

**BOARD OF SELECTMEN**  
**Minutes of March 27, 2006**

**MEMBERS PRESENT:** Chairman Galen Stearns called the meeting to order at 7:00 PM. Selectmen Alan Carpenter, Roger Hohenberger, and Margaret Crisler were present. Mr. Sullivan was also present. Selectman Dennis Senibaldi was delayed. Mr. Stearns read the agenda into the record, followed by the Pledge of Allegiance.

**ANNOUNCEMENTS:** Mrs. Crisler announced that the Annual Firefighter's Ball had been held the previous Saturday, and that approximately 300 people had enjoyed the festivities.

*Mr. Carpenter* praised Transfer Station Manager Dave Poulson on his efforts on behalf of the Scouts seeking their Environmental Badge. Mr. Carpenter explained that Mr. Poulson had been very well prepared for the youths, and had done a great job.

*Mr. James Daddona*, Cable Coordinator, presented the WCTV Volunteer Award to Mr. Bob Leonard. Mr. Daddona noted that Mr. Leonard had been a cable volunteer since 2002, and was a valued member of WCTV.

Mr. Carpenter then asked that Mr. Daddona clarify the "Realty" show being advertised throughout Town via roadside signs. Mr. Daddona explained that it is not a "reality" show, as some believed, but rather a real estate program centering on comparing Windham's real estate market to surrounding communities.

*Mrs. Margaret Case*, Cable Advisory Board Chairman, approached to extend thanks to Mr. Leonard on behalf of the Board. She then updated the Board on issues surrounding Comcast and Verizon.

Mrs. Case noted that Comcast had advised the Town that the bankruptcy had been moved out to April 27<sup>th</sup>, which effected the agreement that was dated for April 15<sup>th</sup>. Mrs. Case stated a letter was pending regarding this date change, and that Comcast anticipates the transfer will take place in late June or early July.

Mrs. Case then advised the Board that the Cable Advisory Board had made arrangements for representatives of Verizon to attend their May meeting, and that a generic franchise agreement would be sent to the Town for review.

**LIAISON REPORTS:** None.

**BOARD OF HEALTH/8 ROCK POND RD:** Mr. Carpenter moved and Mrs. Crisler seconded to enter into the Board of Health. Roll call vote – all members "yes".

Mr. Senibaldi arrived at 7:15 P.M.

Mr. Turner presented the Board with a detailed plan of the area, and explained that after the installation of a new leach field on the property, an underground well was discovered to be 78.8' away. Mr. Turner also noted that there was another well in the area, however, that one was over 100' from the leach field.

Mr. Stearns inquired if the underground well was currently in use, and Mr. Turner replied in the affirmative.

Mr. Ron Coish, who installed the leach field, noted that all permits had been obtained, and a variance granted, prior to installation of the leach field.

Mr. David Lafferty, 5 Rock Pond Road, approached on behalf of his mother to state there was no opposition to the leach field, per se, however as the ordinances were in place to prevent contamination to area wells, they would like some sort of assurance and/or recourse against future issues.

Mr. Coish noted that the new septic system is designed to current specifications, and is away from the WWPD. Mr. Turner requested Mr. Coish clarify the condition of the lot. Mr. Coish noted that it consists of sandy soil and is a very restrictive lot. He stated the septic and leach field had been installed in the only available location to avoid the WWPD, where good, gravelly soil was present and there was no ledge. Mr. Turner noted that the groundwater should be flowing toward the brook, and there should be none toward the well on #5. He then pointed out that the State's requirement is 75', which this exceeds, and given the soil conditions, surface water flow, and state of the art system now in place there shouldn't be any issues.

Mr. Carpenter inquired what type of well was at #5, and Mr. Coish replied it was a "point" well consisting of 2" pipe with a point driven into the groundwater.

Mr. Carpenter then clarified for the Lafferty's that, while the Town's requirement is 100' the State's is only 75' and, if approved by the Board, there are no assurances of recourse for them in the future.

Mrs. Crisler pointed out that the design of systems has changed over the years, and data shows distances can be as little as 20' with no contamination. She then moved, and Mr. Hohenberger seconded, to grant the waiver as presented.

Mr. Carpenter inquired of Mr. Coish if he would be willing to test for bacteria at the Lafferty's well at #5 Rock Pond. Mr. Coish replied in the affirmative, noting he could do one test now as a baseline, followed by another in 6 months time.

