



CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

Conservation Commission

Minutes

September 27, 2007

Dr. James Finn – Chairman
Mr. Bruce Breton – Vice-Chairman
Mr. Bernie Rouillard – Secretary
Miss Pamela Skinner – Member (Excused)
Dr. Bruce Anderson – Member (Excused)
Mr. Chris Rossetti – Member
Mr. Dennis Senibaldi – Member
Mr. Wayne Morris – Alternate

Seat Alternates

The Chairman appointed Mr. Morris to replace Dr. Anderson and Mr. Rouillard to replace Miss Skinner for this meeting.

Discussion with Mr. Al Letizio, School Board Chairman and Dr. Frank Bass, School Superintendent

Mr. Letizio explained that the school district has a parcel of land to offer back to the Town which is the second half of a transaction of approximately one and a half years ago when the School Board asked for permission to use some land for the high school site. The School Board met informally with the Selectmen regarding this parcel and would like to give the Conservation Commission a look at the parcel and check that it meets with the Commission's approval and then move forward. The 9-acre parcel, Lot #24-F-501, has been surveyed and abuts a conservation easement and is located near Windham Middle School.

Mr. Letizio said that at the last School Board business meeting they adopted a vision for the future of the athletic fields for the high school. It encompasses the addition of several other fields, a stadium with a track, a multipurpose artificial turf field, another baseball field, another softball field, another gymnasium off the building and as we know we have another elementary school coming our way very shortly after the high school with associated fields. The lot that was chosen is suitable to have all of those items mentioned. The site engineers were told to go take a look and let the School Board know where it would be best to situate all those things. Mr. Letizio said that at a Selectmen's meeting he was asked what about this issue known as the Gage Lands. The school site is near the Gage Lands. In the back of the high school site there is a flat spot in the corner of the Gage Lands that would be a suitable site for a stadium that would be associated with the



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high school. That stadium could easily fit on the current lot. We ask ourselves if a stadium is a long distance away from the school building and a student is playing in the band and is wheeling a xylophone down a hill in November has to walk that long distance to get to the event at the stadium would the stadium be more ideally suited in that spot on the Gage Lands. Maybe there is a time that the School Board would come back and discuss the proposal of using the corner of the Gage Lands. That would happen only if it was in the best interest of the students of the school. The lot the school has now is working out very well.

Dr. Bass said that Al and the Board want to encourage that this is a community effort and whatever is offered to the students the town is invited and it is an opportunity to engage the entire town.

Lot #22-L-79 – Mr. Chris Nickerson of Herbert Associates

Discussion of 31 West Shore Road

Sewerage System Design Plan submitted

Mr. Nickerson explained that this lot abuts conservation land. The existing dwelling would be razed and replaced with a new year round dwelling on a pre-existing, non-conforming lot. The proposed dwelling would be 20' from West Shore Road where 50' is required, 20' from the west lot line where 30' is required, 15' from the east property line where 30' is required and have a porch 41' from the shore of Canobie Lake where 50' is required.

After listening to Mr. Nickerson's presentation the Commission decided to schedule a site walk for October 11, 2007 at 6:00 PM. Comments will be provided after the site walk.

Public Hearing, Donation of Lots 5-A-200 & 6-A-1000

Lot 5-A-200 – 22.9 Acres

Lot 6-A-1000 – 8.2 Acres

The Chairman explained that these lots will be gifted to the Town by the Graff Family and the Conservation Commission will pay the cost of surveying and subdividing the existing home and outbuildings from Lot 5-A-200. Mr. Tom Case of 70 Mountain Village Road wanted to bring to the Commission's attention that there are huge trees on property. Mr. Case corrected the size of lot 5-A-200 is 11.9. Mr. Breton motioned and Mr. Senibaldi seconded the motion to expend up to \$8500.00 from the Land Trust Fund to facilitate the donation of and accept Lot 5-A-200 and Lot 6-A-1000. Motion passed 5-0.



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Public Hearing, Purchase of Lot #8-C-300

77.82 Acres

Adjacent to Ironwood Road

Abuts the Windham Rail Trail

Primarily uplands

Mr. Morris showed the location of the lot on the displayed map. The purchase price is \$325,000.00. Mr. Breton motioned and Mr. Senibaldi seconded the motion to go ahead with the purchase of Lot 8-C-300 at the cost of \$325,000.00 pending changes in the Purchase & Sale agreement. Motion passed 5-0.

Discussion with Members of the Rail Trail

Mr. Senibaldi said to Mr. Mark Samsel, President of the Windham Rail Trail Alliance, that he had questions regarding outstanding bills and that he would like to see past debts paid before continuing.

Mr. Samsel gave a status report. The basecoat was applied a year ago and the Alliance is planning to get the final coat completed within the next 4-6 weeks. How the money is allocated, whether it is to a prior note, or to future work, that is the decision of the Rail Trail Alliance. If anyone has questions regarding business finances they should be contacting Mr. Samsel because this is a private endeavor.

Mr. Breton said that he has no problem with the Conservation Commission making a donation to the Rail Trail Alliance; since it is paved it is the second most used recreation area in town. Mr. Breton suggested that a donation in the \$35,000.00 to \$45,000.00 range and let the Rail Trail Alliance decide what to do with the money.

