



Londonderry Conservation Commission  
Tuesday, January 6, 2015  
Minutes

1 Present: Gene Harrington, Vice Chair and Acting Chair; and Mike Speltz, alternate

2  
3 Also present: Deb Lievens; Marge Badois; and Paul Nickerson (Note: These three  
4 Commissioners had sought reappointment when their terms expired on December 31, 2014,  
5 however the Town Council had not yet voted on those reappointments as of the date of this  
6 meeting).

7  
8 G. Harrington called the meeting to order at 7:30 PM. He also opened the scheduled public  
9 hearing to consider an expenditure of \$100,000 for construction of the Londonderry Rail Trail.  
10 He noted that the three Commissioners present who have yet to be officially reappointed could  
11 speak as members of the public. He then offered Londonderry Trailways member Bob Rimol, 2  
12 Faye Lane, the opportunity to discuss Phase III of the Rail Trail.

13  
14 B. Rimol stated that the \$400,000 Phase III project will pave the rail trail from the area of the  
15 Irving gas station at Exit 5 to the point on Rockingham Road across from Seasons Lane. Timing  
16 for Phase III is critical, he explained, because of the potential creation of Exit 4A off of I-93  
17 which could impact the trail in both Londonderry and Derry. Londonderry Trailways has  
18 performed fund raising efforts to raise funds for Phase III and will seek the balance via a  
19 citizen's petition on the 2015 Town Warrant for either \$280,000 or \$380,000, depending on the  
20 Commission's decision. He noted the location of the Rail Trail within the town's "Green  
21 Infrastructure" (a concept resulting from the Town's 2011 Open Space Plan) and stated that it  
22 fits well into the new Outdoor Recreation Guide being developed by the Commission. He noted  
23 that the Rail Trail will be fully handicap accessible once paved.

24  
25 G. Harrington entertained comments and questions from Commissioners.

26  
27 M. Speltz noted for the record that the Commission received an opinion from the Town  
28 Attorney through the Town Manager regarding the legality of expending the \$100,000 towards  
29 paving of the Phase III portion of the Rail Trail. The Town Attorney determined that because  
30 the Town has an agreement with the State to develop the Rail Trail, the Town has an interest in  
31 land in the Rail Trail corridor and therefore can invest Town money in it. Although the  
32 Commission is not a party to the agreement between the Town and State, the Town Attorney  
33 has indicated that the Commission can be a party to a contract with the paving company hired  
34 to perform the work. Monies collected from the Land Use Change Tax for use by the  
35 Commission can therefore be used in a contract with the selected paving company.

36  
37 G. Harrington entertained comments and questions from the public.

38  
39 Ann Chiampa, 28 Wedgewood Drive, questioned whether the trail was fully handicap accessible  
40 because of one portion at Clark Road that includes a small incline. B. Rimol explained that the  
41 incline could not be adjusted without interfering with a fiber optic line buried there by AT&T,



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42 but that those in a wheelchair with assistance from someone should not have any issues using  
43 that portion of the trail. A. Chiampa asked if the Commission was moving away from work  
44 associated with more natural trails and focusing on paved trails. G. Harrington stated that  
45 aiding in the development of this paved trail will help provide better access to residents and  
46 others of the natural areas conserved in town. M. Speltz explained that it would be incorrect to  
47 characterize the Commission as changing their emphasis because of this one possible  
48 transaction. A. Chiampa asked how much money is available for the Commission to consider  
49 land transactions. While she did not have the exact figures, D. Lievens replied that there is  
50 approximately \$1.5 million available to the Commission specifically (a percentage of the LUCT  
51 goes to the Town's general fund each year after a certain amount is accumulated), and that the  
52 majority of that is earmarked for this project as well as two other potential land transactions  
53 the Commission is considering. A. Chiampa asked about other specifics related to the trail, but  
54 since they had no bearing on this public hearing, G. Harrington suggested those questions be  
55 made directly to Londonderry Trailways outside of this meeting. Ray Breslin, 3 Gary Drive,  
56 asked a question pertaining to land that would be involved in Phase IV, but again, G. Harrington  
57 noted that the question could be pursued outside the meeting as it had no bearing on the issue  
58 at hand. D. Lievens spoke as a member of the public to state that Commissioner Mike  
59 Considine, who was unable to attend this public hearing, is in support of this transaction.

