



Londonderry Conservation Commission
Tuesday, December 12, 2017
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Deb Lievens, member; Mike Byerly, member;
2 Roger Fillio, member; Mike Noone, member; Mike Speltz, alternate member; Julie Christenson-Collins,
3 alternate member

4
5 **Absent:** Bob Maxwell, member and Ted Combes, Town Council member

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7 **Also present;** Amy Kizak, GIS Manager/Comprehensive Planner; Beth Morrison, Recording Secretary

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9 Marge Badois called the meeting to order at 7:30 pm. She appointed M Speltz to vote for B Maxwell.

10 G. Harrington made a motion to open public hearing for the purpose of considering the purchase of 66.9
11 acres of land located along Griffin Road, 36.9 acres of which are located on Map 1, Lot 26 and 30.0 acres
12 of which are located on map 3, Lot 40, for the purpose of placing it into conservation. D. Lievens
13 seconded the motion. The motion passed, 7-0-0.

14 **Public Hearing Griffin Road Acquisition:** M Speltz went through a power point presentation for the
15 audience members at the meeting to illustrate different points about the parcel. He stated that there
16 are wetlands in the northern end of the parcel, called Long Swamp. He pointed out that there are 4 lots
17 that have already been approved by the Planning Board for development and stated that this land is
18 owned by Chestnut Realty Partners. He explained that the New Hampshire Fish and Game has a plan,
19 called the Wildlife Action Plan, which looks over every square inch of the state and divides the habitat
20 into 4 tiers. He noted that the top tier is called Tier 1 and this parcel has this type of land in the Forested
21 wetland habitat type. He noted that Tier 2 is best in bioregion and pointed out this land off South Road
22 in the parcel. He stated that Tier 3, supporting landscape, which is land that is valuable because it
23 protects or buffers the more valuable land, and pointed this out in the parcel. He finished with Tier 4,
24 noting it to be not rated land. He presented a slide of a picture of a wetland in the southern end of the
25 property, which he described as glorious for amphibians. He described a few vernal pools that are on the
26 property. He explained that the owner of the property, before being sold to the developer, performed a
27 fairly substantial timber cut called a shelter wood cut. He described how Long Swamp runs through the
28 center of the property and goes underneath Mammoth Road hooking into Black Brook and then flows
29 into Beaver Brook, which he thought might be a problem if the land is developed, because it will add
30 more drainage problems already being experienced at the end of Brookview. He explained that access to
31 the site would potentially be a problem for a developer and pointed out three possible ways for access.
32 He noted the first option, which is the most probable, would be the northwest side off Lantern Lane. He
33 stated the second option is coming off Holstein, but noted there is a pretty large wetland where they
34 would need to enter, and could make this challenging. He stated the third option would be to come off
35 Griffin Road, but noted it would require a lot of road building with this option. He stated that he thought
36 the buildable area of land is in the northwest corner of the lot off Lantern Lane. He then described the



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37 land that is lost to wetlands, buffers, flood plane and steep slopes, which leaves not quite 24 acres of
38 buildable land. He stated that Amy Kizak, GIS Manager/Comprehensive Planner, did an analysis of the
39 land and found with a conventional subdivision there could be 9 house lots and through a conservation
40 subdivision there could be 15 house lots. He noted the appraiser took Amy's information into account
41 and came to a 13 house lot conclusion, with a value of \$11,000 per acre for raw land. He explained the
42 appraiser then looked at what he could sell a house for on this lot with comparable sales in
43 Londonderry, noting the appraised value to be \$740,000. He stated that was the offer that was made to
44 the developer and the developer accepted that offer. He concluded his presentation and opened it up to
45 the public.

46 Angus Douglas, 20 Lantern Lane, addressed the Commission. He asked what the Town's process was
47 now with this information. M Speltz stated that the Town is at the end of the process, noting the process
48 began when the developer approached the Commission asking if they were interested in this land. He
49 explained that the Commission decided the land was worth saving and then asked the Joint Negotiating
50 Committee (JNC) to determine a numerical value for the land. He stated the Commission has to make a
51 decision tonight and if it is agreed upon they will go back to the Town Council to approve the
52 expenditure. He emphasized that the Town Council does not need to have a public hearing regarding
53 this. A Douglas stated that he has abutted this property since 1994 and observes amphibians, moose,
54 deer, beaver, mink, lynx, rabbit, etc. as well as many other types of wildlife in this property and feels this
55 is such an important piece of contiguous open-space area that should be conserved. He stated in his
56 opinion, it is one of the last fantastic open-spaces left in Londonderry and it would be such a shame to
57 put another development in.

