



# CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

## Conservation Commission

### Minutes

**June 24, 2010**

Dr. James Finn, Chairman  
Mr. Wayne Morris, Vice-Chairman (Excused)  
Mr. Brian Dell'Orfano – Secretary  
Mr. Dennis Senibaldi – Member  
Ms. Pamela Skinner – Member  
Dr. Bruce Anderson – Member  
Ms. Lisa Ferrisi - Member  
Mr. Bernie Rouillard – Alternate  
Mr. John McRobbie – Alternate

#### **Seat Alternates**

The Chairman appointed Mr. Rouillard to replace Mr. Morris for this meeting.

#### **25 North Shore Road, Lot 16-D-14**

Mr. Joseph Maynard of Benchmark Engineering explained that the original variance application was withdrawn because the applicant changed the design.

- 7 foot deck is being pushed back to 9 feet.
- Shoreline Protection is fine with rebuilding on the exact footprint and no closer to the lake.
- The garage falls within the WWPD and the Cobbetts Pond Ordinance buffer requirement from streams that feed the pond.
- Cobbetts Pond is exempt from WWPD.
- Garage will be within close proximity to the road.
- There will be drainage improvements off of the driveway
- There will be drainage improvements to the grass area.
- Lot coverage 13%.
- Mitigation will be done with infiltration.



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Mr. Rouillard said that this is overuse of the site with a garage and accessory apartment and the Commission should not endorse added uses near the pond.

Mr. Maynard requested a positive letter from the Conservation Commission.

Mr. Senibaldi motioned and Mr. Dell'Orfano seconded the motion to send a letter to the Zoning Board stating that the Conservation Commission has no issues with the plan as presented and the Commission prefers Option A. **Motion passed 6-1.** Mr. Rouillard voted against the motion.

## **Discussion – Moeckel Pond**

Mr. Alan Carpenter of 8 Glenwood Road explained that the state is ordering Moeckel Pond drained because of the poor condition of the dam that is cracked and leaking and is a risk to a town road. Some of the concrete has eroded and there has been no maintenance. Safety is the first priority of the Dam Bureau. The dam can no longer handle a fifty year storm. The thought occurred to Mr. & Mrs. Carpenter to buy the lots, subdivide, and sell them and then have enough money to do the repairs to the dam. This could be accomplished if the repair bill was \$30,000.00 to \$50,000.00. Mr. Carpenter received four proposals; one firm quoted \$30,000.00 to do the engineering and \$150,000.00 to \$200,000.00 to repair the dam. Mr. Carpenter asked the Commission if they find value in Moeckel Pond and if they are in a position to find a joint solution to figure out a way to save it.

Mr. Senibaldi said because this parcel abuts conservation land maybe there is some way to work together.

In talking with the Dam Bureau and Engineering Firms Mr. Carpenter found that if this simple structure is properly repaired you can expect at least a 50 year lifespan without any repairs. Mr. Carpenter gave a brief history of the dam and its construction. NHDES has been sending communications to the owner for two years regarding the repairs. The notices have been ignored. NHDES is about to issue a work order to drain the pond. Mr. Carpenter went on to say that one NH Engineering Firm agreed to do the engineering in phases. Phase I of the engineering would cost \$9300.00 (full engineering cost would be \$30,000.00). Phase I would provide a rough outline of drawings and enough detail to bid to construction companies.

Mr. Norm Young of 1 Jordan Road said if the pond is drained all wildlife will be gone.

Mr. Neil Fallon of 26 Rock Pond Road said there are 12-15 residents on the pond and the Town is also a resident of Moeckel Pond and if it is drained it will be gone forever.

Diane Carpenter of 8 Glenwood Road said that Moeckel Pond is a community resource.



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The Chairman said that this proposal has already been denied by the Board of Selectmen because they were concerned about liability.

Mr. Carpenter said that engineering would be an eight week process.

Mr. Senibaldi motioned and Miss Skinner seconded the motion to expend \$9300.00 for Phase I of the engineering process and Mr. Rouillard would be the contact person to work with Mr. Carpenter. **Motion passed 7-0.**

Mr. Dell'Orfano would like to see the proposal.

## **Discussion – High School Trail**

Mr. Warren Billings, Facilities Manager for Windham School District

Mr. Billings asked for permission from the Commission for the Cross Country Team to use a portion of the existing trail. The team needs a larger competitive running course. Mr. Billings also asked for permission to allow the students to maintain the trails. They would not cut any brush, there would not be any tree or rock removal, no changes would be made. Mr. Rouillard asked if Mr. Billings was sure that no grading would be done. Mr. Billings said no earth or material would be moved.

