



CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

Conservation Commission Minutes August 31, 2006

Dr. James Finn – Chairman
Bruce Breton – Vice-Chairman
Bernie Rouillard – Secretary (Alternate Excused)
Dr. Bruce Anderson – Member (Excused)
Pamela Skinner – Member
Wayne Morris – Alternate
Dennis Senibaldi – Alternate (late)

Seat Alternates

The Chairman appointed Mr. Morris to replace Dr. Anderson and Mr. Senibaldi to fill the vacant seat for this meeting.

Spruce Pond II – Joe Maynard of Benchmark Engineering

Continued from the August 10, 2006 Meeting and the August 31, 2006 Site Walk
Wetland Filling Mitigation

Mr. Maynard said that earlier in the evening he walked the proposed Dredge & Fill improvements at Route 28 with a couple of Commission Members. The following impacts were reviewed during the site walk.

- 4000 square feet in front of the Northland entrance for road widening.
- 100 square feet to replace a culvert.
- 2800 square feet as part of the widening of Route 28.
- 600 square feet for the extension of the culvert at the corner of Libbey Road.

Mr. Maynard asked for any comments from the Conservation Commission before he files the Dredge & Fill application. The Chairman said that he had no issues with the plan. Mr. Maynard asked that a letter be sent to the state stating that the Commission reviewed the site and is fine with it.

Spruce Pond II – Wetland Filling Mitigation

Mr. Maynard stated per the conversation he had with Dr. Finn and Mr. Morris during the site walk, Attorney Masland said that as long as the parcel of land is contiguous with Windham land it would be acceptable to hold an easement on the Derry property. Mr. Maynard asked that when the letter comes in from Attorney Masland a copy be given to Mr. Maynard so that he can bring it to the State to show that he has a recipient for the



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easement. Mr. Maynard would also like a letter form the Windham Conservation Commission regarding the Dredge & Fill. Mr. Morris motioned and Mr. Breton seconded the motion to approve the Dredge & Fill application when submitted. Motion passed unanimously 4-0.

Dredge & Fill Application – Mr. James Ward

Lot 9-A-1512, 35 Meetinghouse Road

Fill 2108 square feet

Mr. Ken Walsh, representing the applicant, submitted photos. The grade of the existing road at the proposed driveway is 258.00 feet above sea level, by moving the house back 93-feet from the road allows the garage floor to be 252.50 feet above sea level which creates a walkout elevation of 243.50 feet above sea level and that allows the owner to safely access the existing field. The wetland is located near the middle of the lot and there are no other alternatives that allow the owner to safely access the field. The proposed filling of 2108 square feet of low value wooded wetland of poorly drained soil has no connection to other wetlands. The wetland represents 4.2% of the total lot area and is located totally on the property and 33-feet to the nearest abutter. The construction sequence involves dredging the organic material to be mixed with the topsoil for landscaping. This should expose ledge on which the footings for the frost wall of the dwelling will sit on. A certified Wetland Scientist did soil testing. A site walk is scheduled for September 2, 2006 at 9:30 AM and the Commission will make their recommendations and comments after the site walk.

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 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.

After reviewing the submitted plan the Commission would like to know if a spill containment plan is in place for the site and if not one should be prepared.



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High Pointe East – 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 three 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. Portions of the road are designed at an 8% slope.

Development Issues:

- Road widths need to be determined.
- Wetland and WWPDP impacts should be minimized.
- Shared driveways might also reduce impacts to wetlands.
- A 50-foot no-cut easement has been proposed adjacent to the railroad bed.

The Commission will submit comments and recommendations after their September 2, 2006 site walk.

Marblehead Properties, Lot 25-G-60 – Mr. Zohdi of Herbert Associates

5-Lot Subdivision

Mr. Zohdi explained this parcel is subdivided into 5 buildable lots; the remainder will be open space minus 22,194 square feet that will be transferred to Mrs. Furlong. Some vegetation inside the WWPDP will be cut for site distance. Mr. Morris motioned and Mr. Breton seconded the motion to recommend a *no-cut zone* on Lot #25-G-61 within the 30-foot building setback from the stone wall. Motion passed unanimously 5-0.

Johnson Family Realty Trust, Lot 22-B-2 – Mr. Zohdi of Herbert Associates

The Applicant is proposing a driveway for a house lot located on Canobie Lake. There are two wetland crossings; the first wetland crossing will have an impact of 130 square feet and the impact of the second crossing is 174 square feet. The Chairman will review the Dredge & Fill application. Mr. Morris motioned and Mr. Breton seconded the motion to recommend approval of the Minimum Impact Expedited Dredge & Fill application and have the Chairman sign the application. Motion passed unanimously 5-0.



