



# CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

(603) 432-3806 / Fax (603) 432-7362

www.WindhamNewHampshire.com

## Conservation Commission Minutes

August 10, 2006

Dr. James Finn – Chairman  
Bruce Breton – Vice-Chairman  
Bernie Rouillard – Secretary (Alternate)  
Dr. Bruce Anderson – Member (Absent)  
Pamela Skinner – Member (Late)  
Wayne Morris – Alternate

### Seat Alternates

The Chairman appointed Mr. Rouillard and Mr. Morris to fill the two vacant seats for this meeting.

### Spruce Pond II – Joe Maynard of Benchmark Engineering

#### Wetland Filling Mitigation

Mr. Maynard, representing H&B Homes, explained that he has been working on a connection through a piece of land in Derry out to Windham Depot Road. Although the Town of Derry asked for mitigation for the 10,000 square feet of wetland fillings and they want the mitigation to be in the Town of Derry, they do not want to be the easement holder. The easement is contiguous to the Windham Subdivision. Mr. Maynard asked if the Conservation Commission would be open to accepting the easement for this mitigation area in Derry. The mitigation is 4.85 acres on four separate lots. The acreage is connected to the wildlife corridor and the Mitchell Pond area. Mr. Rouillard motioned to entertain accepting the holding of the easement in Derry subject to the approval of Town Counsel. Motioned passed unanimously 4-0 (Miss Skinner had not arrived yet). Mr. Maynard advised the Commission that he will return with Dredge & Fill applications for this subdivision. A site walk was scheduled for August 24, 2006 at 6:45 PM.

### Freda Hardware – Joe Maynard of Benchmark Engineering & Planning Board

#### Request for Comments

4 Ledge Road, Lot 11-A-165

The applicant would like to relocate the Freda Hardware store from Indian Rock Road to 4 Ledge Road. The building was previously used as a refrigerator storage facility and the proposed use is for 2000 square feet of retail and 3750 square feet of office space. A portion of the retail use is for the sale and distribution of industrial gases. The property is in the Industrial District and the retail space is limited to 500 square feet, however, the Zoning Board granted the following variances for the proposed change of use.



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- On April 26, 2006 the ZBA granted a variance to allow 2000 square feet of retail space where 500 square feet is allowed.
- In May 2006 a variance was granted to permit a 32' X 40' addition to an existing building that would have a rear setback of 23.5 feet where 30 feet is required and to allow the existing storage container to remain at 7-feet from the rear property line where 30-feet is required.
- An equitable waiver was granted on June 27, 2006 to permit an existing building to remain 23.5 feet from the rear property line.

The applicant is proposing some improvements to the existing site including: the removal of the satellite dish, a 32' X 40' addition and a farmer's porch, reducing the size of the gravel area to establish the required 10-foot setback, relocation of the dumpster to fenced enclosure, construction of a gravel ditch line along the right side of the entrance drive, regarding the shoulder and swale along Ledge Road and the reconstruction of the entrance drive.

There are no wetlands on this site and no additional paving. There will be sheet runoff to a swale. Mr. Maynard asked for a letter to the Planning Board stating that the Conservation Commission has no issues with this plan.

## **High Pointe East Open Space Subdivision – Dan Flores of SFC Engineering Planning Board Request for Comments**

Lot #8-C-300, Ironwood Road

High Pointe East is the second phase of the Orchard Blossom open space subdivision. The plan proposes 3 building lots in the area that has been reserved for development adjacent to the Orchard Blossom open space. The lots range in size from 5.2 to 6.5 acres. The land would be accessed by an existing 50-foot right-of-way off of Ironwood Road that crosses the railroad bed. Approximately 850-feet of roadway would be needed to access the building lots. The road would end in a permanent cul-de-sac and would cross the railroad bed at grade. Portion of the road are designed at an 8% slope. Road widths need to be determined and Wetland & WWPD impacts should be minimized.

Mr. Flores explained that this is a conceptual review of the 100 acre plan. There are three wetland impact areas.

- Area #1 2195 square feet of impact
- Area #2 60 square feet of impact
- Area #3 300 square feet of impact

A treatment swale will be discharging into two treatment areas. Mr. Morris asked that the grade of the Rail Trail bed be reduced from 5% to 2%. Mr. Rouillard asked that the 28'



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road width be reduced to 22' or 24'. A site walk is scheduled for September 2, 2006 at 8:00 AM. The Commission will provide comments after their site walk.

## **Lots 3-B-262, 3-B-350, 3-B-352 – Seth Bostock of Bostock & Fitzgerald**

Gerard Beique, owner of lot 3-B-262

Tynco Realty owner of lots 3-B-350 and 3-B-352

Placement of homes, wells and septic in the WWPD

Attorney Theroux explained that he is looking for the Commission's recommendations on the placement of the house, well and septic relative to the WWPD. Originally this plan was for two lots; it has been changed to three homes, one on each lot. Lot 3-B-262 is exactly the same layout that was previously shown. Lots 3-B-250 and 352 have been changed from one house on two lots to two homes on two lots. After Sublime Engineering of Derry did a drainage pattern on this site they concluded that this is a WWPD. A wetland scientist from Meridian Land Services, agreed to Sublime's findings. Mr. Rouillard said that he preferred the two lot proposal to the three lot proposal being shown. He asked that sedimentation and erosion control measures be shown on the plan and that silt fencing be used. The Chairman said that a letter will be sent to the Zoning Board listing the Commission's comments and recommendations. Although it was not listed on the agenda Mr. Lavelle presented a Dredge & Fill Application to be signed by the Chairman.

