



Londonderry Conservation Commission
Tuesday, October 22, 2013
Minutes

1 Present: Deb Lievens; Gene Harrington; Mike Considine; Truda Bloom; Marge Badois; Mike
2 Speltz, alternate; and Kellie Walsh, alternate.

3
4 D. Lievens called the meeting to order at 7:32 PM. She appointed M. Speltz to vote for Ben
5 LaBrecque and K. Walsh to vote for Paul Nickerson.

6
7 Kendall Pond Conservation Area- Residents Richard Matckie II of 87 Kendall Pond Road and
8 Doug Noyes of 106 South Road were present to receive an update regarding concerns they had
9 expressed on September 24 about ongoing illegal activity taking place at Kendall Pond
10 Conservation Area (KPCA; map 4 lot 56; see September 24 and October 8 minutes). D. Lievens
11 said she and M. Speltz had met with both the Town Manager as well as the Chief of Police to
12 relay the concerns of both the neighbors and the Commission. Chief Hart stated that patrols
13 were increased in the area once he received an email from D. Lievens following the September
14 24 meeting. D. Noyes relayed that he has only witnessed two visits by the police since last
15 meeting with the Commission, noting that his wife is home most of the day. Based on their
16 conversation with the Chief, M. Speltz and D. Lievens urged the neighbors to remain vigilant in
17 reporting activity to the police, even if they do not feel those reports are given their due
18 consideration. Since D. Lievens and M. Speltz were expressly told by the Chief that the
19 neighbors should call dispatch when incidences occur, they encouraged R. Matckie and D.
20 Noyes to explain that directive when they call. M. Speltz noted that once a report is made,
21 there is an obligation to enter the information into the police log, thereby documenting a
22 history of continuing suspicious activity. He added that the Chief still needs to be asked
23 whether security cameras can be placed back on the site (previous cameras installed there
24 were stolen or damaged). The introduction of a policy and signage limiting parking at KPCA
25 from "dawn to dusk" were met with positive response from the Police Chief. While they would
26 prefer set hours be noted, the signs would at least give the police a rule to enforce.

27 M. Considine stated that he met recently with the Town's Assistant Director of Public
28 Works to determine what, if anything, can be done to the parking area to discourage loitering.
29 The suggestion from R. Matckie and D. Noyes of restricting vehicles to head-in only parking was
30 not considered safe on that road by the Assistant Director, nor was the concept of parallel
31 parking within a designated area.

32 Following further discussion, M. Speltz asked D. Lievens to send correspondence to the
33 Town Manager and Police Chief that neighbors have not witnessed any increase in patrols or
34 decrease in activity in the parking area, that Commissioners instructed the neighbors to
35 continue to contact the police, and that the Commission requests security cameras be
36 reinstalled on the site. In addition, the Commission offered to create a recommendation
37 about creation of the aforementioned "dawn to dusk" restriction on parking. Depending on
38 whether that would involve an amendment to a Town ordinance, the recommendation may
39 need approval from the Town Council.



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41 Outdoor Recreation Guide- GIS Manager/Comprehensive Planner John Vogl was joined by
42 landscape architect Bill Flynn of Saucier and Flynn and the Arnett Development Group to
43 update the Commission on the beta test of the Town's Outdoor Recreation Guide and
44 Management plan. B. Flynn said he has reviewed the deeds for the conservation easements
45 in the pilot area of southeast Londonderry, and has developed a matrix of restrictions,
46 permitted uses, and non-permitted uses which will also be transferred to the mapping
47 system being developed. Possible enhancements/improvements of those areas have been
48 noted in preparation of the management plan. A complete inventory of all preserved lands
49 in the southeast has revealed several that will not be part of the recreation guide since they
50 do not lend themselves to recreational use, are relatively inaccessible because of wetlands,
51 or are restricted from public use by their deed. Site visits were made to all conserved
52 properties regardless, and notes taken that will be used in the trail guide. B. Flynn noted
53 that forthcoming mitigation land from the State's improvements to I-93 have yet to be
54 definitively identified, but are expected to enhance recreation potential in the area.