60  
61 There was no further public input.

62  
63 G. Harrington explained that without a quorum of Commissioners present (see explanation  
64 under "Also Present" above), a vote would have to wait until the regular January 27, 2015  
65 Commission meeting. B. Rimol asked for guidance regarding whether to submit the citizen's  
66 petition for \$280,000 or \$380,000 since only one could be submitted. While he could not make  
67 any guarantee, G. Harrington suggested that consensus from the Commission suggested that  
68 the transaction would probably be approved on the 27<sup>th</sup>.

69  
70 As there were no further comments or questions, G. Harrington announced that a formal vote  
71 would take place during the Commission's January 27 meeting and closed the public hearing at  
72 approximately 7:45

73  
74 School House Square CUP- At their June 24, 2014 meeting, the Commission recommended  
75 approval to the State Wetlands Bureau of a Dredge and Fill (D+F) permit application to fill 9,860  
76 square feet of wetland on Map 12 Lots 57 and 60 for a residential site plan (see June 24, 2014  
77 minutes; School House Square). That D+F was ultimately approved by the Department of  
78 Environmental Sciences. The applicant overlooked obtaining a recommendation for their  
79 Conditional Use Permit (CUP) to be considered as part of their overall approval by the Planning  
80 Board on January 7. Project engineer Jack Szemplinski therefore presented the CUP application  
81 at this meeting in preparation of the following evening's Planning Board meeting. By filling the  
82 wetland to create the proposed private road into the development, J. Szemplinski explained



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83 that the wetland itself would be bisected and only the portion south of the road would be large  
84 enough to trigger the Conservation Overlay District 50-foot wetland buffer. Grading associated  
85 with the roadway would result in 2,600 sf of buffer impact. J. Szemplinski provided D. Lievens  
86 with a copy of the CUP application. Since a quorum was not present, the Commission could not  
87 vote, but there were no objections to the application from those present. D. Lievens stated  
88 that even though she has not yet been officially reappointed, she will still write a memo from  
89 the Commission to the Planning Board stating there was a consensus of support to recommend  
90 approval, but also explaining that because the Town Council postponed reappointments of  
91 three Commissioners, a voting quorum was not present. The memo will also note that an  
92 official vote of a positive recommendation will take place at the next Commission meeting on  
93 January 27.

94  
95 I-93 D+F Mitigation Package- The Commission recently received a Dredge and Fill (D+F) permit  
96 application from the NH Department of Transportation (DOT) related to wetland impacts  
97 associated with the ongoing improvements being made to I-93. Due to the size of the  
98 submission, Commissioners authorized the Chair at their December 16, 2014 meeting to send a  
99 Letter of Intervention to the Wetlands Bureau, requesting that action on the application be  
100 suspended to allow the Commission to perform the necessary review before commenting. M.  
101 Speltz reviewed the detailed application and met with officials from DOT on January 5 regarding  
102 the identified impacts that are beyond what was previously addressed in the last 2010 I-93  
103 Environmental Impact Study (EIS). Ten additional acres of wetland will be impacted by the  
104 planned improvements to the I-93 corridor between Salem and Manchester, NH and DES has  
105 determined a value of \$1.9 million for mitigation purposes within the corridor, although they  
106 have not yet finalized how it will be spent. M. Speltz stated that the D+F report identifies the  
107 majority of that impact as taking place in Londonderry and suggested to DOT officials that the  
108 mitigation funds be split between the towns proportionally. While he was told that was a  
109 possibility, he was also told that right now there are no guarantees, nor were there any the last  
110 time mitigation funds were given to the towns. DOT has stated that half of the funds could be  
111 placed in the Aquatic Resource Mitigation (ARM) fund of the Department of Environmental  
112 Services (DES) to benefit wetland restoration and protection within the Merrimack Valley  
113 watershed. The remainder, he was told, could be put towards projects that will identify what  
114 inadequate culverts and/or those that pose obstacles to wildlife movement, but it was not even  
115 clear to M. Speltz that those culverts would be within the portion of the corridor in  
116 Londonderry. Furthermore, he noted that this \$1.9 million should be in addition to funds set  
117 aside for mitigation based on the last EIS, however he said the DOT representatives he met with  
118 did not necessarily agree with that assumption.

