



# CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

## Conservation Commission

### Minutes

**October 14, 2010**

Dr. James Finn, Chairman (Excused)  
Mr. Wayne Morris, Vice-Chairman  
Mr. Brian Dell'Orfano – Secretary (Excused)  
Mr. Dennis Senibaldi – Member (Arrived 8:00 PM)  
Ms. Pamela Skinner – Member (Absent)  
Ms. Lisa Ferrisi – Member  
Mr. Bernie Rouillard – Alternate  
Mr. John McRobbie – Alternate

#### **Seat Alternates**

Mr. Morris chaired the meeting in Dr. Finn's absence. Mr. Morris appointed Mr. Rouillard to replace Dr. Finn and Mr. McRobbie to replace Dr. Anderson for this meeting.

#### **Lot #16-L-1 & 16-L-450, Planning Board Case 2010-37**

Indian Rock Road

Applicant - Edward N. Herbert Associates Inc.

Owners – 32 IRR Realty & Cafua Realty Trust

Minor Site Plan Application & WWPD Special Permit

Mr. Peter Zohdi of Herbert Associates displayed the plan, submitted a drainage study and presented the case. Mr. Zohdi explained that since his last meeting (about a month and a half ago) with the Conservation Commission he tried to convince the land owners to combine the two separate lots and give each other a right-of-way. Dunkin Donuts is on one lot and the Gas Station, Convenience store and 8,000 square foot retail building is on the other lot. There are two reasons this plan is back before the Commission. One because there is not enough queuing for Dunkin Donuts and the land owners have decided to work with each other and provide two access ways.

Mr. Rouillard said that the only change is the extension for the additional queuing which adds impact to the WWPD. Mr. Rouillard would like to see natural vegetation rather than landscaped grass on the side slope.



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Mrs. Ferrisi asked the distance from the gas station to the wetlands. Mr. Zohdi replied that it is approximately 30 feet and from the underground tank to the wetland is 15 feet. Mr. Zohdi went on to explain that there would not be any leakage from the underground tanks to the wetlands. The tanks will be enclosed in a vault, similar to the foundation of a house.

Mr. Zohdi showed where a series of catch basins would be located and that they would lead to a treatment swale. Every catch basin has an oil and water separator. The catch basins must be cleaned and a report is submitted every six months to the Planning Board.

Mr. McRobbie asked if the Commission thought this system was enforceable. If any of the systems are not maintained then they become obsolete. Mr. Morris said it is the responsibility of the owner to report back to the Town. Mr. Zohdi said that the Town is required to report twice a year to the EPA.

The current plan shows an additional 3960 square feet of impervious surface. Mr. McRobbie asked if the Commission would consider requesting some sort of enhancement within the WWPD to compensate for the loss of pervious surface. Mr. Zohdi said Mr. Rouillard requested natural vegetation rather than grass and explained that the drive-thru is a permitted use in the WWPD with a special permit from the Planning Board.

Mr. McRobbie would like to review any drainage plans that affect wetlands. Mr. Morris suggested that a request be submitted to the Community Development Director that the Commission receive drainage plans.

Mr. McRobbie recommended the following plantings be used within the 15 feet along the boundary of the wetland:

- High Bush Blueberry
- Witch Hazel
- Winterberry
- Silky Dogwood
- Spice Bush

The Commission would like to see a revised Landscaping Plan.



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Mr. Rouillard motioned and Mr. McRobbie seconded the motion to add High Bush Blueberry, Witch Hazel, Winterberry, Silky Dogwood and Spice Bush be added to the Landscaping Plan and submitted to the Planning Board. **Motion passed 4-0.**

### **Lot #14-B-2300 & 14-B-2400**

London Bridge Road

Applicant – Edward N. Herbert Associates Inc.

Owner – Tate & Ducharme/Chiasson

Mr. Peter Zohdi of Herbert Associates, Inc. submitted a plan and presented the case. Two lots will be subdivided into a seven lot subdivision across from the high school. There will be one WWPD crossing for one driveway. Flagging of the site was done by Gove Environmental. The two wetlands are not connected.

Mr. Rouillard suggested a site walk of the property. The Commission scheduled a site walk for Saturday October 23, 2010 at 8:00 AM.

### **Lot #1-C-2550 , Zoning Board Case #49-2010**

Applicant – Edward N. Herbert Associates Inc.

Owner – The Devlin Family Revocable Trust of 1997

Zone – Rural District

Applicant proposes to subdivide the property into two lots, neither having frontage on a street. Relief is requested from Section 702/Appendix A-1 to permit the subdivision of two lots without any frontage on a street where 175 ft is required.

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

Mr. Senibaldi arrived.

The Board returned to Public Session. Mr. Zohdi said that he was withdrawing Zoning Board Case 49-2010 and if he decides to come back he will re-apply.



