



## CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

www.WindhamNewHampshire.com

August 14, 2003

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

### Minutes

Mr. Seniow motioned and Mrs. Linowes seconded the motion to accept the amended July 24, 2003 minutes. Passed unanimously.

Mr. Seniow motioned and Miss Skinner seconded the motion to table the July 10, 2003 minutes to the August 28, 2003 meeting. Passed unanimously.

Mr. Seniow advised the Commission that he spent \$45.25 for supplies (screws, lumber, glue etc.) in order to post signs at Deer Leap, Fosters Pond, Gage Land and the Railroad Bed. Miss Skinner motioned and Mrs. Linowes seconded the motion to reimburse Mr. Seniow \$45.25. Miss Skinner and Mr. Seniow voted for the reimbursement. Mrs. Linowes voted against the reimbursement. Motion passed 2-1.

### Public Hearing – Purchase of 79.5 Acres

#### **Lot 25-R-103, 20 Osgood Road**

Mr. Anderson recused himself from this hearing. Mrs. Linowes chaired this portion of the meeting and appointed Mr. Rouillard to replace Mr. Adams for this meeting. The purchase price for the 79.5 acres is \$840,000.00. The Commission bought an option to purchase (contract was signed on April 22, 2003) which allowed the Commission 90 days to go thru the process of getting approvals. The Purchase & Sale Agreement was signed on July 30, 2003. Mrs. Linowes read into the record an Addendum to the Purchase & Sale Agreement. The property is being purchased with conservation land money. The town has been actively discussing this purchase with the Department of Transportation in conjunction with other parcels in the southeast area. Mr. Tom Furlong gave a history of the property. Mr. Tom Case spoke in favor of the land purchase saying it was the watershed for Rock Pond. He questioned whether the Commission had essentially bought the land before the public hearing. Mrs. Linowes explained that there is a contingency in

the Purchase & Sale Agreement that states the Conservation Commission can vote to disapprove the purchase and that is based on public input. Mr. Case asked if the Commission has anything concrete, in writing, from the State of NH that says if the Conservation Commission buys this property the state will buy it back from the Commission? Mrs. Linowes said that there is a letter from the NH Department of Transportation that states in the event the Commission purchases the Stolarz property the State would reimburse and/or purchase the property from the Commission. The Commission is also working with the DOT on other properties. Mr. Steve Lewis, Land Use Consultant, said that it was a pleasure dealing with Mr. Stolarz. Mr. Stolarz had an offer from a Developer and accepted a lower offer from the Town of Windham. This property has a large percentage of upland and it has been topo and soil surveyed. This purchase abuts a 10-acre property (Lot 25-R-7025, Spear Hill Road) that was purchased in May 2003. Mr. Saki Khan of 23 Osgood Road spoke for his father Mr. Babar Khan. Mr. Khan said that this is an excellent area with an abundance of wildlife and he is glad that this land will not be developed. Mrs. Anderson of 19 Osgood Road spoke in favor of this purchase. Mr. Seniow motioned to purchase the Stolarz Property, Lot #25-R-130 (editorial comment – Lot # is 25-R-103) for the amount of \$840,000.00 to be executed sometime within the next two weeks. Miss Skinner seconded the motion. Passed unanimously.

Mr. Senibaldi motioned and Mrs. Linowes seconded the motion to go into closed session based on RSA 91-A:3 to discuss land acquisition. Passed unanimously.

**Windham Conservation Commission**  
**August 14<sup>th</sup> Minutes**  
**Bruce's Portion**

Tom Seniow moved to come out of Non-public session at 10:05 PM. Motion seconded by Lisa Linowes. Passed unanimously.

***Spruce Pond Phase I: Comments to Planning Board***

The commission discussed many concerns on the Phase I Spruce Pond plan that they wanted considered by the Planning Board in Public Hearing. A Motion was made by Dennis Senibaldi that a letter be drafted by Lisa Linowes and reviewed by Bruce Anderson to Planning Board with the following comments:

1. Road widths should be limited to 24-26 feet with base widths not to exceed 4 feet of pavement.
2. Duston Road should be limited to 24 feet wide with the teardrop cul-de-sac design.
3. The Conservation Commission has requested that NH DES review the largest dredge and fill area of this project to see if mitigation is in the form of wetland re-creation is appropriate in this area.
4. Mr. Brian Harvey stated that H&B Homes would deed a portion of the open space to the Town of Windham, including an access trail. This area represents approximately seven (7) acres in the vicinity of Spruce Pond and current town-owned conservation land. The Conservation Commission endorses this generous gift.
5. Public access should be granted to all trails in the open space areas of this project.
6. The Conservation Commission is very concerned about the degree of cutting and filling required to build Northland Road between stations 21+00 and 25+00 and

requests that every effort be made to reduce this impact. One option proposed by the Commission involves ending Northland Road in a temporary cul-de-sac at/near Station 21+00 until access can be secured over Lot 3-B-700.