119 Because the D+F permit most likely cannot be issued without comments from certain  
120 groups, including the Commission, and in view of the lack of a quorum, M. Speltz asked for  
121 consensus from those present that he be authorized to draft a letter on the Commission's  
122 behalf. The letter would outline the points made above and could be signed by the Vice Chair  
123 and sent to DES after obtaining his approval. He said a map would be included from the Town's



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124 GIS Manager of land in Londonderry where the town's Green Infrastructure intersects with  
125 wetlands in order to suggest specific projects that could benefit from the mitigation funds being  
126 offered. Since the Commission would not meet again until the end of the month, M. Speltz  
127 asked for the informal authorization. Consensus from those present was for M. Speltz to draft a  
128 letter as discussed for the Vice Chair to approve and sign.

129 M. Speltz added that at the meeting with DOT officials, he received copies of baseline  
130 documentation for properties purchased by the State as part of the initial mitigation package.  
131 All properties are now State owned. M. Speltz suggested to DOT that the fee interest in those  
132 lands be transferred to the Town and subsequently placed under conservation easements to be  
133 held by another entity, e.g. the Southeast Land Trust. He said the response seemed favorable,  
134 but DOT officials noted that some of the properties come with a requirement from DES of  
135 monitoring for five years, therefore those may not be available for transfer right away.

136  
137 NE Cottontail Rabbit- D. Lievens said she was informed by NH Fish and Game (F & G) that they  
138 will be hosting a daytime presentation on January 26 in partnership with Northeast Utilities  
139 regarding possible grant funding from the National Fish and Wildlife Foundation for the  
140 creation of habitat for the endangered NE Cottontail. They are seeking to hold the presentation  
141 at Town Hall since NH F&G would like to use the funds to create the necessary habitat in the  
142 Musquash Conservation Area in addition to habitat created there in the last couple of years.  
143 Public officials are being invited to the event and D. Lievens encouraged Commissioners to  
144 attend if possible. It was decided to have D. Lievens express to NH F&G that the Commission is  
145 supportive of the idea and to have F&G inform the Commission of any assistance needed when  
146 applying for the grant funds.

147  
148 DRCs- 1. 572 Mammoth Road Two-Lot Subdivision; Map 17 Lot 7

149 Comments: No issues.

150

151 2. Town Fair Tire Site Plan; Map 7 Lot 73-2

152 Comments: The plan should reference the requirement to develop a management  
153 plan for

154 the subsurface infiltration system. The plan should require written reports to DPW  
155 documenting ongoing performance and maintenance. (Staff note: If the plan does  
156 reference the requirements for the plan and/or written reports, the Commission  
157 could not  
158 locate it).

159

160 3. 41 Adams Road Two Lot Subdivision; Map 6 Lot 81

161 Comments: No issues.

162

163 NHACC Survey- D. Lievens said she would send this survey being requested by the NH  
164 Association of Conservation Commissions to Commissioners via email and comments can be



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165 discussed at the January 27 meeting.

166

167 Musquash Field Day- Commissioners briefly discussed preparations for this event to be held on  
168 February 7, including creation of road signage and the distribution of flyers by Commissioners  
169 to local businesses and public places.

170

171 The meeting adjourned by consensus at approximately 8:40 PM.

172

173 Respectfully submitted,

174

175 Jaye Trottier

176 Associate Planner