



# CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

February 10, 2004

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

## **Alternate Appointment**

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

## **Public Hearing – Purchase of portions of Lots 8-B-3000, 4700 & 4900 approximately 84 Acres located off Rockingham and Goodhue Roads**

Mr. Senibaldi read the public notice into the record. Dr. Anderson explained that over a year ago during a non-public meeting, Mr. Senibaldi requested permission to approach the Cyr family and Mr. Nickerson who were working together to develop the property. Negotiations took place and appraisals were done and it was worked out so that the Conservation Commission could purchase part of the property now for \$1.75 million and part at a later date. Mr. Senibaldi showed where the parcel is located. There is approximately 1134 feet of frontage on Route 28. The parcel abuts the existing town forest. This parcel has the potential for 30 residential homes. Mrs. Linowes said that prior to this purchase the only way to access the town forest was to walk over private property or use a pedestrian easement on the Lamplighter property. This will give excellent access to the forest. This portion of the property actually appraised in at \$2.3 million. The Cyr family agreed to sell it to the town for \$1.75 million and \$550,000.00 is being offered to the town in the form of a gift. Mr. Senibaldi thanked Mr. Nickerson and Mr. Zohdi for their help in revising the plans many times to suit the needs of the town. Mr. Zohdi said that there is a *Gentlemen's Agreement* with the Conservation Commission that they have a minimum of one year to pursue the next 84 acres. Mr. Case thanked Mr. Senibaldi for providing the topo map. At Mr. Case's request Mr. Zohdi pointed out the portions of the lots being purchased. Mr. Wayne Morris of the Trails Committee spoke in favor of the purchase and the possibility of plotting trails in the future. Mr. Bruce Breton, Selectman, spoke in favor of the purchase and mentioned the importance of keeping the *Current Use Fund* intact. Mr. Senibaldi closed the public portion of this hearing. Miss Skinner motioned to go forward with the purchase of portions of Lots 8-B-3000, 8-B-4700 and 8-B-4900, approximately 84 acres pursuant to RSA 36-A:5 for \$1.75 million per the Purchase & Sale Agreement. Dr. Anderson seconded the motion. Mrs. Linowes asked that the motion be amended to include the condition of clearance of the title being



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transferred to the town and the availability of the Conservation Land funds. Miss Skinner and Dr. Anderson agreed to the conditions. The motion passed unanimously 5-0.

## Lots 8-A-1860 & 8-A-40

Mr. Breton said that the Lawrence Savings Bank has a couple of parcels in town that they want to donate to the Conservation Commission. Mr. Breton asked Mrs. Linowes to explain the process. Mrs. Linowes pointed out two small parcels of land near Seavey Pond and Lamplighter and explained that it would give access to Seavey Pond. If the Conservation Commission were in favor of accepting title the Commission would proceed as if it was a purchase; there would be a title search and the Board of Selectmen's approval of accepting these properties. Mr. Rouillard asked that a site walk be scheduled. A site walk was scheduled for Saturday, February 19, 2005 at 8:00 AM. Mr. Rouillard motioned to send Lots 8-A-1860 and 8-A-40 to the Board of Selectmen for consideration. Mrs. Linowes seconded the motion. Passed unanimously 5-0.

## Minutes

Mr. Rouillard motioned and Miss Skinner seconded the motion to accept the January 13, 2005 minutes as amended. Motion passed 4-0-1. Dr. Anderson abstained because he did not attend the January 13, 2005 meeting.

## Review of Zoning Board Cases

### Case #6-2005, Lot #21-K-26, 35 Turtle Rock Road

A variance is requested from Section 702 Appendix A-1 of the Zoning Ordinance to permit a shed to remain 10.5 feet from the side setback where 30 feet is required and 30 feet from the front setback where 50 feet is required. Dr. Anderson motioned and Mr. Rouillard seconded the motion that the Conservation Commission had no comments on Case 6-2005. Passed unanimously 5-0.

