



# CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

## Conservation Commission

### Minutes

**October 22, 2009**

#### **Commission Members**

Dr. James Finn, Chairman

Mr. Bernie Rouillard – Secretary

Dr. Bruce Anderson – Member (Excused)

Mr. Brian Dell'Orfano – Member (Excused)

Mr. Wayne Morris – Member

Mr. Chris Rossetti – Member (Excused)

Mr. Dennis Senibaldi – Member (Excused)

Miss Pamela Skinner – Member

#### **Staff**

Patricia Kovolyan

#### **Seat Alternates**

The Chairman appointed Mr. Rouillard to replace Dr. Anderson for this meeting.

#### **2 Birchwood Road – John McRobbie**

Remove fill to re-establish wetlands

Mr. McRobbie presented his restoration plan and explained that this is an isolated, 860 square foot wetland, located on the street side of the property. The applicant would like to restore function and value to the altered wetland system. The majority of the wetland has been filled over the past several decades from decayed leaf matter and road sand which has previously entered the system through a faulty municipal drainage swale which abuts the subject wetland. Maintenance activities were performed on the drainage swales by the Town during the summer of 2009. Prior to these activities the primary water source of the wetland consisted of storm water directed to the area from the eastern extents of Birchwood Road through the municipal storm sewer system. Since the completion of the maintenance activities, storm water has continued to bypass the wetland system and is directed to a drain inlet located at the northwestern corner of the property. The wetland no longer has a hydraulic connection to its former primary water source. Visual indications of hydrology within the wetland include water stained leaves, drainage patterns and root buttressing. Test pits completed by the application to average depths of



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2.5 feet reveal the presence of layers of sand, gravel and decayed leaf matter (ranging in thickness from 6" to 2') which overlie horizons of hydric soils.

The applicant wishes to restore functions to the wetland by:

- Remove sill material and re-establish natural grades to restore hydrologic regime and promote water ponding and retention.
- Eliminate invasive plant species.
- Provide flood water storage and storm damage protection.
- Improve water quality.
- Reduce sediment loading.

The applicant wishes to restore values to the subject wetland by:

- Enhance wetland biodiversity through plantings of indigenous wetland plant species.
- Encourage bird and wildlife habitat.
- Deter mosquito habitat.

This request requires a Minimum Impact Dredge & Fill.

Mr. Morris suggested Mr. McRobbie contact Mr. Jack McCartney, Windham Road Agent, before beginning work on this project.

### **45 Abbott Road – Lot 25-F-114, Dredge & Fill**

Replacement of 80 square feet of retaining wall along pond and behind beach area.

Work completed without a permit in October 2008.

160 square feet of new impacts to wetland.

Mr. Joseph Maynard of Benchmark Engineering explained that the applicant received a violation notice from NH DES. The concrete retaining wall was built in the original location. NH DES has put an administrative order on the property until the situation is resolved. The wall was already completed when the Conservation Commission did its site walk.

### **Approval of September 24, 2009 and October 12, 2009 Minutes**

Mr. Morris motioned and Miss Skinner seconded the motion to approve the September 24, 2009 minutes as amended. Motion passed 4-0.

Mr. Rouillard motioned and Miss Skinner seconded the motion to approve the October 12, 2009 minutes as written. Motion passed 4-0.

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



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Miss Skinner reported that the Planning Board discussed sign ordinances and the WWPD ordinance will be discussed at the November 4, 2009 meeting.

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

Mr. Morris advised the Commission that he is waiting to hear back from Charlie Lebeck regarding an appearance at a Conservation meeting to discuss Innovative Land Solutions.

## **Zoning Board Cases**

### **Lot #24-F-193 #44-2009**

Applicant – Edward N. Herbert Associates, Inc.

Owner – EJR Jr. Development, LLC

Location – 67 Heritage Hill Road

Zone – Rural

A variance is requested from Section(s) 601.4.5 of the Zoning Ordinance to permit a portion of the pool, retaining wall and associated fill to be placed in an area which would otherwise be within an extended portion of the WWPD and not permitted.

