



# CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

## Conservation Commission

### Minutes

**January 14, 2010**

Dr. James Finn, Chairman

Mr. Bernie Rouillard – Secretary (Excused)

Dr. Bruce Anderson – Member (Excused)

Mr. Brian Dell'Orfano – Member

Mr. Wayne Morris – Member

Mr. Dennis Senibaldi – Member

Ms. Pamela Skinner – Member

#### **37 Sawyer Road – Dredge & Fill Application**

Lot #17-L-130

Construct a 4' X 45' aluminum seasonal dock with boat lift and an 8' X 24' canopy on 191.25' of lake frontage.

Mr. Bob Prokop, NH Certified Wetlands Scientist, from Wetland Consulting Services, submitted photos and presented the Dredge & Fill for 37 Sawyer Road. The project involves the installation of a 4' X 45' aluminum seasonal dock with an attached 8' X 24' boat canopy and boat lift. The boat lift and canopy lie along one side of the dock and are located more than 20' from the property line. All structures would be removed at the end of the season.

The Thompson's received a Shoreland Permit. During an inspection NHDES noticed that the dock that was built was larger than what was applied for so they were told to remove the dock. Water depths are too shallow to accommodate a standard 6' X 30' dock. Pursuant to RSA 482-A:2 VIII on water bodies less than 10,000 acres a boat slip should have 3' of water a distance of 20' from the shore. The current location has a water depth of only 23" 20' from shore. Three feet of water is not reached until 35' from shore. An application for the larger dock has been submitted. Water depths were measured at 5 foot intervals along the 45' seasonal dock on September 29, 2009.

A 4' wide dock was constructed. Although the dock is longer than would typically be allowed, the square foot impact of a 4' X 45' dock is the same as a 6' X 30' dock (180 square feet). The boat lift lies directly on the pond bottom and requires no dredging. The canopy is attached to both the boat lift and dock and does not directly impact the pond bottom.



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The dock location was chosen because the area had previously been cleared when the applicants purchased the property. This location was partially restored under the Shoreland restoration plan submitted to NHDES in January 2009.

With the exception of some fringe wetlands that border Cobbetts Pond, no additional wetlands are near the project area.

Wetland Consulting Services found no unique or rare plants in the project area.

The proposed dock and associated structures lie approximately 100' from the closest abutter. Dock framing is constructed from structural grade aluminum. Deck panels are made from PVC. Hydraulics for the boat lift consist of Chevron Clarity ISO 32 biodegradable hydraulic fluid. None of these materials pose any threat to the water quality.

Mr. Senibaldi suggested a site walk of the area. The Conservation Commission scheduled a site walk for Sunday January 17, 2010 at 8:30 AM.

## **Approval of December 10, 2009 Minutes**

Mr. Morris motioned and Ms. Skinner seconded the motion to accept the December 10, 2009 minutes. Motion passed 5-0.

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

The following items are on the January 19, 2010 Planning Board Agenda.

- Workforce Housing Overlay District
- Section 719 Small Wind Energy Systems
- Impact Fees
- Conditional Approval Extension Request 1 Wall Street

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

Mr. Morris advised the Commission that he spoke with Mr. Charles Lebeck regarding a Community Services Study. Mr. Lebeck's window of opportunity to speak at a Conservation meeting before March 2010 is closing. The cost for the study would be \$5,000.00. Mr. Lebeck would discuss the impact on the Tax Rate comparing Residential, Commercial and Open Space. Mr. Morris will contact Mr. Lebeck. Mr. Morris went on to say that Mr. Lebeck advised him of an organization called SPACE. There might be money available for the study. Mr. Morris will look into that organization.



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## **Wilson Road Minor Subdivision**

Mr. Morris requested a complete set of plans be available at the next Conservation Commission meeting for the minor subdivision located at the intersection of Wilson and Lowell Roads.

## **TRC Agenda**

January 12, 2010 TRC Meeting was cancelled.