## **Discussion – Procedure TRC Meetings**

Laura Scott, Community Development Director

Ms. Scott read her June 18, 2010 memo regarding the participation and process of the Technical Review Committee. There is concern by the Community Development Staff, the Planning Board Chair and some applicants regarding the lack of participation in the TRC process. Back in March of 2009 the Conservation Commission agreed to the TRC process.

There has been a noticeable decrease in attendance and a lack of written comments regarding the applications. Applicants are being requested to meet with individual Department Staff and Committees instead of participating in the TRC process. This creates problems for the applicant, staff and Planning Board with timing of applications going to the Planning Board, receiving input in a timely manner and confidence that the material being presented is the same for every Department/Committee and ensuring a streamlined process for the applicant.

Although the Commission is not obligated to attend the TRC meetings, others find it helpful to hear questions and concerns raised at the meetings by other participants.



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The only deviation from the established TRC process was for the Historic District Committee and the Conservation Commission. You were supposed to send a representative to the meetings if possible and review the material at your meetings and provide comments on the applications. If you wanted to schedule a site walk or have the applicant attend a meeting you were to inform the department staff so they could work with the applicant to meet your request.

The Chairman said that as long as he informs Ms. Scott that the Commission needs to review a plan she will take care of scheduling that plan to be seen at a Conservation meeting.

Ms. Scott said it would be easier for the applicant to do a site walk with all Boards and Committees at one time.

Mr. Rouillard said that with little exception any subdivision that has been reviewed in the last two decades the Commission has had comments.

Ms. Scott said she wants the Commission's participation in the TRC process.

Mr. Rouillard said he will make it a point to respond more regularly to the TRC agenda.

Mr. Rouillard said the Commission has not had a chance to discuss the master plan.

Ms. Scott said the Commission could have till Tuesday, June 29, 2010 to submit their master plan comments.

## **Approval of June 10, 2010 Minutes**

Mr. Rouillard motioned and Mr. Senibaldi seconded the motion to approve the June 10, 2010 minutes. **Motion passed 7-0.**

## **Planning Board Report – Miss Skinner**

None

## **Farmland Preservation Initiative – Mr. Morris**

None



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## Other Business

### Lot #19-B-500, 63 Mammoth Road

On June 23, 2010 the Commission did a site walk of the 33-34 acres on Mammoth Road and viewed wetlands and wildlife and decided that it would be worthwhile to accept this donation.

Mr. McRobbie asked to see more information on the well at 63 Mammoth Road.

### Lot #6-A-1300 Kent Street

On June 23, 2010 the Commission did a site walk of the 3 acres on Kent Street. The parcel was almost completely wet and surrounded by other house lots and may not be buildable. The Commission decided not to accept this donation.

## Mail

- June 9, 2010 Letter & Plaque from Southeast Land Trust. Plaque for Windham's partnership with Southeast Land Trust to conserve 78 acres of the Windham Town Forest.
- Email and photos from Ginny Campiolla regarding the conservation land on West Shore Road.
- June 9, 2010 Letter from NHDES regarding Shoreland Application 2010-01442 24 Ash Street.
- June 11, 2010 Letter from Amy Clark at NHDES Alteration of Terrain Permit WPS8078B Spruce Pond Estates Phase II, requesting inspection report.
- Planning Board Workshop scheduled for June 30 7:00 PM feedback on current subdivision regulations as they relate to stormwater management and road design.
- Conservation Land fund Report from Dana Call.
- June 16, 2010 Memo from E. Wood regarding the June 22, 2010 TRC meeting. Memo was emailed to all CC members on June 16, 2010.
- June 18, 2010 Memo from Laura Scott regarding the TRC Process and Participation.
- June 6, 2010 memo from Laura Scott to Karl Dubay regarding the Preliminary site plan review discussion being continued to the July 21, 2010 Planning Board meeting.
- Spring 2010 Newsletter from Habitat for Humanity.
- June 18, 2010 Wetlands Permit issued for 22 Woodvue Road, Permit #2010-01377.
- June 21, 2010 NHDES Letter request more information for 164 Range Road, File #2010-00718.
- June 24, 2010 Memo from Laura Scott to the Planning Board regarding Subdivision Regulations Workshop scheduled for June 30, 2010.



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Mr. Senibaldi motioned and Mr. Dell'Orfano seconded the motion to adjourn. **Motion passed 7-0.**

The next meeting of the Conservation Commission is scheduled for July 8, 2010 at 7:30 PM in the Community Development Office.

These minutes are in draft form and are respectfully submitted for review by Patricia Kovolyan.