



CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

Conservation Commission

Minutes

February 24, 2011

Members

Dr. James Finn – Chairman

Mr. Wayne Morris – Member

Mr. Brian Dell’Orfano – Secretary (Excused)

Mr. Dennis Senibaldi – Member (Excused)

Ms. Pamela Skinner – Member (Excused)

Ms. Lisa Ferrisi – Member (Excused)

Mr. Bernie Rouillard – Alternate

Mr. John McRobbie – Alternate

Seat Alternates

The Chairman appointed Mr. Rouillard to replace Mr. Dell’Orfano and Mr. McRobbie to replace Mr. Senibaldi for this meeting.

Cost of Community Services Study - Dorothy (Dijit) Taylor

Ms. Taylor presented her study as a Power Point presentation. A Cost of Community Services Study is a snapshot of fiscal impact by land use type for a certain time period.

The state of New Hampshire did its first census in 1767 and the population was 402. By the turn of the twentieth century the population stood only 60% above the 1767 total. In the twentieth century the town grew dramatically. By 2009 the population was estimated to be 13,257.

The methodology that was used was pioneered by the American Farmland Trust in the mid 1980’s and has been used in more than 60 communities in many parts of the country. The methodology was brought to New Hampshire in the early 1990’s by Phil Auger of the UNH Cooperative Extension and Deborah Stanley of the Ausbon Sargent Land Preservation Trust. In addition to Windham, eighteen other New Hampshire communities are known to have completed similar studies between 1993 and 2010.



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The logic behind a cost of community services study and the steps taken to conduct one are straight forward:

1. Define land use types of interest.
2. Collect the relevant financial data.
3. Allocate all municipal income and expenses by land use types.
4. Determine total income and expense for each land use type.
5. Calculate the ratio of total income to total expense for each land use type.

Allocating income and expense.

1. Logic and common sense.
2. Detailed town records where available and relevant.
3. Input from knowledgeable local officials.
4. Default percentages.

Ms. Taylor mentioned the employees, Laura Scott, Dana Call, both the Fire and Police Chiefs and Rex Norman that were helpful in providing information for the study.

In every cost of community services study conducted in New Hampshire the general pattern is that open space provides more direct income to the city or town than it requires in services. Commercial land also regularly provides more income than the cost of the services to it.

Windham's cost of community services study shows that open space requires only \$0.57 in services for every dollar it contributes to the town. Commercial land requires \$0.28 in services for every \$1.00 generated in revenue. Residential land use requires \$1.05 in services for every \$1.00 generated in income. In a sense, the open space and commercial land uses are supporting the residential land use.

Windham can use this information as a factor in future land use decision making. If the town wishes to pursue the suggestion of the 2010 Open Space Report and invest in permanent conservation of 800 or more acres of selected land with high natural resource values, the information in the cost of community services may be useful to help voters understand that such an investment might be a fiscal benefit to the town.

Ms. Taylor explained that she will need updated number of protected land before she submits her final report.



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83 Kendall Pond Road – Dredge & Fill Application

Denie Oven – Owner

Brendon Quigley of Gove Environmental Services - Applicant

Retaining Wall & Stream Crossing

5118 square feet of new impacts

The project consists of 5.48 acres. This is an after-the-fact application to retain impacts to a constructed pond and drainage channel as well as to restore portions of the channel and add check dams as necessary in accordance with the DES August 23, 2010 Letter of Deficiency.

Ms. Deni Oven presented her case and showed on the displayed plan the seasonally wet area. The property was purchased in 1981 and Ms. Oven received permission from the Wetlands Bureau to dredge 21,000 square feet for a pond. A site walk was done by the Conservation Commission back in the 1980's

At an October 8, 2010 meeting with the NHDES Wetland Bureau and Jim Gove of Gove Environmental, DES requested the submission of an after-the-fact permit application for the retention of the stone around the pond and the culvert crossings as well as a restoration plan proposing the removal of riprap, fabric and stream restoration.

