

**BOARD OF SELECTMEN**  
**Minutes of February 13, 2006**

**MEMBERS PRESENT:** Chairman Roger Hohenberger called the meeting to order at 7:00 PM. Selectmen Galen Stearns, Bruce Breton, Margaret Crisler, and Alan Carpenter were present. Assistant Town Administrator/Finance Director Dana Call was also in attendance. Town Administrator David Sullivan was excused. Following the Pledge of Allegiance, Mr. Hohenberger read the agenda into the record.

**ANNOUNCEMENTS:** Mr. Breton introduced Mr. Frank Libby, General Manager of the Windham Shaw's. Mr. Libby thanked the Board, and stated Shaw's was excited to be in Windham and had felt very welcomed by the community. He then introduced Mr. Dave Cramone, Assistant General Manager; John Murphy, Pharmacy Manager, and; Susan Hebert, Manager of Citizens Bank. The Board extended best wishes to all.

**LIAISON REPORTS:** Mr. Hohenberger announced that the Strategic Planning Committee had met the previous Wednesday and reviewed their progress to date. The Committee hopes to have their plan available in the near future.

*Mrs. Crisler* reported that the Planning Board had met with the NH Department of Transportation to discuss development north of Route 111 and west of I-93. She noted that the DOT had confirmed that when Route 111 is relocated, access will continue to be provided, and that the existing Route 111 will dead-end at Castleton with a cul-de-sac. Also, emergency access between the new and old sections of Route 111 was discussed, however no determination reached.

Mr. Hohenberger inquired whether ownership of the old section of Route 111 had been discussed, and Mrs. Crisler confirmed the State will be turning ownership of the old section over to the Town.

*Mr. Stearns* advised all that the School Board will be holding an informational meeting the following evening at 7:00 PM at the Town Hall to discuss the access road to the High School and the London Bridge causeway. Representatives from the Army Corps of Engineers will be in attendance to take input from the public regarding the causeway.

**BOARD OF HEALTH:** Mr. Carpenter moved and Mr. Breton seconded to enter into the Board of Health. Roll call vote – all members “yes”.

*31 West Shore Road:* Mr. Hohenberger read the public hearing notice into the record, noting that this was a continuation from a previous meeting. Mr. Turner presented a detailed plan of the area, depicting all wells/septic systems as requested by the Board. Mr. Turner noted that the owner's proposed septic system is 75' from his proposed well, and 82' from the nearest neighbor's well.

Mr. Peter Zohdi, representing Mr. Nickerson, approached noting that the planned system is a state-approved Clean Solution System, and pointed out the well across the street, which had been discussed at the previous hearing, was not used for drinking water and was 99' from the proposed septic.

Mrs. Crisler inquired what the distance was from the well to Canobie Lake and if it was too close. Mr. Zohdi replied the proposed well was 20' from Canobie, and noted there was no setback requirement.

A discussion ensued regarding the availability of Pennichuck in that area, which does not extend that far, the distance from the proposed septic and well to the well and septic to same on lot 22-L-81, which are 110' and 83' respectively, and whether or not there was a way to be sure that Mr.

Murray's well at #29 would not be used for drinking water. Mr. Turner replied that the well at #29 was already being used for drinking.

Mr. Carpenter inquired whether Mr. Zohdi had explored options to try and move the leach field closer to the Town property. Mr. Zohdi explained that doing so would bring the system closer to the lake. Mr. Hohenberger inquired what the setback was from the proposed septic to the lake, and Mr. Zohdi replied it was 75'. Mr. Carpenter inquired of the distance from the existing system to the lake, and Mr. Zohdi replied there was only a leaching area that had not been used for decades.

A discussion ensued regarding the violations at 7 Pine Ridge Road, where a new well was dug just prior to the previous hearing, the possibility that the right-of-way has been expanded in the past, and the existence of iron pins in the roadway.

After a brief discussion regarding the 20' requirement from the lot line for wells and execution of a waiver by the property owner, Mr. Carpenter sought clarification that the Board was requesting to grant a waiver for the distance between the owner's proposed well and proposed septic, and the distance between the proposed septic and a neighboring well. Mr. Turner replied in the affirmative. Mrs. Crisler then sought clarification that the closest distance was 75' between the owner's own proposed septic and well, which Mr. Zohdi confirmed.

Mr. Tom Murray, 29 West Shore Road, approached to state that his concerns with this waiver request pertained not just to the distance but to the soil types. He noted that both properties contain lots of ledge and even if the proposed location is the only place available on Mr. Nickerson's lot to put the septic system, it is not an ideal place due to the ledge.

Mr. Murray went on to state that he was aware that Mrs. Drake has signed a waiver regarding the distance to her property line at 7 Pine Ridge Road, and was intending to use the new well as drinking water.

A brief discussion ensued with Mr. Murray regarding a septic system he is proposing to build across West Shore Road, and the status of his office space above his garage.

