

Derry Conservation Commission
14 Manning St.
Derry NH 03038

Minutes of Public Meeting February 14, 2011

On February 14 at 7:30 the Derry Conservation Commission met in the NH Room of the Derry Municipal Center. The following members were present: Jim Arruda, Beverly Ferrante, Margaret Ives, Paul Dionne, Paul Doolittle, Marianne Page, and Richard Tripp. Marianne Page sat for Dennis Wiley and Richard Tripp sat for Ric Buzzanga.

A motion was made by Paul Dionne, seconded by Paul Doolittle to accept the corrected minutes of January 24, 2011. All approved, no nays or abstentions, motion carried.

Workshop Session:

Phil Auger of the UNH Cooperative Extension, Land, and Water Conservation where he is the Land and Water Educator gave a briefing on being a volunteer land steward for our protected open space land. He said the conservation parcels should be walked at least monthly to note any problems, locate the boundary lines, and observe any abutter activities. Mary Eisner asked for help on finding directions in the outdoors and Arthur suggested that the stewards do reports every 6 months. Also those attending signed a roster.

Follow up training will be conducted on March 26 from 9 AM until noon at Broadview Farm with April second being the rain/snow day. Phil will provide compasses and maps. Further information can be found at the <http://extension.unh.edu> website.

Ric Buzzanga arrived and Richard Tripp stepped down.

Chair's Report:

Town & City Magazine, New Hampshire Lakes, South East Land Trust – received and placed on file.

New Hampshire Division of Historical Resources –is requesting information from the Heritage Commission about any historical perspective about Beaver Lake dam removal project before proceeding with dam removal.

Derry Parks and Recreation forwarded a letter from DES to inspect the five conservation parcels which received grants from land and water conservation fund and provide reports.

DES:

18 Dixon Lane – application denied due to lapse in time limit.

22 Germantown Road – follow up by land owner to DES about plans.

Site Reviews:

3 Ashleigh Drive (tax map 08276-001) – Peter Imse of the law firm Sulloway & Hollis made a summary overview of Wal-Mart's proposal to amend the existing conservation easement to allow development of the new Wal-Mart. Information provided was the proposed amendment to resolve issues raised by the Conservation Commission at an earlier meeting. Included in the amendment was a plan to incrementally decrease the frequency of inspection from quarterly for three (3) years to semi-annual for two (2) years to annual after the two year period if there are no issues observed, the issue of litter pickup in the conservation and remaining portion of the lot, and contribution of one hundred thousand dollars (\$100,000) to the land

conservation fund in lieu of maintaining an easement on the undeveloped portion in the rear. He noted the state must sign-off on the new plan. Other information provided, which is part of the planning board filing, pertained to the design of the culvert crossing.

Motion to open public hearing made by Paul Dionne and seconded by Beverly Ferrante. All approved, no nays or abstentions, motion carried. Scott Levoie, of 6 Thames Road, asked if there could be any future development done in the fourteen (14) acres at the rear of the property. Scott also asked if anything will be done about the flooding which results from poor drainage. John Anderson, Town Administrator, commented that the new bridge at Drew Road should be used as a model for the culvert crossing. Motion to close public hearing made by Paul Dionne and seconded by Beverly Ferrante. All approved, no nays or abstentions, motion carried. Peter Imse responded on the development question that since the fourteen acres are not subject to a conservation easement there is no guarantee that the area could not be developed. Margaret Ives stated that it is her understanding the drainage issue has been addressed. The DCC members recommended Derry citizens utilize the Planning Board to voice their concerns.

Paul Doolittle asked what in the agreement defines how the property is to be kept clean. Peter Imse noted the amendment to the easement contains a section specifying the frequency of clean-up (litter, construction debris, etc) for both the easement area (daily) and the remainder of the property (as needed). Included in this cleaning would be the fourteen acres at the rear of the property. It was noted the original easement contains a section as to what actions were to be taken should a breach of the easement be identified.

It was also asked what would be done to minimize salt and sand from going into the easement. Wal-Mart indicated it would follow best management practices on snow plowing of the road and the removal of salt and sand.

Motion by Paul Dionne, second by Beverly Ferrante, to authorize the chair to sign the plan subject to the initial conservation easement, release and termination of conservation easement, and substitution of conservation easement as well as the amendment to the release, termination and substitution of conservation easement, that the book and page numbers be listed on the easement and that the chair be authorized to approve any changes in the wording as long as they are not material changes and that it is subject to legal approval. The chair is also authorized send a letter to the state indicating the commission's approval. All voted aye except for Paul Doolittle, who abstained, motion carried. Since this involves receiving gifts of money it is subject to town council approval.

Conservation Activity:

None.

Other Business:

None.

Adjournment:

Motion by Paul Dionne, second by Ric Buzzanga, to adjourn. None abstained, all others approved, motion carried. Meeting adjourned at 9 PM.