



Londonderry Conservation Commission
Tuesday, May 23, 2017
Minutes

1 **Present:** Marge Badois, Chair; Gene Harrington, Vice Chair; Deb Lievens, member; Roger Fillio, member;
2 Bob Maxwell, member; Mike Noone, member; Mike Byerly, member; Julie Christenson-Collins,
3 alternate member; Mike Speltz, alternate member; and Ted Combes, Town Council Member

4
5 **Absent:** Margaret Harrington, alternate member

6
7 **Also present:** Kevin Smith, Town Manager; Beth Morrison, Recording Secretary; John Kalantzakos; Rick
8 Welch; and Patty Quinn

9
10 Marge Badois called the meeting to order at 7:30 pm.

11 **Land Sale Agreement between the Town of Londonderry and Cross Farm Development, LLC:** Kevin
12 Smith, Town Manager, introduced Rich Welch, Mesiti Development and John Kalantzakos. K Smith
13 explained that both men are involved in the Cross Farm Development and previously appeared before
14 the Planning Board and the Conservation Commission. K Smith referenced a packet that the Commission
15 members had to review while he talked. He explained that the development has legal access onto both
16 Cross Road and Adams Road, but the Planning Board wants the development to get access onto 102 due
17 to traffic concerns. K Smith added that the developers agreed with the Planning Board. K Smith pointed
18 out that the only way for the development to obtain access was through the old town pump area
19 currently owned by NHDOT. K Smith stated that the Planning Board requested that the developer
20 approach NHDOT with a request to purchase the land. He added R. Welch requested assistance from the
21 Town. K. Smith explained the process of purchasing the land (legislative approval to sell the parcel and
22 appraisal of the property). K Smith explained that per state statute, the municipality receives the first
23 right of refusal and if the municipality does not want to purchase the land then the land goes out to
24 public bid. He stated the Town's plan is to purchase the land with the agreement that the developer will
25 buy the land from the Town. He noted that the land sale agreement outlines how the transaction will
26 take place. He added that the Town will not incur any expenses as the developer will take care of all the
27 expenses regarding the purchase. He concluded that they are here before the Commission because the
28 state RSA requires that any time the Town purchases or sells property, a meeting must take place with
29 the Conservation Commission and the Planning Board for a recommendation followed by two public
30 hearings before the Town Council with Town Council approval.

31 J Kalantzakos explained that he has been working with the Town closely to gain access off 102 noting
32 that the other roads that access the development contain wetlands and are scenic. He felt that having
33 access off 102, like Hickory Woods, would greatly help to lessen the traffic impact on the other
34 secondary roads. D Lievens voiced concern about the traffic impact and asked if a study was performed.
35 K Smith explained this development is in the design review phase, and is not sure if the traffic study is
36 finalized. J Kalantzakos stated that his engineering team has been working with NHDOT regarding the



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37 traffic concerns. R Welch added that the traffic engineers are still working on the report. M Byerly asked
38 if this would make a third entrance for the development. J Kalantzakos clarified that the entrances
39 would be Adams Road and Route 102. He stated the development would not use Cross Road as access
40 which would eliminate some of the wetland impact. M Speltz asked about the phasing of the project. J
41 Kalantzakos stated it was still in Phase 1. M Badois stated at the last presentation the Commission was
42 concerned about the number of septic systems in a wet area. J Kalantzakos stated that both himself and
43 Rick are not engineers, but his engineers have stated that there is enough capacity for the septic
44 systems to pass both state and town requirements. B Maxwell asked if the setbacks for the
45 development were 30 or 40 feet. J Kalantzakos answered the setback was 40 feet. M Speltz asked if
46 NHDOT was aware of the Town's desire to purchase this parcel. K Smith stated NHDOT was aware and
47 had no recommendations. M Speltz noted that this was an executed agreement and K. Smith noted that
48 the agreement is subject to recommendations from both the Planning Board and Conservation
49 Commission. M Byerly asked if this agreement needed the Commission's approval to which K Smith
50 noted it did not. K. Smith added that if both the Planning Board and Conservation Commission did not
51 recommend it, that would weigh in with the Council's decision. M Speltz wanted to know if the Council
52 had voted on this already and T Combes stated the Council had not. K Smith explained that the Council
53 had discussed purchasing this property in previous meetings adding that these discussions occurred
54 before T. Combes was elected. T Combes asked the reduction of wetland impact when utilizing the
55 Route 102 access. Both J Kalantzakos and R Welch looked over the map, but could not quantify an exact
56 number. R Fillio asked if the Town thought this was a good recommendation. K Smith stated that the
57 Town does think this is good for the development to obtain access off of Route 102 due to traffic
58 concerns. M Speltz stated that he would like more time to consider this proposal before making a
59 recommendation. K Smith requested that the Commission make a recommendation at its next meeting.
60 He added that he thought the first public hearing with the Town Council would be the second meeting in
61 June. M Badois asked for the developer to provide the difference of wetland impact between the two
62 access points. R Welch stated he could have the engineers send M Badois the difference in wetland
63 impacts. M Speltz asked if the engineer could come to the next Conservation meeting. R Welch stated
64 the engineer could attend the next meeting. The presentation concluded.