Mr. Turner cautioned that, while a baseline test is a good idea, there are several other factors that could cause contamination of the point well.

Mrs. Crisler then amended her motion, and Mr. Hohenberger his second, that a baseline water test be conducted by Mr. Coish and repeated in 6 months. Passed unanimously.

Mrs. Crisler moved and Mr. Carpenter seconded to exit the Board of Health. Passed unanimously.

**SCHOOL BOARD:** On behalf of the School Board, Mr. Stearns requested the assistance of staff and the Board of Selectmen to select a firm to re-survey the High School site. Mr. Turner requested that he be given until the following day to make his recommendation. Mr. Stearns agreed.

Mr. Carpenter clarified that this re-survey would entail no expense to the Town, and Mr. Sullivan noted that if the survey involved the Gage Lands at all, any lot line change would have to be referred back to Town Meeting.

A discussion ensued regarding the status of conservation land versus a lot line change and that it is not a Town Meeting matter if the new survey matches the original Gage Land survey.

*Mr. Sullivan* then advised the Board that the Pelham Board of Selectmen had canceled the joint meeting scheduled for the following day regarding the Castle Hill Road bridge closure, citing approval by the Windham Police/Fire Chiefs and Mr. Turner of the closing. Mr. Sullivan will contact the Pelham Town Administrator, and Mr. Stearns will contact the Pelham Selectmen Chair to follow-up.

**PETER ZOHDI:** Mr. Zohdi presented a preliminary plan for the Board's review proposing changes to the driveway exiting the Town Hall and

Planning & Development Department. Mr. Zohdi noted that his client, Mr. Mesiti, owns two parcels in the rear of the Town's property, which are intended for a mix of condominium and retail development. Mr. Mesiti would like to move the Town's driveway to connect to his roadway as a single exit. He also noted that moving the driveway as proposed would require a retaining wall with a 3-1 slope.

Mr. Stearns pointed out that moving the driveway as proposed would entail removal of "Martha", one of the original trees in front of the Armstrong Building. Mrs. Crisler noted that of bigger concern was the former Fellows property, which is a historic building. Mr. Zohdi noted that the proposal does not affect the house at this time, and that Mr. Mesiti will work with the HDC and the Planning Board. He further noted he will endeavor to maneuver around "Martha", but would like to keep the intersection away from North Lowell Road for safety reasons.

A discussion ensued regarding possibly moving the driveway between the Town Hall and Planning Department, which would require relocation of the existing septic system.

Mr. Hohenberger inquired if it would be possible for Mr. Mesiti to work with the State to construct a slip lane on North Lowell Road as part of his project to ease queuing. Mr. Zohdi noted that State does own a small sliver of property in that area, so it could be constructed if the State were willing to do so.

A discussion ensued regarding alternate entrance/egress to the Town buildings with future development on Route 111, concerns of use of the driveway as a cut-through, proximity of the proposed intersection to the existing, and resulting changes that may be necessary to the entrance into the Town property in front of the Planning Department. It was suggested that the site line on that side be improved and that area reconfigured as the main entrance into the Town complex, thereby eliminating the need for the proposed driveway.

After further discussion, it was the consensus of the Board to support the reconfiguration of the existing loop driveway, and that Mr. Zohdi work with Planning staff and the Planning Board to do so.

Ms. Carol Pynn, HDC, approached to remind the Board and Mr. Zohdi that all plans should also be presented to the Commission for review, as the area is a Historic District.

*Attorney Mason* presented an updated on the Fellows Road test wells. He noted he had met with staff and spoken with Town Counsel regarding the agreement requested by the Selectmen, and he is currently waiting to hear back as to who'll draw up the document. Mr. Turner recommended the applicant draft the agreement for review by Attorney Campbell. The Board concurred.

A brief discussion ensued regarding the parameters of the Board's motion regarding the wells.

*Mr. Turner* reviewed with the Board the draft plans for the proposed parking area across from Griffin Park, which Mr. Zohdi coordinated. He noted that the crosswalk had been re-aligned with the central entrance into the Park, and that the NH DOT had agreed with the new location. Also, the existing lot at Griffin Park will be reconfigured as a compliant in/out access and five (5) parking spaces will be gained there.

Mr. Turner then noted that "popcorn" pavement was being recommended for the new parking area across the street, which addresses drainage concerns in the area by allowing the water to flow right through. He explained it is a durable surface, but will require annual vacuuming to keep its porous nature.

The pavement is designed to handle up to 4" of rain itself, and will also have piping installed beneath it to feed to a ditch or catch basin.

