



CONSERVATION COMMISSION

PO Box 120

Windham, New Hampshire 03087

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

www.WindhamNewHampshire.com

Conservation Commission Minutes December 9, 2010

Dr. James Finn – Chairman (Excused)
Mr. Wayne Morris - Vice-Chairman
Mr. Brian Dell'Orfano – Secretary
Mr. Dennis Senibaldi – Member (Arrived 7:45 PM)
Ms. Pamela Skinner – Member
Ms. Lisa Ferrisi – Member (Excused)
Mr. Bernie Rouillard – Alternate
Mr. John McRobbie – Alternate (Excused)

Chairman Finn opened the meeting.

Seat Alternates

Chairman Finn appointed Mr. Rouillard to replace Mr. Senibaldi. Upon arrival of Mr. Senibaldi, Mr. Rouillard replaced Dr. Anderson.

Londonderry Road, Lot I-C-2550

Peter Zohdi of Herbert Associates

Applicant proposes to subdivide the property into two lots, neither having street frontage.

Mr. Zohdi presented the plans for the lot subdivision and submitted a plan for the Commission to review. Mr. Zohdi will be asking for a variance from the Zoning board and would like to receive support from the Commission. Mr. Zohdi described a preliminary access/conservation easement to Fosters Pond.

Mr. Rouillard asked Mr. Zohdi to delineate the potential conservation easement to gain access to Foster's Pond and discussion ensued with regard to the historic trail that leads to Fosters Pond. Mr. Devlin addressed the Commission and described the current site conditions. Mr. Morris asked what kind of work would have to be performed to make the trail. Mr. Devlin indicated that cutting some trees and leveling off of the trail would have to be performed.

Mr. Morris motioned that the Commission have no objection to the plan as presented. Mr. Dell'Orfano seconded the motion. During discussion, Mr. Morris asked if Mr. Zohdi could present the 6 lot plan for the Commission to view. Mr. Zohdi presented the alternative plan to the Commission. **Motion passes 5-0. Mr. Senibaldi abstained due to**



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his late arrival. Mr. Zohdi asked if the Commission could write a letter for the Zoning Board. Chairman Finn agreed to write a letter.

Bay State Forestry Services

Discussion - Management of Conservation Land

Daniel Cyr and Mike Powers of Bay State Forestry Services are consulting foresters that provide manage service for town land. They described the forest management practices and plans that perform for other towns, which include removing low quality timber which allows space for new growth, habitat restoration, and other services. They asked us to come on a site walk in Pelham to look at their work.

Mr. Dell'Orfano asked about the timber sale process and if income is produced for the tow. Mr Powers detailed how they write a forest management plan which includes timing of timber harvesting and that revenue is generated from these sales for the towns they work with.

Mr. Rouillard asked if the management plan and timber sales typically included the construction of skidder roads. Mr. Cyr indicated that it depends on the circumstances of the piece of land and went on to describe the different experiences they have with different towns.

Mr. Dell'Orfano asked if the Commission wanted to receive a proposal. Chairman Finn indicated that he would like to see what they have done before we ask for a proposal. The commission set a site walk for 8:30am on December 19th. The meeting place will be Pelham Town Hall. Mr. Morris indicated that the public is welcome to the site walk.

Moeckel Dam, Alan Carpenter

Alan Carpenter provided an update on the current state of Moeckel Pond, Rock Pond and to provide the preliminary results of an engineering study performed by Write Pierce on the option for repairing the Dam. **Mr. Morris recused himself from the Commission for the discussion.** Mr. Carpenter went on to describe how DES is requiring the Dam to be repaired and that a spill way is reconstructed to handle a 50 year storm. The Write Pierce report indicates that it will cost approximately \$125,000 to \$150,000 to repair the dam and \$120, 000 to \$160,000 to reconstruct the spill way. DES has indicated that the current owner may have to remove the dam.



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Mr. Rouillard asked if a structural report had been produced. Mr. Carpenter indicated that this analysis fell outside of the scope of this repair analysis performed by Write Pierce.

Mr. Dell'Orfano asked for the cost estimate to remove the dam and the estimates were between \$140,000 to \$175,000.

Norm Young addressed the commission and indicated that the dam was built in 1787.

Mr. Carpenter asked the Commission where we go from here. Mr. Senibaldi asked what he was looking for. Mr. Carpenter asked if there was a median where the Conservation Commission would commit some funds and the residents surround the area put force some money. Chairman Finn indicated that he would be in favor of allocating reasonable funding toward the project because the dam is a valuable asset of the town. Mr. Senibaldi asked what the cost was of the structural analysis. Mr. Carpenter indicated that it would cost approximately \$26,000. Discussion ensued with regards to the value of a structural analysis. Mr. Carpenter indicated that the Write Pierce engineers told him that the rate of deterioration of the dam will increase now that the pond has been drained. Mr. Carpenter suggested that we need a long term plan for ownership and maintenance before any action can be taken to potentially repair the dam. Mr. Carpenter went on to say that DES has the ability to force the removal of the dam because DES believes the dam poses a safety issue.

