



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Conservation Commission

Approved Minutes

June 11, 2020

7:30 pm @ Community Development Department (and remotely)

Attendance:

Dave Curto- present (at Community Development)

James Finn- excused

Wayne Morris- present

Pam Skinner- present

Lisa Ferrisi- present

Brian McFarland, seated for James Finn- present

Kara Feldberg, alternate- present

Attendance was taken by roll call vote and all members stated they were in the room alone with the exception of Chairman Curto who was at Community Development. The meeting is being held remotely per Executive Order 2020-04.

Election of Officers:

A motion was made by Ms. Skinner to appoint Mr. Curto as Chairman of the Conservation Commission. Seconded by Mr. Morris. Roll call vote: Mr. Curto, Mr. Morris, Ms. Skinner, Mr. McFarland, and Ms. Ferrisi- yes. Vote 5-0. Motion passes.

A motion was made by Ms. Skinner to appoint Mr. Morris as Vice Chair of the Conservation Commission. Seconded by Mr. McFarland. Roll call vote: Mr. Curto, Mr. Morris, Ms. Skinner, Mr. McFarland, and Ms. Ferrisi- yes. Vote 5-0. Motion passes.

The Board briefly discussed the role of secretary; Mr. Morris stated it is not in the by-laws.

Miscellaneous Items:

- North Lowell Rd. Lot 11-C-3600 breaching of the beaver dam/ pond emptied

Chairman Curto stated that NH DOT went out and breeched the dam. There is back up water in the storm drains and that is the biggest concern.

Mr. Dennis Senibaldi is in attendance to be part of the discussion. Mr. Senibaldi addressed the Board. Mr. Senibaldi stated that there has been water coming across North Lowell Road at several locations over the years. Mr. Morris stated he thinks a good job was done cleaning out the cross culverts; there is a mass of water coming down and it is difficult for the water to be contained. Mr. Senibaldi stated that there are benefits to attempting to maintain proper flow from one end of town to the other which was also the part of Mr. Jack McCarthy's goal when this was his role. Mr. Senibaldi would like to

44 know if they would like to continue with the culvert that is there or would they like to
45 employ another strategy. Chairman Curto stated that there were signs of beavers in the
46 past. The property was purchased by the town since 1972. The identification card on the
47 property identifies it as a “pond and wetland” on the ID card listed on the town resources.
48

49 Chairman Curto would like to see it remain as a pond. Chairman Curto stated that the
50 way the discontinued road and the culvert looks appears as if it might have one day been
51 passable but it is no longer. Chairman Curto stated that there are “beaver deceivers” that
52 can also be used. Mr. Morris asked Mr. Senibaldi if restoring the stone box culvert was a
53 feasible option as it appears that some water has come back into the area. A “beaver
54 deceiver” might help control the level of the pond; two of these are currently being used
55 on the rail trail and have served the purpose of maintaining the water level. Mr. Senibaldi
56 stated that it is appropriate to maintain the stone culvert that is currently there; a beaver
57 deceiver may not be necessary if the culvert is functioning properly. Mr. Senibaldi stated
58 that repairing one boulder will do quite a bit to repair to the area. Mr. Senibaldi stated
59 that he understands people like the look of the pond but he does not believe the proper
60 maintenance of the area was done over the years.
61

62 Mr. Wendy Williams addressed the Board and stated that draining the wetland is not
63 going to do much to help the wetland. The flooding will still be happening and will not
64 do much to reduce the problem of flooding. Ms. Williams stated that changing the
65 environment will not do much for the flooding in the town common. Mr. Senibaldi stated
66 their job is to maintain the flow of water through the culverts. Mr. Senibaldi stated that
67 the biggest challenge is now trying to repair the areas that have not been maintained
68 overtime. “manage and maintain a consistent flow” is the language that Mr. Senibaldi
69 used to describe how the roads should be managed. Ms. Ferrisi asked if there were any
70 studies on wildlife in the area. Further, she asked if the culvert is properly sized for that
71 area. Chairman Curto stated that it appears that the top part of the culvert might have
72 dropped down. Mr. Senibaldi stated that it is a 36-inch culvert at its full size. There is a
73 boulder that is a restriction in the area which has not allowing it to function at its full size.
74

75 Ms. Williams stated that a lot of this is speculation as to what the best thing is to do. Ms.
76 Williams suggested that hiring a consultant may be the next best step to look at this
77 culvert as well as others in town to preserve wildlife. Ms. Williams stated that the
78 culverts may not be built to the “rain standards” that exist today. Many of these steps
79 might be speculation instead of more informed decision making. Vice Chair Morris stated
80 there is a 2 foot by 3-foot culvert; it was built to size. Vice Chair Morris stated that there
81 is a chance that the beaver will come back and then, perhaps, the beaver can then be
82 managed upon its return. Mr. Senibaldi stated that the town did not breach the dam, he
83 further stated that his approach to the dams are more than just speculation.
84

85 Chairman Curto stated that he will keep researching the wildlife study in the area.
86 Chairman Curto is also in touch with the New Hampshire Heritage Bureau.