55 An 8.5 x 11 map will be created for each conserved piece, highlighting any trail
56 systems or points of interest systems in particular. The smaller format was selected to
57 ensure ease of printing for the average homeowner. The style used in the Musquash/Town
58 Center trails map will be employed to ensure style continuity. Web based maps have also
59 been conceptualized; J. Vogl presented a website based in Pennsylvania, the format of which
60 staff suggests be used to feature recreational sites in Londonderry, albeit in the style of the
61 Londonderry's website. Individual recreation sites are identified on an overall area map,
62 which the user can click on to bring up a picture of the specific conservation piece,
63 accompanied by a link to more information. That information will inform the user of
64 permitted activities, particular features and perhaps some history of the property or other
65 noteworthy aspects. B. Flynn noted that the site could be used to advertise special events,
66 e.g. the annual Musquash Field Day. J. Vogl suggested adding another link that would bring
67 the user to a map of the property. He added that he hopes to make the site accessible to
68 smartphones. Final drafts of the map formats, both paper and web based, will be
69 presented to the Town Council on November 4.

70 B. Flynn said a user survey instrument will be employed to poll the public and
71 determine what recreational uses they prefer. A potential town-wide trail system created
72 by connecting existing trails will be examined as well. Once the inventory/mapping phase is
73 complete, the creation of the management plan can begin, which B. Flynn said will include
74 identification of capital needs that can potentially be addressed through the Town's Capital
75 Improvement Plan. G. Harrington suggested the management plan should differentiate
76 between those sites that require little or no management (those that are largely inaccessible
77 or cannot be used for recreation), those that need only a moderate amount of management
78 and those that require more intensive efforts. M. Speltz recommended completing the beta



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79 test in its entirety in order to identify all potential costs so the Commission can be given an
80 estimate total for completion of the guide, management plan and website. Consensus from
81 the Commission was to proceed based on the update provided.

82

83 Stewardship presentation- M. Speltz reviewed a PowerPoint presentation with
84 Commissioners that will be presented to the Town Council at their November 4 meeting (see
85 Attachment #1). The intent is to explain the concept of conservation easements, how they
86 are created, what obligations the Town has to monitor them, and what that monitoring (or
87 stewardship) entails. Aside from some relatively minor edits, Commissioners were in
88 support of the monitoring update being presented to the Council. Commissioners also used
89 the opportunity to review the monitoring process in anticipation of the easement
90 assignments to be distributed later in the evening by stewardship coordinator T. Bloom (see
91 below).

92

93 Monitoring- M. Speltz provided a second update regarding the 26 easements that were part of
94 the Carousel Estates development (map 5, lot 31; see September 24 and October 8, 2013
95 minutes). Those easements were mandated by the State Wetlands Bureau as mitigation for
96 wetland impacts associated with the development. M. Speltz stated that he found reference
97 in a deed on Tyler Drive to the fact that the homeowner's property is encumbered by an
98 easement, however no legal reference is provided that would detail what the easement is and
99 where it is located on the property. He will continue to try and determine if the easements
100 were recorded.

101 T. Bloom handed out easement monitoring assignments to those Commissioners
102 present. They spent time reviewing the packets of information and preparing for their
103 monitoring duties.

104

105 Town Forest- D. Lievens invited Commissioners to a "Walk in the Woods" event to take place on
106 October 24 at the Town Forest. Town Forester Charlie Moreno will be present to lead a site
107 walk of the forest, give a talk on forestry management, and respond to a "clean up" proposal
108 made by Town Sexton Kent Allen (see October 8, 2013 minutes). The Town Council had
109 recently directed K. Allen to contact the Town Forester for his input after presenting his plan to
110 them. D. Lievens said she had also invited members of the Town Council, Planning Board,
111 Heritage Commission and Londonderry Trailways to attend the "public information session." A
112 similar tour of the Kendall Pond Conservation Area is expected to take place as well. **D.**
113 **Lievens entertained a motion to authorize the Chair to expend an amount not to exceed \$250**
114 **from the line item budget to compensate C. Moreno for his services during the Walk in the**
115 **Woods event. M. Speltz so moved. G. Harrington seconded. The motion was approved,**
116 **7-0-0.**

117



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118 Land Use Change Tax- D. Lievens reported at the May 28 meeting that the Land Use Change
119 Tax (LUCT) had generated over \$126,000 in revenue during FY 2012/2013, however at the
120 time, it was unclear how much of that would be directed to the Open Space Protection Fund
121 (OSPF) and how much would be placed in the general fund. At the 2012 Town Meeting, a
122 citizen's petition was approved whereby 60% of any LUCT funds collected beyond \$100,000
123 would be directed to the general fund. The Town Finance Director informed D. Lievens that
124 a total of \$126,853.28 was collected in LUCT funds in FY 12/13. Sixty percent of the
125 26,515.97 balance (not including interest), i.e. \$15,909.58 was directed to the general fund.
126

