



Londonderry Conservation Commission
Tuesday, March 26, 2013
Minutes

1 Present: Deb Lievens; Mike Considine; Marge Badois; and Mike Speltz

2
3 D. Lievens called the meeting to order at 7:30 PM. She appointed M. Speltz to vote for Gene Harrington.

4
5 38 Tanager Way- Property owner Jason Parent of 38 Tanager Way presented a plan to the Commission
6 involving the proposed placement of the majority of an 18x36 in-ground pool with three feet of decking
7 and an aluminum fence within in the 50-foot Conservation Overlay District (COD) buffer running across his
8 backyard (see Attachments #1 and #2). Before appealing to the Zoning Board of Adjustment for a
9 variance to allow these items in the buffer, the ordinance requires that comments from the Commission be
10 sought first. The location of the pool is restricted by an existing 11-foot deck extending from the rear of
11 the house and a propane tank to the west. J. Parent offered a variety of more environmentally friendly
12 pool maintenance options, including a cartridge filter that replaces the need to backwash the system,
13 thereby significantly limiting the amount of chlorine that would be introduced into the buffer. Two other
14 options presented were a Pool Frog Mineral System (using zinc and copper), which requires only half of the
15 chlorine typically needed for pool cleaning, and an EPA-approved Pristine Blue cleaning product which
16 utilizes no chlorine. The discharge of water occurring when the pool is closed for the season would be
17 directed toward the front of the property and down the driveway to the municipal sewage system. J.
18 Parent also offered to add plantings between the pool and the remaining buffer to offset the impact.
19 Pictures of the backyard taken by J. Parent, including one flagging the approximate location of the pool,
20 were reviewed, along with the application to the ZBA and the five points of law associated with a variance
21 request.

22 D. Lievens noted that the COD buffer and the associated no-cut zone seem to have been largely
23 ignored on this lot along with others in the Tanager Way development, a situation probably caused by the
24 original developer of the subdivision. M. Speltz noted that turf (i.e. mowed grass) is permitted within the
25 buffer, although chemically treating it is not. Commissioner Gene Harrington sent his comments via email
26 prior to the meeting, noting that "The COD is designed to help filter out contaminants before they reach
27 the Town's water supply. To put a hard surface in the COD is contrary to the public interest. To make
28 matters worse, this request would store hazardous pool chemicals in the COD further threatening the
29 Town's waters." M. Considine echoed this sentiment, particularly with regard to the chemical impact to
30 the wetland. D. Lievens said she was wary of setting precedent for something that clearly hinders the
31 ability of the buffer to protect the wetland and water quality. M. Speltz added that the point of law for
32 the ZBA to consider where the applicant must show that the request is not contrary to the public interest
33 would be difficult to argue when affecting water quality is in direct conflict with the overall public good.
34 The Commission, he explained to J. Parent, would not be fulfilling their duty to the public if they were to
35 encourage this kind of infringement, particularly without any mitigation. Not only would the Town be
36 unable to effectively ensure that any environmentally friendly cleaning procedures were being maintained,
37 future owners may disregard them altogether.

38 A discussion with J. Parent ensued about possible mitigation. M. Speltz suggested reducing the
39 size of the pool itself. When J. Parent reiterated his offer to add plantings to the buffer, M. Speltz noted
40 that if a portion of it were allowed to revert to natural woody vegetation, nutrient uptake would be



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41 improved when compared to the full 50 feet of mowed turf existing there now. The Commission then
42 suggested an offset to the impact of the pool whereby 1) 25 feet of the buffer adjacent to the wetland
43 would be allowed to grow back its natural wooded vegetation, 2) J. Parent could add plantings (e.g. shrubs)
44 as offered previously, and 3) the pool be moved as close to the house as possible. Commissioners offered
45 their assistance to J. Parent regarding plantings should the variance be granted.

46 **D. Lievens entertained a motion to authorize the Chair to send the following comment to the ZBA:**
47 **The pool should be considered a detriment to the wetland, however discussion about mitigation with**
48 **Mr. Parent took place, resulting in the concept where the first 25 feet adjacent to the wetland would**
49 **grow back to its natural woody vegetation, then only what is needed of the remaining buffer would be**
50 **used for the proposed pool, decking and fencing, along with a strip of non-chemically treated mowed**
51 **turf. M. Speltz so moved. M. Badois seconded. The motion was approved, 4-0-0.**

52 D. Lievens said she would submit the written comments to the Zoning Board of Adjustment and
53 forward a copy to J. Parent.

