had been out in the field today.

A motion was made by Vice Chair Morris to expend \$2,250 to Fieldworks for the mowing at Campbell Farm. Seconded by Mr. McFarland. Vote 5-0. Motion passes.

Clyde Pond/ Ashton Park Updates:

1- Trash Issues at swim area

Chairman Curto discussed the trash situation at Clyde Pond that has been on going. Recently, there has been an increase in the amount of trash disposed of in the area. Yet, this is public land and a community does not want to restrict access to the area. Mr. Specian stated that having people utilize and potentially overuse the area is a perpetual issue in the area. Mr. Specian stated that there are plates from both New Hampshire and Massachusetts in the area and this is a popular spot for area high school students. The Board reiterated the \$1,000 fine for littering in the area. The Board discussed that highest platform had been taken down but there is still a platform in the area.

Deer Leap/ Moeckel Pond Updates:

1- LCIP Site walk with Jocelyn Duffy follow up

38 The Board did have a site walk in this area recently. The Board meets with them to do a site walk
39 to make sure they are current with the criteria set forth by the organization. A few things were
40 noted during the site walk as areas of improvement: vandalism in the Woodbury Parking lot, a
41 pile of gravel at Woodbury, another issue near Abbott Road, to have the lines of the parking lot
42 surveyed, attending to the private road signs in the area, and access to the boat launch and related
43 signage. There were a lot of positives on the list but these were the areas that the Board will want
44 to attend to to be compliant with the requirements of LCIP.

45
46 2- Tree removal at Simpson boat launch

47 The tree removal was completed on Monday and it went well. Vice Chair Morris stated that the
48 invoice was submitted to the town already.

49
50 The Board also discussed material that has been brought in for the Moeckel Pond boat launch.
51 The area does not need to be paved to be ADA compliant and the material is currently on site.
52 Vice Chair Morris stated that the pollinator garden has also started .

53
54 **Fosters Pond/ Greenway Updates:**

55 1- Eagle scout project approval

56 **A motion was made by Vice Chair Morris to approve the two proposed Eagle Scout**
57 **projects at Foster's Pond and Moeckel Pond. Seconded by Mr. Specian. Vote 4-0-1. Mr.**
58 **McFarland abstained.**

59
60 The Board discussed another proposal for bridge work at Foster's Pond.

61
62 **A motion was made by Ms. Skinner to approve \$3,036 to install 2 bridges at Foster's Pond**
63 **by M and D Services of Pelham. Seconded by Mr. McFarland. Vote 5-0. Motion passes.**

64
65 **Rt. 28/Melvaine Forest Updates: N/A**

66
67 The Board discussed this briefly but they are waiting on more information.

68
69 **Other Conservation lands and Easements Updates:**

70 1- Landry Easement repair follow up

71 **Miscellaneous items:**

72 1- B.O.S. meeting June 20 to discuss land acquisition (Nonpublic)

73 Chairman Curto stated that he will be at the B.O.S meeting to discuss the land acquisition they
74 discussed in non-public.

75
76 2- W.P.D discussion about surveillance cameras

77 Captain Marisol from the Windham Police Department addressed the Board. Captain Marisol
78 stated that a live feed would be a lot of money and might not have the return the Board would
79 like. Captain Marisol stated he does not necessarily want to talk about it in a public setting but he
80 is happy to email the Board some of the options. Some cameras allow a live feed from a camera
81 onto a cell phone according to Captain Marisol.

82
83 Captain Marisol stated that the day of high vandalism at Clyde Pond was a day he was asked to
84 come to report to a reported bond fire. Captain Marisol stated that there were many people on
85 site that were from both out of town and out of state and the parties he and another officer spoke
86 with reported that those doing much of the vandalism had just left. Separate parties reported this.

87
88 Captain Marisol returned to the discussion of the camera products the police department uses and
89 to offer some guidance. Captain Marisol stated that many of the issues in these areas are day time
90 activity that could be viewed on a camera. Captain Marisol stated that he does not know the
91 “legality” of a Residents Only posting in these areas and he is not advocating for that, yet, some
92 properties like the town beach do use it. Captain Marisol stated that continually monitoring areas
93 of concern is really the only way to deter unwanted activity.

94
95 3- Conservation Bylaw revision/ Wildlife protection section

96 The Board reviewed the bylaws that have been shared in draft form. Chairman Curto stated that
97 Ms. Feldberg communicated that she is fine with the proposed draft. Mr. Bradley asked if the
98 RSA or the bylaws would take precedent. Chairman Curto stated that the by law would be
99 considered “ in addition to” the RSA. Chairman Curto stated that the main focus of the bylaws is
100 to follow the regulations of the RSA. The Board discussed of the bylaws were reviewed by town
101 counsel and/or if that was a necessary step in the process. The Board discussed the one week
102 timeline in particular that had been added to the language.

103
104 Mr. Dennis Senibaldi addressed the Board. Mr. Senibaldi stated that it might be important to
105 have some sort of emergency provision. Mr. Senibaldi stated that it might be important to give
106 the chairperson to make decisions as needed. Mr. Senibaldi stated that this Board has always
107 tried to do what is in the best interest of the town. Mr. Bradley is in agreement with the proposed
108 changes Mr. Senibaldi presented. RSA 210:9 is the RSA that allows the town to intervene when
109 necessary for public safety according to Mr. Senibaldi.

110
111 The Board and Mr. Senibaldi discussed a specific intervention near one of the beaver deceivers
112 where someone put bags of cement nearby to obstruct the flow of water.

113
114 Chairman Curto discussed the importance of documentation and visual evidence for the Board to
115 review. The Board discussed removing the terminology of “one week”. The Board also discussed
116 adding the language “ unless an emergency situation arises”. The Board discussed who might
117 have the authority to act “road agent, police or fire”.