Mr. Turner also stated that any oil drippings will not seep into the surface, but will evaporate. Bigger spills, however, would require removal of the pavement and contaminated soil followed by patching of the area.

Mrs. Crisler inquired what was proposed for drainage if the popcorn pavement was not utilized. Mr. Turner stated underground retention was proposed with controlled release to the street drain.

Mrs. Crisler then suggested that some of the handicapped parking spaces be relocated to avoid surrounding the historic building with pavement. She inquired if a drop-off area could be created at Griffin Park, which would also lessen the number of children crossing Range Road. A brief discussion ensued regarding the number of parking spaces that would be lost to a drop-off area and the logistics of utilization.

Mr. Hohenberger inquired if the popcorn pavement was ADA compliant, to which Mr. Turner replied in the affirmative.

A discussion ensued regarding the differences in drainage requirements between regular pavement and popcorn pavement, the life span of its porous nature, and the cost differences, which are small.

Mr. Senibaldi felt that, if the cost difference were minimal, he would prefer regular pavement be utilized in conjunction with a vortex-type drainage system for ease of maintenance.

Mr. Carpenter inquired about lighting at the crosswalk, and Mr. Zohdi replied he was working with the State to determine their opinion. A brief discussion ensued regarding lighting of the intersection.

Ms. Pynn approached in support of the porous pavement. She then inquired whether any parking spaces were planned in front of the building. Mr. Zohdi replied there were no "spaces", but the area was paved as a staging area for busses. Ms. Pynn noted that assurances had been made that the front of the house would not change. Mr. Zohdi replied that the plan had not been finalized, and that direction was being sought from the Board before proceeding. Ms. Pynn stressed that the HDC did not want the historic nature of the house disturbed.

Mr. Charles McMahon approached to clarify that they were looking for the Board's guidance regarding the plan, and to note he was hoping for the Board's written endorsement of the crosswalk that he could hand-deliver the following day to the NH DOT and Bureau of Traffic. He also noted that several representatives from the State had been consulted and their recommendations, as well as the Boards, had been incorporated into the revised plans.

Mr. McMahon then pointed out that the face of the building was not being changed, but the area for bus traffic had always been proposed. He noted the bus area was not entirely paved, and some green space would remain.

Ms. Carolyn Webber approached noting that the donation was a good thing, however, she did not want to see the house surrounded by pavement or the area lighted. She suggested that concrete block pavement be considered, which allows grass to grow up through it, at least in the front of the area. Mrs. Crisler noted that such pavement is subject to frost heaves and can be a safety hazard.

Mr. Senibaldi inquired whether it would be possible to eliminate all pavement from the front of the building and move the bus area to the back. Mr. Zohdi indicated he could explore that possibility.

Mr. Bruce Breton approached to note that the main concern of the evening was endorsement of the entrances and the crosswalk.

Mr. Carpenter then moved and Mr. Senibaldi seconded that staff draft a letter to the DOT including a draft copy of the plans, requesting a crosswalk as shown with an on-demand pedestrian light.

A discussion ensued regarding the status of the property as not Town-owned, whether the Board and Zoning Board of Adjustment would be able to sign off on the plan, whether Planning Board approvals would be required, and whether the Town Meeting vote had waived the requirements for approval. Mr. Carpenter clarified that no site work would begin until the Board of Selectmen signs off on the plans as reviewed and approved by the DOT, staff, Planning Board, and ZBA.

A discussion ensued regarding the crosswalk site, speed limit requirements, and existing site line. Mr. McMahon reminded the Board that Mr. Mesiti needs adequate time to lock in his contractors, and pointed out that little had changed on the plan except the crosswalk location. Mr. Senibaldi felt the letter should be drafted as requested, but that the parties should be brought back again to discuss the drainage and surface.

Mrs. Kathleen DiFruscia, Cobbetts Pond Improvement Association, approached to express concerns regarding impacts of the parking area to the watershed. She inquired whether a drainage study had been conducted. Mr. Zohdi indicated one had not, as the surface had yet to be determined.

Mrs. DiFruscia indicated the CPIA would like to see an engineering study, and a discussion ensued regarding the drainage options, number of spaces, and review of the plan by the Conservation Commission.

