



# CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

www.WindhamNewHampshire.com

December 11, 2003

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

### Alternate Appointment

The Chairman appointed Mr. Rouillard to replace Mr. Seniow for this meeting.

### Public Hearing – Lot #25-R-6500, Spear Hill Road

The Chairman advised the audience that this agreement has been negotiated primarily by Lisa Linowes. Mrs. Linowes pointed out the location of the land on a map and explained that Windham currently owns a 17 acre parcel referred to as Bayberry and purchased a 10 acre piece in May and in August another 79.50 acres was purchased. The purchase price for this 70-acre parcel is \$500,000.00. If this purchase is approved there will be a total of 177 acres of conservation land in the southeast portion of Windham. Mr. Tom Case said the purpose of a public hearing is to explain to the public what you are purchasing and why and the cost. It would have been appropriate to have a topo showing the constitution of this land; are we buying cliffs or wetlands? What is the assessed value? Mrs. Linowes responded that she has found there is no correlation between the assessed values of properties and the purchase price and the market value. Mrs. Linowes said she would not disclose the appraisal price but would say that the State of New Hampshire did the appraisal and the purchase price is considerably less. Mr. Case asked what is so secret about the appraisal price? Mrs. Linowes said the State hired the Appraiser. Mr. Case asked what does the state have to do with this? Mrs. Linowes said all of this land in the southeast is under consideration by the State to purchase. At a moments notice if we ask the State to jump in and purchase or pay us back for any of these properties they have put in writing that they will do so. Mr. Case asked if the State is willing to buy it why not let them buy it and the Conservation Commission buy something different such as Lake View Farms? That would have been a pristine parcel to purchase so that it does not get developed. Mrs. Linowes responded that there has been so much argument and discussion over how to work with Lake View and it is only 19 acres. Mr. Anderson said that Lake View Farm is under agreement. Mr. Case said it wasn't under agreement six months ago. Mr. Case went on to say that he doesn't know what the Conservation Commission is buying and wanted to express his dismay that the public doesn't know enough about

what the Conservation Commission is doing. Mr. Senibaldi said there is approximately 35-40 buildable acres out of 70 on that piece of property. Mr. Case said that parcel is land locked which brings it's value down. Marcia Unger said that she wanted to set the record straight that this parcel is of no interest to the school. Because of its location and difficulty in connecting it to any access road that would be feasible, and the amount of wetlands on the property the School Board has no interest. Mrs. Robbins spoke in support of this purchase. Mrs. Robbins said that even though she doesn't know the details of this particular choice she feels assured, even without knowing the details and would trust the choices made. Mr. Case said that wetlands have a different value and I think this is overpriced. You're paying the developable land price with no roads and no access. The Chairman explained that the Trails Committee is working on developing a trail network. Selectman Bruce Breton said that he was glad that the Conservation Commission is purchasing this land and that Mr. Zohdi has the topo map. Selectman Breton asked Mrs. Linowes to explain to Mr. Case in what direction did a conversation go that took place with the Selectmen. The Chairman explained that he was directed by the Selectmen to use a significant amount of the Conservation Land Fund to put together a Trail Network Program for the town on all acquired land. Mr. Breton asked Mr. Zohdi the average price of a lot in Windham. Mr. Zohdi said \$65,000.00. Mrs. Linowes said the average price spent by the Conservation Commission was \$7300.00 per acre. Mrs. Linowes motioned to approve the purchase of the Lord piece, Lot #25-R-6500 off of Spear Hill Road in the amount of \$500,000.00 to be paid out of the Conservation Land Fund. Mr. Senibaldi seconded the motion. Passed unanimously.

**Public Hearing – Lot #80-B-6600, East of Rockingham Road**

This 10-acre lot, that contains many rare plants, abuts a portion of the Windham Town Forest. Miss Skinner motioned to approve the purchase of this 10-acre parcel, lot #80-B-6600 for the amount of \$35,000.00 upon the clearing of the title to the satisfaction of the town attorney. The money used for this purchase will come from the Conservation Land Fund. Mr. Rouillard seconded the motion. Passed unanimously.

**Carbo Development – Peter Zohdi of Herbert Associates**

Castle Reach – Phase III, Lot #7-A-400.