### Case #7-2005, Lot #14-A-850A, #200 Route 111

A variance is requested from Section 702 Appendix A-1 of the Zoning Ordinance to permit the construction of a single family home 35-feet from the front setback where 50 feet is required and 15 feet from the side setback where 30 feet is required and from Section 601.4.1 (the WWPD shall include all lands within 150 feet of the normal high water mark of Beaver Brook, Golden brook and Flat Rock Brook. The WWPD for any other brook, stream or pond shall include all land within 100 feet of the normal high water mark of said brook or stream and 100 feet from the normal high water of said pond.) Section 601.4.2 (The WWPD shall include that land within 100 feet of any wetland one acre in size or larger.) and Section 601.4.6 (no waste disposal system may be located closer than 100 feet to any wetland contiguous to any WWPD. No waste disposal system may be located within any WWPD.) After reviewing Case #7-2005 the Members decided that Mrs. Linowes would draft a letter to the Zoning Board of Adjustment regarding Case #7-5. Dr. Anderson motioned and Mr. Rouillard seconded the motion that Mrs. Linowes will represent the Conservation Commission at the February 22, 2005



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Zoning Board meeting and will write a letter listing the three WWPD variance requests that the Commission objects to and the steepness of the driveway, the intensive use of the property and that there are alternative uses for the property. Passed unanimously 5-0.

## Case #8-2005, Lot #19-B-1100, 22 Castle Hill Road

A variance is requested from Section 710 of the Zoning Ordinance to permit a fence to exceed the 3-foot height limit within 60 feet of the front lot line. After the Members reviewed the case Mr. Rouillard motioned and Mr. Senibaldi seconded the motion that the Commission had no comments for Case #8-2005.

## Other Business

Mrs. Linowes advised the Members that on January 11, 2005 there was An Appeal of an Administrative Decision regarding 2 Woodvue Road that was not heard on the grounds that it was not timely. Those requesting the appeal have submitted an application for a re-hearing from the ZBA. If they are granted a re-hearing it is important that the Conservation Commission weigh in on the case. Mrs. Linowes asked that the 2 Woodvue Road Zoning Board case be on the next Conservation Commission agenda and that Russ Wilder be invited to attend the meeting. Mr. Rouillard suggested that the Commission review the data before inviting Attorney Campbell or Mr. Turner to a meeting. Mr. Senibaldi said that he will advise Mr. Sullivan and Mr. Turner regarding the 2 Woodvue Road case. Mrs. Linowes will have a package photocopied for the Members to review at the next meeting.

Mr. Senibaldi said that after talking with David Sullivan the Conservation Commission can motion to release as a public document the appraisal for the Cyr Property. Miss Skinner motioned to release the Cyr Property appraisal for public viewing. Dr. Anderson seconded the motion. Passed unanimously 5-0.

Mr. Senibaldi motioned and Dr. Anderson seconded the motion to release the Leggat appraisal as a public document. Passed unanimously 5-0.

Dr. Anderson motioned that all the appraisals for all the purchases completed in the last two years including Stollarz and later be released as public documents. Mrs. Linowes seconded the motion. Passed unanimously 5-0.

Mrs. Linowes advised the Commission that along with Mr. Finn she met with the DOT regarding an easement on the Mesity Land. No final decision has been made by the state. Mr. Senibaldi asked that this subject be put on the next agenda and that Mrs. Linowes provide a breakdown of options.



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## Mail

- Rockingham Planning Commission regarding the February 11, 2005 workshop on Reducing Beach Closures in Northern New England.
- LCHIP call for future projects – Due Date February 14, 2005
- Office of the Tax Collector – December 2004 Current Use
- Water Supply Land Conservation Grant Program – eligibility applications due March 4, 2005
- Copy of letter dated 2/3/05 from Luke D. Hurley of Gove Environmental Services to Dori Wiggin of the NH DES Wetlands Bureau regarding DES File #2005-00121, Dredge & Fill Application and an amended Wetland Impact Plan for 61 Goodhue Road. The impact to Area 1 is increased from 184 to 259 square feet and the impact to Area 2 is increased from 262 to 337 square feet.

Mr. Rouillard motioned and Miss Skinner seconded the motion to go into non-public session per RSA 91-A:3 for the purpose of land acquisition. Passed unanimously on a roll call vote.

The next meeting of the Conservation Commission is scheduled for February 24, 2005 at 7:30 PM in the Planning & Development Office.

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