

BOARD OF SELECTMEN
Minutes of October 22, 2007

MEMBERS PRESENT: Chairman Alan Carpenter called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Dennis Senibaldi, and Margaret Crisler were present, as was Town Administrator David Sullivan. Selectman Roger Hohenberger was excused. Following the Pledge of Allegiance, Mr. Carpenter read the agenda into the record.

ANNOUNCEMENTS: Mr. Senibaldi announced that the Harvest Festival had been held the previous Saturday, and had been a great success. He also noted that the fountain at Griffin Park has been taken out for the season.

Chief McPherson reminded all that the Annual Common Man Breakfast would be held the following Sunday beginning at 9 AM. Tickets are available at the Fire Station and proceeds will go to the Muscular Dystrophy Association and Windham's Helping Hands.

LIAISON REPORTS: Mrs. Crisler noted that the Depot Advisory Committee would be hosting an open house at the Caboose on Saturday, October 27th from 11AM to 3 PM. Also, the Windham Rail Trail Alliance has an ongoing raffle for a donated Lionel train set, proceeds of which will be used toward paving/restoration. Tickets are \$1/each or \$5 for 6, and the drawing will take place on December 8, 2007.

Mrs. Crisler advised that the Planning Board had discussed several items at their latest meeting, including a proposed 11-lot subdivision off of Wilson Road.

MINUTES: Tabled.

OLD/NEW BUSINESS: Mr. Senibaldi requested that the Board make an exception to their regular block agenda schedule, to allow for discussion of an abatement request for 23 Millstone Road at 7:45 PM on the 29th. It was the consensus of the Board to schedule this matter as requested.

Chief McPherson approached to update the Board on his solicitation of estimates to repair the ladder truck engine. Chief McPherson indicated he had contacted five (5) area vendors for estimates, and only three had responded:

NE Detroit Diesel: \$15,750 plus an additional \$3,500 for cam
McDevitt Trucking: \$15,376.32 plus an additional \$2,400 for cam
Pelham Diesel: \$9,000 plus and additional \$1,000 for cam

Chief McPherson noted that each proposal is for remanufactured parts and includes a warranty. The Chief recommended the Board allow him to contract with Pelham Diesel for the stated costs, noting they will do the work in-house with Firefighter/Mechanic Zins assisting.

A discussion ensued regarding the disparity of the estimates, availability to start, and availability of funding.

Mrs. Crisler then moved and Mr. Breton seconded to award the bid for engine repairs to the ladder truck to Pelham Diesel for an amount not to exceed \$10,000.

Further discussion ensued regarding warranties and vendor references.

Motion then passed 4-0.

CORRESPONDENCE: Copy received of letter from Department of Resource and Economic Development to Senator Letourneau relative to the Depot lease. Mr. Sullivan advised that the lease has been received, reviewed, and re-submitted back to DRED with comments.

Copy received of letter from the Department of Transportation to Senator Letourneau relative to distribution of the I-93 chloride reduction funds. Mr. Sullivan indicated that the Highway Agent and Transfer Station Manager both attend these meetings regularly, and can provide updates to the Board.

OLD/NEW BUSINESS: Mrs. Ellen Davis, 28 Range Road, approached to inquire about water table impacts to her property as a result of the Route 111 by-pass construction. Mr. Stammus of the NH DOT will follow-up with Mrs. Davis directly.

Mr. Sullivan advised that the Housing Authority had met the previous week, and were hoping to apply for some grants related to planning/development on Fellows Road. A draft agreement for an option to lease is being prepared for the Board's review. In addition, the Housing Authority vacancy has been posted for one week.

PUBLIC HEARING/ROAD NAMES: Mr. Carpenter read the public hearing notice into the record. Mr. Peter Stammus, Project Manager, approached to introduce Mr. Keith Costa of the Bureau of Highway Design, and to state that Commissioner Hollingsworth regrettably was unable to attend that evening.

Mr. Stammus noted that paving is ongoing and a portion of the 111 By-pass will be opening within a couple of weeks from Searles Road to the eastern end of Route 111. He then clarified that a number of roads are being impacted by the project and, during the development phase, the DOT had endeavored to make their best guess as to what the road names would be which was how "Canobie Lake Road" had been selected. Mr. Stammus indicated that the DOT is willing to modify the signs currently in place, as the street names are the Town's prerogative, and that this discussion had been scheduled to obtain the Town's guidance. Impacted roads include: Indian Rock, Range, Roulston, Lamson, and several small connectors. Mr. Carpenter inquired whether names would need to be selected for all impacted roads, or just those owned by the Town. Mr. Stammus replied that all would need to be determined. Mr. Senibaldi suggested that the Board discuss the areas one at a time until completed.

Mr. Carpenter then inquired of Mr. Stammus when the west end of the By-pass would be completed. Mr. Stammus indicated that the traffic shift will occur next construction season, utilities will be relocated, the Route 111/111A intersection expanded, and the By-pass fully completed and open at the end of 2008.

Mr. Sullivan inquired about future parking at the Searles facility. Mr. Stammus indicated that that portion of Range Road will become a town-owned access road, and it would be up to the Town whether or not to allow on-street parking.

