



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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

### Conservation Commission

#### Approved Minutes

March 10, 2022

7:00 pm @ Community Development Department

#### Attendance:

**Chairman Dave Curto, present**

**Vice Chair Wayne Morris, present**

**Pam Skinner, present**

**Kara Feldberg, Secretary, present**

**Lisa Ferrisi, present**

**Brian McFarland, alternate, excused**

**Jim Finn, alternate, excused**

#### Miscellaneous items:

1-Flatrock Rd., Development/WWPD impacts

Chairman Curto stated that a resident reached out to him about erosion control in this area. Chairman Curto stated that Code Enforcement went out there and there was some sediment getting past a barrier and the applicant will be making changes to erosion control in the area.

Mr. Shayne Gendron of Edward N. Herbert Assoc. Inc. addressed the Board. Mr. Gendron stated that the area in question was opened up for the water line coming down Route 111. Mr. Gendron stated that he went and looked at the area this afternoon and there were photos from earlier in the day submitted to the Board as well. Mr. Gendron stated that the site cannot be loamed and seeded until the spring. Mr. Gendron stated that the applicant has swept the road several times this season and the applicant. Mr. Gendron stated that there was mulch added as an erosion control measure to protect the wetland in the area. Mr. Gendron stated there are regular inspections on the erosion control in the area.

•  
**Campbell Farm Updates:** N/A

#### **Clyde Pond/ Ashton Park Updates:**

The Board discussed the mountain bike trails in the area and the best time line to close them for mud season and reopen them later in the spring. The Board will communicate with those who maintain the trails.

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

- 1 -Eagle Scout proposal for Island / Mason Monterio
- 2- Fiscal Recovery Fund project proposal. Dianna Fallon & Norm Young

Ms. Dianne Fallon, 26 Rock Pond Road addressed the Board. Ms. Fallon is here to discuss a project on behalf of the Friends of Moeckel Pond. The group is looking for a way to preserve the boulders and repurpose them as well as preserve the grist mill in the area. Ms. Fallon stated that the Fiscal Recovery Fund can be used for projects like this. Ms. Fallon stated that this would be a good barrier between the parking lot and the pond. Ms. Fallon stated that this would hopefully provide safety and security for ADA visitors. Ms. Fallon stated that this may be the first handicapped accessible lake area and this is part of the reason they would like to be so careful with the stone wall in the area. The construction would occur on Conservation land property and the Board would be taking it forward. Ms. Fallon stated that the bid they got the other day was a 1/3 of the quote they got several years ago. The Board and Ms. Fallon discussed the preservation of other artifacts from the area and how they might be repurposed.

**A motion was made by Vice Chair Morris that the Conservation Commission approach the Board of Selectmen with a plan for improvements to the Moeckel Pond Marsten/Finn dam project not to exceed \$34,000. Also, that Mr. Norm Young work with construction company as part of the project. Seconded by Ms. Ferrisi.**

Ms. Fallon stated that Cairnes Construction is willing to work with a liaison, Norm Young, to be on site each day to answer questions.

**Vote 5-0. Motion passes.**

#### **Fosters Pond/ Greenway Updates:**

Chairman Curto stated there was a bit of a mix up in the payment of the contracted work for this project. Chairman Curto stated that the contractor is looking at Foster's Pond to figure out what other trail work might need to be done.

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

Chairman Curto stated that they are looking into creating a new trail to connect the flower garden and the cellar holes. Chairman Curto stated that he has communicated with Mr. Norm Babineau. Vice Chair Morris stated he would like to take a look at the area as well.

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

#### **Bond Request:**

Chairman Curto stated that the warrant article did pass with 71% approval and wished to thank the voters.

**Meeting Minutes Review and Approve – [2/24/22](#)**

**A motion was made by Ms. Feldberg to approve the February 24<sup>th</sup> draft minutes as presented. Seconded by Ms. Ferrisi. Vote 5-0. Motion passes.**

**ZBA:**

**Case #04-2022: Parcel 17-I-112B  
Applicant – Edward N. Herbert Assoc., Inc  
Owner – Barry & Donna Johnson  
Location – 32 Walkey Rd  
Zoning District – Residential A & WPOD**

Variance Relief is requested from **Section(s) 401, 406, 702, and Appendix A-1** to construct an addition with a footprint of approximately 804 SF to an existing non-conforming structure on a pre-existing non-conforming lot. To allow a 36' front yard setback where 50' is required. To allow 17' side yard setback, where 30' is required. To allow a 45' shoreland setback, where 50' is required. To allow a 97' frontage where a minimum of 175' of frontage is required.

Ms. Shayne Gendron from Edward N. Herbert Assoc., Inc addressed the Board. Mr. Gendron stated that this will likely be a brand new home going into this area. Mr. Gendron stated they are looking into using the existing foundation and even that may not be utilized and the homeowner may use the existing footprint. Mr. Gendron stated that the home has been there since the 1970s. There is an existing septic and well and the variances are for setbacks on the lot. The lot coverage would be 28% total and they would be within their percentages for the Shoreland and other permits. Mr. Gendron also discussed mitigation for drainage and that they would be open to several options. Mr. Gendron stated that the lot is very wooded which is unusual. The applicant would not be cutting in the 50-foot barrier and they flagged off several trees that they would like to cut. Mr. Gendron also anticipates the applicant may need to install a new septic system at the end of project, perhaps due to construction traffic and age. Mr. Gendron and the Board discussed the point/grid system a shoreland lot; there are trees that are coming down that are not in the 50-foot buffer. The Board discussed that many of their previous comments have been answered. Mr. Gendron stated that the applicant is working within the existing footprint and there is also an 850 square foot addition. Mr. Gendron reiterated that there is a chance a new foundation will be needed.

