



CONSERVATION COMMISSION

Town of Windham

PO Box 120

Windham, New Hampshire 03087

June 12, 2003

Dianna Fallon – Chairman
Pamela Skinner – Vice-Chairman
Tom Seniow – Secretary
Gerry Capron – Member
Bruce Anderson - Member
Lisa Linowes – Member
Rick Adams – Member
Bernie Rouillard – Alternate (Excused)
Terri Lucas – Alternate

Alternate Appointments

The Chairman seated Mrs. Lucas and Mr. Anderson for this meeting.

This was Mr. Capron's last meeting. The Chairman presented a greeting card and gift to Mr. Capron to thank him for his 15 years of service to the Conservation Commission. Mr. Capron thanked the Members.

The Chairman explained that there would be no interruptions during Mr. Maynard's 30-minute presentation. Afterwards each Member would have five-minutes to ask questions.

Spruce Pond Estates, Dredge & Fill Application

Presented by Joe Maynard of Benchmark Engineering
Location – Adjacent to NH Route 28 (Rockingham Road)
Lots 3-B-600, 650, 1200, 1300

The proposed Phase I of this project consists of approximately 188 acres and is comprised of lots 3-B-375, 600, 650, 1200 and 1300. The intent of the project is to consolidate the parcels and to subdivide them into 48 lots. The construction of 48 single-family houses is proposed. Additionally, two neighborhood business lots will be created long Route 28. Currently there are no plans to develop the neighborhood business lots. The wetland crossings are for access to buildable uplands and primarily occur within pre-jurisdictionally disturbed areas. Impacts to forested wetlands adjacent to Route 28 are the result of road widening mandated by NH DOT. Wetland impacts associated with this project total 25,290 square feet. Wetland impact to Area #1 totals 1800 square feet and results from a road crossing. Wetland impact to Area #2 totals 23,000 square feet and results from a road crossing and associated grading. Wetland impact to Area #3 totals 450 square feet and results from a road crossing. Wetland impact to Area #4 totals 40 square feet and results from the construction of drainage improvements along Route 28. The



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driveways for lots 1250 and 1251 will minimally impact the WWPD (approximately 20 – feet). This project has been redesigned several times to minimize wetland impacts while meeting project requirements. The predominant physical features defining the property include three large wetland complexes with several associated wetland pockets, several prominent hills and several prominent ridges. A large forested wetland complex associated with the flooded Spruce Pond is located along the main southern boundary of the parcel. This wetland complex drains eastward by means of a small perennial tributary to Flat Rock Brook. A second large wetland complex is present along the east boundary of the parcel in the northern portion of the property. A horse exercise track and an associated paddock disturbed the northern portion of this complex. Additionally, portions of this complex are bisected by an existing access road for these facilities. Hydrologic flow from this wetland complex also drains to the east and joins a tributary to Flat Rock Brook. Several pockets of wetlands are scattered throughout the remainder of the proposed Phase I of this project. Two potential vernal pools are located in the northwest corner of Phase I within the proposed open space. It is likely that this wetland drains to Mitchell Pond before joining Flat Rock Brook. Development access is by a proposed roadway running west through the east and central sections of the property and then south through the western section. This road would be accessed by Route 28. Lot configuration and road placement have been designed as an Open Space Development to minimize direct wetland impacts while complying with local regulations regarding road setback and wetland conservation district buffers. In accordance with the Town of Windham requirements, 107.5 acres of the proposed Phase I will remain as open space. After hearing Mr. Maynard's presentation the Commission had the following recommendations.

- Schedule a meeting to look at access to town land to eliminate liability issues.
- Restriction of fertilizers on lots adjacent to the WWPD. Request that this information be on the deeds.
- Ask Jim Gove about wetland crossing for the wildlife in Areas A&B.
- Issue of additional mitigation in relationship to land being taken.
- Explore 24-26 foot road width for Duston Road

The Members scheduled a site walk for Tuesday, June 17, 2003 at 4:30 PM; meeting place will be the old barn on the existing driveway.

Mrs. Linowes motioned to go into closed session per RSA 91-A:3 to discuss land acquisition. Mr. Capron seconded the motion. Passed unanimously.



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Other Business

The Commission plans to meet on July 22, 2003 to discuss goals and objectives.