58 Will Lyman, 3 Timber Street, addressed the Commission. He asked the Commission if this property was a
59 top ranked property in comparison to other properties that they are looking at. M Speltz stated that he
60 did not have the exact numbers in front of him tonight, but noted that there is an open-space plan on
61 the Town website that ranks every single parcel in that plan. He noted that this parcel was down on the
62 list, but noted the top of the list is Woodmont orchard, which is not being conserved. He stated there
63 are three tests the Commission uses for assessing land, noting the first to be that the land must be on
64 the open-space plan. He stated the second test is that the land must have significant resource value, and
65 the third test is can the land be protected at a reasonable price. He explained that the Commission does
66 not take land, but rather has to rely on people's willingness to engage with the Commission. W Lyman
67 stated that it seemed like the time is right because the Commission has a willing seller. M Speltz stated
68 that was correct.

69 Juan Douglas, 6 Overlook Ave, addressed the Commission. He asked where the public would access this
70 land and if there would be any restrictions, if this were to move forward and the land be open to the
71 public. M Speltz stated that right now there is not a good way in, noting the best way in is through



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72 Lantern Lane, which is a thicket. He noted that access would have to be improved and given time could
73 be solved.

74 Ken Morrison, 14 Lantern Lane addressed the Commission. He stated that he agreed with A Douglas and
75 hoped that this land can be conserved.

76 Ann Chiampa, addressed the Commission. She asked what the current use taxes loses would be by the
77 owner not building on the property. M Speltz stated he did not know what it is taxed at in current use,
78 but thought it would be minimal. A Chiampa stated the Commission already has a lot of conservation
79 land owned by the Society for the Protection of New Hampshire Forests, and more land at 33 Griffin
80 Road with a 75 acre parcel and 107 acre parcel that abuts that at Boches Road. M Speltz stated that he
81 did not mention these parcels but he should have because these parcels can potentially begin to form a
82 corridor to allow wildlife to move to other areas of town. A Chiampa stated that she is concerned about
83 other areas of town that may need conservation of their properties. D Lievens stated that for all the
84 years the Commission has been operating, the Commission has approached land acquisition as a
85 conservation issue and not how much tax money could be saved or how much money would be missed
86 from the current use tax. She stated that some land the Commission has purchased has not been great
87 for recreation.

88 Ken Morrison, 14 Lantern Lane, asked if this purchase would be constraining the Commission's ability to
89 purchase new property if it arises. M Speltz stated that the Commission never knows when a willing
90 seller will come forward, but the Commission always has the option to go to the Town Council to ask for
91 money. He noted that the advantage of having money in the Conservation Fund is that when the
92 Commission has an opportunity for a grant, the Conservation Commission can go to the grant maker
93 with the money. He noted the Conservation Fund is from two sources of income, with the first being
94 annual appropriations or bonds, and the second being land change tax. M Speltz stated that the
95 Commission's open space land plans for projects throughout the whole town and the Commission wants
96 open space to be configured by the "10 minutes to 10 acres" philosophy, which means anyone in town
97 will walk no more than 10 minutes to get to at least 10 acres of publically accessible open-space.

98 John Douglas, 6 Overlook Ave, asked if using the "10 minutes to 10 acre" rule with this parcel, how
99 would the public get in, as there is no way to get in now. M Speltz stated that there are ways to get in,
100 but not easily. D Lievens again stated that every piece of land the Commission acquires is not perfect for
101 recreation, but rates the conservation value of this parcel very high.

102 A Chiampa asked about the east side of town with the "10 minutes to 10 acre" rule, as she thinks there
103 is a lot of conservation areas in the south and west end of town. M Speltz stated that the east end of
104 town is highly developed, but there is a lot of open-space around Scobie Pond. A Chiampa asked



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105 specifically west of 93. D Lievens picked up a map in the conference room and went over the area of
106 concern with A Chiampa.

107 Ken Morrison, 14 Lantern Lane, asked if this would have an impact on the tax rate. M Speltz stated it
108 would not.

109 M Badois read a letter from Evelyn Brundige, 2 Vine Drive, stating "Wetlands. Someone can't build on
110 wetlands."

111 M Speltz made a motion to close the public hearing. D Lievens seconded the motion. The motion
112 passed, 7-0-0.

113 M Speltz made a motion that the Commission recommend to the Town Council to conclude this
114 purchase. G Harrington seconded the motion. The motion passed, 7-0-0.