127 Conservation Commission accounts- At the October 7 Town Council meeting, a question arose
128 about the Commission having both an operating budget as well as a Conservation Fund (see
129 October 8, 2013 minutes). The Town Finance Director was asked to inform the Council at a
130 subsequent meeting as to how the different accounts are used. D. Lievens said she also asked
131 the Finance Director to make note of the different escrow accounts in the Conservation Fund
132 (e.g. NE Cottontail habitat management, the Musquash Conservation Area Management Plan).
133 This would demonstrate how a majority of those monies have already been designated by vote
134 of the Commission for various projects and therefore how the balance in the Conservation Fund
135 can be misleading when taken out of context. Once funding for management plans of both
136 the Musquash and the recently created New England Cottontail habitat are accounted for, only
137 approximately \$11,880 of the \$28,000 in the Conservation Fund is actually available for other
138 management efforts in town. D. Lievens does not know if or how these specifics about the
139 account will be presented to the Council. She also noted that there is no indication that money
140 collected from two timber trespass settlements in recent years have been deposited into any
141 Conservation Commission account. She will follow up with the Finance Director.
142

143 NHACC dues- **D. Lievens entertained a motion to authorize the Chair to expend an amount**
144 **not to exceed \$875.00 from the line item budget to pay the 2014 dues for annual**
145 **membership in the New Hampshire Association of Conservation Commissions. M. Speltz so**
146 **moved. K. Walsh seconded. The motion was approved, 6-0-1 with G. Harrington**
147 **abstaining as he is President of the NHACC Board of Directors.**
148

149 Tree stands in the Musquash- The subject of tree stands being left in the Musquash after
150 hunting season was discussed at the September 24, 2013 meeting. D. Lievens subsequently
151 spoke to the Town Manager on October 10 about the Commission managing their use to avoid
152 any possible legal issues involving the Town. State hunting laws require a hunter to request
153 permission from a land owner before placing a tree stand on their property. The Town
154 Attorney has advised against development of a permit as was suggested to the Commission by
155 a resident, but has approved of the concept of developing a notice that can be left in place
156 when a tree stand is removed because a hunter failed to do so after the season has ended. D.



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157 Lievens presented an example of a notice used by Londonderry Fish and Game (see Attachment
158 #2), noting that the wording and the applicable RSA would have to be approved.

159
160 Target shooting in the Musquash- At her October 10 meeting with the Town Manager and Chief
161 of Police, D. Lievens discussed this ongoing issue and mentioned a resident's recent suggestion
162 that Homeland Security be informed of the target shooting since the Musquash is in the flight
163 path of the Manchester-Boston Regional Airport. Neither Town Official chose to contact
164 Homeland Security, but did not advise the Commission not to do so. M. Speltz suggested
165 researching the Homeland Security website to try and gain an indication of what the answer
166 would be if Londonderry's situation was posed to the department. M. Considine reported
167 that there has been no decrease in target shooting in the Musquash, citing one incident where
168 shooters riding ATVs (a non-permitted use there) in an area recently designated specifically for
169 NE Cottontail habitat were shooting at targets attached to trees that serve as trail markers.
170 He said he would continue to follow up with the Town Manager.

171
172 October 8, 2013 minutes- **T. Bloom made a motion to approve the minutes of the October 8,**
173 **2013 public session as written. G. Harrington seconded. The motion was approved,**
174 **7-0-0.**

175 **T. Bloom made a motion to approve the minutes of the October 8,**
176 **2013 non-public session as written. M. Speltz seconded. The motion was approved,**
177 **7-0-0.**

178
179 Non-public session redactions- To complete that annual review of all non-public Conservation
180 Commission minutes, **M. Speltz made a motion to release the previously redacted portions of**
181 **the non-public minutes as discussed in the non-public sessions of September 10 and October**
182 **8. G. Harrington seconded. The motion was approved, 7-0-0.** An annual review is
183 performed in order to determine whether any information should remain sealed because 1) the
184 minutes contain negotiating or analytical methods used by the Conservation Commission when
185 discussing potential land acquisition, 2) the minutes contain information regarding potential or
186 ongoing transactions and/or 3) the minutes are 10 years or older, in which case they are
187 automatically released.

188
189 DRC- Puglisi Lot Line Adjustment Map 17 Lots 30-1 and 30-2-
190 Comments: The house on map 17 lot 30-2 should be located EAST of the brook to
191 avoid having to cross it and creating a wetland impact.

192
193 Joint Negotiating Committee (JNC)- M. Speltz reported on the results of the October 10 JNC
194 meeting regarding a potential land acquisition during the non-public session of this meeting.

