



CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

August 25, 2005

Dr. James Finn – Chairman
Mr. Dennis Senibaldi – Vice-Chairman
Dr. Bruce Anderson – Secretary (Absent)
Mrs. Lisa Linowes – Member
Miss Pamela Skinner – Member
Mr. Bernie Rouillard – Alternate
Mr. Rick Adams – Alternate (Absent)

Seat Alternates

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

Spruce Pond – Joe Maynard of Benchmark Engineering

Mr. Maynard of Benchmark Engineering, representing H&B Homes and their application for Spruce Pond, discussed with the Members the reopening of Hopkins Road. Mr. Maynard explained that the Selectmen will set a date to have a hearing for the opening of Hopkins Road. There is a joint meeting scheduled for November 30, 2005 with Derry, New Hampshire's Planning Board to discuss connection issues. Mrs. Linowes asked why should Windham forget two years later the arguments that were put forth by the Conservation Commission and others and say ok now we changed our mind because you can't get through to Derry. Mr. Maynard said that he is not talking about a connection to Derry at this time but about extending a road from point to point with the least impacting alternatives. Mrs. Linowes said that Mr. Maynard is going to the Board of Selectmen with a request to have Hopkins Road reopened and where the Commission stands on that question is relevant. Mr. Rouillard said that he would prefer that the potential rail trail not be crossed. Mr. Case said that Mr. Maynard has every legal right to apply to open Hopkins Road. The Commission's input should be the conservation impact to that road being opened. Mr. Maynard is not asking for your opinion on an alternative he is asking for input on Hopkins Road. Mr. Rouillard motioned and Mrs. Linowes seconded the motion that a memo be sent to the Selectmen stating that the Commission prefers a connection to Derry; in the event that is completely closed out and Hopkins Road has to be considered, the Commission requests the road width be more compatible with Morrison Road with minimum impact and topography changes. Passed unanimously 4-0.



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Nature Conservancy – Duane Hyde

Mr. Hyde, Director of Land Protection for the New Hampshire Chapter of the Nature Conservancy gave background information on the Nature Conservancy that was established in 1951 and has chapters in every state and in 27 countries. The mission of the Nature Conservancy is to work together to ensure the diversity of life on earth and enrich the quality of life now and for future generations. Mr. Hyde discussed stewardship of the southeast lands and explained that the Nature Conservancy can control such things as erosion and ATV users. The Conservancy would really like to put a conservation easement on the 275 acres acquired by the DOT and also work with the Town of Windham on the remaining 195 acres of town land. Mr. Hyde proposed a natural area conservation easement because this is such a special place and by putting a higher level of conservation on the property the Conservancy can control a number of stresses that can come into the system. ATV users coming into the wetland can be controlled, dredging and filling can be controlled as well as erosion caused by logging. External stresses cannot be controlled such as acid rain or global climate change. The Conservancy has a number of professional land stewards that monitor the conservation easements held by the Conservancy. The Conservancy will monitor the property in perpetuity. An easement baseline report is prepared at the outset. Written documentation would be provided and an annual meeting is held with the landowner. The DOT is looking to provide some funds in order to help the Conservancy do the stewardship on the property. The Nature Conservancy has a proposal before the DOT for a one time fee of \$12,000.00. Mr. Hyde discussed with the Members the 16-page draft of a Conservation Easement Deed he provided.

Approval of August 11, 2005 Minutes

Mr. Rouillard motioned and Miss Skinner seconded the motion to approve the August 11, 2005 minutes as written. Passed unanimously 4-0.

Other Business

Review of Zoning Board Cases

Case #41-2005, Lot #6-C-291

Applicant – Albert Grella

Owner – Albert & Gayle Grella

Location – 1 Pine Hill Road

Zone - Rural

A variance is requested from Sections 601.1.1 & 603.1 of the Zoning Ordinance to permit the construction of a 28' X 34' garage in the WWPD.



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After reviewing Case #41-2005 the Commission had the following comments:

- No hardship
- Infringing on the natural buffer to the wetlands
- No indication of what the real impact could be

On May 24, 2005 the Commission sent a memo to the Zoning Board regarding 1 Pine Hill Road that stated the Commission strongly opposes the variance request. Building permanent structures in the WWPD significantly impacts Windham's vital ground water resources. The proposed garage is to be located entirely within the WWPD. Further efforts should be made to reduce or preferably eliminate the impact to the WWPD.

Planning Board Report – Pamela Skinner

Village Center District was discussed at a Workshop Meeting. Most of the discussion was a road between the town buildings.

By-Laws – Dr. Finn

Both Mr. Rouillard and Miss Skinner offered to help with the By-laws in regard to attendance.

Mail

- Letter dated July 29, 2005 from NH DES regarding Camelot III, DES #992093 conditional approval of the July 22, 2005 preliminary report.
- Office of Tax Collector, Current Use for July 2005.
- Notice from UNH Cooperative Extension regarding the August 12, 2005 Conservation Easement Monitoring Workshop.
- Letter dated August 9, 2005 from Al Turner to Dr. Finn regarding 2 Woodvue Road.
- Memo from David Sullivan regarding a joint meeting with the Selectmen that has been rescheduled for August 30, 2005.
- Letter dated August 1, 2005 from Comprehensive Environmental regarding Fall Green Development Tools Workshop scheduled for September 27, 2005 in Westford, Ma and on October 4, 2005 in Taunton, Ma.
- Letter dated August 11, 2005 from NHDES to Neil Helberg, Lewis Engineering, EPA #2542030 conditional approval of preliminary well site report for W&E in Windham.
- Copy of letter dated August 12, 2005 from Attorney Campbell to Attorney Mason regarding 40 Acres LLC/Town of Windham.
- Memo dated August 12, 2005 from Windham Planning Board regarding CIP Kick-off meeting scheduled for September 1, 2005 at 7:00 PM in the Planning & Development Conference Room.



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- Letter dated August 12, 2005 to David Sullivan from Attorney Campbell regarding Thorndike Revocable Trust to Town of Windham.
- Letter dated August 17, 2005 to Jim Finn from William Schroeder regarding Mr. Turner's letter of August 8, 2005.
- Notice from NHDES regarding new 2006 pre-proposals for watershed assistance and restoration grants. Pre-proposals are due October 7, 2005 and must be submitted electronically.
- Deed H&B Homes Lot 3-B-375 10.78 acres, Bk4509, Pg0139.

At 9:43 PM 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 September 8, 2005 at 7:30 PM in the Planning & Development office. These minutes are in draft form and are respectfully submitted for approval.