54
55 Londonderry Trailways update- Londonderry Trailways President Bob Saur provided the following update to
56 the Commission about Trailways activities and upcoming projects:

- 57
58 • Youth Service Projects;
 - 59 ○ Boy Scout Will Bates' Eagle Scout Project in the Kendall Pond Conservation Area (KPCA);
 - 60 - Addition of six trailside posts
 - 61 - Clearing of pine undergrowth from area between road and the KPCA parking lot (started
 - 62 previously by B. Saur and M. Considine, who will flag the remaining pine to be removed)
 - 63 - Removal of dilapidated 'nature trail' signs
 - 64 - Rejuvenation of the trail head kiosk
 - 65 - Trimming of branches encroaching on trails
 - 66 ○ Boy Scout Matt Sullivan's Eagle Scout Project on the Adams Pond Trail;
 - 67 - Replacement of kiosk roof shingles
 - 68 - Addition of five trailside posts
 - 69 ○ Boy Scout Eagle Project in the Musquash Conservation Area;
 - 70 - Installation of the final 12 posts for trailside maps (B. Saur noted that more posts will be
 - 71 needed for the trails to be created later this year).
 - 72

73
74 In case it is needed, the consensus of the Commission was to give Londonderry Trailways permission to
75 approve the aforementioned plans on their behalf (since the Commission has already given their overall
76 consent to Trailways for trail work on town conservation land). B. Saur noted that Trailways requires
77 scouts to sign a contract and provide monthly updates to their organization. Trailways will provide the
78 signage, however the scouts will be required to raise the rest of the funds needed for their individual
79 projects.



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81 B. Saur continued with his presentation as follows:
82

- 83 • Recent damage from close range shot gun activity has left five holes in the Musquash kiosk at
84 the Hickory Will entrance (see Attachment #3). B. Saur estimated that repairs would cost
85 approximately \$250.00. The incident was reported to the police and B. Saur will be
86 approaching the Acting Town Manager about the issue of target shooting in the Musquash.
87 While Londonderry Trailways is concerned about the threat to public safety and resulting
88 vandalism, B. Saur said for the record that Londonderry Trailways has no position on the issue
89 at this time. **D. Lievens entertained a motion to authorize B. Saur to repair the vandalized**
90 **sign and submit an invoice to the Conservation Commission for an amount not to exceed**
91 **\$250.00 which would then be drawn from the Commission's line item budget. M. Speltz so**
92 **moved. M. Considine seconded. The motion was approved, 4-0-0.**
93
- 94 • Trailways has submitted for an +/- \$8,500 State grant (including a 20% match) for
95 trail work including the gravel surfacing the Adams Pond and Nelson Road to King Charles trails
96 and the proposed Town forest trail (see below). The surfacing is designed to allow a more
97 stable walking area as compared to a rougher hiking trail. Although the grant request is still
98 pending, donations from two local businesses and/or organizations will provide the \$6,000
99 needed to put towards those projects. If the grant is awarded, the monies will be used for
100 other trail projects. B. Saur noted that work on trails that act as neighborhood connectors is
101 an activity promoted in the recently adopted Master Plan.
102
- 103 • Stonyfield Yogurt approached Trailways regarding a possible presentation about the Musquash
104 in preparation of their employees performing trail work there. Stonyfield is interested in
105 cultivating a long term relationship with both Trailways and the Commission. B. Saur will
106 make a presentation about the various town trails on March 28. He invited any interested
107 Commissioners to join him.
108
- 109 • B. Saur presented a map of a proposed trail extending from the Town Common through the
110 Town Forest and connecting to the Mack's Overlook Trail (see Attachment #4). The project
111 goal is to "Create a woodland trail connecting the Town Common to the existing 'North
112 Orchard Loop' trail, providing a connection of the Common to the Adams Pond trail network.
113 The trail will provide recreation and walking options for Town Common users. The trail
114 surface will be packed earth with roots and rocks removed. If funding allows, the trail surface
115 will be improved to a packed gravel surface to allow the trail to be 'senior and stroller friendly.'
116 Trailside posts will provide trail information including maps and trail use rules." He noted
117 that not all the loops shown on the map would necessarily be used. He requested an
118 indication of support from the Commission that he could bring to the stakeholders that he has
119 identified (in addition to the Commission);
120 - Londonderry Trailways – Trail Developer and Manager