### **Lot #24-F-194 #45-2009**

Applicant – Edward N. Herbert Associates, Inc.

Owner – EJR Jr. Development, LLC

Location – 71 Heritage Hill Road

Zone – Rural

A variance is requested from Section(s) 601.4.5 of the Zoning Ordinance to permit a portion of the pool, retaining wall and associated fill to be placed in an area which would otherwise be within an extended portion of the WWPD and not permitted.

The Commission is opposed to granting a variance for Case #44-2009 or Case #45-2009 and suggested that the plan be revised to more in compliance by reducing the size of the pool, moving the pool or changing the orientation of the pool.

## **Mail**

- September 27, 2009 Memo from Laura Scott – follow up of the 9/22/09 TRC Meeting.
- Copy of September 27, 2009 Memo from Laura Scott to Karl Dubay regarding a preliminary site plan review & Subdivision application – Workforce Housing, Lot 17-L-42, 130 Range Road.
- Copy of September 29, 2009 Memo from Laura Scott to Jose Dacruz regarding town-owned land encroachment follow up.
- Copy of September 30, 2009 Shoreland Permit #2009-01291 for 16 Ash Street.



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- Copy of October 1, 2009 Letter from Robert Prokop of Wetland Consulting Services to Jeff Blecharczyk at NH DES regarding DES File #2009-00961 & 2008-01733 for 39 Sawyer Road. Dock and boat lift will be removed because they do not conform to the Seasonal Dock Notification #2009-00961. A Dredge & Fill application will be filed.
- Current Use for September 2009 - \$231.49.
- Copy of October 6, 2009 letter from NH DES Shoreland Program to Louis & Audrey Pereira of 12 Wilson Road regarding Shoreland Application #2009-02299 acknowledging receipt of their application for 29 Farmer Road. Application will be reviewed within 75 days of receipt.
- Copy of Wetland Permit #2009-01971 from Dale Keirstead of NH DES Wetland Bureau to Donald Bielinsky for 31 Armstrong Road.
- Notice from NHACC of the 39<sup>th</sup> Annual meeting scheduled for November 7, 2009 in Concord, NH.
- October 13, 2009 Memo from Laura Scott – follow up of the October 13, 2009 TRC Meeting.
- October 8, 2009 Memo from Laura Scott, October 13, 2009 TRC meeting for Griffin Park Lights, Lot 22-R-900 at 111 Range Road
- Copy of October 14, 2009 Letter from David LeFevre of Hage & Hodes to Tom Gilbert of NH DES regarding File #2007-00187 for 29 West Shore Road, responding to NH DES letter of 9/16/09.
- October 15, 2009 Letter from Peter Zohdi regarding vernal pools at London Bridge Road.
- Copy of October 15, 2009 Letter from Collis Adams, Bureau Administrator at NH DES Wetland Bureau to George Cairns regarding File #2002-02033 NH DOT I-93 Project.
- 2009 Joint Water & Watershed Conference scheduled for November 20, 21, 2009 at Grappone Conference Center in Concord, NH>
- October 15, 2009 Letter from Luke Hurley of Gove Environmental regarding wetland Classification for London Bridge Road Extension.
- Southeast Land Trust 7<sup>th</sup> Annual Fall Fund Raiser November 14, 2009 7-11:00 PM at the Seacoast Science Center, Rye, NH.
- October 21, 2009 Memo from Laura Scott regarding a TRC Meeting scheduled for October 27<sup>th</sup> to review an application for a two-bedroom residential dwelling within an existing office/storage building for the property manager to reside in at Lot 8-C-1.

## **Non-Public Session**

Miss Skinner motioned and Mr. Morris seconded the motion to go into Non-Public Session per RSA 91-A:3 for land acquisition. Motion passed on a roll call vote.



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The next meeting of the Conservation Commission is scheduled for November 12, 2009 at 7:30 PM in the Community Development Office.

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