Mrs. DiFruscia noted that impacts to Cobbetts Pond are cumulative, which is concerning. Mr. Senibaldi noted that the Conservation Commission would likely look at and comment on the surface and drainage system. Mr. Stearns pointed out that the developer cannot allow more run-off than currently exists, and noted that if the drainage were diverted to Range Road it may actually lessen the impact to the Pond. Mr. Zohdi noted he would have to submit a drainage study to the Planning Department after approval of the entrances.

Mr. Patrick Poore approached citing concerns with oil and other fluids seeping through a porous surface. He noted that a vortex-type system would separate such materials and offer one maintenance location. Mr. Poore then noted that scheduling of activities had previously been discussed as a means of alleviating density at the park, and expressed concerns that the proposal seemed rushed. He noted he supported having the plan come back to the Board for further review.

A discussion ensued that further review would be necessary by the Board and time frame for the project.

Atty. Michael Hatem, WBSL, approached noting the project could still be completed by baseball season. He noted the project was not bringing any further traffic to Griffin Park, and failed to see the reason for the controversy that evening. Mr. Carpenter noted that a large part of the voters had not supported the article, and that the Selectmen must do their due diligence, as they are accountable to all the residents.

Mr. Brad Chase approached in support of the project. He stated he didn't feel anyone was trying to "pull a fast one", but rather trying to do something good for the community. He urged the Board to move forward.

Mrs. Crisler felt the Board should conduct a site walk of the area. She stated she did not want to be rushed into making a decision, and wanted to hear from the Conservation Commission, as well.

Mr. Stearns noted that it was essentially the same plan, and that the Board has had ample opportunity to view the site. A brief discussion ensued.

Mr. Breton pointed out that the State had already reviewed and endorsed the crosswalk, and only needed a letter from the Board. He stated they still have to go through the remainder of the process, but must move forward on the crosswalk.

Mrs. Gail Webster approached and suggested that the Board get an answer from the State on the crosswalk, then have the parties back for further discussion.

Mr. Carpenter then amended his motion and Mr. Senibaldi his second to also request within the letter that the speed limit in the area be reduced to 35 MPH. Passed unanimously.

Mr. Carpenter moved and Mrs. Crisler seconded that the draft plans be sent to the HDC and Conservation Commission for review and comment, and this matter be placed on the April 10<sup>th</sup> agenda.

A discussion ensued regarding the Board conducting a site walk and possibly scheduling a special meeting with this as the only agenda item.

Mr. Carpenter noted for the record his preference for a vortex drainage system with standard pavement. Mr. Senibaldi and Mr. Stearns concurred. Mrs. Crisler and Mr. Hohenberger did not state their preference. Mrs. Crisler wished to hear from the Conservation Commission first, and Mr. Hohenberger felt there was no rush to decide, as it would not delay the project.

Mr. McMahon noted a revised plan would be drafted to include a vortex system for discussion on the 10<sup>th</sup>.

The motion passed unanimously.

*The Chair* called for a five-minute recess.

**RECREATION:** Mr. Stearns read the public hearing notices (2) into the record.

Mrs. Cheryl Haas, Recreation Coordinator, noted that all proposed changes had been incorporated into the Recreation Committee's Rules of Procedure. Mr. Sullivan confirmed this, noting that the posting had been a formality.

Mrs. Crisler moved and Mr. Hohenberger seconded to approve the document as written. Passed unanimously.

*Mrs. Haas* advised the Board that she would like to make the following change to the Field Use Policy:

*Section VI C: Windham Soccer Association (WSA) has priority usage over the soccer fields from August 1 – November 15. Windham Lacrosse and WSA have priority usage over the soccer and lacrosse fields in the spring from the opening of the fields through June 30. Windham Lacrosse and WSA work with Recreation to schedule the use of the lacrosse and soccer fields in the spring.*

Mr. Hohenberger sought clarification whether this amendment changed the usage of the fields, and Mrs. Haas replied it put the two fields into rotation for the future.

Mr. Hohenberger then inquired what a "facility" was defined as. After a brief discussion, it was the consensus of the Board to add a new Section III, "Definitions", to define "facility".

After further discussion, Mrs. Crisler moved and Mr. Senibaldi seconded to approve the Field and Facility Use Policy as amended. Passed unanimously.

*Mrs. Haas* announced that, to date, 130 people had purchased tickets for the Daddy/Daughter Dance, which was scheduled for April 8<sup>th</sup>. She also reminded all that the Easter Egg Hunt was scheduled for 10 AM on April 8<sup>th</sup>, and noted that a “helper” was still needed.