Mr. Rouillard asked if donating compromises the commission's ability to purchase land. Mr. Finn replied depending on how much is agreed upon it might.

Mr. Senibaldi said that with the Wellhead Grant check and the money the Commission currently has the total is approximately \$400,000.00. Mr. Senibaldi went on to say that in regard to the outstanding debt, this work is being done on behalf of the Board of Selectmen, and if something was to go wrong, the Board of Selectmen are ultimately responsible since this is a town piece of property and a town commitment.

Mr. Samsel said he disagreed because his organization signed the note.

Mr. Senibaldi said it was signed for as a town piece of property.



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Mr. Peter Zohdi said he has been involved with the Rail Trail Alliance. Their goal is to finish the section that has been started. If the Commission makes a donation, the money will go to the right place and eventually everyone will get paid.

The Chairman suggested a donation of \$25,000.00; there are three outstanding appraisals.

Mr. Breton motioned and Mr. Rouillard seconded the motion to award the sum of \$45,000.00 to the Rail Trail Alliance for the preservation of the Rail Trail Corridor. Motion passed 5-0-1. Mr. Morris abstained.

Mr. Samsel thanked the Commission on behalf of the Rail Trail Alliance and the citizens and for the Commission's faith and vision.

Approval of September 13, 2007 Minutes

Mr. Rossetti said that Mr. Maynard was factually incorrect in his statement made at the September 13, 2007 meeting (*...and written letters to the State of New Hampshire including the Wetland Bureau.*). Mr. Rossetti went onto say that Mr. Maynard needs to be clearer.

Mrs. Kovolyan explained that she cannot change what someone said and asked Mr. Rossetti why he didn't mention this to the applicant during the September 13, 2007 meeting.

Mr. Rossetti said that he did say that he cosigned a letter to the DES. Mr. Rossetti said that it has been indicated by the applicant they will probably take legal action.

Mr. Morris said that if Mr. Maynard's statement is verbatim then quotations need to be inserted.

Mr. Rossetti said that he has not written any letter to the state but has cosigned letters written by members of his community. Mr. Rossetti went on to say that he understands that the minutes cannot be changed but he wants it to be clear that Mr. Maynard's statement is not factual; it is a statement of an individual.

Mr. Senibaldi said that he was listed as *absent* in the September 13, 2007 minutes and should have been listed as *excused*.

Mr. Rossetti motioned and Mr. Morris seconded the motion to approve the September 13, 2007 minutes as amended (addition of quotation marks). Motion passed 4-0-2. Mr.



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Rouillard and Mr. Senibaldi abstained because they did not attend the September 13, 2007 meeting.

Other Business

The Chairman showed photos and maps of a steep drop off at the high school site provided by Mr. Al Turner, Director of Planning & Development. Mr. Finn said that Mr. Turner told him that it would be in the interest of the Conservation Commission not to have such a steep drop off behind the school where it abuts the Gage Lands. It is not stable and would be more reasonable to have a 3:1 slope at that location.

Mr. Breton said that all the issues were discussed with the School Board a week ago and there was a site walk. Mr. Turner was on the site walk and this issue was never brought up. Mr. Turner was supposed to notify the Board of Selectmen and the School District if he had any problems.

Mr. Finn said that he would get more clarification from Mr. Turner.

Mr. Rouillard suggested that someone get an opinion from the Geo-Technical Engineer for the High School.

Mr. Case asked what regulation is being violated by having that slope the way it is. Slopes on roads are part of Windham's zoning regulations.

Mr. Breton said that he will start working on the budget. If any of the members have something to add or comments, maybe about a summer intern, E-mail them to Mrs. Kovolyan and she will forward them to me.

Mr. Breton suggested that Mr. Rossetti get prices for granite markers for the Cyr Property.

Mrs. Fallon asked where the Commission would like the Anderson Town Forest sign to be placed on the property. Mr. Senibaldi said that he will check with Mr. McCartney regarding installation of the sign.

Mr. Senibaldi left the meeting at 9:10 PM.



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Mail

- Copy of 9/17/07 letter from Eben Lewis of the NH DES Wetlands Bureau to Richard Pelletier issuing a permit for 66 West Shore Road for the dredge and fill of 1530 square feet of forested wetland for the construction of a driveway and associated turn-around for a single family residential dwelling. Permit expires 9/17/2012.
- Copy of 9/20/07 letter from Attorney Campbell to David Sullivan regarding Conservation Purchase.
- Copy of Wetlands Bureau Complaint form from Shawn Logue regarding 4 Lake Shore Road. Unnamed tributary/wetland leading to Cobbetts Pond is being impacted by the removal of trees and excavation of the land which is eroding into a ditch/wetland leading to the lake.

Closed Session

Mr. Breton motioned and Mr. Morris seconded the motion to go into Closed Session per RSA 91-A:3 for the purpose of land acquisition. Motion passed 5-0.

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

The next meeting of the Conservation commission is scheduled for October 11, 2007 at 7:30 PM in the Planning & Development Office.