118

119 **A motion was made by Mr. Specian to accept the insertion of Wildlife Management into**
120 **the bylaws including changes to Section 4 of the Wildlife Management section and the**
121 **renumbering of the sections. Seconded by Vice Chair Morris. Vote 5-0. Motion passes.**

122

123 **A motion was made by Vice Chair Morris to allow the Chairman to move the bylaws**
124 **forward to the Board of Selectmen for approval with the approved changes. Seconded by**
125 **Ms. Skinner. Vote 5-0. Motion passes.**

126

127 4- Commission Volunteer needed to obtain information on getting town wide wildlife habitat study
128 and inventory updated.

129 The Board discussed when a wildlife inventory might be updated by the state and who to contact
130 to develop such a project as some of the wildlife studies that come forward might be a little
131 outdated. Mr. McFarland stated he would coordinate with Ms. Feldberg and Ms. Ferrisi on thi
132 project.

133

134 **Meeting Minutes Review and Approve – [5/12/2022, 5/26/22](#)**

135 **ZBA:**

136 **[Case #17-2022](#)**

137 **Parcel 16-Q179**

138 **Applicant: Benchmark LLC**

139 **Owner – Henry C. Forde Heirs, Care of Richard Forde**

140 **Location – 20 First St**

141 **Zoning District –Residential A & WPOD**

142

143 Variance relief is requested from **Section(s) 702, Appendix A-1** to permit construction of a new
144 1,010 +/- SF two-bedroom year-round home on a pre-existing non-conforming lot of record that
145 contains 4,558 +/- SF of building area, where a minimum land area of 50,000 SF is required. To allow 9'
146 and 10' side yard setbacks, where 30' is required. To allow the SFD a 17' front yard setback where 50'
147 is required. To allow the SFD of a 16' setback from the pond, where a 50' setback is required. To allow
148 the SFD of a 60' frontage where a minimum 175' frontage is required.

149 The applicant was not present at the meeting. The Conservation Commission has seen a different
150 plan on this site previously. The Board would like to hear from the applicant to present this new
151 plan.

152 **PB:**

153

154 **8 Ledge Rd. (Parcel 11-A-161); minor Site Plan Application; Zone – Limited Industrial -**
155 The applicant, GPI, and property owner, Radial Properties LLC seek Minor application, First
156 Student would like to use the property as school bus storage area.

157
158 Mr. David Jordan addressed the Board. Mr. Jordan is a land surveyor and is representing the
159 applicant. Mr. Jordan stated that the access would be off of Ledge Road. There is currently open
160 storage yard for cars. The Area for the applicant, First Student, would be the area in the back of
161 the lot. The area was approved by the Planning Board as contractor yard area. The lot is within
162 the WWPD on the property line. Mr. Jordan stated that the 200 foot WWPD line is shown on
163 both sets of plans. Mr. Jordan stated there is a gravel parking area and that will not be changed.
164 Mr. Jordan stated there will be no paving or utility work but a new tenant will be using the
165 property. Vice Chair Morris asked if there would no interruption to the current tenant, Cairnes.
166 Mr. Sepian stated that this use would be an upgrade to what is on the property currently. Mr.
167 Jordan stated there would be 41-45 busses on the site; these busses are for Windham use only.
168 Mr. Bradley asked if there was a drainage plan on the property. Mr. Jordan showed where the
169 drainage plan was on the plan. Mr. Bradley asked that the current drainage systems be located
170 and inspected. The Board and Mr. Jordan discussed the direction of traffic on Route 111.

171
172 Mr. Dennis Senibaldi addressed the Board and asked if the town could ask for verification that
173 all of the busses stored on site are for Windham and not other towns. Traffic in this area could
174 potentially create an issue in this area.

175
176 The Board would like to see analysis of the current drainage.

177 178 **124 Rockingham Road**

179 Andrew Partington addressed the Board. Mr. Partington stated he is interested in purchasing the
180 adjoining lot from the town as it does provide a right of way onto his property. Mr. Partington
181 explained the proximity of his leach field at the back of the property. Mr. Partington explained
182 that they wanted to pave a portion of the adjoining lot owned by the town to provide better
183 access to his lot. Mr. Partington and the Board discussed what was currently on this property and
184 what other abutters currently have on their property. Mr. Specian stated that his opinion is that
185 when there are sensitive areas where the town owns property, his opinion is that the town should
186 not sell the property for the sake of protection. Mr. Specian stated that the concern is that the
187 rights will follow the property and while this homeowner may have needs around parking, future
188 uses might prove to be different and more invasive. Mr. Specian discussed a long term lease
189 might be a situation that might be possible.

190
191 The Board does not want to see this property developed now or in the future. The Board would
192 like to see a deed restriction in perpetuity on any development except perhaps parking. The
193 Board understands the need to maintain the right of way on the property. The Board also
194 understands that property owners near conservation lands may have needs. The Boar would

195 suggest having a proposed agreement that might be some kind of use permit that takes into
196 account drainage and other conservation measures.

197

198 **DES Permits & Correspondence:**

199

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

201

202 Topic: Land acquisition

203

204 **A motion was made by Ms. Skinner to enter non-public session under RSA 91A: 3 II (d). Seconded**
205 **by Vice Chair Morris. Roll call vote: Chairman Curto, Vice Chair Morris, Ms. Skinner, Mr.**
206 **Specian, and Mr. McFarland- yes. Vote 5-0. Motion passes.**

207

208 **A motion was made to come out of non-public session by Board members and 9:58pm.**

209

210 **A motion was made by Board members to seal the non-public minutes for a period of 2 years.**

211

212 **The public portion of the meeting was then adjourned.**

213

214 Respectfully submitted by Anitra Lincicum

Approved