195



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196 **G. Harrington made a motion to go into Non-Public Session per RSA 91-A:3 for the purpose of**
197 **discussing a possible land acquisition. K. Walsh seconded.**

198

199 **Roll call vote: Aye, Gene Harrington; Aye, Truda Bloom; Aye, Mike Considine; Aye, Kellie**
200 **Walsh; Aye, Marge Badois; Aye, Mike Speltz and Aye, Deb Lievens.**

201

202 **M. Speltz made a motion to go out of Non-Public Session. G. Harrington seconded. The**
203 **motion was approved, 7-0-0.**

204

205 **M. Speltz made a motion to seal the minutes of the Non-Public Session indefinitely. G.**
206 **Harrington seconded. The motion was approved, 7-0-0.**

207

208 **M. Speltz made a motion to authorize the Chair to expend an additional \$500 from the Open**
209 **Space Protection Fund payable to McManus and Nault Appraisal Company for a supplemental**
210 **letter regarding the recently received appraisal of the property discussed in non-pub session.**
211 **G. Harrington seconded. The motion was approved, 7-0-0.**

212

213 Open Space Task Force recommendations- Due to the length of the meeting, this topic was
214 postponed until the November 12 meeting.

215

216 The meeting adjourned by consensus at approximately 10:05 PM.

217

218 Respectfully submitted,

219

220

221

222 Jaye Trottier

223 Associate Planner

Conservation Commission Meeting Minutes - October 22, 2013

Attachment #1

Stewardship Update

Conservation Easement Monitoring

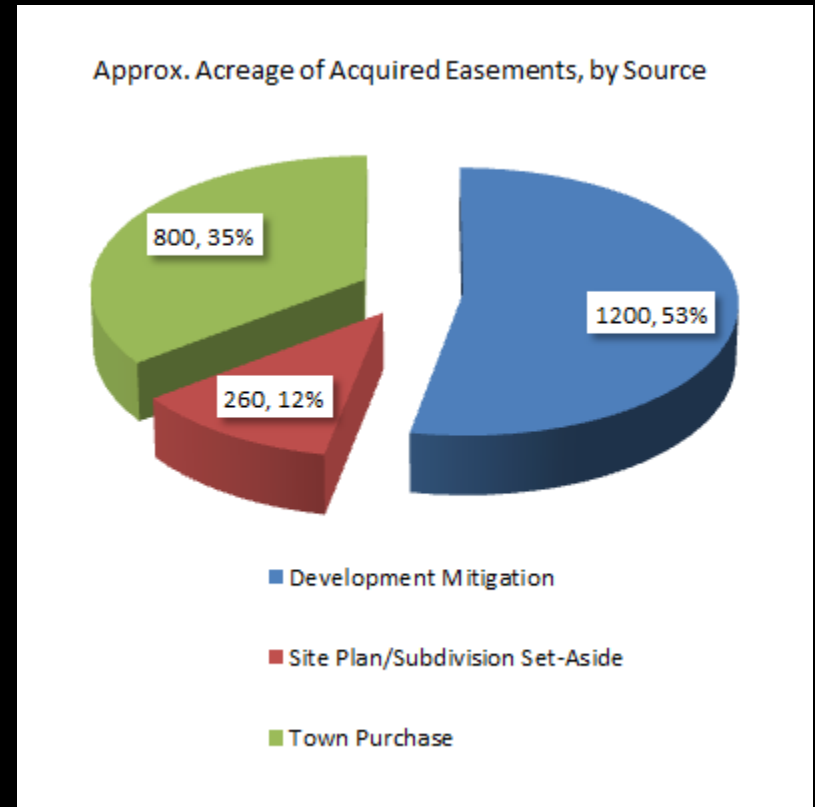
What is a conservation easement?

- For the easement holder (the town): a perpetual right to enforce a prohibition on development and to monitor the property
- For the landowner: giving up the right to develop property for residential, commercial, or industrial use
- For both town and landowner: a way to preserve land for agriculture, forestry, outdoor recreation, habitat, and natural services.

