



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### Conservation Commission

### Approved Minutes

July 11, 2019

7:30 pm @ Community Development Department

#### Attendance:

Chairman Dave Curto- present

Vice Chair James Finn- present

Wayne Morris- present

Lisa Ferrisi- present

Kara Feldberg, alternate- present

Oliver Liu, alternate- present

Pam Skinner- excused

Brian McFarland, alternate- excused

#### ZBA:

**Case #23-2019: Parcel 8-B-6200**

**Applicant – Comrock, LLC**

**Owner - Comrock, LLC**

**Location – 154 Rockingham Road**

**Zoning District – Neighborhood Business District, Route 28 Access Management Overlay District, Wetland and Watershed Protection District (WWPD)**

Variance relief is requested from **Section(s) 603.1, 615.5, 702 & Appendix A-1; Sec. 603.1** to allow construction of a 3,600 sf permanent building and retaining wall in the WWPD, where the erection of any permanent buildings are not allowed in the WWPD, **Sec. 615.5** to the extent necessary, to allow construction of a 3,600 sf permanent building in the Route 28 Access Management Overlay District which overlaps the WWPD, where the erection of any permanent buildings are not allowed in the WWPD, **Sec. 702 & Appendix A-1** to allow for the construction of a commercial property closer than 100' from residential zoning district without a vegetative buffer or earthen berm 50' wide, where if a non-residential use (building, parking area, or driveway) is proposed closer than 100' from a residential zoning district, a vegetative buffer or earthen berm 50' wide must be provided, which will provide screening for the residential use is required in the Neighborhood Business District.

Mr. Curto read the case into the record. The Board discussed that this plan was once proposed with a wetland filling for the fire lane. There is a proposed building and parking on the site and there is a variance for the buffer in the overlay. The Board discussed if the septic system was in the WWPD. The Board discussed that Mr. Gendron had come in to discuss the plan last year.

Mr. Morris stated that he would like to see the Board not recommend such a variance: one that fills in a wetland for the sake of a fire lane and a parking lot as he does not agree with the precedent it may set.

45 Attorney Laura Carlier addressed the Board; she represents the client who is represented  
46 by Cronin, Bisson, and Zalinsky. Attorney Carlier called the office today to ask about  
47 representation at the meeting. Attorney Carlier was told by Mr. Arsenault that they did  
48 not need to present this evening  
49

50 Attorney Carlier stated that the building is within the 100 feet of the wetlands as Mr.  
51 Morris stated. Mr. Morris stated that the wetland fill is in the WWP. Attorney Carlier  
52 stated that she is not aware if the septic is in the WWP but she will get the answer for  
53 the Board.  
54

55 Chairman Curto stated that this plan will affect the town forest. Attorney Carlier stated  
56 that the plan is to have real estate offices and the like in the building, not heavy industrial.  
57

58 Mr. Morris asked if the Board if they were in agreement that this should not be built on  
59 this lot. Mr. Morris stated that there is not enough coverage for the overlay district.  
60

61 Attorney Carlier stated that they did not need to meet the 50-foot buffer in this district  
62 ordinance; it is one of the few exceptions. Mr. Morris asked about Section 615.5 is about  
63 what might be permitted in a neighborhood district vs. an overlay district. Attorney  
64 Carlier stated that the Neighborhood District has some allowed uses that do not exist in or  
65 near a wetland. 615.6.2 stated that the Neighborhood District does have other allowed  
66 uses.  
67

68 Mr. Morris went back to the concept of filling in wetlands. Regardless of the district, he  
69 does not agree with the filling in of wetlands. Mr. Morris stated that the Board has  
70 nothing to do with the applicant being notified; the Community Development Department  
71 is tasked with informing the applicant of the meeting.  
72

73 The Board discussed that the Board did not comment on the first pass of the project as  
74 Mr. Gendron stated that he would be coming back.  
75

76 Attorney Carlier stated that she could suggest that the application be continued to the next  
77 Conservation Commission meeting prior to going to the Zoning Board of Adjustment.  
78

79 The Board discussed their desire to see a presentation from the applicant and they would  
80 appreciate the opportunity to see a thorough presentation of the proposal prior to the case  
81 going before the Zoning Board of Adjustment.  
82

83 Mr. Tom Case addressed the Board and stated that this is the headwaters of Seavey Pond  
84 that flows into Shadow Lake that flows into Millville Lake. This is the headwaters of  
85 many lakes and ponds in the area. Also, the Conservation Commission is an abutter as  
86 well as managers of the town forest.

87 Chairman Curto feels the WWPD impacts are overwhelming. The building and parking  
88 could affect how wetland stream. The fill for the fire lane is also not advisable by the  
89 Commission.

90

91 **Campbell Farm Discussion**

92

93 Campbell Farm, the field was cut.

94

95 **Miscellaneous Items**

96

97 Mr. Morris stated that the discussion about Moeckel Pond Island was not on the agenda  
98 last week. Mr. Morris has been asked to send a small summary of what they are being  
99 asked to do out on the island. Also, there is a question as to who will be managing the  
100 land and in what capacity. Mr. Morris will email him with the summary.

101

102 Mr. Feldberg stated that there is broken glass on the island on Foster's Pond where  
103 benches were installed by an Eagle Scout. Ms. Feldberg volunteered to go and  
104 investigate. The Board also discussed putting a camera in the area if needed.

105

106 The Board reviewed the mail: information regarding a dock, herbicide use from National  
107 Grid, flood insurance rate map letter from FEMA, invoice from Fieldworks.

108

109 **A motion was made by Mr. Morris to pay Fieldworks for \$2,000 for working**  
110 **mowing at Campbell Far. Seconded by vice Chair Finn. Vote 5-0. Motion passes.**

111

112 There was also a letter from a resident on Hardwood Road. The resident is concerned  
113 about the cell tower impact on the properties and wetlands. Mr. Morris stated that the  
114 case was heard last night at the Planning Board. The resident resides at 9 Hardwood  
115 Road. There will be a site walk at 9 am on Saturday for the Planning Board and the  
116 public.

117

118 Mr. Rex Norman, Community Development Director, did write an email to the Chair  
119 explaining the changes to the agenda. Town Counsel wanted the Conservation  
120 Commission to be informed of the right of way at Simpson's Crossing on Emerson Road.  
121 Mr. Norman stated that Town Counsel is looking for as much clarity as possible. Mr.  
122 Morris stated that there is a conservation easement on Emerson Road. The deed  
123 acknowledges right to maintain by third parties but town counsel is curious if that might  
124 include possible underground utilities or paving of the road. The road is currently gravel.

125

126 Mr. Morris stated that the Conservation Commission might be comfortable with your  
127 typical maintenance on town, gravel or dirt roads but not underground utilities or paving  
128 as there is a culvert underneath the road. The Board also discussed future maintenance

129 needs and who might be responsible as these needs arose. The Chairman will  
130 communicate the Conservation Commission's request to Mr. Norman.

131

132 **A motion was made by Mr. Morris to adjourn at 8:30pm. Seconded by Vice Chair**  
133 **Finn. Vote 5-0. Motion passes.**

134

135 **Respectfully submitted by Anitra Brodeur**

Approved