## **Review of Zoning Board Cases**

### **Lot #21-K-46 Case # 5-2010**

Applicant – Wesley Aspinwall

Owner – J & K Realty Trust

Location – 32 Turtle Rock Rd.

Zone – Residential A

A variance is requested from Section(s) 401, 405.5 & 702 Appendix A-1 of the Zoning Ordinance to permit the razing and reconstruction of a pre-existing non-conforming structure on a pre-existing non-conforming lot.

After reviewing Zoning Board Case #5-2010 Mr. Morris motioned and Mr. Dell'Orfano seconded the motion to try to reduce the lot coverage to 20%. Motion passed 3-2. Ms. Skinner and Mr. Senibaldi voted against the motion.

Mr. Morris motioned and Mr. Dell'Orfano seconded the motion to look at capturing the roof drainage. Motion passed 5-0.

## **Other Business**

Mr. Senibaldi motioned and Ms. Skinner seconded the motion to pay \$511.00 to NHACC for 2010 Membership Dues. Motion passed 5-0.

Mr. Senibaldi motioned and Ms. Skinner seconded the motion to pay \$3,300.00 to Fremeau Appraisal, Inc. for 63 Mammoth Road, Lot 19-B-500. Motion passed 5-0.

## **Mail**

- Dredge & Fill Application for 37 Sawyer Road. Seasonal Aluminum Dock with Boat Lift & Canopy.
- 12/10/09 Shoreland Impact Permit 2009-02797 expires 12/10/14 for 18 Turtle Rock Road.
- 12/11/19 NHDES Completion of work for Permit #2009-00459 for 164 Range Road.



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- 12/11/09 NHDES Receipt of application for Permit 2009-02915, 16 Rocky Ridge Road.
- Schedule from UNH for Surveying, Soil Science, Engineering Management and Town Planning.
- Invoice from Fremeau Appraisal for Lot 19-B-500 \$3,300.00.
- December 15, 2009 Stantec Consulting Services regarding Culvert Maintenance.
- Appraisal for 63 Mammoth Road.
- 12/16/09 Memo from Elizabeth Wood, regarding the 12/22/09 TRC Meeting. Minor subdivision at the intersection of Wilson & Lowell Roads.
- 12/23/09 email from Jeff & Brenda Joaquim regarding 16 Fletcher Road regarding accessing the back yard with a tractor by building a 7' wide access path.
- 12/23/09 Memo from Elizabeth Wood regarding tree removal over town owned rail trail.
- 12/28/09 Resignation letter from Chris Rossetti.
- Current Use for the month of November 2009.
- 12/28/09 NHDES Letter to Dennis Butterfield 38 Morrison Road deficiencies have been corrected.
- 1/05/09 NHDES Letter regarding 16 Rocky Ridge, Shoreland Impact Permit 2009-02915 expires 12/31/14.
- Invoice from NHACC 2010 Membership Dues \$511.00 due April 1, 2010.
- Current Use for December 2009.
- NHDES Request for more information regarding 45 Abbott Road.
- NHDES Wetland Bureau Complaint File 2008-01621 for 16 Gardner DES determined that no further action is required and will close the file.
- NHDES Wetlands Bureau File 2009-00489, 19 Gardner Road, based on an inspection when the dock is installed it needs to be located 20 feet from abutting property lines and by May 1, 2010 the section of wire fence located on the northern side of the property in the bed and bank of Cobbetts Pond should be removed.
- NHDES File 2002-02033 Notice of past violations (18 listed). The applicant attempted to correct the violations. No further action is required and DES will take no further action.
- Copy of 1/5/10 memo from Bob Prokop of Wetland Consulting Services to Vanessa Burnes regarding DES File 2009-03023 Lot 17-L-130.
- Conservation Land Fund Final Report for 2009.

## **Non Public Session**

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



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The next meeting of the Conservation Commission is scheduled for January 28, 2010 at 7:30 PM in the Community Development Office.

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