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Camelot III Community Water System, Lot 11-C-2561 & 2562, Mr. Zohdi of Herbert Associates

Because of a water problem on Sheffield Road a temporary disturbance of a wetland crossing is proposed for a water and utility line to connect well #3 to the system. The Commission will submit their recommendations and comments after the September 14, 2006 site walk scheduled for 6:30 PM.

Johnny Hill Estates, Lot 20-D-3000, EJR Development - Mr. Zohdi of Herbert Associates

Nothing has changed on this subdivision. They are working on drainage. Staff has requested that the detention area and treatment swale be pulled out of the WWPD as much as possible. There is no wetland crossing on this plan but there is a WWPD crossing for drainage. The plan will be submitted to the Planning Board in two weeks for final hearing.

NYZ Landholdings, Lot 20-E-135, Off Bear Hill Road – Mr. Zohdi of Herbert Associates

Mr. Zohdi explained that there will be a conservation easement deeded to the town. There are two buildable lots and two proposed driveways. A Dredge & fill is required. Cross culverts and catch basins will be installed. There will be a *no cut zone* in the WWPD except where the treatment swale and drainage will be installed. Mr. Zohdi requested the Chairman be given the authority to sign the Dredge & Fill applications. Mr. Senibaldi motioned and Mr. Breton seconded the motion to give the Chairman authority to sign the Minimum Impact Expedited Dredge & Fill application for the 2193 square feet of wetland impact. Motion passed unanimously 5-0.

Blanchard Subdivision – Planning Board Request for Comments

Lot #8-B-5716 & 3001

The applicant is proposing a two lot subdivision of parcel 8-B-5716. The land is located off of 18 Longmeadow Road and the entire lot is in the Rural District. One lot would be created as a non-buildable parcel with 53 acres to be merged with lot 8-B-3001 for conservation land. The remaining 3.192 acres would be reserved for one residential building lot. The house would be accessed by an existing woods road.

Widening of this road may require a wetland permit. There is no new road construction proposed. The applicant has also filed a request for a Special Permit to construct a driveway in the WWPD.

Mr. Zohdi explained that this is a one-lot subdivision and land transfer. One three acre lot of the parcel will be used and the balance, 53.43 acres, will be deeded to the Commission.



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Village District, Lot 7-A-570 & 580, Mesiti Development – Mr. Zohdi of Herbert Associates

Mr. Zohdi presented a preliminary plan of the Village District showing road connectivity and subsurface design. There will be underground drainage. The entire site is approximately 45-48 acres.

Approval of August 10, 2006 Minutes

Mr. Breton motioned and Miss Skinner seconded the motion to accept the August 10, 2006 minutes as amended as discussed. Motion passed 4-0-1. Mr. Senibaldi abstained because he did not attend the August 10, 2006 meeting.

Other Business

Planning Board Report – Miss Skinner

Miss Skinner advised the Commission that impact fees were discussed at the last Planning Board meeting.

Dr. Finn advised the Commission that as requested at the August 10, 2006 meeting he checked with Attorney Masland regarding the using of Current Use money for Rail Trail improvements. Attorney Masland said that it would depend on the wording in the original warrant article. Mr. Morris asked the Commission to consider using \$40,000.00 of Current Use monies for construction of the Rail Trail. Mr. Breton said that was not town owned land. Dr. Finn would like to wait for a written legal opinion.

Mr. Senibaldi informed the Commission of illegal drainage at Tokanel Field. Mr. Breton motioned and Mr. Morris seconded the motion to have the Chairman proceed in hiring a wetland scientist as discussed and pursue the matter with the Planning Staff and Town Administrator. Motion passed unanimously 5-0.

Mr. Breton discussed with the Commission the cost of reprinting an updated version of the *Walking in Windham* Books. Mr. Breton will follow up on this subject.

Mail

- August 14, 2006 Letter from Rock Pond Improvement Association stating that only members of the Association can speak in matters pertaining to Rock Pond.
- Summer 2006 Newsletter from NH Current Use Coalition.
- Copy of August 21, 2006 Letter from Vanessa Burnes at NHDES Wetlands Bureau to Gerard Beique regarding 20 Flat Rock Road, Lot #3-B-262, Wetland File #2006-02103 Minimum Impact Expedited application found incomplete.



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- Coy of August 23, 2006 Letter from Vanessa Burnes of NHDES Wetlands Bureau to James Ward regarding 35 Meetinghouse Road, Wetland File #2006-02112 Standard Dredge & Fill application found incomplete.

Mr. Breton motioned and Mr. Senibaldi 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 September 14, 2006 at 7:30 PM in the Planning & Development office.

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