



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### Conservation Commission

#### Approved Minutes

August 11, 2022

7:00 pm @ Community Development Department

#### Attendance:

**Chairman Dave Curto- present**  
**Vice Chair Wayne Morris- present**  
**Kara Feldberg, Secretary- present**  
**Pam Skinner, regular member- present**  
**Lisa Ferrisi, regular member, present**  
**Brian McFarland, alternate- excused**  
**Mike Specian, alternate- excused**  
**Joe Bradley, alternate- excused**

#### New business/ Old business

**Campbell Farm Updates: N/A**

**Clyde Pond/ Ashton Park Updates: N/A**

**Deer Leap/ Moeckel Pond Updates:**

1. **Rock Pond Assn. land donation**

Vice Chair Morris recused himself from the discussion.

Mr. Darren Leeman addressed the Board regarding Parcel 25-G-23. Mr. Leeman stated he will be gifting the property to the Conservation Commission and the Town of Windham. There is a Conservation easement on it; they received the property in 2019. It is their opinion as stewards of the land that it is best for the town to own the property as shepherds of the land. Mr. Leeman stated that the lot is about 1.4 acres and is the inlet to the pond and accepts a lot of the run off from the Simpson crossing are.

The Chair asked if there was any public comment. Chairman Curto stated that he read through the deeds and he find nothing in conflict.

**A motion was made by Ms. Skinner to accept the donation and move the parcel as a gift forward to the Board of Selectmen to accept Parcel 25-G-23 on Rock Pond. Seconded by Ms. Feldberg. Vote 3-0. Motion passes.**

The Board discussed the quick claim deed and having this reviewed by the town's attorney so they did not need to incur other costs. Vice Chair Morris will coordinate with Mr. Leeman moving forward.

**2. Selectman Response to Stone wall funding request.**

The Board of Selectmen was not interested in moving this forward as they felt as if there should be 3 bids for the proposal.

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

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

**Other Conservation lands and Easements Updates:**

**Miscellaneous items:**

- 1. Master plan**
  - a. Letters from other boards**
  - b. Commission input**
  - c. Review previous list**

The Board talked about coordinating these projects. The Board would like to put time and energy into updating the maps. The Board discussed the best way to update these maps in coordination with organizations like NH Fish and Game and other resources. The Board will discuss this at the next meeting as well and will revisit the list from last year.

**ZBA**

**Case #25-2022: Parcel(s) 13-A-9 & 10**

**Applicant – Benchmark Engineering, Inc.**

**Owner – Rockingham Road Realty Trust**

**Location – 13-15- Rockingham Road**

**Zoning District – Business Commercial District A**

To allow the green space of the property to be reduced to 20% of the lot area, where 30% of green space is required in the zoning ordinance

Mr. Joseph Maynard from Benchmark LLC addressed the Board. Mr. Maynard stated that they reduced their parking and a waiver was given for the parking, it allows them to go up to 168 spaces. Mr. Maynard stated that this property is adjacent to the Rail Trail. The applicant would like people to park at his property and patronize his businesses. Hence, the reason they are applying for a variance. Mr. Maynard stated that most of the parking spaces are right along the Rail Trail. The Board discussed how the applicant might let the public know that parking is allowed in this area. Mr. Maynard stated that the applicant is willing to put signage on his property to let patrons know that parking is allowed. Chairman Curto asked if the applicant would be willing to have the spaces deeded in perpetuity. Mr. Maynard stated he would ask the applicant if that was something they might be willing to consider as the plan would be before this Board once again. The Board discussed that this would be a mutually beneficial proposal.

Comments: The Board would like to see designated rail trail parking in deeded perpetuity as mitigation to the 10% loss of green space; this in reference to the additional parking.

**Case #26-2022: Parcel(s) 17-C-105A**

**Applicant – Benchmark Engineering, Inc.**

**Owner – Fox Family Rev Living Trust**

**Location – 10 Cross Street**

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

To permit the construction of a detached 24'x24' garage addition to the existing single-family dwelling on a pre-existing non-conforming lot with two frontages.

Mr. Joseph Maynard from Benchmark LLC addressed the Board. Mr. Maynard stated that the detached garage would decrease the impervious coverage. The power lines on the property would be potentially in the way of an attached garage. The coverage on the lot is 32.6% coverage currently. The plan would be 36.4% coverage with the attached garage and 32.3% would be the coverage on the proposed plan with the detached garage. There would be a smaller Clean Solutions system on the property and both sheds on the property would be removed. Mr. Maynard stated that the trees fall on a power line easement. The Board briefly discussed septic system buffers.

The Board has no issues with the plan as presented.

**Case #27-2022: Parcel(s) 21-V-250B**

**Applicant – Benchmark Engineering, Inc.**

**Owner – John & Rachel Kula**

**Location – 20 Fish Rd**

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

To raze three (3) existing seasonal homes and construct a new dwelling on the property with a detached garage, along with the installation of drip line trenches, and installation of a new septic system and well. To allow construction of a year-round single-family dwelling and detached garage to be constructed within the waterfront, and side yard setbacks on a pre-existing, non-conforming lot. To allow the combined 22,000 cu/ft of the three dwellings to be increased to approximately 38,900 cu/ft for the new single-family dwelling, and 8,200 cu/ft for the detached garage.

