

**BOARD OF SELECTMEN**  
**Minutes of August 2, 2004**

**ROLL CALL:** Chairman Alan Carpenter called the meeting to order at 7:00 pm. Those present included Selectmen Bruce Breton, Christopher Doyle, Roger Hohenberger, and Galen Stearns. Mr. Sullivan was also present. Mr. Carpenter read the agenda into the record.

**VERIZON/NH DOT:** Mr. Bill Cass, Project Manager, was on hand from the NH Department of Transportation, along with Mr. Serge Laprise of Verizon to discuss relocation of a utility vault as part of the Route 111 Bypass project.

Mr. Cass explained that the widening of the roadway in front of Delahunty's will impact a complex utility vault located in the area. The DOT, with Verizon, had been working proactively to choose a relocation site and had determined that either the corner of the relocated 111 and Canobie Lake Road or off of Lamson Road were the two most viable locations.

Mr. Cass explained that Verizon was recommending the utilities be enclosed in an 11' x 16' pre-cast, above ground hut, and that their initial, preferred location was at the edge of the Searles School and Chapel driveway. The alternative location, which Verizon and the DOT were now favoring, was off of the existing Lamson Road, where a large detention pond and related access road were planned as part of the by-pass construction. Mr. Cass noted that the primary issue with this location was determining the future disposition of Lamson Road and the length of underground conduit necessary.

A lengthy discussion regarding the remaining properties on Lamson Road, the disposition of Lamson Road, and the aesthetics of the hut ensued. Mr. Fred Linneman, Historic Committee, approached the Board to voice the Committee's preference that the utility hut not be located in the area of the Searles facility. The final consensus of the Board was that the Lamson Road location was preferable to the Searles location.

After a brief discussion regarding the details of the access road to the detention pond and utility hut, and the possible future discontinuation of Lamson Road, the Board thanked Mr. Cass and Mr. Laprise for their attendance and information.

**LIAISON REPORTS:** None.

**ANNOUNCEMENTS:** Mr. Stearns reminded all that the Senior Picnic is scheduled for Friday, August 13 at 12:00 noon at the Windham Fire Station. He noted that the Planning Department will be open until noon only on that day, and the remaining Town offices will be closed.

*Mr. Stearns* also announced that deliberative sessions regarding the Pelham/Windham Co-op have been scheduled for August 16 at 7:00 PM in Pelham, and August 17 at 7:00 PM in Windham.

**OLD BUSINESS:** Mr. Hohenberger inquired when the discussion regarding impact fees that he had requested the Board to have was scheduled. Mr. Sullivan indicated the date had not been determined yet.

**HOPKINS ROAD:** Mr. Sullivan explained that, at the Board's request, the Trail Committee and Conservation Commission had worked together to develop their recommendations for the restoration of Hopkins Road, and that their resulting correspondence had been forwarded to the developer for review. The developer, Mr. Joe Vachon, was in attendance to discuss the recommendations with the Board.

Mr. Carpenter read the Conservation Commission's memo into the record, which included the following recommendations for the restoration of the trail:

1. The restored trail should be as close to the west bank of the trail as grading will allow in order to maintain a reasonable buffer for 26 Mitchell Pond Road.
2. Restoration of underbrush and trees along the trail should be a mix of native species that include rapid growth and slow growth plants and trees the size and variety to be determined by best practices methods and to be overseen by the Assistant Planning Director, Rebecca Way.
3. Special attention needs to be paid to plants that will enhance the trail i.e. mountain laurel, low bush blueberries, maple leaf viburnum, etc.
4. New landscaping material should be maintained the first year to insure long term success.
5. Grading at the intersection of Mitchell Pond Road and the trail should meet the outcropped area in order to prevent erosion and enhance aesthetics along the trail.
6. Rocks and ledge along the trail should be left in place and restorative grading on the trail should meet the outcropped area in order to prevent erosion and enhance aesthetics along the trail.
7. Restoration of plant materials need to take place on both sides of the trail.
8. Trail restoration is to take place as soon as possible to insure public safety and resumed use of the trail.
9. Native plant material (cattails, water lilies) should be placed along the shore of the detention basin to discourage invasive plants and improve visual aesthetics.

Mr. Vachon approached the Board and stated that he had no major issues with most of the recommendations. He responded to several of the recommendations as follows: he will use natural loam in the area, which is what the trail consisted of before the clearing; he is comfortable with working with Rebecca Way; he or his landscaper will consult with an area nursery regarding appropriate plants and layout; he will try to ascertain if blueberries were actually in that area prior to the clearing; and, he would like to "wander" the trail a bit more to achieve a more natural look and avoid the ledge in the area. As to watering of the plants, Mr. Vachon could not state how often he would be in the area to perform regular waterings, but noted he believed Mr. Lemay was willing to assist. Mr. Lemay, who was in the audience, indicated he was willing to do so.

Mr. Breton inquired of Mr. Vachon whether he would be providing a bond to ensure completion of the restoration. Mr. Vachon responded he had not intended to do so. He went on to note that he was now doing a double planting and reminded the Board that he did have a road bond in place. Mr. Sullivan asked if Mr. Vachon would consider allowing a portion of the existing road bond for this work pertaining to Hopkins Road. Mr. Vachon supposed that that could be done.

Mr. Vachon continued with his review of the recommendations, and stated that he would attempt to obtain a 5 to 1 slope at the intersection, which should provide easier navigation by horses and trail users. As to the last

recommendation regarding the detention pond, Mr. Vachon noted that he had not planned any landscaping for the detention pond, which is on his property. He then advised the Board that if he were authorized to proceed that evening, he could complete the project within a month.