Mrs. Haas noted that a free presentation for Windham Seniors by the Christa McAuliffe Planetarium was scheduled for the following Monday at 10 AM at the Town Hall, and the baby-sitting course and mini-sports program scheduled for April/May were currently full.

**CORRESPONDENCE:** Letter received from the Windham School Board, petitioning for the layout of the High School access road. Mr. Sullivan will follow-up with Town Counsel to arrange for the title search and abutter notification.

*Carbon copy* of letter to the School Board from the NHDOT received relative to a roundabout at the intersection of the High School access road and Route 111. After some discussion, it was determined that Mr. Sullivan will follow-up with a letter to the State expressing the Board’s disagreement with a round-about and requesting a signalized intersection.

*Letter received* from the Greater Derry Area Health & Safety Council inviting the members to attend an EEE/WNV Forum in Londonderry on March 29<sup>th</sup>.

*Letter received* from Gail Webster declining her election as Supervisor of the Checklist. Mr. Sullivan noted that the remaining Supervisors had appointed Mrs. Candis Johnson to the position.

*Letter received* from Adelphia regarding Public/Education/Government access fee increases. Mr. Sullivan noted he had been advised that the WCAB had met with Adelphia regarding these fees, and a revised letter may be forthcoming.

**MINUTES:** Mr. Carpenter moved and Mr. Hohenberger seconded to approve the minutes of March 12<sup>th</sup> and 13<sup>th</sup> as written. Passed 4-0-1, with Mr. Senibaldi abstaining.

**OLD BUSINESS:** Mr. Sullivan presented a request from the Presbyterian Church to utilize the Transfer Station as a non-profit group. Mr. Hohenberger moved and Mr. Carpenter seconded to allow non-profit use of the Transfer Station by all Windham churches. Passed unanimously.

*Mr. Sullivan* inquired whether the Board wished to go out to bid on the required ADA improvements to Griffin Park, or to utilize the previous contractor. After a brief discussion, it was the consensus of the Board that the improvements be put out to bid.

*Chief Lewis* approached to request the Board accept a donation of surplus furniture from TD Waterhouse. He noted he had spoken to the facility manager, and currently six (6) cubicles were available that were valued at under \$500. Mr. Carpenter moved and Mr. Senibaldi seconded to approve the acceptance of the donation as requested. Passed unanimously.

*Mr. Sullivan* advised the Board that Mrs. Webster had requested that the Board waive the Cemetery Maintenance bids, however, they had already been put out per the last meeting of the Board.

A discussion ensued regarding town bid procedures.

Ms. Webster noted that the bid opening on April 10<sup>th</sup> and subsequent award is too late, and the cemeteries would not be ready for Memorial Day. She also noted that the current contractor is not a landscaper, but a cemetery maintenance contractor. Mr. Sullivan stated the current contractor had offered to continue his services at a 3% increase.

Mr. Sullivan noted that the current contract expired on November 15, 2005, and that procedures are in place, however if the Board wished to waive the bid process they should do so.

A discussion ensued, and it was the consensus of the Board to leave the maintenance out to bid.

*Mr. Sullivan* advised the Board that it had been determined that, as it had been on the priority list prior to Town Meeting, funds could be expended on Tokanel Field from the \$25,000 allocated under Article 5.

Mr. Senibaldi noted that the field had been reviewed by Recreation and Baseball, and recommended that home plate be moved to a drier area, the swale be cleaned-up with abutter permission, and the infield area cleaned up. He also noted that the backstop has been removed and that the Recreation Committee is working on bidding its replacement along with infield mix and sprinkler relocation.

**NEW BUSINESS:** Mrs. Crisler noted that a discussion should be scheduled relative to the Conservation Easement voted on at Town Meeting, and stated she will work with the Conservation Commission. The remaining Board members concurred.

*Mr. Hohenberger* inquired when the signs would be hung at the Skateboard Park. Mr. Sullivan replied that Mr. Barlow was having the signs remade so that they're sturdier, and they will be up prior to the April 3<sup>rd</sup> opening.

*Mr. Hohenberger* inquired as to the status of Kyle Cole Eagle Scout Project, noting that the footings for the kiosk are all that are in. Mr. Sullivan noted Mr. Barlow has been in contact with Mr. Cole, and is presently awaiting notification as to when he plans to complete the project.

*Mr. Carpenter* presented a suggested format for future Board meetings, consisting of specific blocks of time, in efforts to streamline the agenda.

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

The meeting was adjourned at 10:55 P.M.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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