87
88 Mr. Senibaldi stated that there may be an issue in the late summer as it becomes dry in
89 the area. Mr. Senibaldi stated he would like to repair the area with the approval of this
90 Board. Vice Chair Morris believes the drier months are the best time to repair these areas.
91 The Board also talked about the impacts on Moeckel Pond and how those were essential
92 non-existent at this time. Mr. Senibaldi would also like to manage and repair the stone
93 culvert in the area. The Board has consensus around allowing Mr. Senibaldi to make the
94 repairs to the stone culvert.

95
96 • BOS meeting review from 6/1/2020

97 Chairman Curto stated that the discussion was around Abbott Road and the Deer Leap
98 parking lot along with the boat launch in the area. Several signs have been taken down in
99 the area right after they were put up. This will be addressed at the next Conservation
100 Commission meeting.

101
102 • Trails committee meeting review from 6/4/2020

103 Vice Chair Morris would like an update on the mapping of the trails in town; he is
104 looking for a status update in the area. Vice Chair Morris stated there were 31,000 people
105 who traveled on that trail from early May to early June. Also, on the Derry side, there
106 have been 16,000 in both directions. There is definitely usage in the area that is higher
107 than usual.

108
109 Chairman Curto stated that Mr. Eric Dulong has been in touch with the staff at Southern
110 New Hampshire Planning and Chairman Curto has signed the contract so they can start
111 work on the trails. The Board discussed which properties would be mapped at this point:
112 Deer Leap, Windham Town forest, Clyde Pond/ The Gage Lands, Foster Pond/the
113 Greenway (the alignment of the continuation is still unclear).

114
115 Chairman Curto mentioned the idea of trail adopters. People who walk an area of the trail
116 who clean up brush and trash on the trail in a certain area. Chairman Curto stated that
117 finding volunteers through social media might be a good place to start. The Board is in
118 agreement on such an initiative.

119
120 • Planning Board Workshop Review from 6/10/2020

121 Any follow up will be given to the Board by the Chair.

122
123 • Pro turf bill review

124 There were some mounds left behind from the work that the company did near the dam.
125 There are three spots that are kind of an eye sore to the neighbors in the area according to
126 Chairman Curto. Vice Chair Morris stated that the Coffey Dam is back and it may be best
127 to get there sooner than later for that reason before the water level rises. The original
128 contract was for \$4,999 on 10/9/2019. There was also additional work added in later in
129 the month. There was a \$2,100 discount and \$2,899 was the total bill after the discount
130 due to a portion of the work not being completed per the agreement.

131

132 Wood Meadow Estates

133

134 Chairman Curto asked Mr. Gendron if he had any information regarding Wood Meadow
135 Estates. Mr. Gendron stated he can look into it with Mr. Zohdi but he does not have an
136 answer this evening. Mr. Rex Norman stated he would also look into the topic.

137

138 **A motion was made by Vice Chair Morris to sign the approval of the deed by the**
139 **Chair. Seconded by Ms. Ferrisi. Roll call vote: Mr. Curto, Mr. Morris, Ms. Skinner, Mr.**
140 **McFarland, and Ms. Ferrisi- yes. Vote 5-0. Motion passes.**

141

142 • Docks and Removal of some things in the water on Abbott Road

143 Mr. Joe Maynard addressed the Board. Mr. Maynard stated he has been working on a
144 home for the Rogers family. Mr. Maynard stated there is an old concrete wall that
145 appears to be in the bottom of the lake. Mr. Maynard stated he would like to move the
146 project forward and get the approval of the Board sooner rather than later in order to
147 remove the debris in the pond. It is a substantial amount of concrete. The Board has no
148 issues at this time. Mr. Maynard stated that the dock that is built cannot be any larger
149 than what is here today. Mr. Maynard will be filing in the next few days with the state.
150 Mr. Maynard asked that the Board not suspend the work for the 45 days, respectfully.

151

152 • Wall for a house on Cobbetts Pond

153 Mr. Maynard stated there is a storm wall along the lake; the wall has been damaged with
154 ice. The work is still allowed through a PBN. Mr. Maynard stated there is a
155 straightforward application that will use a stone type of material. Vice Chair Morris asked
156 about the wave action in the area. The wall has to be built in the exact same location as
157 the current wall. The Board has no issues at this time.