## **Doiron Road – Mark Gross of MHF Design**

Lot #13-K-37A

Placement of home in the WWPD

Mr. Gross showed, on a displayed map, this 7.9 acre lot the majority of which is wet. A portion, 68,000 square feet, is upland. The wetlands have been mapped by Gove Environmental Services. A variance is needed to develop this lot. The septic system will be outside the WWPD. There is very little buildable area outside the WWPD. To mitigate some of the runoff from the paved driveway a 2-foot wide filtration strip would be installed. The total amount of disturbed area will be approximately 25,000 square feet. Mr. Gross was looking for comments from the Commission to go to the Zoning Board of Adjustment. The Chairman said that a letter listing the Commission's comments will be sent to the Zoning Board.

## **Haffner's Fuel Site Plan – Planning Board Request for Comments**

Lot #20-E-252, 48 Lowell Road

The applicant is proposing to add a 30,000 gallon above ground propane tank to the existing bulk fuel facility at 48 Lowell Road. The property is currently used for the storage and distribution of residential heating oil and the owner would like to expand the business to include propane. The propane tank would be located on a gravel base off of the existing edge of pavement. The plans illustrate the turning movements for loading and



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unloading trucks and demonstrates how the truck fueling would operate on site. The property is in the Rural District and the current use was approved by a previous variance. The Zoning Board granted a variance on April 11, 2006 from Section 401 to permit the expansion of a non-conforming use, allowing the placement of the propane tank at 48 Lowell Road.

The crushed stone base extends into the WWPD; this would require an additional variance. The applicant should remove the gravel from the WWPD.

The Commission could not review Haffner's because no plan was provided.

### **Castle Reach – Peter Zohdi of Herbert Associates**

Trail Relocation

The applicant did not attend the meeting and no plan was provided.

### **Johnny Hill Road – Peter Zohdi of Herbert Associates**

Lot 20-D-3000, 27 Lot Residential Subdivision

The Engineer did not attend the meeting.

### **Approval of July 13, 2006 Minutes**

Mr. Rouillard motioned and Miss Skinner seconded the motion to accept the July 13, 2006 minutes as written. Passed unanimously 5-0.

### **Planning Board Report – Miss Skinner**

- Discussed definition of *Big Box* stores, 65,000 square feet or larger.
- Discussed reasons for not using a loop road at the Great Mountain View Subdivision.

The Chairman advised the Members that he spoke with a professor at the University of New Hampshire regarding safety at the Great Mountain View Subdivision. The Chairman recommended that the professor review the plan and provide data regarding statistical situations. The Chairman asked for approval to go forward with hiring the professor. No one had any objections but Miss Skinner abstained from commenting.

The Chairman discussed with the Members a retainer for Attorney Tom Masland. Mr. Breton suggested \$1500.00 be put in the budget for legal fees. Mr. Breton asked that Attorney Masland attend a Conservation Commission meeting so that he could be introduced to the entire board. Mr. Morris asked that the Chairman check with the attorney the using of Current Use money for Rail Trail improvements.



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The Members discussed a joint meeting with the Conservation Commissions of Salem and Pelham.

The Members discussed having workshops beginning in the fall to work on the *Walking In Windham* books.

## Mail

- Schedule for the 31<sup>st</sup> Municipal Law Lecture Series.
- July 13, 2006 letter from John Pierson of Boy Scout Troop 266 asking for an appointment to discuss financial contributions toward the campground project.
- July 17, 2006 letter from Seth Bostock regarding placement on the July 27, 2006 agenda for lots 3-B-262-350-352.
- July 17, 2006 letter from NHDES regarding Wetlands Bureau Complaint File #2006-01630, 2 Wilson Road. Rill placed in a brook without a permit or proper authorization from the DES.
- Notice of new address for Gove Environmental Services, 8 Continental Drive, Unit H, Exeter, NH 03833-7507.
- E-mail from Terrie Marietta of the Nesmith Library requesting copies of the *Walking In Windham* book.
- July 26, 2006 letter from Seth Bostock requesting placement on the next available CC agenda for lots 3-B-262-350-352.
- July 26, 2006 letter from Mr. Zohdi of Herbert Associates regarding relocation of lots 7-A-696 & 697.
- July 21, 2006 letter from Attorney Campbell regarding 40 Acres LLC.
- Current Use for July 2006.
- August 3, 2006 letter from Attorney Campbell regarding Rau Estate, Lot 8-B-4200.
- 18<sup>th</sup> National Trails Symposium Registration Brochure.

Mr. Rouillard motioned and Mr. Breton seconded the motion to go into non-public session per RSA 91-A:3 for the purpose of land acquisition. Motion passed unanimously on a roll call vote.

The next meeting of the Conservation Commission is scheduled for August 24, 2006 at 7:30 PM in the Planning & Development Office.

These minutes are in draft form and are respectfully submitted for approval.