



CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

www.WindhamNewHampshire.com

August 12, 2004

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

Lamplighter Village – Drainage & Erosion Issues

Rebecca Way, Assistant Planner for the Town of Windham, addressed the August 9, 2004 letter written by the Conservation Commission, addressed to Mr. Turner, Director of Planning & Development, regarding drainage and erosion issues at Lamplighter Village. Miss Way advised the Commission that she received the letter Wednesday morning (August 11, 2004). Miss Way said that there were three different versions of the letter; Mrs. Linowes disagreed and said that there were two versions of the letter. After Mrs. Linowes met with Miss Way on Monday August 9, 2004 Mrs. Linowes corrected the dates in the first paragraph because the dates that referenced a NH DES site inspection were incorrect, the letter was then redistributed with the corrected dates. Miss Way said that she was “taken back” by the way the letter was distributed. The letter was submitted to the Board of Selectmen at their August 9, 2004 meeting but Mr. Turner and Miss Way did not receive a copy of the letter until Wednesday, August 11, 2004. Mr. Turner asked Mr. Finn, Conservation Commission Chairman, how many copies of the letter he signed. Mr. Finn said that he signed two copies of one letter. Mr. Turner asked Mrs. Linowes if Mr. Finn’s signature was forged. Mrs. Linowes replied saying that Mr. Turner’s remark was incendiary and asked that he refrain from using words of that nature. Mrs. Linowes explained that this is a two-page letter and changes were made to the first page and the second page that includes Mr. Finn’s signature was copied. Miss Way advised the Commission that the first paragraph of their letter is misleading. It states that Andy Chapman, NPS Specialist at the NH DES Watershed Management Bureau, visited the site on July 16, 2004, the original letter had a different date of July 23, 2004. Miss Way said that the letter neglects to include the fact that both she and Margo Logan, a summer intern at the Planning Department, and Michelle Repetto a Seavey Pond Resident, also attended the site visit with Mr. Chapman. Miss Way asked Mrs. Linowes if she was the reporter for this letter and Mrs. Linowes replied that she was. Miss Way read from a letter that she wrote to the Commission stating that the reason for the inspection involved three complaints from Michelle Repetto; a neighbor reported seeing turbidity in

the cove on the north end of the pond, scum was observed on the water near the north end of the pond and the Villages of Windham have been operating a pump with water withdrawal and discharge to fuel the waterfall along the entrance drive. The pond scum was identified as frog eggs, natural algae and pollen. The state decided that no further action was necessary. The water pump has been determined to be within the allowable volume of water per week withdrawal without a permit, but the state is checking with the EPA to ascertain if the discharge of water back into Seavey Pond will require a permit. To investigate the turbidity complaint, all in attendance at the site walk started at the location of the complaint and walked along an intermittent stream. The DES reported that there was no evidence of silt or sediment near the pond or in the adjacent seasonal stream. All walked up a hill toward the Lamplighter Development and came to the base of a retaining wall behind building #1. The DES notes in their report that silt fencing had been installed correctly and erosion from the wall constructed had been for the most part contained on site. Some sediment migrated around the silt fencing and settled out in the woods before reaching the seasonal stream. Mr. Chapman stated that the inspection did not provide any evidence that sediment has migrated into the stream and into the pond. Both the DES and Town Staff concluded that erosion control measures throughout the project needed to be inspected and repaired where necessary to continue to protect the integrity of Seavey Pond. Mr. Chapman and Town Staff met with the project manager that day to discuss the removal of silt from the WWPD, the reinforcement of existing silt fences and the general stormwater management practices at the site. Mr. Chapman walked the perimeter of the project and did not report any additional concerns. Town Staff has been actively working with Charlie Pierce and Bill Silvestri of the Silvestri Corporation to monitor and maintain the erosion control measures and drainage at Lamplighter Village. Miss Way stated that since she is in contact with Mr. Silvestri and the project manager at Lamplighter Village she would have liked the opportunity to respond to the letter written by the Conservation Commission before it was submitted to the Board of Selectmen. All the issues from the DES inspection were corrected before the August 9, 2004 letter from the Conservation Commission. Miss Way advised the Commission that Mr. Silvestri has hired CLD Consulting as an independent inspector for the Lamplighter Project and Miller Engineering reviews structural issues. Mr. Senibaldi said that he spoke to Mr. Silvestri who said that Town Staff was at the site and that things were being taken care of. Mr. Senibaldi said that the Commission voted to send this letter at the insistence of Mrs. Linowes. Mr. Senibaldi also said that the original letter stated that these were concerns of the DES and quoted the DES but since they had no documentation regarding these statements they were taken out of the letter. There was a discussion between Mr. Senibaldi and Mrs. Linowes regarding the accuracy of the letter. Mr. Senibaldi also stated that the letter was only supposed to go to the Planning Department because the Commission wanted a written record. Miss Way went on to say that she welcomes the Conservation Commission's concerns regarding Lamplighter Village construction and wanted to assure the Commission that Town Staff has been and will continue to take an active role in monitoring construction throughout the Town. Miss Way did request factual and timely reporting of issues. Mr. Finn said that he will advise the Planning Department of any concerns the Conservation Commission might have and asked that the Planning Department keep the Commission informed of any conservation issues.