Mr. Hohenberger inquired of Mr. Turner whether the area was hydrogeologically connected, and Mr. Turner replied that test pits indicate adequate soils in the area, going to 80' with no refusal.

After further brief discussion, Mrs. Crisler moved and Mr. Breton seconded to grant the request for a waiver from the 100' requirement between the proposed well and septic on lot 22-L-79.

Mr. Hohenberger inquired whether a waiver had been executed by the owner. Mr. Zohdi indicated it had not. Mrs. Crisler then amended her motion and Mr. Breton his second to require completion of a waiver by the owner and that the system be built to plan. Passed unanimously.

Mrs. Crisler then moved and Mr. Breton seconded to grant the request for waiver from the 100' requirement to allow 88' between the well and septic systems for lots 22-L-79 and 81.

A discussion ensued regarding Mr. Murray testing and monitoring his water. Mr. Murray indicated he had already tested his water to obtain a baseline reading, and Mr. Zohdi will monitor the water after.

The motion passed unanimously.

40 Turtle Rock Road: Mr. Hohenberger read the public hearing notice into the record, noting that this was also a continuation. Mr. Turner presented a plan to the Board, detailing all septic systems and wells in the area. He explained that the waiver was being requested as the existing well was too

close to the proposed septic system. He further noted that all identified wells are over the 100' requirement, and the only septic system closer than the required 100' was that proposed by the owner.

Mr. Carpenter inquired whether a Clean Solution system was being proposed, and Mr. Turner replied in the negative, noting an Elgin In-drain system was planned. A brief discussion ensued regarding the Clean Solution versus the standard pump system.

Mrs. Crisler then moved and Mr. Breton seconded to grant the waiver request for lot 21K-41 to allow the well to be 75' from the leaching bed as per the plan submitted. Passed unanimously.

70 Turtle Rock Road: Mr. Hohenberger read the public hearing notice into the record. Mr. Turner explained that this request had been re-advertised, as the waiver from the well ordinance had been omitted.

Mr. Turner then presented a plan identifying all wells and septic systems with the 100' radius, and stated that the waiver request pertains to the owner's septic system being 76' from their well. He further noted this property is currently year-round, and that all other requirements have been met.

Mrs. Crisler noted that the proposed well appears to be too close to the property line, and Mr. Tobin Farwell, Engineer, explained that they had to place the well there to obtain 75' of distance.

A discussion ensued regarding moving the well away from the property line, and Mr. Tobin pointed out that they had been trying to avoid disturbance to the existing structures. Mrs. Crisler inquired how close the well was to the property line, and Mr. Tobin noted less than 10'. Further discussion ensued regarding alternate locations for the well.

Mr. Richard Coakley, property owner, approached to explain that his property is extremely pitched down toward the lake, and it is difficult to get equipment down into the area to drill. Further discussion ensued regarding moving the well, conditional approval, and abutter notification.

Mrs. Crisler then moved and Mr. Breton seconded to grant the request for a waiver to allow the well and septic to be within 100' of each other, but greater than 75', conditional upon relocation of the well and completion of a DES release form. Passed 5-1, with Mr. Hohenberger opposed.

Mrs. Crisler moved and Mr. Breton seconded to exit the Board of Health portion of the meeting.

**OLD BUSINESS:** The Board reviewed the articles amended at the Deliberative Session for submission to the Official Town Ballot, and made the following changes to their previous recommendations:

Article 26: Mr. Breton moved and Mrs. Crisler seconded to "recommend" Article 26 as amended. Passed unanimously.

Article 27: Mr. Carpenter moved and Mr. Stearns seconded to "recommend" Article 27 as amended. Passed unanimously.

Article 28: Mrs. Crisler moved and Mr. Carpenter seconded to "recommend" Article 28 as amended. Passed unanimously.

Article 29: Mrs. Crisler moved and Mr. Stearns seconded to "recommend" Article 29 as amended. Passed unanimously.

Mr. Breton then moved and Mrs. Crisler seconded to reconsider the Board's recommendation on Articles 16, 23, and 25. Passed unanimously.

Article 16: Mrs. Crisler moved and Mr. Carpenter seconded to "recommended" Article 16. Passed 4-1, with Mr. Stearns opposed.

Article 23: Mrs. Crisler moved and Mr. Breton seconded to “recommend” Article 23.

Mr. Hohenberger explained that his previous opposition to recommending this article was based upon the impending High School library/media offerings, and that he felt it made more sense to wait a year or two to explore expansion to the Library. Mr. Carpenter concurred.

Mr. Carl Heidenblad, Library Director, approached to state he understood the concern regarding the High School’s possible impact to Library traffic, however he felt the majority of the Library’s concerns will not be impacted by the High School as more space is necessary to meet non-High School needs. Mr. Heidenblad felt the time to plan and move forward is now.

A discussion ensued regarding the Library’s intent to plan for possible means of expansion, that the money is not coming from taxation, and time frame for bonding of an expansion project.