**A motion was made by Vice Chair Morris to rescind the February 24<sup>th</sup> comments to the Zoning Board of Adjustment and this Board has no issues regarding ZBA Case #04-2022. Seconded by...**

**(There was no second and no vote on this motion.)**

**Case #07-2022**

**Parcel 11-C-3100**

**Applicant – Salvatore Erna**

**Owner – Same**

**Location – 3 Lancelot Street**

**Zoning District – Residential District A**

Variance Relief is requested from **Section(s) 702, and Appendix A-1** to construct a detached 40x60 accessory building 17'-10" from the side lot line, where 30' is required.

(This case was taken out of order as the applicant was not in attendance.)

The Board viewed the plan on the GIS. There is a large wetland in the area, south of the weigh station. There is WPOD on the site which is likely drainage to Cobbetts Pond. The Board discussed where the proposed accessory building would be going on the site.

**ZBA & PB:**

**Case #09-2022 & Case # 2022-08: Parcel 16-Q-179**

**Applicant – Benchmark LLC**

**Owner – Henry C. Forde Heirs**

**Location – 20 First Street**

**Zoning District – Residential A & WPOD**

Variance Relief is requested from **Section(s) 702, and Appendix A-1** to allow construction of a new approximately 1,868 SF two-bedroom year-round home on a pre-existing non-conforming lot. To allow 9' and 10' side yard setbacks, where 30' is required. To allow a 17' front yard setback where 50' is required. To allow a 16' shoreland setback, where 50' is required. To allow a 60' frontage where a minimum of 175' of frontage is required.

Mr. Joseph Maynard from Benchmark Engineering addressed the Board and is representing the applicant. Mr. Maynard described the history of the lot. The building coverage is 19.3% and impervious coverage is 28.7% including the deck and the front steps and drip line. There is a porous driveway and walkway as well as geo grid. Mr. Maynard stated that the applicant has negotiated with the neighbor and there will be a septic easement on the neighbor's lot. Mr. Maynard stated that the structure is slightly smaller than the previous structure. Mr. Maynard stated that there will be 2 separate septic systems on the adjoining lot; they will not share a septic system and the current holding tank for the neighbor's lot will be removed. Mr. Maynard stated that the maintenance schedule for the porous pavement is listed on the plan. Mr. Maynard also discussed the geo grid system and the drip line infiltration. Mr. Maynard also explained the plan

for both of the neighbor and this proposal. Mr. Maynard explained the DES regulations around septic systems and holding tanks. Mr. Maynard stated that there are a lot of small trees on the site. Mr. Maynard reviewed the 3 grids on the site and how that connects to retain vegetation on the site. Mr. Maynard stated that there is a lot of new emergent growth on the site. Mr. Maynard stated he will be doing a seasonal dock notification which is a new way of doing a dock system. Mr. Maynard explained that this lot was owned by another family and passed down through several generations. Mr. Maynard explained some of the drainage areas on these smaller roads that have these smaller lots on them. Mr. Maynard and the Board discussed what the motivation might be to repair and maintain some of these smaller and more challenging roads. The Board and Mr. Maynard discussed the water quality of Cobbetts Pond and what may be impacting this over time, not just redevelopment. Mr. Maynard stated that the point scoring system has evolved at the state level regarding vegetation. Mr. Maynard also discussed other mitigation factors on a site close to the pond which might also help. Mr. Maynard explained that the point system allows for emergent growth to become larger growth and the current plan is over and above what is required. Vice Chair Morris asked about Grid 2 on the site and asked if there would be any trees left. Mr. Maynard showed the trees that would remain on the grid. Mr. Maynard stated that the state would like to see photographs of how things were installed on site. Mr. Maynard stated that when there are violations, the state requires documentation after the violation.

**Case #08-2022 & 2022-07: Parcel 17-M-32**

**Applicant – Benchmark LLC**

**Owner – David & Erin Rogers**

**Location – 19 Armstrong Road**

**Zoning District – Residential A & WPOD**

Variance Relief is requested from **Section(s) 406.2, 702, and Appendix A-1** to allow expansion of the existing structure from 1,260 SF to approximately 1,500 SF on a pre-existing non-conforming lot. To allow 11' and 17' side yard setbacks for the expansion of the rear deck where 30' is required. To allow a farmer's porch on the front of the home to be constructed 19.5' to the side yard setback, where 30' is required.

Chairman Curto recused himself from this case. Mr. Joseph Maynard from Benchmark Engineering addressed the Board. Mr. Maynard explained that the variance is needed for expansion and volume. Mr. Maynard stated that there is also a variance for the farmer's porch. The existing building coverage is 18.9% and post development it would be 10.4% where 20% is allowed. The impervious coverage post development would actual decrease by 1% as some parking area is being removed. There is a state approved septic on site and a lot line adjustment has been made to the property prior to this application. There is a previously filed shoreland permit that has a plan for a retaining wall that has yet to be built. The Board has no issues with the plan as presented.

Miscellaneous

Vice Chair Morris mentioned meeting with several engineering firms to discuss donating their time for the greenway project. Vice Chair Morris is hoping to work with the town and local engineers to move this project forward in a timely manner.

**Intent to Cut Applications:**

- 3 Stoneywyke Rd

The Board reviewed the application on the GIS. There is currently a structure on the site. The Board has no comments at this time.

- 150 Haverhill Rd Supplemental

The Board reviewed the application, yet, they understand that they have very little say when an application is rural and residential.

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

Respectfully submitted by Anitra Lincicum

Approved