



# CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

January 13, 2005

Jim Finn – Chairman  
Dennis Senibaldi – Vice-Chairman  
Bruce Anderson – Secretary (Excused)  
Lisa Linowes – Member  
Pamela Skinner – Member  
Tom Seniow – Member (Excused)  
Bernie Rouillard – Alternate (Excused)  
Rick Adams –Alternate (Excused)

## Seat Alternates

No Alternates to be seated.

## 61 Goodhue Road, Lot # 8-B-5700

### **Peter Zohdi of Herbert Associates – Presenter**

Mr. Zohdi explained that the grade of the driveway has been changed from three to one, to one to one so that the area will be stabilized, and erosion will be avoided. There will now be 20 feet less of tree clearing. Peter explained that the land would be hydroseeded to stabilize the soil. The Dredge and Fill application that was approved last meeting was signed by the Chairman, and Mr. Zohdi left two sets of plans with the Chairman showing the dredge and fill.

## 176 Rockingham Road. Lot #s 8-B-3000 & 8-B-4900

### **Peter Zohdi of Herbert Associates – Presenter**

This will be an 84-acre plot that has the previously promised frontage. Mr. Zohdi will be going in front of the Planning staff on Tuesday January 18<sup>th</sup>. The first Conservation Commission meeting next month, **February 10<sup>th</sup>, will be a public hearing for this plan.** Ms. Linowes offered a letter from the Conservation Commission that expresses the Commission's intent to purchase the land. Mr. Zohdi gave all members a copy of the plan. Ms. Linowes asked some questions about the purchase and sales agreement, and the board discussed it. There was some concern expressed about soil contamination. Mr. Zohdi said that it was not thought to be a problem. Mr. Zohdi's client wanted to be sure that if anyone were injured on the land, the liability wouldn't lay on him. The commission said that it wouldn't. If the town plans to do anything on the land advance notice of work must be given. All plans are contingent upon Planning Board process and approval. Mr. Zohdi said he would get a copy of all recorded deeds for the property to the commission.



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## **Butterfield Subdivision Lot #s 6-C-100, 800, 1024, 2000A, 2500 & 2500A**

### **Peter Zohdi of Herbert Associates – Presenter**

Mr. Zohdi presented the two plans for the area. One plan crosses the wetland, and will be a regular subdivision. The other plan does not cross the wetland but loops around; this plan will be an open space subdivision. The Planning Board will only open the discontinued Pine Hill Road so far and this will cause problems with the plan that will loop around. The Planning Board has already passed the plan that crosses the wetland, but Mr. Zohdi was requesting the Conservation Commission's opinion. The Commission will support the plan that loops around, but not the one that crosses the wetland. Mr. Zohdi requested that someone from the Commission be present at the Planning Board meeting when he presents the plan for the loop. He also requested a letter from the Conservation Commission in support of the loop plan. The Commission decided on a date with Mr. Zohdi for them to walk the site. They will walk the site **on Saturday January 22, 2005 at 8:30 AM**, meeting at Jackman Ridge. Mr. Zohdi said he will have the area staked, and they will be able to see where they are supposed to meet. Mr. Zohdi said he would send a letter to the Chairman letting him know when the Planning Board meeting is and requesting that someone from the Commission be there.

## **28 & 34 Mammoth Road Lot #s 14-A-925 & 930**

### **Peter Zohdi of Herbert Associates – Presenter**

Mr. Zohdi's client, K.P. Bergeron, had gotten a variance from the Zoning Board of Adjustments for this project a few years ago, but the variance expired. Last night they were approved again, but wanted the Conservation Commission's opinion on it. Mr. Zohdi explained that there will be no wetland crossing or impact, and that the well will not even cross the wetland. Ms. Skinner asked about the issue with the headlights, and Mr. Zohdi explained that the driveway had been moved and so this should no longer be a problem. Mr. Zohdi told the Commission that the area is zoned as Neighborhood Business District, but that this use of the land would be appropriate because it fits in with the residential feel of the area. It will be better than a commercial business coming into the area. Ms. Linowes offered a letter of support for the project as long as it doesn't cross the wetland. Her only concern is that Planning Board will want to encourage a sense of community and since the two parts of the housing community will be separated the lack of connection may be a problem. Mr. Zohdi will, if asked build a community center behind one of the units. Mr. Zohdi also offered to move those same units back ten feet if needed to create even less of an impact on the wetlands.

Mr. Senibaldi motioned, and Ms. Skinner seconded to have the Chairman draft a letter for Mr. Zohdi in support of this project. Motion passed 4-0. The letter will show support for the plan, and ask to review the plans after the Planning Board has approved them. The letter will focus on the road layout.

Mr. Zohdi withdrew Mr. Ryan's piece on the agenda.



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## Minutes

The minutes from the last meeting will be approved at the next meeting on January 27, 2005.

## Planning Board Report - Pamela Skinner

The Master Plan meeting was cancelled last night due to inclement weather. There is nothing to report.

## Review of Zoning Board Cases

Case # 01-2005, Lot #s 14-A-925 & 930, 28 & 34 Mammoth Road.

Mr. Zohdi previously reviewed this case.

Case # 02-2005, Lot # 18-L-1, 2 Woodvue Road.

Mr. Schroeder of Woodvue road presented the case. This case was seen by the ZBA last night, and the appeal was denied because it was not filed in the allotted time. Ms. Linowes gave the background on the case, which included specific dates as to when the building permit was issued and rescinded. She discussed the high water mark, and the reference point. Ms. Linowes then said that the building was, in some places, as close as five feet from standing water. Mr. Schroeder presented the letter that Conservation Commission had written to Mr. Turner and the Lanes expressing their concern with the situation. The letter explained that either the WWPD regulations or Shoreland Protection regulations, or both must apply to the area, there cannot be a gap. The Commission discussed the gap in protection. Mr. Schroeder encouraged the Commission to do more research and write a letter expressing their feelings on the situation. Carl Dubay spoke on the matter saying that he had encountered the problem with the gap in protection before. He felt that the building department did not have bad intentions in its actions, but was only trying to do their job. Ms. Linowes suggested that the Commission recommend a change in the ordinance in order to close the gap.

Case #03-2005, Lot # 2-L-47, 59 West Shore Road.

The Members already reviewed this case, and had no further comments or recommendations.

## Mail

- None

## Other Business

- The Members discussed the Fire Department's Forestry Truck. They talked about whether or not they wanted to support it. It would be helpful for some of the conservation land, but they worry that the vehicle wouldn't be powerful enough to do much for them. They have some worries that the truck may disrupt the



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wetlands. The Commission decided not to support it unless they are presented with new information.

- Ms. Linowes brought up the property on Abbot Road that Mrs. Thorndike would like to donate to the Commission. She mentioned that the Spruce Pond land and the Leget Property need public hearings. There will need to be a vote to decide who will take on the legal fees.
- The Nature Conservancy voted that if all parties were interested then the land in the Southeast would be taken on as a conservation easement. A neutral party outside of town must take it on; the Conservation Commission would not be the primary holder of the easement.

At 9:40 PM Miss Skinner motioned and Mr. Senibaldi seconded the motion to go into non-public session per RSA 91-A:3 for the purpose of land acquisition. Passed unanimously on a roll call vote.

These minutes are in draft form and have not yet been reviewed and approved.  
Respectfully submitted by Margo Logan.