Dyan Ciccone – 45 Abbott Road, Lot 25-F-114

Mrs. Ciccone explained that she and her husband purchased the property at 45 Abbott Road in April of 2004 and noticed erosion in the back area of the property near Rock Pond. Mrs. Ciccone submitted 14 photos showing her concerns. Mrs. Ciccone contacted the NH DES and they suggested a meeting prior to deciding how to take care of the erosion. Mr. Ciccone also spoke to the DES regarding vegetation. Mr. Rouillard suggested that Mrs. Ciccone locate where the proposed wall would be in relation to the high water mark. Mrs. Ciccone said that there is no decision on how to proceed but she will keep the Conservation Commission informed.

Minutes

Mrs. Linowes motioned and Mr. Rouillard seconded the motion to accept the July 22, 2004 minutes. Motion passed 4-0-1. Mr. Anderson abstained because he did not attend the July 22, 2004 meeting.

Mr. Anderson motioned and Mrs. Linowes seconded the motion to accept the July 8, 2004 minutes. Passed unanimously. 5-0.

Review of Zoning Board Cases

Lot #3-B-260 & 261, Case #40-2004

16 & 18 Flat Rock Road

This case requests a variance from Sections 611.3 & 611.6.5.1 of the Zoning Ordinance to permit the consolidation of two existing lots of record totaling 6.65 acres to create a two lot open space subdivision having less than 10 acres and one lot having 62 feet of frontage on an existing road where 175-feet is required. Mr. Anderson motioned and Mr. Rouillard seconded the motion to send the same letter to the Zoning Board that was sent to the Planning Board stating that the Commission supports this request for a variance providing that the Applicant can demonstrate that the site can support two conforming lots. Mr. Anderson, Mr. Rouillard and Mr. Finn voted for this motion. Mrs. Linowes and Mr. Senibaldi voted against this motion. Motion passed 3-2.

Lot #9-A-963, Case #39-2004

4 Dublin Road

This case requests a variance from Section 702 of the Zoning Ordinance to permit the existing deck of 22 years to remain 26-feet from the setback where 30-feet is required. After reviewing this case the Commission had no comments.

Lot #13-B-74, Case #38-2004

38 Rockingham Road

This case requests a variance from Sections 702-A-1 & 601.3 of the Zoning Ordinance to permit the construction of a permanent building 28-feet from the front setback where 75-feet is required. The building will be constructed in the existing WWPd that will be relocated. Mr. Rouillard said that if the altered wetland and WWPd delineation is approved the Commission would have no further comment. Mrs. Linowes motioned and Mr. Rouillard seconded the motion to allow Mr. Finn to speak for the Commission at the August 24, 2004 Zoning Board meeting regarding Case #38-2004. Motion passed unanimously 5-0.

Mail

- Summer 2004 Newsletter of the NHDES Drinking Water Source Protection Program
- July 30, 2004 Letter from Croft & Brooks PLLC regarding parcel transfer
- Copy of an August 2, 2004 Letter to DHB Inc. from Al Turner regarding silt & mud from construction polluting and filling in a portion of the wetland behind Lot #22-R-10028, 17 Appleton Road
- Office of the Tax Collector, June 2004 Current Use
- August 3, 2004 Memo from RPC regarding availability of Planning Assistance Grant Funds
- August 10, 2004 NH DOT cover letter and application for department of the army permit/NH wetland bureau permit for I-93 widening
- Office of the Tax Collector, July 2004 Current Use

Mr. Anderson motioned and Mr. Rouillard 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.

The next meeting of the Conservation Commission is scheduled for August 26, 2004 at 7:30 PM in the Planning & Development Office.

These minutes are in draft form and are respectfully submitted for approval.