Mr. Zohdi explained that this Minimum Impact Dredge & Fill Application is for a roadway crossing and the total proposed impact area is 372 square feet. The purpose of this crossing is for access to a 54 residential lot subdivision. Crossing the wetlands at the narrowest point and proposing head walls to reduce the impact to the wetlands will minimize the wetland crossing. Mr. Zohdi requested that the Commission give the Chairman the authority to sign the Dredge & Fill application. Mr. Senibaldi motioned that the Chairman sign the Dredge & Fill application. Miss Skinner seconded the motion. Passed unanimously.

**Mesiti Development – Peter Zohdi of Herbert Associates**

Community Well Plan, Lot 7-A-691

Mr. Zohdi introduced Mr. Lewis, of Lewis Engineering. A temporary driveway would be built to drill a well to connect to the existing well to service an additional 8 lots. The 8 lots would be connected to the existing water system. Mrs. Linowes pointed out that Mr. McLeod added a condition of approval to his motion made at the September 20, 2000 Planning Board meeting which states that water cannot be transported off the property and water and connections shall be for and within the 38 home subdivision. This

condition was made back in the year 2000 and is still in effect today and Mrs. Linowes said that she would like to have it clarified. Mr. Zohdi replied that the condition of the approval is there. Mr. Zohdi went on to say the reason he was at this meeting is to ask permission to cross the WWPB and then he will be going back to the Planning Board to get that condition changed to add the 8 lots if there is sufficient water from one of the two wells. Mrs. Linowes asked Mr. Zohdi if he was asking to talk about the water system. Mr. Zohdi said no, the water system is out of the jurisdiction of the Conservation Commission; the water system, water line and connecting to the water system is the jurisdiction of the Planning Board. Mrs. Linowes said natural resources come under the jurisdiction of the Conservation Commission. Mr. Rouillard motioned that the Conservation Commission has no objection to the submitted plan as presented. Mr. Senibaldi seconded the motion. Mr. Rouillard amended his motion. Mr. Rouillard motioned that the Conservation Commission has no objection to the submitted plan as presented, however, the Conservation Commission acknowledges the original well system with pump house was approved by the Planning Board in September 2000 for only 38 homes including the connections and that this additional well on the system may kick in a large ground water withdrawal permitting process. Mr. Senibaldi seconded the motion. Passed 3-0-1. Miss Skinner abstained.

*The Chairman granted a five-minute break.*

*The Chairman called the meeting back to order.*

**Joseph J. Alosky – Minimum Impact Dredge & Fill**

19 Viau Road, Lot #16-Q-208

Repair a section of a stacked stone wall 48-feet long. Total frontage is 170-feet. Stones to be removed with a silt fence in place in the pond behind work area then re-stacked. Wall will be 18"-20" wide and starting at 36" high tapering to 30" high. The wall has been falling for many years and is causing shoreline erosion at high water level. It will be repaired as a dry stack wall causing minimum impact to the pond. Mr. Senibaldi motioned to give the Chairman the authorization to sign the Dredge & Fill Application after he verifies a couple of issues with the applicant. Mrs. Linowes seconded the motion. Passed 4-0

**Minutes**

Approval of August 28, October 9 and November 13, 2003 minutes. The Chairman asked that those responsible for the above minutes turn them in by the next meeting.

**Mail**

- Letter from Diana Morgan, Professional Geologist, Water Supply Engineering Bureau of the DES conditionally approving the preliminary report for Hardwood Heights/Birch Hill.
- Copy of Letter dated November 17, 2003 to Mr. Andrew Lane of 2 Woodvue Road from Al Turner listing concerns regarding construction of a garage.
- Copy of Wetlands Bureau Complaint from Al Turner regarding Lot #21-H-3, construction of drainage pipes and catch basins with outlet to pond.
- Letter from RCCD regarding schedule for the Natural Resource Volunteers Training Program.

- Copy of letter dated November 24, 2003 to the Planning Board from Sanders Shaffer of 5 Jenny's Hill Road regarding a trail made impassable by construction at the Mesiti Subdivision.

At 10:20 PM Mr. Senibaldi motioned to go into Non-Public Session per RSA 91-A:3 to discuss land acquisition. Mrs. Linowes seconded the motion. Passed unanimously.

The next meeting of the Conservation Commission is scheduled for January 8, 2004 at 7:30 PM in the Planning & Development office.

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