



# CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

## Conservation Commission Minutes December 8, 2005

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

### Seat Alternates

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

### Copps Hill Road

#### **Mr. James Gove of Gove Environmental – Presenter**

Mr. Gove discussed access, and the creation of a swale to feed into the existing road layout to alleviate any additional flooding to an abutter's property. Mr. Gove asked that the Dredge & Fill application be signed. Mr. Gove submitted information on Stormceptor, an oil and sediment separator for storm water runoff and spill control. Mr. Morris motioned and Mr. Rouillard seconded the motion to approve the expedited application for Copps Hill Road. Motion passed 4-1. Mrs. Linowes voted against the motion. At Mr. Morris' suggestion Dr. Finn will write a letter to Mr. Peter Zohdi of Herbert Associates requesting a second treatment swale or stormceptor be installed.

### Field Road

#### **Mr. James Gove of Gove Environmental - Presenter**

Dr. Finn advised Mr. Gove that a letter was sent to the NH Wetlands Bureau on December 6, 2005 regarding Field Road. The Wetlands Bureau was advised that after the site walk the Conservation Commission has serious concerns regarding this site.

### Pond View Plaza – Planning Board request for comments

After reviewing the submitted plan the Commission had the following comments:

- Request a grading plan.
- Calculations indicating flows.
- Requirements for detention treatment.



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## Public Discussion – Conservation Easement

### **Mr. David Moffet of the Nature Conservancy - Presenter**

Mrs. Linowes advised the Commission that there was a preliminary meeting with the Board of Selectmen on November 21, 2005 along with representatives from the NHDOT to talk about the idea of the conservation easement being placed on the southeast lands.

The Conservation Commission put forth the following recommendations:

- Ownership of the property should be the Town of Windham.
- A conservation easement should be placed on the property.
- Primary holder of the easement should be the Nature Conservancy.
- Executory Interest should be held by the State of New Hampshire.

A copy of the easement is on file with David Sullivan.

The open questions regarding the easement are:

- Equestrian access.
- Bridges.
- Clearing of trees in vicinity of cellar hole.
- Hunting.

The easement does not limit hunting. The cellar hole question has been addressed. Mr. Morris questioned restrictions on trail construction. Mr. Moffet responded saying that the Nature Conservancy would need to know where they are and then sign off on them. Mr. Morris asked if the Nature Conservancy has the veto power to say *no we don't like where your trail is going so therefore you cannot cross this wetland*. Mr. Moffett said that for new trails they do have veto power. Mr. Moffet discussed bridge construction with the Members. Mr. Senibaldi said that this easement is premature because after having a telephone conversation with representatives of the NHDOT the state does not know what they will require. Mr. Senibaldi said that he could agree to an easement on the southeast lands because the Commission did not purchase that land. Mr. Senibaldi said that he can not and will not vote for an easement on the other properties because if in the future if the town decided by a town vote they want a portion of land then we have to pay for it again to get it back. Mr. Morris said to put the pros and cons before the voters. Mr. Moffet explained that the Nature Conservancy does not own the land, the Town of Windham owns the land, and the Nature Conservancy will have stripped development rights from the town and its ability to use the land. There are other cases where the Nature Conservancy has been given parking lots or brownstones in Manhattan that have no conservation value, so they are sold and the money is put into conserving land in other parts of the country. They are called trade lands. The Nature Conservancy will monitor the land but they do not own the land in Windham and therefore the Conservancy could not sell the land. Mr. Morris motioned and Mr. Rouillard seconded the motion that Mrs. Linowes write a notice inviting people to the December 19, 2005 Board of Selectmen meeting encouraging them to come out to the meeting. Motion passed 5-1. Mr. Senibaldi



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opposed the motion. Mr. Rouillard asked that Mrs. Linowes e-mail a copy of the letter to all members before submitted it to the newspaper.

## ZBA Cases

### Lot #6-C-291, Case #53-2005

Applicant – Albert Grella

Owner – Albert & Gayle Grella

Location – 1 Pine Hill Road

Zone – Rural

A variance is requested from Sections 601.3 & 601.1.1 of the Zoning Ordinance to permit the construction of a 28' X 34' garage in the Wetland & Watershed Protection District. Mr. Morris motioned and Miss Skinner seconded the motion to have the Chairman represent the Conservation Commission at the December 13, 2005 Zoning Board meeting. Passed unanimously.

