



CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

Conservation Commission

Minutes

January 8, 2009

Dr. James Finn – Chairman
Mr. Bernie Rouillard – Secretary
Dr. Bruce Anderson – Member (Excused)
Mr. Brian Dellorfano – Member
Mr. Wayne Morris – Member
Mr. Chris Rossetti – Member
Mr. Dennis Senibaldi – Member
Miss Pamela Skinner – Member

Seat Alternates

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

Planning Board Report – Miss Skinner

The Planning Board is reviewing Citizens' Petitions and Zoning Amendments.

Farmland Preservation Initiative – Mr. Morris

Mr. Morris explained that there will be three Citizens' Petitions on the ballot; one will ask the voters to approve \$5,000,000.00 to purchase conservation land, including open space and agricultural land, subject to Board of Selectmen approval. Mr. Morris gave a history of motions that were passed and discussions that took place during the July 13, 2006, February 14, 2008, March 27, 2008, April 24, 2008 and September 11, 2008 Conservation Commission meetings and the four times he met with the CIP Committee.

Another petition will ask the Town to vote to deposit 50% of the revenues collected (Current Use Taxation) in the Conservation Fund. The town currently allocates 100% of the revenues collected.

A third petition asks shall we adopt the provisions of RSA 79-A:25-a to account for revenues received from the land use change tax in a fund separate from the general fund. Current use monies would be used to pay off the bond once the monies are available.

Mr. Senibaldi asked if the money is not in the Land Use Change Tax Fund who will pay for the bond. The Chairman said that the taxpayer would make up the difference. Mr. Senibaldi said that no Current Use has been collected in the last three months. Mr. Rouillard said the money will be reimbursed to the taxpayer from the Current Use tax.



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Currently there is approximately \$8 million in current use, if the Commission incurs costs of \$4,000,000.00 the other \$4,000,000.00 would be sent back into the general fund to recover the cost of purchasing land. A lengthy discussion took place regarding the \$0.34 cent impact to the tax rate and its effect on the taxpayers.

Mr. Rossetti motioned and Mr. Rouillard seconded the motion that the Conservation Commission support the Citizens Petition made by Wayne Morris and others to see if the Town will vote to raise and appropriate the sum of Five Million and no 100ths (\$5,000,000.00) dollars for the purpose of purchasing conservation land, including open space and agricultural land, said lands to be at the discretion of the Conservation Commission subject to the approval of the Board of Selectmen and payment of costs associated with the financing of said purchases; and to raise the same by issuance of not more than \$5,000,000.00 in bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33) and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon, and to apply toward the cost any interest earned from the temporary investment of any bond or note; and to take any other action as may be necessary to carry out and complete financing of this project. Motion passed 5-2. Mr. Morris, Miss Skinner, Mr. Rouillard, Mr. Rossetti and Dr. Finn voted for the motion. Mr. Senibaldi and Mr. Dellorfano voted against the motion.

Mr. Rossetti motioned and Mr. Rouillard seconded the motion that the Conservation Commission support the Citizens Petition made by Wayne Morris and others to see if the Town will vote to deposit 50% of the revenues collected pursuant to Chapter 79-A (Current Use Taxation) in the Conservation Fund in accordance with RSA 36-A:5 III, as authorized by RSA 70-A:25 II. The Town currently allocates 100% of the revenues collected. Further this article shall be declared null and void should the petition article to create a land use change tax fund fail. Motion passed 5-2. Mr. Morris, Miss Skinner, Mr. Rouillard, Mr. Rossetti and Dr. Finn voted for the motion. Mr. Senibaldi and Mr. Dellorfano voted against the motion.

Mr. Rossetti motioned and Mr. Rouillard seconded the motion that the Conservation Commission support the Citizens Petition made by Wayne Morris and others to see if we shall adopt the provisions of RSA 79-A:25-a to account for revenues received from the land use change tax in a fund separate from the general fund. Any surplus remaining in the land use change tax fund shall not be part of the general fund until such time as the legislative body shall have had the opportunity at an annual meeting to vote to appropriate a specific amount from the land use change tax fund for any purpose not prohibited by the laws or by the constitution of this state. After an annual meeting any unappropriated balance of the land use change tax revenue received during the prior fiscal year shall be recognized as general fund revenue for the current fiscal year. Motion



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passed 5-2. Mr. Morris, Miss Skinner, Mr. Rouillard, Mr. Rossetti and Dr. Finn voted for the motion. Mr. Senibaldi and Mr. Dellorano voted against the motion.

Review of Zoning Board Cases

Lot #21-U-30, Case #1-2009

Applicant – Covnett Properties LLC

Owner – Patrick & Rita Wallace

Location – 3 Cobbetts Pond Road

Zone – Business Commercial A

A variance is requested from Section 601.3 of the Zoning Ordinance to permit structures within the WWPD.

After reviewing Case #1-2009 the Conservation Commission stated that during the October 4, 2008 site walk a discussion took place requesting that the amount of parking spaces be reduced. The Commission asked for the last four spaces at the end toward the brook.

Lot #11-C-2562, Case #2-2009

Applicant – Geoffrey Andrews

Owner – Darren & Deanna Gaiero

Location – 15 Sheffield Street

Zone – Residential A

A variance is requested from Section(s) 601.3 of the Zoning Ordinance to permit accessory grading within the WWPD.

After reviewing Case #2-2009 the Conservation Commission stated that they had no issues with this request.

Other Business

Dr. Finn advised the members that some minor changes need to be made to the Rau & Blanchard Easement Deeds. The Commission will work with the Southeast Land Trust.

Dr. Finn discussed with the members his concern about having a quorum for every meeting and the possibility of reducing the size of the Commission. The amount of members can vary from 4-7 with 3 alternates.

Mail

- December 11, 2008 Letter from Eben Lewis of NHDES Wetlands Bureau requesting more information for 17 Farmer Road, Minimum Impact Expedited application.



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- Christmas Card from Board of Selectman.
- December Current Use
- December 31, 2008 Letter from Brendan Quigley of Gove Environmental Services regarding 17 Farmer Road DES File #2007-02910 submitted a revised plan for a proposed seasonal dock.
- Newsletter from Coastal Conservation Association of NH.
- January 2, 2009 Letter from NHDES Alteration of Terrain Program regarding File #081230-09 application to disturb 570,000 square feet to construct a business/industrial park.
- NHDES Shoreland Impact Permit 2008-01469 from Michael Walls, Assistant Commissioner, for 53 Cobbetts Pond Road Approval Date 12/31/08, Expiration Date 12/31/13.
- Introductory Card from Geo Insight, Environmental Strategy & Engineering.

Mr. Rouillard motioned and Mr. Senibaldi seconded the motion to adjourn. Motion passed 7-0.

The next meeting of the Conservation Commission is scheduled for January 22, 2009 at 7:30 PM in the Planning & Development Office.

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