Mr. Carpenter is working toward securing a long term Purchase and Sale Agreement and asked if the Conservation Commission felt it was an important piece of history to preserve. Mr. Dell'Orfano indicated that the issue is very complicated because if the current owner retains ownership of the dam, and money is donated to repair the dam, there are potential taxable events that could develop. Additionally, the town's willingness to own the dam is questionable. Mr. Carpenter indicated that being a former selectmen, it is unlikely that the selectmen would approve ownership of the pond/dam however; an association of nearby residents is a possible owner. Mr. Senibaldi asked if the dam was fixed, do the owners have the ability to drain the pond again. Mr. Carpenter indicated that could happen, but the ownership structure must be in place. Mr. Rouillard asked if a link between Moeckel pond and Rock Pond. Mr. Carpenter indicated that he believes they are linked, but no formal study has been performed. Mr. Rouillard believes that the pond would be a great recreation asset for the town. Mr. Senibaldi asked what Mr. Carpenter thoughts were on the structural analysis. Mr. Carpenter thought it would be a good idea; however he would have to scope out the analysis and receive a formal quote for the work. Additionally, Mr. Carpenter felt that a plan needs to be in place before any more money is spent. Mr. Carpenter went on to review a few additional options for ownership. Mr. Carpenter went on to review what he thought the outcome of structural analysis would be, specifically that the left portion of the dam needed to be replace.



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Alan Decker approached the Commission and indicated that he wanted to know why the Conservation Commission is spending money for the benefit of a private owner. Chairman Finn indicated that the Commission would probably have to own the pond/dam before the commission would spend any money. Mr. Decker indicated that the Rock Pond residents are divided on the ownership of the dam. Approximately ½ of the residents do not want to have any involvement in the project. Mr Decker also indicated that some studies have been performed on the link between Rock and Moeckel Ponds.

Mr. Carpenter does not feel that the spending of any additional monies would be prudent until an ownership plan is in place.

Norm Young approached the Commission and indicated that any springs in Moeckel Pond are not sufficient to feed Rock Pond. He also indicated that there are people around Moeckel and Rock Ponds that are interested in saving the Pond. He indicated that there would be a loss of tax revenues because the residents will not be considered "water front" property. Mr. Young stressed that Moeckel Pond is an important piece of Windham's history and that there are people that will work with the Conservation Commission to figure out a way to save this asset.

Diane Carpenter approached the Commission and indicated that the draining of Moeckel pond does impact Rock Pond. Ms. Carpenter requested that some decision be made to move us forward and that the investment the Commission has made will go to waste if we do not move forward.

Bob Dell approached the Commission and indicated that something needs to be done about the current situation and that the residents cannot finance the reconstruction without some help from the town. He suggested some access improvements that could be developed to get the town more involved in this project.

Diana Fallon approached the Commission and indicated that the residents have been talking about possible solutions. Ms. Fallon and Mr. Young wrote a grant for the Pond. She has also been involved with another pond that received a letter from DES and they have been successful in raising money. Folks on Cobbett's Pond have also expressed interest in helping. Ms. Fallon indicated that the residents were really at a pond where some decisions have to be made on what to do with the dam.

Mr. Rouillard asked how many abutters may be interested. Ms. Fallon indicated about 17 to 20 residents are on Moeckel Pond. Mr. Decker indicated that approximately 62 abutters are on Rock Pond. Mr. Decker indicated that he supports some effort to save the Pond and want to help out as much as possible.

Mr. Rouillard indicated that some type of association has to be formed with the town potentially being a member in order to move forward.



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Chairman Finn felt that the immediate issue is how to proceed. Mr. Carpenter volunteered to obtain a structural analysis quote from Write Pierce. Mr. Carpenter also suggested that a joint meeting with Conservation and the Selectmen in order to discuss a long term plan for the Moeckel Pond and dam. Chairman Finn indicated that a joint meeting would be a good next step.

Mr. Dell'Orfano indicated that it would be a good idea for Mr. Carpenter to explore how many abutters maybe interested in participating in the association and that this would be important piece of information to have before a joint meeting.

Mr. Carpenter will obtain the structural analysis quote from Write Pierce and will craft some potential ownership options. Mr. Senibaldi indicated that the results of a structural analysis will really determine how to proceed.

Wayne Morris approached the Commission and requested that the documents from Write Pierce be held in the office and that it is not distributed. Mr. Senibaldi indicated that he does not believe we can restrict anyone from viewing the document. Chairman Finn indicated that he will look into this request.

Non-Public Session RSA 91-A:3

MS. Skinner motioned and Miss Senibaldi seconded the motion to go into Non-Public Session per RSA 91-A:3. **Motion passed unanimously on a roll call vote.**

Public Hearing

Accept donation of 63 Mammoth Road, Lot 19-B-500, approximately 36 acres.

XXX Motion and XXX seconded the motion to accept the donation as described.

Motion passed xx-xx

Review of Zoning Board Cases

XXXXXX

Approval of XXXXX, 2010 Minutes

XXX motioned and XXX seconded the motion to accept the XXX, 2010 minutes.

Motion passed xx-xx.



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Planning Board Report – Miss Skinner

Other Business

Mail

The mail was read into the record.

These minutes are in draft form and are respectfully submitted for review by Brian W. Dell'Orfano.