Ms. Oven submitted a memo from Melissa Coppola of NH Natural Heritage Bureau dated February 14, 2011 stating that *the Natural Heritage Bureau (NHB) requested further information about the project to determine if the exemplary swamp white oak floodplain forest was impacted by the project. Based on the information provided (site photos and site plan), it is clear that the floodplain forest was not impacted by the project. Furthermore, the property in question does not cross the river as indicated by the polygon submitted via the NHB Datacheck Tool.*

Mrs. Kovolyan will contact NHDES to request copies of all correspondence regarding 83 Kendall Pond Road be sent to the Windham Conservation Commission.

The Conservation Commission will schedule a site walk of the property.

Bay State Forestry Plan – Discussion

Mr. Rouillard mentioned the Andrews Town Forest and the Fosters Pond area adjacent to the athletic field and parking lot as one of the areas to be overseen by Bay State Forestry.

Dr. Finn will contact Mr. Eric DeLong, Town of Windham IT Director, to request a GIS map of all conservation lands including acreage. Dr. Finn will also ask Mr. DeLong to share his file with Mr. McRobbie.



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Review of Zoning Board Cases

Lot 17-I-112A, Case #9-2011

Applicant – Joseph Maynard, Benchmark Engineering, Inc.

Owner – Shawmut Revocable Trust, Joseph G. and Marianne S. Levis, Trustees

Location – 30 Walkey Road

Zone – Residence District A

Applicant proposes to raise the roof of the existing structure to allow for an expansion. The structure is non-conforming with respect to maximum building coverage requirements and minimum front and side yard requirements. A variance is requested from (a) Section 406.2 of the Town of Windham Zoning Ordinance and Land Use Regulations to permit a 45% increase in volume of a non-conforming structure where no increase in volume of a non-conforming structure is permitted; (b) Section 406.4 to permit an increase in building coverage of approximately 0.15% where an expansion of an existing structure that exceeds the maximum permitted building coverage requirements of Appendix A-1 is not permitted; (c) Section 616.9, the septic systems requirements of the Cobbetts Pond Watershed Protection Ordinance (CPWPO); (d) Section 616.10, the site construction requirements of the CPWPO; (e) Section 702/Appendix A-1 to permit the construction of an overhang to be located no less than 3 ft. from the front lot line where a minimum 50 ft. setback is required; (f) Section 702/Appendix A-1 to permit building coverage of 27.5% where the maximum building coverage permitted is 20%; and (g) Section 702/Appendix A-1 to permit construction on a lot having an area of 5,250 sq. ft +/- where 50,000 sq. ft. is the minimum required, and on a lot having frontage of 100 ft. on a private road where minimum frontage of 175 ft. on a public road is required.

After reviewing Zoning Board Case 9-2011 it was decided that Dr. Finn would write a letter of opposition to the Zoning Board stating:

- The hardship requirement has not been met.
- This would be expansion of a non-conforming lot.
- The pond is suffering from all development.
- Is a new septic system proposed?
- The location of the septic system.

Ms. Laura Scott, Director of Community Development, spoke to the Commission regarding:

- The changes to the Subdivision Regulations.
- The 2011 Pepsi Program Application for CC land clean up and trails maintenance.
- The Spruce Pond Conservation Parcels.



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Mr. Rouillard will check with Mr. Alan Carpenter for a copy of the Wright Pierce Engineering report in order to have one in the file and one available in the office for residents to review.

Approval of Minutes

Mr. Morris motioned and Mr. Rouillard seconded the motion to approve the February 10, 2010 minutes as written. Motion passed 4-0.

Mail

- From Laura Scott - Summary of Changes to the Subdivision Regulations hearing scheduled for March 2, 2011.
- Registration Form for Various Conference Workshops on April 9, 2011 Kearsarge Regional High School Sutton, NH.
- UNH Municipal Turf and Grounds Conference March 23, 2011.
- Shoreland Permit 2010-01377 for 22 Woodvue Road approved on 2/10/11 and expires on 6/18/15 to impact 2551 square feet for the construction of an addition to the driveway.
- Winter 2011 Brochure from Southeast Land Trust of NH.
- From Laura Scott Pepsi 2011 Program Application for CC land clean up and trails maintenance.

Non-Public Session RSA 91-A:3

Mr. Morris motioned and Mr. Rouillard seconded the motion to go into non-public session per RSA 91-A:3. **Motion passed 4-0 on a roll call vote.**

The next meeting of the Conservation Commission is scheduled for March 10, 2011 at 7:30 PM in the Community Development Office.

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