Mr. Doyle felt that a revised plan needed to be developed and submitted by Mr. Vachon because of the bonding of the project. Mr. Vachon reminded the Board that he had done nothing wrong, and stated he would not expend any additional funds on a plan.

After a discussion regarding the bond and necessity of a revised plan, Mr. Carpenter reminded all that Hopkins Road was a Town issue that was not created by the developer. He suggested that Mr. Vachon be allowed to proceed with the grading and loaming, and then have the Conservation Commission review the proposed plantings, possibly contributing towards their cost. Mr. Vachon noted that he could also transplant some trees from the surrounding area, if necessary.

It was determined that the restoration will be a two-phase project, with the first being re-establishment of the trail, adjustment of the grade, and consultation with Delahunty's or other nursery. Upon completion of phase 1, Mr. Vachon will notify the Planning staff for review. The Conservation Commission will also be notified by the Planning staff. Phase two, which will take place in September, will be the re-planting of the area.

The discussion then moved to the width of the trail, with Mr. Turner seeking clarification from the Board that they were aware that the planned 6' to 8' width is narrower than the existing trail. The Board was aware of that fact.

Mr. Sullivan suggested that Mr. Vachon simply enlarge the previous plan developed by him and mark it to indicate the new trail and plants.

Mr. Dennis Senibaldi inquired as to any legal restrictions on the Conservation Commission expending funds toward the plants. Mr. Sullivan and Mr. Breton noted that, as it was a Class VI roadway Town funds could not be expended on work there, nor was it conservation land.

The Board extended their thanks to Mr. Vachon, who will proceed as discussed.

**PUBLIC HEARING:** Mr. Sullivan explained that this hearing, pertaining to installation of a "Stop" sign on Hancock Road, had been continued from the previous meeting.

The Board discussed speed limits in the area and configuration of the intersection in question. Ms. Laurette Cauther of 1 Hancock Road approached the Board to present a request, signed by eleven residents of the area, to approve the installation.

A lengthy discussion ensued regarding the appropriateness of a stop sign. Mr. Senibaldi, who resides in the area, felt that no matter the design it was an intersection of two separate roads and a stop sign should be installed.

Mr. Doyle moved and Mr. Breton seconded to approve the recommendation of the Highway Safety Committee to install a stop sign at the intersection of Hancock and Morrison roads. Passed 3 -2 with Mr. Stearns and Mr. Hohenberger opposed.

**CORRESPONDENCE:** Request received from Rex Norman, Assessor, to release an intent to cut bond in the amount of \$1354.16, originally posted by Jeffrey C. Eames, Fort Mountain Land and Timber, Epsom, NH, toward payment of the related timber yield tax bill dated July 14, 2004. Mr. Doyle

moved and Mr. Hohenberger seconded to release the amount of \$1,354.16 toward payment of the yield tax. Passed unanimously.

*Request received* from Vessarios Liakas, owner of the Windham Restaurant, that the restaurant be allowed to serve alcohol outside the confines of the building on a newly constructed 17.5' x 17.5' deck contingent on State approval. Mr. Doyle moved and Mr. Breton seconded to allow the Windham Restaurant to serve alcohol on the outside deck. Passed unanimously.

*Request received* from Lynn and Barry Goldman, Recreation Committee members, to reserve the six tennis courts located at Griffin Park plus the Meadow and Nashua road courts for August 21 and 22 to allow for the 1st Windham Tennis Open to raise funds for further development of tennis in Windham. The courts are expected to be full from 8:00 am to 8:00 PM. The request also included reservation of the Griffin Park courts each Saturday morning at 10:00 AM for adult tennis round robins.

A discussion ensued regarding fundraising procedures, Recreation Committee approval of the Goldman's efforts, time frame of the adult round robin and clean-up of the facilities.

Mr. Doyle moved to endorse the August 21 and 22 Tennis Open and that the Goldman's will work with staff to coordinate clean-up operations, deposit of funds, etc. Passed unanimously.

The Board discussed concerns with the ongoing round robins, and the effects on other residents who may arrive at the courts and be unable to play. Mr. Senibaldi suggested that the Board allow the program to utilize the full 6 courts for the first couple of Saturdays to see if it causes an issue, however, the Board felt it may be better to limit it to four.

Mr. Doyle moved and Mr. Hohenberger seconded to endorse the round robin tournaments, but limit them to four courts only. Passed unanimously.

Mr. Senibaldi inquired whether or not Griffin Park was restricted to Windham residents only. The Board supposed it could be, but nothing had been determined. This issue will be discussed further at a future workshop with the Recreation Committee.

*Letter received* from Adelphia announcing the impending availability of "Adelphia on Demand", scheduled to launch in Windham during the first week of August. Customers who currently have digital cable service will be notified by letter approximately one week prior to the start of the availability.

**NEW BUSINESS:** None

**NON-PUBLIC SESSION:** Mr. Doyle moved and Mr. Breton seconded to enter into a non-public session in accordance with RSA 93-A:3 a, c, and d. Roll call vote – all members "yes". The topics of discussion were personnel, reputations and land acquisition. The Board and Mr. Sullivan were in attendance.

*Reputations:* The Board discussed a general assistance matter. No decisions were made.

*Personnel:* The Board conducted a follow-up discussion regarding a personnel matter. Mr. Sullivan will follow-up with labor counsel to clarify the Town's options to proceed.

*Land Acquisition:* The planned discussion with the Conservation Committee regarding land acquisition was postponed.

Mr. Breton moved and Mr. Hohenberger seconded to adjourn. Passed unanimously.

The meeting was adjourned at 9:15 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

*Note: These minutes are in draft form and have not been submitted to the Board for approval.*