115 **Old Business**

116 **Town Council meeting regarding Kendall Pond:** M Badois stated that the Town Council directed the
117 Commission to put together a list of ideas for Kendall Pond at the Town Council meeting last week. She
118 stated she wanted to go through the list with the Commissioners tonight. M Noone stated that Lisa
119 Drabik had a subsequent meeting with the police, abutters and Department of Public Works (DPW) and
120 she has a list of ideas from that meeting. M Byerly stated that in his opinion, he thought the Town
121 Council would not want to see a list of 7 ideas, and the Commission should narrow them down. M
122 Noone stated that he thought there were 3 main ideas: Leave it open and put up signage, put up a gate
123 and close it for the winter and re-open it in the spring. He stated that one idea that came out of L
124 Drabik's meeting was to close the current parking area and re-open the parking area further down the
125 road. G Harrington stated that M Noone should have the town engineer look at the proposed site before
126 suggesting it to the Council. He suggested another idea could be to have a camera mounted on an
127 abutter's house that the owner could control and call the police if needed.

128 Will Lyman, 3 Timber St., addressed the Commission. He stated that he grew up in these woods they are
129 talking about, is a daily user on the trails and felt he should come down and identify himself to the
130 Commission. He stated that Kendall Pond is a party spot in town and talk of gates and cameras is what
131 he would like to hear. He asked the Commission if they had any questions for him.

132 D Lievens asked about automatic gates, if they exist and how much they cost. M Badois stated that at
133 the meeting last week, someone is checking into Bluetooth activated gates. She stated the idea of
134 someone being closed in when the gate automatically closes was also addressed at last week's meeting.
135 She stated there should be a phone number on the gate for someone to call if they should get locked in



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136 by the gate. K Morrison stated that in his opinion, this kind of trouble will not get better as the town
137 gets bigger and exploring technology to help alleviate this, would be in the town's best interest. M Speltz
138 asked if people are in the parking lot in the winter as much as the summer. K Morrison stated that
139 according to the direct abutters on any given Thursday, Friday, Saturday and Sunday nights, it is the
140 preferred party spot in town. He stated that Kendall Pond has been advertised on social media as a hook
141 up spot. M Noone asked who the regular users are. K Morrison stated that he thought there were about
142 a half dozen regular users of the trail on a weekly basis. He stated that once it is dark, in his opinion, no
143 one should use the trail. M Noone wondered if the Commission were to close this, the people who
144 regularly use the trail might not come back when it reopens. K Morrison stated that the abutters do not
145 want it to be closed. R Fillio stated that the police said that 90% of people who stopped there during the
146 day were having their lunch there. K Morrison stated that he thought the signage should be labeled as
147 trail use only, and if someone wants to come eat their lunch they should get out and go to the picnic
148 table. He concluded his time with the Commission noting that he was supportive of what the
149 Commission is trying to do and does not want to see the trail closed. K Morrison left the meeting at this
150 point.

151 M Speltz asked where the park ranger job stands. M Badois stated that it was not going to happen this
152 year. She wanted to work out the gate situation with the Commissioners. She stated that the police and
153 DPW do not want to man the gate and thought that having a resident in charge of the gate would be a
154 huge liability. She also stated that she did not want to put a sign up stating trail use only because
155 sometimes she may park there for 10 minutes if she is running early for an appointment. M Badois
156 noted that the parking lot is not plowed in the winter, so the usage would be lower. M Byerly
157 commented that if it were to be closed, he might never go back and he thought it might create a safety
158 issue, as people could run into boulders that get put up if it closed. M Speltz asked what the due date for
159 the Council was. M Badois stated it was Monday, December 18, 2017. M Noone stated that once you
160 lose people from closing it, those people might never come back. M Byerly suggested the group narrow
161 down three answers. M Badois stated that she favors gate at night, signage and police patrolling during
162 the day along with possible surveillance. R Fillio stated that he preferred specific times on the sign for
163 when it would be open instead of dawn to dusk. M Speltz commented that maybe the Commission
164 should have a list of recommendations, such as having the hours of operations from 5 a.m. to 8 p.m.,
165 and a gate that is locked by the police department at 8 p.m., or hire a ranger if the police department is
166 not available. M Byerly suggested putting the gate on a timer. G Harrington asked where the power
167 would come from to run the gate, as there is no power source there. M Byerly suggested getting an
168 ordinance in place with fines for violations. M Speltz stated that there is an ordinance that could be
169 amended. M Badois stated that the police do not think there is. M Byerly suggested that the kiosk at
170 Kendall Pond was an attractive nuisance and maybe a smaller sign on a tree might be better. J
171 Christenson-Collins asked what the ordinance says about garbage. M Badois stated that she did not



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172 know what the ordinance said about garbage, but thinks the barrels are an attractive nuisance because
173 people will pull in and clean out their car there. M Byerly agreed. M Badois stated that removing the
174 barrels should also be on the list. M Noone stated he would write up a summary of the suggestions and
175 pass it along to L Drabik before the meeting with the Council on Monday, December 18, 2017.