65 **Eversource:** Patty Quinn, Cornerstone Energy Services, introduced herself to the board and stated that
66 she was here on behalf of Eversource. She explained that about three years ago Eversource started an
67 initiative to memorialize the permanent access in Connecticut, Massachusetts and New Hampshire. She
68 stated that part of the New Hampshire initiative is the permanent Eversource access which is not
69 memorialized by a recorded instrument. She further explained that Eversource encountered issues
70 accessing its corridors for maintenance, vegetative management and/or operations work. She then
71 commented on the challenges crossing the significant wetlands that on the Musquash Conservation area
72 parcel, off of High Range Road and Hickory Hill Road. She stated that Eversource is requesting that the



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73 Conservation Commission grant permanent access onto two corridors to avoid the substantial wetland
74 impacts that Eversource has been facing over the past few years. She concluded that on this parcel there
75 are existing roads, and her company would perform a title search and survey on the parcel to ascertain
76 the overall impact, if the commission should grant the request. D Lievens wanted clarification on what
77 was exactly being requested. P Quinn stated that once the area was surveyed there would be a report
78 showing the wetlands in that area and Eversource wants to establish a road that would have the least
79 amount of impact to the parcel overall. M Speltz wanted to know if the original 510 acres of Musquash
80 was the parcel in question. P Quinn stated that it was. M Speltz asked P Quinn if she came across the
81 grant agreements to obtain the funding from LCIP to purchase Musquash. P Quinn stated that she had
82 seen that in her research. M Speltz further explained that he thought the grant agreement would
83 govern. G Harrington added that if federal money and oversight were involved, then the Commission
84 might not have authority. P Quinn acknowledged this issue and stated the first step for her company
85 would be to research the title, which could take up to 2-3 weeks. D. Lievens added that the Commission
86 could also look to perform its own research. M Byerly asked if Eversource would be looking to improve
87 the existing cut through or make a new road. P Quinn responded to improve the existing cut through. D
88 Lievens asked if Eversource was going to upgrade the road in its easement. P Quinn stated that was not
89 in the plans. M Speltz requested that P Quinn possible compensation to the Town. P Quinn stated that
90 her company would have no objection to that. M Byerly added that conceptually all members felt the
91 concept was a sound one. P Quinn concluded her presentation.

92 **New Business**

93 **Eversource at Hickory Hill:** M Badois stated that Eversource is starting work on Hickory Hill putting down
94 mats and building a gravel road for access. M Badois stated she talked to Matt Watkins about this and
95 that the crew's intention was to take out the gravel when they were done, but she stated that they
96 might want to leave it as Charlie is going to put it right back. M Badois stated that Matt Watkins gave her
97 the heads up so that if residents call the Commission about this, the Commission already knew. G
98 Harrington asked if this was part of the original Dredge and Fill application. D Lievens stated that she
99 had been out scouting and was not sure how a truck would get in there. G Harrington stated that Charlie
100 is doing a logging operation and is allowed to cross wetlands with notification, but PSNH is there to get
101 to the power lines and would have to file for a Dredge and Fill permit. M Speltz added that Matt Watkins
102 should be informed of the existence of a failed culvert. M Badois concluded that she will email Matt
103 Watkins and ask him if this is on the Dredge and Fill and inform him about the culvert.