Discussion moved to the residual section of Range Road. Mr. Stammus explained that the westerly portion of Range Road will now end in a "T" intersection at the new curve of 111, and that renaming the residual portion exiting further down 111 may be the most appropriate course for 9-1-1 purposes. Mr. Sullivan noted that, historically, the Highway Safety Committee has supported implementing different, non-similar street names for safety reasons.

Mr. Robert Davis of 28 Range Road and Mr. Clem Clare of 6 Range Road approached to speak in favor of keeping this residual portion as "Range Road". Reasons cited included: the historic nature of the district, its lack of proximity to Canobie Lake, the percentage of residents who do not support a change and the resultant cost impacts of changing their personal information, impacts to area businesses and the Searles Chapel, and the possible traffic ramifications of a correlation to Canobie Lake Park.

Mr. Carpenter suggested the Board consider keeping the name "Range Road" all the way to the five-corners intersection, and having "Indian Rock Road" end where it intersects with Range. Chiefs McPherson and Lewis stated they had no issues with that, provided the street numbers remain as they currently are.

After further, brief discussion, Mrs. Crisler moved and Mr. Senibaldi seconded to keep "Range Road" as it currently is, and to rename the eastern portion "Salem Road". Passed 4-0.

Representative Charles McMahon approached to suggest that the Board's motion be ratified by the State in writing to prevent any future changes. Mr. Stammus indicated that the Town's notation on the graphic being reviewed would be confirmation enough.

Mrs. Ellen Davis, 28 Range Road, requested that the designation "Route 111A" be continued as well, for maintenance purposes. This would be the State's prerogative, and no decisions were made.

Roulston Road/Stub: Mr. Tom Case suggested that the roadway as it spans from the new By-pass to Route 28 be called Roulston Road. Mr. Clare approached to suggest "Lamson Road".

Discussion ensued regarding the possibility of maintaining Roulston Road from its intersection at Searles Road to the new four-way intersection, then left up to its intersection with Route 28; having Lamson Road running down to the by-pass to the right, and Industrial Drive beginning across from Roulston. Neither Chief McPherson or Chief Lewis took issue with this.

Discussion then moved to the configuration of the stub remaining from the original Roulston Road, and its intended "Y" configuration. Mr. Peter Zohdi approached to express concerns regarding future development by a client of his, which may be negatively impacted by this configuration. Mr. Stammus indicated that this stub will be a dead-end, and that the small portion of property in the "v" would become a town-owned right-of-way. Mr. Zohdi expressed concern that this would landlock his client's property.

Mr. Senibaldi then moved and Mr. Breton seconded to rename that portion from the lights at Route 111 to Route 28 "Lamson Road", and to continue Roulston Road as such from Searles Road to the four-way intersection. Passed 4-0.

Mrs. Crisler then moved and Mr. Senibaldi seconded that from the intersection to the cul-de-sac shall remain Industrial Drive. Passed 4-0.

Mr. Breton then moved and Mr. Senibaldi seconded to rename the stub road by Delahunty's Nursery to "Delahunty Road". Passed 4-0.

Discussion ensued regarding the stubs behind the Searles wall and off of Roulston Road. Staff will contact area residents to inquire as to their naming preferences.

Discussion then moved to the issue of controlled access to the by-pass. Mr. Zohdi approached to explain to Mr. Stammus that his client owns the property located in the area of Wall Street and the current 111, and that he had approached the Board at a previous meeting seeking their support of an access off of the new Route 111 for his client.

Mr. Stammus replied that the State's answer to such a request would be no in light of the limited access design of the new 111. He cautioned the Board to consider impacts to other area properties, and noted there is already one access planned to properties located on the North side of the by-pass. Mr. Stammus then noted that Mr. Zohdi's client would have excellent access to his property off of the old Route 111.

A discussion ensued regarding lost Town revenues as a result of the by-pass, sprawl concerns, the amount of property owned by the State to the South, that a large percentage of Route 111 is located in the wetlands, and the need for an economic tax base in the Town. The Board then thanked Mr. Stammus and Mr. Costa for attending.

PUBLIC HEARING/WATER AGREEMENT: Mr. Carpenter read the public hearing notice into the record. Mr. Sullivan clarified that there had been no conversation to date between staff and Mr. Zohdi relative to drafting an agreement, and this hearing served as a follow through to the Board's commitment to hold discussions prior to doing so as part of the Town meeting vote.

Mr. Zohdi gave a brief history of events leading up to his client being granted permission to drill test wells on Town property, and then noted that test well #1 had produced 30/gpm, #2 2/gpm, and #3 35/gpm. Mr. Zohdi then advised that the goal had been to produce 57,000 gallons per day for permitting purposes, although Mr. Mesiti does not require that volume, leaving the remainder of the water for Town use.

Mr. Carpenter noted that this hearing was intended to gain input on the validity of the concept, and then work towards crafting an agreement. Mr. Carpenter then noted that one email had been received from Mr. Rob Gustafson, expressing concerns regarding the liability for water quality/production; the use of Town resources for the benefit of a private property; and the density of the development if no well radius requirements were necessary relative to septic system installation.