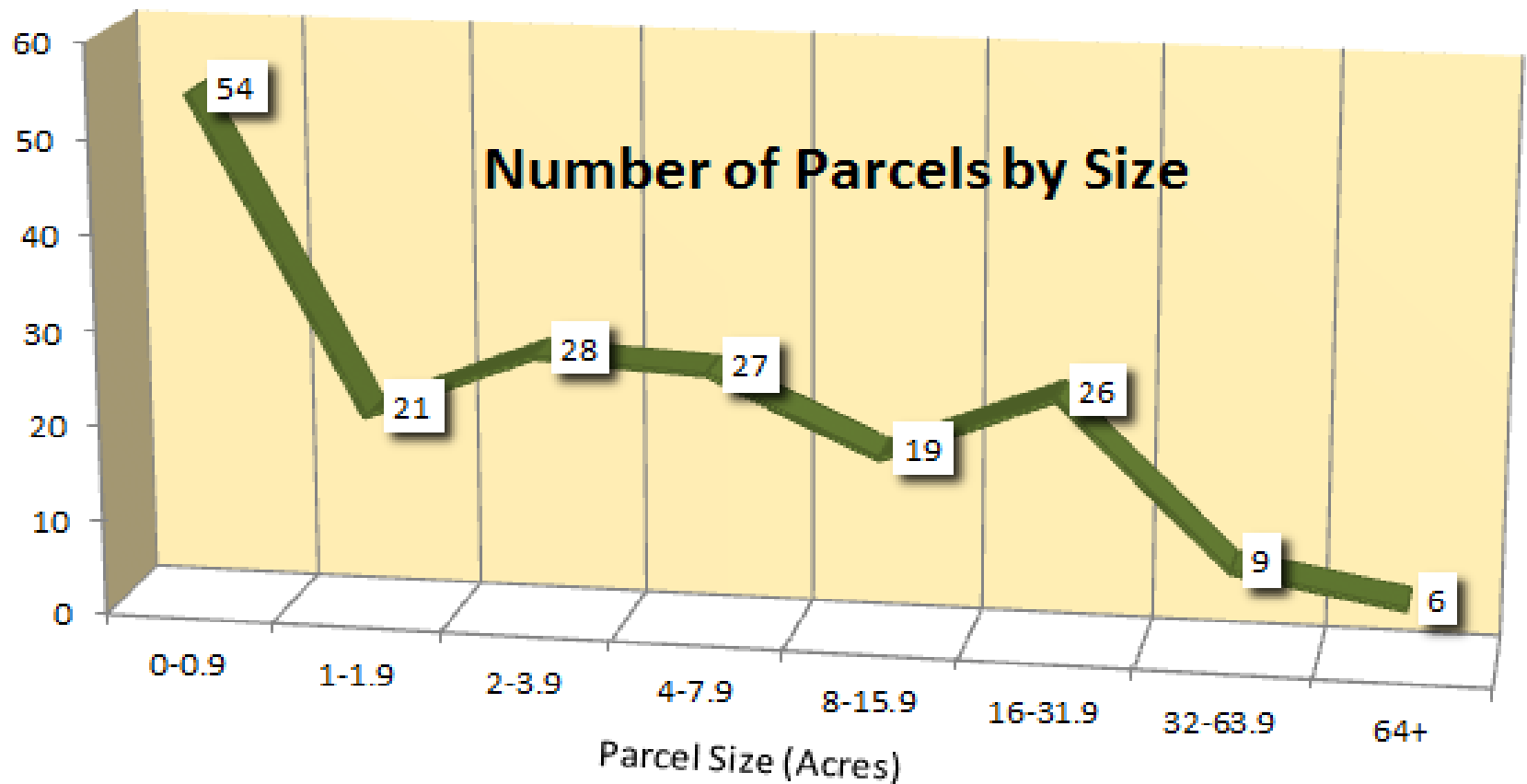


Where do our easements come from?

- Mitigation for development
- “10%” parcels
- Deed restrictions on developed land
- Purchase



How large are our conservation easements?



What are the town's obligations?

- Monitor each easement to confirm the landowner is not violating the easement terms
- Provide annual reports to government agencies on those easements funded with state or federal funds:
 - LCHIP (Ingersoll)
 - LCIP (Plummer)
 - USDA (Mack)
- Follow Land Trust Alliance Standards & Practices (since 2003), using Conservation Commission SOP



Who does the monitoring?

- Each commissioner monitors a “fair share” of easements every one to three years
- Commission Secretary maintains records
- Exceptions:
 - Ingersoll is monitored by a paid consultant, due to its complexity and large number of abutters
 - Sunnycrest easements were assigned to the Rockingham County Conservation District

How is monitoring conducted?

- Town staff provides packet with easement deed, plans, data for GPS, etc.
- Landowner is invited to accompany monitor
- Monitor walks property to check condition of bounds, encroachments, changes
- Monitor photographs questionable activity
- Monitor prepares written report for file
- Commission contacts landowner with any concerns and notifies landowner of completed visit



NOTICE

The bait that was placed on this location was not in compliance with RSA 207:3-d. It has been removed by Club Officers. DO NOT replenish this site with any substance intended as an attractant for hunting activities. LFGC reports all Fish & Game law violations to Fish & Game Law Enforcement Division.

**— Londonderry Fish & Game Club
(603) 206-4569**