## Mail

- Letter dated October 27, 2005 from NHDES regarding Labrador Enterprises, Lot #13-B-1.
- Letter dated October 27, 2005 from Herbert Associates regarding Granite State Small Animal & Exotics Hospital; Lot 13-C-300 requesting to be removed from the October 27, 2005 agenda.
- Letter dated October 28, 2005 from Schauer Environmental Consultants regarding 50 Morrison Road, response to request for additional information.
- Copy of letter dated October 31, 2005 from Donahue, Tucker & Ciandella to David Sullivan regarding Pine Hill Estates.
- Letter dated November 4, 2005 from TF Moran regarding potential pond location at 10 Sheffield Road.
- Letter dated November 2, 2005 from NHDES regarding Copps Hill Road.
- Letter dated November 3, 2005 from Gove Environmental regarding Labrador Enterprises.
- Letter dated November 3, 2005 from NHDES regarding Labrador Enterprises Dredge & Fill application for 9796 square feet of impact not 2796 square feet.
- Letter dated November 1, 2005 from NHDES regarding Copps Hill Road, Wetlands File #2005-02607 – Minimum impact application administratively complete.
- Letter dated November 7, 2005 from NHDES regarding Mountain View Estates, File #051103-03, site-specific application received to disturb approximately 740,000 square feet.
- Copy of letter dated November 3, 2005 to Lewis Engineering regarding CWS Windham Conditional approval of final report, EPA #2542030.



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- Letter dated November 7, 2005 from NHDES regarding Great Mountain View File #2005-02647 and our intervention letter dated October 27, 2005. NHDES will suspend action on the application until it has received a written report from the CC or 40 days from the date of the Town Clerk's signature has passed, whichever is first.
- Copy of letter dated November 7, 2005 regarding Great Mountain View, Wetland File #2005-02647 Notice of Administrative Completeness, Dredge & Fill application.
- Fall 2005 Issue of *RPC News & Notes*.
- November 10, 2005 Letter from Rockingham Land Trust regarding membership.
- November 14, 2005 Letter from Comprehensive Environmental Inc. regarding review services.
- November 9, 2005 Letter of Compliance from NHDES for 42 Woodvue Road, File #2003-02259.
- Copy of a November 15, 2005 letter from David Sullivan to Attorney John Ratigan regarding Pine Hill Estates.
- November 18, 2005 letter from NHDES acknowledging receipt of the Conservation Commission's report regarding Labrador Enterprises, File #2005-02451.
- Copy of a November 18, 2005 letter from Attorney Campbell regarding the original warranty deed for Forty Acres LLC.
- Copy of a November 22, 2005 memo from David Sullivan regarding possible land sale of town lot #13-J-95.
- Copy of November 29, 2005 letter from David Sullivan to Attorney John Ratigan regarding Pine Hill reclassification, request for condition removal.
- November 21, 2005 memo from Rockingham Planning Commission regarding municipal GIS opportunity.
- December 1, 2005 letter from NHDES to Paul Redmond regarding Wetlands Bureau File #2005-02074, 50 Morrison Road. Approval of the after-the-fact request to retain 536 square feet of fill placed in forested wetland for the construction of a garage and restore 355 square feet of fill on a single family residential lot. The approval is subject to 9 specific conditions and 2 general conditions.
- November 30, 2005 statement from Cyr Lumber showing a credit balance of
- \$-13.58.
- November 22, 2005 Memo from NH Fish & Game to DES Wetlands Bureau regarding a review of DES File #2005-02647, Fish & Game File #2005-1288 of Great Mountain View Subdivision.
- Copy of letter dated December 7, 2005 from the NHDES to Lewis Engineering regarding Camelot III New Bedrock Wells #1 & #3, NHDES #992093,



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acknowledging receipt of the November 14, 2005 materials for the wells but unable to approve the wells until an approval for their request to waive requirements of ENV-Ws 378.06, Sanitary Protective area. Must have a signed and dated agreement with the Town of Windham proposing implementation of a no-salt zone on the east/west portion of Pine Hill Road in the vicinity of well 1. If the north/south portion of the road is developed then that area in the vicinity of well 3 must be included in the agreement.

At 9:40 pm Mr. Morris motioned and Mr. Rouillard seconded the motion to adjourn. Passed unanimously.

The next meeting of the Conservation Commission is scheduled for January 12, 2006 at 7:30 pm in the Planning & Development office. These minutes are in draft form and are respectfully submitted for approval.