To allow the new single-family dwelling to be 47' from the lakeside front setback, and to construct steps 38' from the lakeside front setback. To allow the building to be 10' from the northerly lot line, with the steps being 5' from the line, and to allow 10' from the southerly lot line. To allow the detached garage 12' from the Fish Rd right of way, 10' from the northerly lot line, and 19' from the southerly lot line, where 50' front setback (shoreline and street), and 30' side and rear yard setbacks are required, and to allow the proposed detached garage within the front setbacks from Fish Rd. To allow a lot size of approximately 14,438 SF, where a minimum lot size of 50,000 SF is required, with 63' of road frontage on a private road, where 175' of frontage on a public road is required.

Mr. Joseph Maynard from Benchmark LLC addressed the Board. Mr. Maynard stated that there are 3 houses on Fish Road currently. The proposal is to raze all 3 houses and construct one house in the area. The cesspools would no longer be in use. There would be a new well and a new septic system as well. The building coverage would be 42%. There are mature trees and utilities which would not allow the house to be pushed back any further from the water.

The Board discussed the slope of the roof and the decks and how that might impact the flow of water. The Board discussed the impervious coverage. Mr. Maynard stated that they are already reducing the impervious coverage from 48% to 42%. The Board discussed the vegetation point system on the property. The Board and Mr. Maynard discussed the sand beach.

Comments: The Board would like to see a reduction in impervious surface if possible. The Board would like to see more landscaping and plantings towards Cobbetts Pond on the lot. The Conservation Commission would like to do a site walk at 5pm on 8/17 on the property. (tentative, will check with the applicant)

**Case #28-2022: Parcel(s) 21-H-16C & 16A**

**Applicant – Edward N. Herbert Associates**

**Owner – William and Marion C. Deluca**

**Location – 2 & 4 Cheryl Road**

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

To revise the lot lines between two pre-existing, non-conforming lots, which will reduce 4 Cheryl Rd (lot 21-H-16A), from 53, 512 SF, to 39,000 SF, where a 50,000 SF lot size is required, with 0' of frontage on Class V Town Road, where 175' is required. And then, 2 Cheryl Rd (lot 21-H-16C), will be enlarged from 8,430 SF to 22, 942 SF where a 50,000 SF lot size is required, with 0' of frontage, where 175' on a Class V Town Road is required.

To permit an existing structure on a 1,109 SF pad on lot 21-H-16C, to be razed and replaced with a new single-family dwelling that will have a 1,669 SF pad, with a 6' setback from the Northerly lot line, where 30' is required for the side and rear yard

The Board reviewed the plan on the paper plan as well as the GIS. The Board viewed the plan and they would like to see the plan presented and more information if the plan goes back before the Board.

**PB:**

**2022-21 – 1 Industrial Drive (Parcel 13-A-198); Major Preliminary Site Plan; Zone – Limited Industrial**

The Applicant, Karl Dubay of The Dubay Group Inc, and Owner AFS Reality, LLC (Al Sfeir), is seeking Major Preliminary Site Plan review to propose constructing a 12,000 s.f addition to the rear of an existing public charter school (Windham Academy).

Mr. Karl Dubay of the Dubay Group addressed the Board. Mr. Dubay stated that there are no wetlands and no WWPD; they are in the lake overlay district. They will be filing a WPOD for the project. Mr. Dubay stated that these are preliminary plans and they are being finalized now. Mr. Dubay stated that there are a lot of invasive plants in the area. Mr. Dubay stated that they would like to work with someone at UNH to see what can be done to remedy the situation. Mr. Dubay stated that the drainage system goes out to Route 111. There will be a mitigation area on the site as well to help with drainage.

The Board has no issues with the plan as presented. The Board discussed that there might be more comments to come once the plan goes from preliminary to final.

**2022-22 – 10 Libbey Rd (Parcel 8-B-3000); Conceptuel Site Plan; Zone – Commercial District A.**

The Applicant, Karl Dubay of The Dubay Group Inc, and the Owner, Rockingham Rd Realty Trust, Alain Sfeir, Trustee, is seeking Conceptual Site Plan review to propose as 70,000 sq. ft. self-storage facility with and a 400 sq ft building and outdoor storage.

Mr. Karl Dubay of the Dubay Group addressed the Board. Mr. Dubay reviewed the history of Libbey Road and how the town voted to do away with a portion of the road and connect Northland to Libbey Road. Mr. Dubay stated that these would be unheated storage structures. There would be a WWPD special permit. Mr. Dubay discussed what they would like to do on the property. The Spruce Pond open space lots have equal partnership to Spruce Pond house lots. Mr. Dubay stated that they made the choice to notify all of the owners of the subdivision just to be careful about who they contacted. Vice Chair Morris stated that it would seem that this would be a good choice for solar in the area.

The Board would like to see a drainage plan. The Board would like the applicant to consider an oil/water separator for the drainage. The Board would like input about solar panels or living roofs.

**Intent to Cut Applications:**

The Board discussed the best way to proceed when Intent to Cut applications look different than what was proposed, Code Enforcement might be a good place to start

**A motion was made by Vice Chair Morris to adjourn at 8:50pm. Seconded by Ms. Feldberg. Vote 5-0. Motion passes.**

Respectfully submitted by Anitra Lincicum