

Windham Conservation Commission Minutes of January 13, 2001 meeting, 7:30 PM.

Present: Jim Finn, chairman
Wayne Morris, vice-chairman
Lisa Ferrisi-Guttman
Dennis Sinibaldi
Bernard Rouillard

Steve Walker from the New Hampshire Office of Energy & Planning, who oversees conservation easement monitoring for properties that were acquired through the LCIP program, was in attendance and spoke about the need for annual monitoring of conservation easements. Deer Leap Natural Area has such an easement and annual monitoring reports have been submitted to the State. Steve noted that over 400 properties in the State have conservation easements as part of the LCIP program. Steve suggested that the Conservation Commission consider undertaking a Natural Resource Inventory of Deer Leap as part of its stewardship plan for this property.

ZBA Case – Lot 11-C-13, Indian Rock Realty, LLC, 91 Indian Rock Road

Peter Zohdi from Herbert Associates, representing the owner, summarized the proposed variance application which is to construct a 36' x 82' addition to the existing office structure on this lot within the WWPD. The applicant contends that the lot presently does not have a WWPD along a seasonal brook on the west side of the lot which extends up from Cobbett's Pond. An interpretation of the WWPD Ordinance was made by Peter Zohdi. The Commission stated that the interpretation for determining WWPD was that at the point under consideration if a wetland an acre in size or more existed, the WWPD applied. If there is a stream or brook connecting wetland less than an acre in size and that the drainage area contributing to the point under consideration was 10 acres or greater, the WWPD applied. The existing structure on this lot would be in the WWPD if it is applied.

NHDOT work for the Rt. 93 and 111 bypass work behind this lot has altered the terrain and drainage area contributing to this lot. The Commission requested that the applicant's engineer provide a topographic plan of the drainage area for this lot to determine if a minimum of 10 acres of area exists for WWPD determination.

An abutter, Marilyn Bailey, spoke about issues with erosion and sedimentation infiltrating into the brook on this lot due to NHDOT work and the further impact to Cobbett's Pond that the granting of this variance could have.

Jim Finn asked if the applicant would consider reducing the addition footprint in order to minimize WWPD impact.

Sandra Supernault, Manager of Indian Rock Realty, LLC stated that a plan reduction of 800 square feet could be made.

Bernie Rouillard stated that for the purposes of commenting to the ZBA that the CC either: supports the request for the variance; is against the request; or has no comment. Suggesting modifications to the proposal is not appropriate for this forum.

Dennis Sinibaldi motioned that the Commission send a letter to the ZBA stating that the Commission has no objection to the variance request. Motion seconded by Wayne Morris. Motion Failed 2-3.

Motion made by Dennis Sinibaldi to support variance request if footprint of addition is reduced to 26' x 82'. Motion seconded by Wayne Morris. Motion Passed 4-1.

Approval of December 9, 2010 Conservation Commission minutes made by Dennis Sinibaldi and seconded by Wayne Morris. Motion passed 5-0.

Mail:

- Statement from the Tax Collector pertaining to current use monies collected in December.
- Invoice forwarded by Alan Carpenter from Wright-Pierce Engineers for engineering study of the Moeckel Pond Dam for \$9133.18. Motion made by Bernie Rouillard and seconded by Dennis Sinibaldi to pay invoice from current use funds. Motion passed 4-0. Wayne Morris abstained.

Motion to go into non-public session under RSA 91-A:3 for the purpose of discussing land acquisition made by Bernie Rouillard and seconded by Lisa Ferrisi-Guttman. Motion passed 5-0.

Motion to adjourn at 9:35 pm made by Bernie Rouillard and seconded by Lisa Ferrisi-Guttman. Motion passed 5-0.