

**WINDHAM INLAND WETLANDS &
WATERCOURSES COMMISSION**

MINUTES

Nov. 12, 2009

The Windham Inland Wetlands & Watercourses Commission held its meeting on November 12, 2009 in the Meeting Room, Town Hall. Chair Susan Johnson called the meeting to order at 7:10 P.M. Members present were Matthew Piolunek, Helmut Traichel, Susan Johnson, Joseph Marsalisi and Nancy Tinker. Also present was Town Planner James Finger.

1) New Business

Martie Krohn, 10 Jerusalem Road, Windham Center – application for review of a four-lot subdivision Plan with no activity in the wetlands.

Planner Finger's staff report dated November 6, 2009 explained that the application is to review a four-lot subdivision plan that has wetlands on the property with no activity in the wetlands. Three lots will share a common driveway, and the runoff will be directed to grassy swales that discharge into rip-rapped splash pads; then directing the remaining water to the wetlands areas after treatment.

Ed Pelletier, Datum Engineering, said the applicant is proposing a 4-lot subdivision on a 47.8 acre piece of property located on the easterly side of Jerusalem Road, south of the intersection of Jerusalem Road and Autumn Ridge. Ms. Krohn, who presently has a house on lot #4, is planning to add 3 new building lots coming off Jerusalem Road.

Mr. Pelletier referred to the map and pointed to the highlighted area in light blue which is the actual wetland area associated with the subdivision. The areas shown in pink are the boundary lines of the lots on Jerusalem Road, he added.

With respect to drainage, he identified an existing drainage culvert located under the driveway, as well as two new culverts that will serve the three lots. He said the only proposed drainage structures are the driveway crossings on the north side of the wetlands. We will upgrade the one that exists presently on Jerusalem Road because it is partially crushed, he said. The proposed common driveway actually follows the woods road that goes up there now. Presently there are excavated trenches that make the water run off the woods road towards the wetlands. We propose to put regular storm structures in so the water runs down over to the crossover and makes its way to the wetlands. This will allow the sediments that come down to dissipate out prior to going to the wetlands, he said. Right now that does not happen; whatever washes down washes right into the wetlands, he said. We are going to construct a swale along the northerly side of the proposed common driveway in order to correct that and have the water come back towards this crossing in order to avoid dumping any water onto the abutter, he said.

Lot #4 has an existing house, driveway, well and septic system. There is no new activity being proposed on lot #4, he added. He emphasized that there is no activity proposed in the wetlands area; we are just in the upland review area.

In the total scheme of things, the area in blue are the wetlands, the area in dark green being the undisturbed area, and the lighter green area being the limits of disturbance with this proposed subdivision. He said the limits of disturbance that we are proposing is 2.44 acres or 5% of the entire parcel. Again, there is no activity what-so-ever proposed in the wetlands, he said.

He then went on to discuss the soil and erosion control measures, which will include silt fences, stockpiles etc. The lots will all be served by on-site septic systems and private wells. He said the plan has been reviewed by the Health Dept. and has been approved with some conditions. The plan has also been reviewed by the Town Engineer in terms of the drainage.

One of the reasons why we picked the location of the common driveway was because the area would not require much in the way of clearing. The woods road is pretty wide now, he said. There will be minimal clearing required to do this; basically just for the bypasses and in order to put the storm structures in. The disturbance in that area is very minimal, he said.

Chair Susan Johnson asked Mr. Pelletier to describe the erosion control measures and the time frame to do this project. Mr. Pelletier said typically the way it works is when a contractor comes in they go out and stake the driveway location and install the silt fencing (which has to be inspected by someone in town before you can start construction). They then construct the first 100 feet and put the anti-tracking pad in. They then move on with the rough grade and put the storm drainage in and then the final grade and put the top surface on. Again, during that time frame they maintain the silt fencing.

Planner Finger asked Mr. Pelletier to characterize the wetlands from his observation because it is not what you would expect to find for standing wetlands. Mr. Pelletier said this is a type of wetlands that when you walk out there you don't know you are in wetlands. It is very brushy. This wetland is not a very distinct wetland. The area closest to the road looks and feels like wetlands, but the rest of the area is a much wooded area. Mr. Pelletier said the wetlands have been delineated by Soils Scientist John Ianni who said the subdivision would have no effect on the wetlands.

Attorney John McGrath said he drafted a conservation easement that covers the conservation easement area, as well as the area that has a streetscape easement. This allows the owner to maintain the property, retain ownership of the property and still preserve the conservation rights within the property. Anyone who owns this property will be subject to the terms of the conservation easement, said McGrath. The conservation easement basically says that you cannot do anything within the conservation easement

area like cutting brush or clearing dead trees. You have to leave it alone so that nature takes its course. The owner does retain the right to go onto the property and hunt, trap, fish, have hiking trails, etc. You can walk through it, but you basically can't destroy any of it.

Paula Stahl, Chair of the Windham Planning Commission, said conservation easements are now being required on subdivisions of 5 lots or 15 acres. The actual easement itself will be held by either the town or a land trust. This one in particular will be held by the town and the town will be responsible for monitoring it. She said they are working on the language of the easement because there are things in it that might have to be modified. She said she is working with the Town Attorney to come up with appropriate language.

Nancy Tinker referred to the 5 procedural recommendations (erosion and sedimentation measures) listed on the plan and asked if anyone agreed to them. Ed Pelletier said the Wetlands Officer usually handles this.

As there was no further discussion, Nancy Tinker made a motion to delegate authority to the Town Planner/Wetlands Officer to approve the plan (soils and sedimentation control measures) and Mr. Traichel seconded the motion. The motion carried unanimously.

2) Misc.

Set meeting schedule for Year 2010

The commission agreed to continue to meet on the second Thursday of each month at 7:00 P.M. in the Meeting Room, Town Hall.

3) Approval of minutes of July 9, 2009

The minutes of July 9, 2009 were approved. Motion by Mr. Traichel and seconded by Nancy Tinker. Unanimous vote to approve the minutes as written.

As there was no other business, the meeting was adjourned at 7:45 P.M.

Respectfully submitted,

Lillian Murray, Clerk