104 **June Hike:** M Speltz stated that Southeast Land Trust of NH is sponsoring multiple hikes on Saturday
105 June 3, 2017, National Trails Day. He added that he will be leading a four hour, three mile hike at
106 Musquash at 9:30 am leaving from Hickory Hill and finishing at Landing Trail. He stated that registration



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107 for the hike is on the website, seltnh.org. M Byerly added that there will be an email will be sent out
108 about this going out, as well as putting it on social media and it will be in in the Londonderry Times.

109 **Old Business**

110 **Wildfire Walk:** D Lievens noted during the walk that there was no sign at 14 where the Betty Mac trail
111 was slightly re-routed, and requested that it be looked into.

112 **Encroachments:** M Noone went over the encroachments as follows:

113 1. Litchfield Road: Part of Granite Ridge someone tapped the maple trees without permission and left
114 the jugs out afterwards. The land owner wrote a letter to abutter and received no response. M Badois
115 added the jugs are now gone.

116 2. Vista Ridge: A tool shed in the middle of the forest which was spray painted in camouflage colors. He
117 noted it did not appear to be a hunting shed. He stated as part of the escalation he informed the Chief
118 Hart about the shed and an officer talked with the abutters and reported that no one had seen anyone.
119 He stated that Vista Ridge will remove the tool shed.

120 3. West Road: A person hooked up a water hose and took water from the pond. He added that he met
121 with the owner of the property last Thursday, as the owner was in Florida for the winter. He stated that
122 the Town sent a letter about the hose and the hose had been removed. He added that there was
123 another issue found involving soil that appeared to have been moved from the Conservation area. He
124 stated that from aerial photos there was a road from this property to the Conservation area. He noted
125 that signs have been put up along with metal stakes at the border noting it is a conservation area.

126 **Improvement Plans:** M Badois stated the packets were passed out last time for review and comment
127 on upcoming projects. M Badois asked if there should be a portion of the budget set up for
128 improvements. M Speltz felt it should not be a set amount, but rather looked at case by case. M Noone
129 and M Speltz noted that starting off with a test case for the first improvement plan would be a good
130 starting point. M Noone added, in his opinion that he felt it would be wise to use the money that is in
131 the fund for either purchasing land or making improvements as the Town Council had recommended. D
132 Lievens stated that she thought the Commission should go over all the current suggestions and weigh
133 which ones might be utilized by the most people. T Combes asked how much money the Commission
134 has. M Speltz stated that there is 1.7 million in the fund. T Combes asked what the cost of each project
135 is. M Byerly and M Noone spoke about talking with the neighbors of Kendal Pond and what their
136 concerns were. M Noone stated the neighbor was afraid of a light shining in his house. D Lievens stated
137 that the neighbors to Kendall Pond had come to meetings before. M Badois noted it might be of interest
138 to get the neighbors opinion again to see if things have improved. M Speltz suggested going to the



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139 Town Council with the hours of the open space areas to be put in the municipal code so if there was an
140 issue and someone called the police it would be an ordinance and the police could enforce it. M Byerly
141 stated that in his opinion he did not want to use the current money on improvements and then have a
142 piece of property come available and not be able to purchase it. M Noone agreed and stated that the
143 current improvements are about 2-4% of the current money in the fund. M Speltz stated that the
144 Council's position is somewhat confusing on improvements as they recently voted unanimously against
145 the warrant article to improve the properties. The Commission focused on three projects: Kendall Pond,
146 Scobie Pond, and Tanager. M Byerly then went through the packet and roughly totaled what the cost for
147 parking at each improvement plan would be: Tanager \$36,000 for 5 spots, and Kendal \$40,000-50,000
148 for both excavation and parking. M Noone discussed the number of parking of spaces for each project.
149 M Speltz suggested that the Commission vote on these three projects and put the projects out to bid for
150 individual pricing. D Lievens agreed it would be helpful to try to rank the projects for the Commission to
151 decide on what projects to do. M Speltz stated he would like to work with John Trottier and Steve
152 Cotton to get their support and see if Town resources could be used. M Byerly stated that he did not
153 want to have Scobie Pond on the list and asked the others for input. D Lievens stated she did not want
154 to write it off. M Speltz suggested getting the boy scouts to put up a kiosk there. J Christenson-Collins
155 also agreed that she did not want Scobie Pond taken off the table. M Speltz stated that he would
156 support Kendall and Tanager. G Harrington stated he had mixed feelings on Scobie Pond and clarified
157 that at Kendall Pond it would be parking plus lighting for the improvement plan. T Combes stated that
158 narrowing it down to two would make it easier for the Town and the Commission. All members of the
159 Commission agreed to move forward with speaking to Kevin Smith, Town Manager, first and then if he
160 agrees setting up a meeting with John Trottier, Steven Cotton, Janusz Czyzowski and Commission
161 members to discuss the next steps. M Badois stated she would contact Kevin Smith, Town Manager, and
162 then once a date is set, she will notify the Commission.