158

159 **A motion was made by Vice Chair Morris to allow the Chair to sign for the**
160 **approval for the above-mentioned work. Seconded by Ms. Skinner. Roll call vote: Mr.**
161 **Curto, Mr. Morris, Ms. Skinner, Mr. McFarland, and Ms. Ferrisi- yes. Vote 5-0. Motion**
162 **passes.**

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164 **ZBA:**

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Case #13-2020: Parcel 21-K-18

Applicant – Marisa (Deluca) Wyszomirski

Owner – Marisa (Deluca) Wyszomirski

Location – 82 Turtle Rock Road

**Zoning District - Residential A District and Cobbetts Pond & Canobie Lake
Watershed Protection Overlay District (WPOD)**

Application to Appeal an Administrative Decision – The issuance of WPOD Minor Application, Permit #05-2020, Dated April 28, 2020. Appealing notice of alleged violations of Section 616 Cobbett’s Pond and Canobie Lake Watershed Protection Overlay District (WPOD).

The Board and Mr. Norman discussed why the Conservation Commission might be hearing this case. The applicant, Mr. Gendron and Attorney John Cronin were in attendance via Zoom to represent the applicant.

At the suggestion of Attorney Cronin, the following motion was made:

A motion was made by Vice Chair Morris to support the following statement: “The Conservation Commission does not support the construction of surface water management improvements without proper permits; the Conservation Commission does not support the redirection of surface water onto the land of another without permission and the Conservation Commission does not support the construction of swales or other surface water structures that do not comply with best management practices compliant with all applicable regulations” Seconded by Ms. Skinner. Roll call vote: Mr. Curto, Mr. Morris, Ms. Skinner, Mr. McFarland, and Ms. Ferrisi- yes. Vote 5-0. Motion passes.

Case #14-2020: Parcel 17-L-140

Applicant - Benchmark Engineering, Inc.

Owner – MacThompson Realty, LLC.

Location – 23 Sawyer Road

**Zoning District - Rural District and Cobbetts Pond & Canobie Lake
Watershed Protection Overlay District (WPOD)**

Variance Relief is requested from **Section(s) 702 & Appendix A-1**, to allow construction of a single-family dwelling and detached barn on a lot with 0’ of frontage on a town road. Specifically from **Sec. 702 & Appendix A-1** to allow 900’+/- of frontage on a private road (Sawyer Road) where 175’ is required on a public road.

Mr. Maynard addressed the Board. The detention pond is big enough to handle something larger. The barn is about 600 feet smaller than the original plan. There is no plan for animals or livestock in the barn according to Mr. Maynard. The configuration of the building has changed; hence, Mr. Maynard was told he would need to go back to the Planning Board. The impervious surface on Sawyer Road will be relocated with this application. There is the old road that will be removed. The property owners agreed to let the applicant move the road at his own expense. Part of the application is that there will be treatment swales. There is not a conventional detention pond and

211 there is a flat slope that goes into the pond; there is a dip crash as well. There is an alteration of
212 terrain permit that puts the application through a different level of scrutiny. There is some gravel
213 on top of pavement as there is an older paved road that is falling apart.
214

215 The Board mentioned the use of animals in the barn and they would like to see no animals as it is
216 within the WWPD and they are concerned about animals' waste so close to the pond.
217

218 **Case #15-2019: Parcel 11-A-410**

219 **Applicant – Benchmark Engineering, Inc.**

220 **Owner – Mark E. Harvey**

221 **Location – 10 Haverhill Road**

222 **Zoning District – Rural District and Wetland & Watershed Protection District (WWPD)**
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224 Variance relief is requested from **Section(s) 601.1.1, 601.3, 601.4.6, 601.4.8.4.1, 702 &**
225 **Appendix A-1**, to allow construction of a new single-family dwelling on a lot with a previously
226 ZBA approval (06-2019) and a prior ZBA approval (16-2015). Specifically from **Sec. 601.1.1**
227 **and 601.3** to allow 700 sq. ft. of the new dwelling (where **1,050** sf was previously approved) of
228 the dwelling to be located within the WWPD, where development of structures within the
229 WWPD are not allowed. And from **Sec. 601.1.1** to allow the dwelling to be 65' from the edge of
230 wetlands where 100' is required (and 60 feet was previously approved). And from **Sec. 601.3** to
231 allow 3,500 sf of associated grading and improvements within the WWPD where such use is not
232 permitted. And from **Sec. 601.4.6** to allow a septic system 70' from the edge of wetlands where
233 100' is required. And from **Sec. 601.4.8.4.1** to allow WWPD boundary markers to not be installed
234 along the easterly WWPD line from approx. station 7+00 of the driveway to the stonewall at the
235 rear of the lot, where markers be placed at 50' intervals is required. And from **Sec. 702 &**
236 **Appendix A-1** to allow 0' frontage on a state road where 175' of frontage is required on a public
237 town road.
238