Mr. Carpenter then moved and Mrs. Crisler seconded to “recommend” Article 23. Passed 4-1, with Mr. Hohenberger opposed.

Article 25: Mr. Breton moved and Mrs. Crisler seconded to “recommend” Article 25 as amended. After a brief discussion, the motion failed 2-3, with Mr. Stearns, Mr. Carpenter, and Mr. Hohenberger opposed.

Mr. Hohenberger then requested that the Board reconsider Article 6. Mr. Stearns moved and Mr. Hohenberger seconded that Article 6 be reconsidered. Passed unanimously.

Article 6: After some discussion regarding the lack of information regarding the program, the need for more input from the State, and input from the voters, no change was made to the recommendation.

**WORKSHOP/SCHOOL BOARD:** The Board met in workshop session with Mrs. Beverly Donovan and Mrs. Elizabeth Valentine of the Windham School Board. Several items were reviewed including:

Strategic Planning: Mrs. Donovan noted this process is proceeding well, and a discussion ensued regarding coordination of field uses with the Recreation Coordinator and coordination of School and Town purchases.

High School Access Road: The layout of the road as it pertains to the causeway was discussed, as was the involvement of the Army Corps of Engineers. Mrs. Donovan indicated that the School Board is exploring ways of avoiding the causeway without significant cost increase.

Further discussion ensued regarding mitigation methods, pros and cons of various options and costs, the importance of public input regarding the causeway, the questionable history of the causeway, and the time lost to re-engineering the roadway.

Mrs. Crisler inquired whether the School Board had met with Planning and the Highway Department to discuss the roadway construction, and Mrs. Donovan noted a meeting had been scheduled with both.

Mr. Stearns pointed out that the original intent of the School Board to build a driveway versus a road, and stated they are now making efforts to absorb the cost of building a roadway. Discussion ensued regarding underground versus above ground utilities, drainage, and the possibility of reclaiming some funds through off-site improvement requirements in future developments.

The Board thanked Mrs. Donovan and Mrs. Valentine for attending.

**OLD BUSINESS, CONTINUED:** Mr. Carpenter inquired as to the status of the documentation from Mr. McMahon relative to the multi-use building at Griffin Park. Mrs. Call replied that this matter had been rescheduled.

*Mr. Carpenter* inquired why the winterization of the Skate Board park had not been completed. A discussion ensued, and Mrs. Call will follow-up on this matter with Mr. Sullivan.

*Mr. Dennis Senibaldi* approached to inquire about the status of the bathrooms at Griffin Park. Mr. Breton replied that the well had tested adequately in September, October, and November, and that the Windham Baseball/Softball league is willing to donate an additional well, if necessary.

**NEW BUSINESS:** Mrs. Call presented an abatement application on behalf of Tax Assessor Rex Norman for the Board's review. Mrs. Call explained that the property was actually Conservation Land, however, the previous owner had received a tax bill. After a brief discussion, the Board requested that more information be provided as to how the property had been obtained by the Town and where the appropriate paperwork was.

*Approved Street Names/Spruce Pond:* This issue was tabled.

*Mr. Carpenter* stated he had received an email from a resident of Settler's Ridge Road regarding blasting permits being issued in the area. He asked that staff be instructed to stop all activity in the area until this matter can be discussed on the 27<sup>th</sup>. Mr. Breton requested that copies of the permits be provided to the Board. Mrs. Call will follow-up with the Planning department.

**CORRESPONDENCE:** Carbon copy of letter to the Conservation Commission received regarding retaining of new Counsel by the Commission. A brief discussion ensued, in which Mrs. Call clarified that the funds to pay Counsel come from the Land Acquisition Fund, so the Commission can select representation of their choosing. Consensus of the Board was to have the new attorney in to a future Board of Selectmen meeting.

*Letter received* from the Town of Pelham, advising of the temporary closing of the Castle Hill Road bridge during repair of the Tallant Road bridge in Pelham. The Town of Pelham will be closing the bridges from April to August of 2006.

After some discussion, it was the consensus of the Board that a joint meeting be scheduled with the Pelham Board of Selectmen to discuss this matter further prior to the closing.

**NON-PUBLIC SESSION:** Mr. Carpenter moved and Mrs. Crisler seconded to enter into non-public session in accordance with the provision of RSA 93-A:3-IIa, b. Roll call vote – all members “yes”. The Board, Mrs. Call, and Ms. Devlin were in attendance in all sessions. The topic of discussion was personnel.

*The Board* discussed the ongoing Fire Chief recruitment process. Mrs. Call will follow-up to schedule the first round of interviews for February 20<sup>th</sup>.

*Mrs. Call* reviewed a Police union grievance with the Board. After a brief discussion, Mr. Carpenter moved and Mr. Breton seconded to approve the Chief's recommendation to advance Officer Knight to Step 2. Passed 4-1, with Mr. Stearns opposed.

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

The meeting was adjourned at 10:30 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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