163 **Water withdrawal ordinance:** M Badois stated at the last Town Council meeting, a first reading took
164 place. M Badois read the proposed ordinance as "a mandatory prohibition on withdrawal of water from
165 public bodies of water for commercial use is imposed. Enforcement of this restriction shall be completed
166 by any sworn officer of the Town of Londonderry Police Department which is hereby granted the
167 authority to initiate any enforcement action against any violator of this prohibition. Any person failing to
168 comply with this prohibition shall receive a violation and subject to the following penalties pursuant to
169 RSA. A first violation shall result in a warning, a second \$250 fine and each succeeding violation a \$500
170 fine." M Badois stated that there is one sign up at Kendall Pond and Steve Cotton is working on getting
171 permission for another sign at the Rail Trail from Eversource. M Badois noted that there are trucks
172 taking water from the rail trail and she saw one, Northpoint Outdoors. She called the company and
173 reported the company to the Chief of Police. M Byerly stated he was concerned about the fine amounts.



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174 M Speltz explained that the fines are set by state statute as to what a municipality can charge for a
175 violation.

176 **Annual Report:** M Badois stated that M Noone emailed her a power point presentation and stated she
177 could email it to the other members. T Combes asked when the presentation would be. M Badois stated
178 that there was no set date, but she just wanted to be prepared when the time came.

179 **Musquash Field Day:** J Christenson-Collins reported that in the last Londonderry magazine there was a
180 nice feature about the Musquash Field day in there.

181 **Southern New Hampshire Planning Commission:** D Lievens reported that she attended the Southern
182 New Hampshire Planning Commission that was run by Paula Belmore of Elchip on stewardship and
183 monitoring. She added she would go over her notes and present more information.

184 **Operating Procedure:** M Speltz noted that the Commission had wanted to review its standard operating
185 procedure. D Lievens noted that she emailed it to the Commission.

186 **Correspondence**

187 **Training:** M Badois stated there was in Concord on June 14, 2017, looking at state and federal policies
188 and what the policies might mean to the granite state communities.

189 **Notice of Dredge and Fill:** M Badois read from her email about a Dredge and Fill application, at
190 Whispering Pines, where additional information is needed. M Badois added the email requested that the
191 applicants coordinate with the Natural Heritage Bureau and Fish and Game to identify plant,
192 invertebrate, and vertebrate species within the vicinity of the project.

193 **Intern:** G Harrington asked M Badois if she received an email about intern. M Badois stated she had and
194 it was about putting trails on TrailLink. M Badois stated she thought the trails already had GPS maps. G
195 Harrington stated that the trails are not on TrailLink. M Badois noted that she had not been to several
196 meetings and the intern had, so she would check with the intern if the trails are on GPS maps.

197 **Minutes:** The Commissioners went over the minutes from May 9, 2017. The Commission noted that
198 because of the extensive changes to last week's meeting minutes of May 9, 2017, the secretary will
199 receive the edits from the Board and resubmit at the next meeting.

200 **Non-Public Session**

201 D Lievens made a motion to go into non-public session per RSA 91-A:3 for the purpose of discussing a
202 matter related to property acquisition. The motion was seconded by G Harrington. The motion was



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203 passed by a unanimous roll call vote. G Harrington made a motion to leave non-public session and to
204 seal the minutes of the non-public session indefinitely per RSA 91-A:3. M Byerly seconded the motion.
205 The motion passed 7-0-0.

206 D Lievens made a motion to adjourn the meeting at 09:56 pm. G Harrington seconded the motion. The
207 motion passed 7-0-0.

208 Respectfully Submitted,
209 Beth Morrison
210 Recording Secretary