7. The Conservation Commission is very concerned about the degree of filling necessary to construct Duston Road leading to the cul-de-sac. The Commission requests that Duston Road *not be constructed* until such time that a second access to Depot Road is secured.
8. The Conservation Commission is concerned about the rate of drainage flow through the cross-culvert between Stations 1+00 and 2+00 on Northland Road and asks that the applicant reduce the area of riprap on the south side of the road.
9. A number of treatment swales throughout the site are located a distance away from the road rights-of-way. It appears that positioning the swales away from the roads compounds the degree of disturbance for treatment systems.
10. The Commission requests further explanation regarding roadside swales depicted on Sheet 23 of 51 and gravel areas on Lots 1250 and 1251 within the WWPD.
11. The driveway of Lot 1240 appears to be greater than 450 ' in length. . The Commission is particularly concerned in that this lot is immediately adjacent to vernal pools identified on the plan.
12. Mr. Harvey has agreed to work with the Commission in identifying trees to be retained on the site. The Commission requests the Planning Board's support in this effort.
13. The Commission requests that the WWPD in the vicinity of Spruce Pond (Lots 1219,1220) be designated as a no cut zone.
14. The Conservation Commission is pleased to note Staff's recommendation that the Declaration of Covenants include assurances that any water extracted on-site will be utilized and remain on the site.
15. The Commission continues to support the Depot Road access through Derry as a way to contain road construction for the Spruce Pond Subdivision.
16. The Commission requests that Northland Road and Duston Road be designated as no/low Salt usage areas given the sensitivity of the land areas in proximity to these roads.

Ms. Linowes seconded the motion. Passed unanimously. It was also discussed that the Chairman would attend the Planning Board meetings to present the Conservation Commission's comments in person.

#### **Windham Meadows Phase II - Planning Board Plans**

Due to the lateness of the hour Ms. Skinner motioned to table this until the next meeting. Seconded by Mr. Senibaldi. Passed unanimously.

#### **Planning Board Report**

Ms. Skinner advised that Spruce Pond would be on the agenda of the next Planning Board meeting. She also reminded the Commission that there would be a Planning Board Site Walk of the Bear Hill Extension on Saturday September 6, 2003. The Commission is invited to attend.

## **Review of Zoning Board Cases**

### **Case 27-2003 - 27 First Street**

After discussion, Ms. Linowes motioned that the Commission have no comment on this case. Ms. Skinner seconded. Passed unanimously.

### **Case 31-2003 - 26 Ministerial Road**

After discussion, Ms. Linowes motioned that the Commission have no comment on this case. Mr. Senibaldi seconded. Passed unanimously.

### **Case 32-2003 - 12 Spring Street**

After discussion, Mr. Senibaldi motioned that the Commission have no comment on this case. Ms. Skinner seconded. Passed unanimously.

### **Case 34-2003 - Off Bear Hill Road**

The Conservation Commission previously reviewed this matter with Mr. Karl Dubay. Since this case is a re-hearing of a previous case and the environmental issues have not changed, Ms. Skinner motioned that we have no comment. Mr. Senibaldi seconded. Passed unanimously.

### **Case 36-2003 - 25 & 27 Flat Rock Road**

This involves a foundation encroaching less than one foot into a setback and was not deemed an environmental issue. Mr. Senibaldi motioned that the Conservation Commission have no comment on this case. Ms. Skinner seconded. Passed unanimously.

### **Case 37-2003 - 78 Mammoth Road**

After discussion, Ms. Skinner motioned that the Commission have no comment on this case. Mr. Senibaldi seconded. Passed unanimously.

## **Review of Capital Needs for 2004 Town Meeting**

After discussion the Commission decided that we would request a line item in the CIP for \$400,000 per year. Ms. Skinner moved that Mr. Anderson and Ms. Linowes present our request to the CIP committee. Mr. Senibaldi seconded. Passed unanimously.

Mr. Senibaldi motioned to adjourn at 11:55 PM. Ms. Skinner seconded. Passed unanimously.