239 Mr. Maynard addressed the Board. The previous permit had expired and the ownership changed
240 hands. Mr. Harvey is building a smaller home that is previously on the lot but the applicant was
241 asked to reapply by staff. There is a berm and another hill before the WWPD on the lot. The leech
242 field is not in the WWPD, nor is the septic. The Board appreciates the engineer's explanation of
243 both the septic and the leech field.
244

245 **Planning Board:**

246
247 **Case 2020-13, Minor Final Subdivision Approval (lot 7-A-3000 & 3005)**

248 **67 & 69 Searles Road, Rural District & WWPD**

249 The Dubai Group representing Malcolm & Leanne Lummis and Haroot & Melanie Tokatlian is
250 proposing a lot line adjustment transferring 13,145 sq. ft. from lot 7-A-3005 and adding it to lot
251 7-A-3000.
252

253 Mr. Norman shared with the Board the portion of land that would be conveyed to Lot 3000. The
254 shed would be conveyed but it will be made smaller as it will be too close to the lot line. The
255 Board has no issues with the plan at this time.
256

257 **DES Permits & Correspondence:** 108 South Shore Road

258

259 There has been a complaint about a dock. The dock was installed without a permit. A dock in
260 excess of the approved design.

261

262 **Campbell Farm Discussion:** Mowing schedule/ Field Works contract

263

264 Mr. Chris Akins is willing to do the mowing at Campbell Farm for \$2,000 to do the mowing.
265 Vice Chair Morris stated he would like to take a walk to remove trees or limbs from the area so
266 that this might become a walking trail in the area. The goal would be to have the trail continue
267 along the edge of the field and let the abutter know that this is what they are looking at.

268

269 Mr. Tom Paquette, the caretaker, has cleared the steps to the old foundation. Vice Chair Morris
270 mentioned the increase traffic on the trails.

271

272 **A motion was made by Ms. Skinner to allow Fieldworks to continue with the mowing in the**
273 **area with the ongoing contract. Seconded by Mr. McFarland. Roll call vote: Mr. Curto, Mr.**
274 **Morris, Ms. Skinner, Mr. McFarland, and Ms. Ferrisi- yes. Vote 5-0. Motion passes.**

275

276 The cow path is walkable now thanks to the work of Mr. Paquette. There is now a view of the
277 back of the house. The renovations are on-going in the house. Mr. Paquette is in agreement that
278 the trails should be where this cow path has been developed over time.

279

280 **Clyde Pond Updates:**

281

282

- Parking lot review
- Swimming hole issues

283 The survey of this area was discussed by the Board. The other day, officers reported to
284 Clyde Pond and escorted people off the property. Chairman Curto talked about putting a
285 gate at the lower end which would be \$3200 to prevent vehicles from driving down the
286 trail. It will allow hikers and bikers through.

287

288 **A motion was made by Vice Chair Morris to expend \$3,200 for the lower road gate**
289 **and for the walk-through area which would be a 12-foot gate. Seconded by Ms.**
290 **Ferrisi. Roll call vote: Mr. Curto, Mr. Morris, Ms. Skinner, Mr. McFarland, and Ms.**
291 **Ferrisi- yes. Vote 5-0. Motion passes.**

292

293 There is a two-week lead time with the gates because they custom build each gate, on the
294 third week it will be installed according to Chairman Curto.

295

296 Chairman Curto stated that there is a pre-existing jumping dock up in the tree at Clyde
297 Pond. Someone jumped off the high dock last week and ended up breaking their leg. The
298 advice was to remove the higher area. The rope swing and the low deck is not an issue as

299 much as the higher. Chairman Curto talked about cutting the rungs that are higher so that
300 swimmers and divers do not hurt themselves on the higher rungs.

301

302 The town beach is open and perhaps it will take some of the impact off of the area.

303

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

305 • Dam construction traffic start 6/8/2020

306 • Parking lot

307 The Board discussed the parking area in this location and how it was much larger at one
308 point, it was pulled back because there was a lot of people dumping trash earlier. Vice
309 Chair Morris reports there was a dumping issue in the area so that is why it was made a
310 little smaller.

311

312 Bill for the NH Association of Conservation Commission for 2020

313

314 Mr. Morris will send an email to get information on up to date current use to see the bills
315 that are paid out to be sure this bill was not paid in October or November.

316

317 **A motion was made by Ms. Skinner to adjourn at 10:30pm. Seconded by Ms. Ferrisi. Roll**
318 **call vote: Mr. Curto, Mr. Morris, Ms. Skinner, Mr. McFarland, and Ms. Ferrisi- yes. Vote**
319 **5-0. Motion passes.**

320

321 Respectfully submitted by Anitra Brodeur