Mr. Zohdi indicated that there are currently two producing wells on Mr. Mesiti's property, however, the development had been redesigned and the units spread out to allow for the construction of a common area behind the Town Hall. Mr. Zohdi then noted that, as it pertained to liability concerns, it was being proposed that oversight of the completed system be passed to Pennichuck.

Discussion moved to the exchange of well radius requirements for the proposed common area. Mr. Turner indicated that this would not increase the residential density of the development, but allow for one or two more commercial buildings. Mr. Turner then noted that the Village Center District is designed to be denser than other developments, but that the density is flexible and the offsite well increases that flexibility.

Mr. Carpenter inquired how many acres were in the proposed development, to which Mr. Zohdi replied 19. Mr. Turner indicated that the entire district encompassed 45-50 acres.

Discussion ensued regarding the need for a public benefit to balance the use of a Town resource, the need of a method for the remaining VCD acres to obtain water and for Mr. Mesiti to recoup his investment, future water needs for an elderly complex on Fellows Road, and possible adverse effects to other area wells. Mr. Zohdi indicated he would be willing to hire a hydrologist to evaluate wells in the area for potential impacts.

Mr. Tom Case approached, noting that recharge issues were a valid concern raised by Mr. Gustafson. He then inquired why Mr. Mesiti could not use his own producing wells. Mr. Zohdi replied that Mr. Mesiti wished to create more open space in the development, as well as a Town common area.

Discussion ensued regarding the differences between open space developments and the Village Center District, and that in the latter the common space remains public and is not deeded to the owners.

Mr. Turner approached noting that Hudson has a similar system in place, which is owned by the Town and moderated by Pennichuck. Mr. Turner then noted that there is a density cap in the VCD, and that there are several other developments in town that are equal to or higher than the proposed. Mr. Carpenter requested that Mr. Turner obtain a copy of Hudson's agreement with Pennichuck.

Discussion ensued regarding yields from the Library and Police Station wells, and the potential benefit to wells on the Town Hall side.

Ms. Carol Pynn approached in opposition to the proposed water system. She inquired of Mr. Zohdi what the output was from Mr. Mesiti's wells, to which Mr. Zohdi replied 30-32/gpm each. Ms. Pynn then inquired how many units were being proposed, to which Mr. Zohdi replied 60. Ms. Pynn then inquired why more commercial units weren't planned as opposed to residential, and asked why so much water was being requested.

Mr. Zohdi replied that Mr. Mesiti was not seeking more water than he needed, but that State Statute allows Town wells to be permitted at 57,000 gallons per day. Permitting it at that amount ensures it is there if needed.

Mr. Carpenter asked Mr. Zohdi to clarify what Mr. Mesiti would gain. Mr. Zohdi replied that staff had wanted a common area constructed in the development, and noted that if the Town were not interested in having that area then he would proceed with the original plan. He noted that he was endeavoring to benefit both the Town and Mr. Mesiti.

Discussion ensued regarding the reasons for permitting at 57,000 gallons if Mr. Mesiti only needs 26 or 27,000, and the ability of the residual gallons to serve the remainder of the District. Mr. Zohdi noted that Mr. Mesiti's 60

units will only require 18,000 gallons per day and, if creating a district, the need would not be more than 21,000 gallons per day.

Mrs. Crisler inquired what well radius would be required if Mr. Mesiti were to use his own wells, to which Mr. Zohdi replied 175'. Mrs. Crisler then inquired why the well areas couldn't be used as the common space, and Mr. Zohdi noted that the Town Hall would then be within the 175' radius.

Discussion ensued regarding the benefits of exploring this matter further. Mr. McMahon approached in support of continuing the discussion, citing in particular the added value such an agreement could bring to the proposed elderly housing complex.

Mr. Senibaldi indicated he would like a draft agreement outlined for future discussion. Mr. Carpenter indicated he would also like to review the agreement in place in Hudson, and Mrs. Crisler expressed a desire for a detailed description of the public benefit in the agreement.

Mr. Zohdi requested permission to have Mr. Mesiti's Counsel confer with Town Counsel at his cost prior to returning on November 26th. Discussion ensued.

Mr. Senibaldi then moved and Mr. Breton seconded that Mr. Turner and Mr. Sullivan meet with Mr. Zohdi to outline a draft agreement to include a detailing of the public benefit for discussion at a future public hearing. Passed 4-0.

NON-PUBLIC SESSION: Mr. Senibaldi moved and Mr. Breton seconded to enter into a non-public session in accordance with RSA 91A:3 IIB. Roll call vote – all members “yes”. The topic of discussion was personnel, and the Board, Mr. Sullivan, and Ms. Devlin were in attendance.

Mr. Sullivan reviewed potential candidates for the vacant Cable Coordinator position with the Board.

Mrs. Crisler moved and Mr. Senibaldi seconded to extend an offer of employment to the recommended candidate subject to successful completion of the Employment Policy requirements. Passed 4-0.

Mr. Breton then moved and Mrs. Crisler seconded to adjourn. Passed 4-0.

The meeting was adjourned at 10:05 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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