Review of Zoning Board Case #23-2003, Lot #16-O-207

17 Viau Road

A variance is requested from Section 702 to permit the construction of an attached garage 12' 11" to the lot line where 30' is required and from Section 401 expansion of a nonconforming structure. Viau is not a town road; it is a private deeded right-of-way.

Mr. Anderson advised the Commission that he had reviewed this case before the meeting and found that the structure would not be closer to the pond. Mr. Seniow motioned that the Conservation Commission had no comments or recommendations for Case 23-2003. Miss Skinner seconded the motion. Mrs. Lucas, Mr. Seniow, Mr. Capron, Miss Skinner and Mr. Anderson agreed. Mrs. Linowes opposed because there would be additional impervious surface near the pond. Motion passed 5-1.

Review of Zoning Board Case #24-2003, Lot #17-L-81B

22 Horseshoe Road

A variance is requested from Section 702 to permit the construction of a garage and family room 20-feet to the side lot line where 30-feet is required and 24-feet from the rear lot line where 30-feet is required.

Mr. Anderson advised the Members that he had reviewed Case 24-2003 before the meeting and found that there is no frontage on the pond. Mr. Capron motioned that this is not a Conservation Commission issue. Mr. Seniow seconded the motion. Mrs. Lucas, Mr. Seniow, Mr. Capron, Miss Skinner and Mr. Anderson agreed. Mrs. Linowes opposed. Motion passed 5-1.

Mr. Capron motioned to have the Conservation Commission send a letter of support for LCHIP. Miss Skinner seconded the motion. Passed unanimously.

The Chairman advised the Members that she had asked Mr. Capron to come up with a slate of candidates for officers to be voted on at the next meeting. The following are Mr. Capron's suggestions.

- Dianna Fallon – Chairman
- Tom Seniow – Vice-Chairman
- Rick Adams - Secretary



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Minutes

Miss Skinner motioned to accept the May 22, 2003 minutes as written. Mr. Anderson seconded the motion. Passed unanimously.

Mail

- Invoice from Steven Lewis, Inc. \$517.50 Professional Services.
- Invoice from Steven Lewis, Inc. \$1103.50 Professional Services.
- Conference Report from the State of NH on Environmental Commitments for the Route 111 Bypass Work
- Letter from William Silvestri of Silvestri Corp. regarding progress at Lamplighter Village.
- May, 2003 Report from the Tax Collector
- NH DES Wetlands Complaint File #2003-01090, ROW Windham.
- RPC Memo - Availability of Planning Assistance grant Funds
- Letter from Al Turner regarding 66 + 68 Turtle Rock Road
- Letter from DES regarding Spruce Pond Estates regarding Proposed Bedrock Wells 1 + 2, NHDES #994121.
- Rockingham Land Trust – Membership Information

The Chairman read the June 11, 2003 letter from Mr. Turner into the record. A portion of the March 27, 2003 letter from NH DES was also read. Mr. Capron motioned to have Mrs. Linowes call Allyson Gurley at NH DES for a definition of *as soon as practicable*. Mrs. Lucas seconded the motion. Passed unanimously.

Mrs. Linowes informed the Commission that Phase II of the Spruce Pond Subdivision would be petitioning the Board of Selectmen to upgrade Hopkins Road from a Class VI to a Class V road. Mrs. Linowes suggested that a letter be sent to the Board of Selectmen stating that the Conservation Commission is interested in weighing in on this issue. Mrs. Linowes motioned that a letter be written to the Board of Selectmen and be ready for Monday July 16, 2003 Board of Selectmen meeting stating that the Commission may be seeking an environmental impact study. Mr. Anderson seconded the motion. Passed unanimously. At the Chairman's request Mrs. Linowes will write the letter.

The Chairman asked Mrs. Kovolyan to contact Mr. Silvestri to set up three or four dates that he has available for the Conservation Commission to meet with the Landscape Architect.

Mr. Capron motioned and Mrs. Linowes seconded the motion to pay the \$1103.30 Steven Lewis, Inc. invoice for professional services from April 2, 2003 to April 25, 2003. Passed unanimously



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Mr. Capron motioned and Miss Skinner seconded the motion to pay the \$517.50 Steven Lewis, Inc. invoice for professional services from May 20, 2003 to May 22, 2003.
Passed unanimously.

Mr. Capron motioned and Miss Skinner seconded the motion to adjourn at 11:17 PM.
Passed unanimously.

The next meeting of the Conservation Commission is scheduled for June 24, 2003 at 7:30 PM in the Planning & Development Office.

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