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## **Case #2010-39 Major Site Plan Application/125 Indian Rock Road (12-A-532)**

A Major Site Plan Application has been submitted for 125 Indian Rock Road (Lot 12-A-532), zoned Gateway Commercial District and is located in the Cobbetts Pond Watershed Overlay Protection District and WWPD. The applicant, Karl Dubay of The Dubay Group, Inc., on behalf of the owner MacThompson Realty, is proposing to construct two (2) commercial buildings, paved access and parking areas, and landscaping and drainage features. One building is proposed to be sized 10,000 sq. ft. including 2-stories and a basement, and is to be used for a café and retail space. The second building is proposed to be 1-story, sized 2,400 sq. ft., includes a canopy, and is to be used as a bank. The applicant is proposing to locate the parking area and drive-thru access in the WWPD. Variances are required from the following sections of the Zoning and Land Use Ordinance: 601.3 to permit a parking lot and drive thru to be located in the WWPD, 605.3.2 to permit an eating or drinking establishment where consumption is not intended to be primarily on premises in the Gateway Commercial District, and 704.2.7 to allow for a parking area along Rt. 111 with varying setbacks where 20' is required.

Mr. Karl Dubay of the Dubay Group explained that this site, across from McDonald's, was reviewed two years ago. There is an existing small ranch house on the property. Mr. Dubay will request renewal of the variances that were granted. The drive thru area was reduced from a three barrel to a two barrel. All water will be pretreated and collected. A hydrologic study was submitted. Employee parking and part of the back end of the drive thru for the café will be located in the WWPD.

Mr. Rouillard suggested the removal of two or three parking spaces in the WWPD.

Mr. McRobbie suggested the use of lower phosphate fertilizer and straw rather than hay bales.

Mr. Senibaldi motioned and Mr. McRobbie seconded the motion to send a letter to the Zoning Board of Adjustment stating that the Commission had no objections to the plan submitted for Planning Board Case 2010-39. **Motion passed 5-0.**

## **Case#2010-40 Major Site Plan/43 Lowell Road (21-D-100)**

A Major Site Plan Application has been submitted for 43 Lowell Road (Lot 21-D-100), zoned Neighborhood Business District and is located in the WWPD and the 100-year flood zone. The applicant, Karl Dubay of The Dubay Group, Inc., on behalf of the owner MacThompson Realty, is proposing to construct three (3) commercial buildings, paved



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access and parking areas, and landscaping and drainage features. The proposal calls for 2 two story buildings and 1 one story building all having 6900 square feet having mixed commercial uses.

Mr. Karl Dubay of the Dubay Group displayed the proposed plan. Each building on the very sandy site will have its own septic system. No variances are required for this project.

The Commission decided to schedule a site walk for Sunday October 31, 2010 at 8:00 AM.

## **Approval of September 23, 2010 Minutes**

Mr. Senibaldi motioned and Mr. McRobbie seconded the motion to approve the September 23, 2010 minutes as written. **Motion passed 5-0.**

## **Review of Zoning Board Cases**

### **Lot 21-Z-267, Case # 57-2010**

Applicant – Benchmark Engineering, Inc.

Owner – Phil Bouchard

Location – 2 Horne Road

Zone – Residence District A, Cobbetts Pond Watershed Protection Overlay District

Applicant proposes to raze the existing home and detached garage and construct a new home and garage/carport to be attached to the new home via a covered walkway. Variances are requested from (a) Section 702/Appendix A-1 to permit the construction of a home to be located no less than 38 ft. from the front lot line where a minimum 50 ft. setback is required, no less than 29 ft. from the side lot line where a minimum 30 ft. setback is required, and no less than 18 ft. from the shoreland reference line where a minimum 50 ft. setback is required; (b) Section 702/Appendix A-1 to permit the construction of a garage/carport to be located no less than 25 ft. from the front lot line where a minimum 50 ft. setback is required, and no less than 12 ft. from the side lot line where a minimum 30 ft. setback is required; (c) Section 616.6(c)(1) to permit 30% lawn where only 10% is permitted; and (d) Section 702/Appendix A-1 to permit construction on a lot having an area of 27,820 sq. ft +/- where 50,000 sq. ft. is the minimum required, and on a lot having frontage on a public street of 83 ft. where minimum frontage of 175 ft. is required.

After reviewing Case #57-2010 Mr. Rouillard motioned and Mrs. Ferrisi seconded the motion not to support the proposal to permit 30% lawn coverage where 10% is permitted. Motion passed 3-2.



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## Mail

- September 21, 2010 letter from NHDES to William Day 3 Lake Shore Road regarding Shoreland Application 2010-02449.
- September 23, 2010 letter from NHDES to Kenneth Bergeron 7 Buckhide Road regarding an address change and plan changes to decrease the depth of the reservoir for the alteration of terrain permit.
- September 23, 2010 letter from NHDES to Eric Meyer 12 Rocky Ridge Road regarding Wetlands File 2010-02231.
- September 27, 2010 letter from David Sullivan to Robert Covino regarding 63 Mammoth Road.
- September 30, 2010 letter from NHDES to Jennifer Cove 18 Range Road regarding Shoreland Application 2010-02554 for 19 Moeckel Road.
- Current Use for September 2010.
- September 30, 2010 Shoreland Permit 2010-02449 for 3 Lake Shore Road to impact 1200 square feet to construct channel stabilization methods and retention basins.
- October 3, 2010 Memo from Laura Scott regarding Excavation Regulations
- October 3, 2010 Memo from Laura Scott regarding Subdivision Regulations – Stormwater & Road Design.
- Invoice in the amount of \$1165.00 from Dijit Taylor.

Mr. Rouillard motioned and Mr. Senibaldi seconded the motion to adjourn. **Motion passed 5-0.**

The next meeting of the Conservation Commission is scheduled for October 28, 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.