176 **Procedures:** M Speltz asked if it was a requirement of the RSA to have a secretary and M Byerly stated it
177 was not. G Harrington stated that for #19, the expedited minimum impact there may not be a scheduled
178 meeting, for which it must be conducted by two or more commissioners and must include a visit to the
179 site. M Speltz made a motion to approve the procedures subject to the Vice Chair's recommendations to
180 the final draft to incorporate the changes. R Fillio seconded the motion. The motion passed, 7-0-0.

181 **Trail Maintenance:** M Badois informed the Commission that she knows how to make the "You are here"
182 signs using a template and Sandy Lagueux gave her the name of the printer to send it to. She stated that
183 trail maintenance is the responsibility of the Commission and could possibly recruit volunteers to help
184 with this. M Noone stated that Charlie is not affiliated with Trailways. M Byerly stated that Charlie could
185 come to a meeting once a quarter to stay updated. M Noone stated that the new maps have been
186 printed. M Byerly reminded the Commission that he is meeting with the Eagle Scout to go over his
187 project that involves posts in the Musquash. He stated that the Eagle Scout is planning to do the work in
188 the spring time. He stated that he would invite the Eagle Scout to the first meeting in January.

189 **Warrant article:** M Badois informed the Commission that Peter Curro changed the amount to 2 million
190 and that the attorney said the warrant article cannot mention bond issue. She passed out the current
191 version of the warrant article for the Commissioners. M Badois stated that P Curro is looking for the
192 Commission's support and to get signatures. M Speltz stated that he sent the attorney a list of 12 to 13
193 bond articles, like Peter's, in various towns in New Hampshire. G Harrington stated that he thought a
194 petition article might not be allowed to say bond, but an article proposed by the Town Council could. M
195 Speltz stated that he thought P Curro's intent was for it to be a bond and not single year appropriation.
196 He stated that there are two issues regarding the warrant article, with the first being that the
197 Commission can or cannot take a position on this and secondly the Commissioners, as individuals, can or
198 cannot sign it. M Speltz made a motion that the Commission pass a resolution stating that the
199 Conservation Commission supports the draft warrant article on the condition that the funds be raised
200 through bond issue. G Harrington seconded it. M Byerly asked if a citizen's petition cannot be a bond,
201 would the Commissioners still support it. He stated that he would. D Lievens asked how many signatures
202 he needs. M Badois stated it was 25-30. The motion passed, 7-0-0.

203 **New Business:**



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204 **Applicants:** M Badois informed the Commission that two applicants applied for the positions, but
205 neither could make it to tonight's meeting. She stated that she is meeting with one applicant tomorrow
206 at 5 p.m. and stated that anyone could join that meeting if they were available. M Speltz asked how
207 many positions were available. M Badois stated 3 full time members and 1 alternate position was
208 available. G Harrington made a motion that our existing members who have requested reappointment
209 be reappointed. M Speltz seconded that motion. The motion passed, 7-0-0.

210 **Correspondence:** M Badois informed the Commission that the Aquatic Resources Mitigation Arm Fund
211 Workshop would be January 24, 2018 in Londonderry. She stated that unfortunately there is no
212 information on time on the website. M Speltz thought it would be from 4:30-6:30 p.m. on January 24,
213 2018.

214 **Expense:** M Badois made a motion to approve \$512.50 to Colonial Printing for printing 1000 trail maps
215 out of the line item budget. G Harrington seconded the motion. The motion passed, 7-0-0.

216 **Forrest:** R Fillio stated that he does a lot of work with the Kent Allen Forest, and stated that they are
217 putting in the pervious blacktop, which is almost done, but there is one more stretch to finish that will
218 cost \$700.00 and wanted to know if the Commission would consider funding the money. M Speltz asked
219 where all the other money has come from. R Fillio stated that the town has paid for it. D Lievens
220 suggested letting the town continue to provide the money.

221 **Minutes:** The Commissioners went over the public minutes from November 28, 2017. M Byerly made a
222 motion to accept the minutes as amended. R Fillio seconded the motion. The motion passed, 6-0-1, with
223 M Speltz abstaining.

224 **Adjournment:** M Byerly made a motion to adjourn the meeting at 10:30 p.m. R Fillio seconded the
225 motion. The motion passed, 7-0-0.

226 Respectfully Submitted,
227 Beth Morrison
228 Recording Secretary