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- Moose Hill Orchards – Orchard Loop Land Owner/Manager
- Planning Board – Master Plan Vision Manager
- Heritage/Historic District Commission – Town Common Oversight
- Old Home Day Committee – Town Common User Community
- Londonderry Arts Council (Concerts on the Common & Art on the Common) – Town Common User Community

M. Speltz made a motion that the Commission supports the Town Forest trail as proposed by Londonderry Trailways. M. Badois seconded. The motion was approved, 4-0-0.

- Article 14 passed at March meeting will provide the \$227,000 needed for Trailways to pave one mile of the new Rail Trail from Sanborn Road to Symmes Drive. B. Saur said that Trailways is coordinating to ensure proper disposal of the old rail and ties. They continue to apply for grant funding to pave other sections as well.
- Updated Musquash trail maps will be available by April 20.

Target shooting in the Musquash- Continuing the discussion from the above presentation, M. Considine noted that when asked to locate a safe place within the Musquash for target shooting by the Town Council, the Town GIS Manager was unable to do so. Since the Town is unable to locate an appropriate area, he said, and no other measures have been put in place, that effectively has made the entire Musquash Conservation Area open to unregulated target shooting. Evidence and vandalism found recently show that this has created a public safety issue (see March 12, 2013 minutes). M. Considine provided a draft of a PowerPoint document he intends to present to the Town Council in the near future. This includes documentation of seven separate target shooting incidents he has witnessed, including an AR-15 rifle (unknowingly) being fired into a hill directly below the landing trail. Commissioners reviewed the draft and with the exception of some minor suggestions, were in support of the overall presentation. M. Considine said he would seek some general information from NH Fish and Game about how other towns are dealing with target shooting, although he said he would not approach the State for direct input until after discussing the issue with the Commission's Town Council Liaison. D. Lievens said she would invite the Liaison to the next meeting.

New England Cottontail- M. Considine asked if there was an update on the implementation of Phase I of the NE Cottontail Rabbit Habitat Development. D. Lievens said she had not heard anything recently and would contact Town Forester Charlie Moreno.

Tree Farm inspection- The American Tree Farm System performed a recent inspection of the 700 acres of the Musquash comprising a tree farm. The Commission was notified that the inspection "confirmed that you have maintained your property according to accepted standards," adding that the certification will last through 2019.



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161

162 Hick's property public hearing- The public hearing originally scheduled for this meeting regarding the
163 acquisition of map and lot 6-2-1 was cancelled due to further consideration by the Joint Negotiating
164 Committee (JNC) and their revised opinion about the need for an appraisal. Committee Chair John Vogl is
165 will be issuing a Request for Proposals in order to obtain a qualified appraiser to assess this and a second
166 land transaction also being considered. M. Speltz estimated that this will result in a delay of a
167 recommendation from the JNC to the Commission of at least two months.

168

169 Outdoor Recreation Guide- M. Speltz reported that he continues to seek comments, questions, etc. from
170 the School Department on the draft of this guide.

171

172 March 12, 2013 minutes- **M. Speltz made a motion to approve the minutes of the March 12, 2013 public**
173 **session as written. M. Considine seconded. The motion was approved, 3-0-1 with D. Lievens**
174 **abstaining as she had not attended the meeting.**

175 **M. Speltz made a motion to approve the minutes of the March 12, 2013 non-public session as**
176 **written. M. Considine seconded. The motion was approved, 3-0-1 with D. Lievens abstaining as she**
177 **had not attended the meeting.**

178

179 **M. Speltz made motion to adjourn the meeting. M. Considine seconded. The motion was approved,**
180 **4-0-0.**

181

182 The meeting adjourned at approximately 9:10 PM.

183

184 Respectfully submitted,

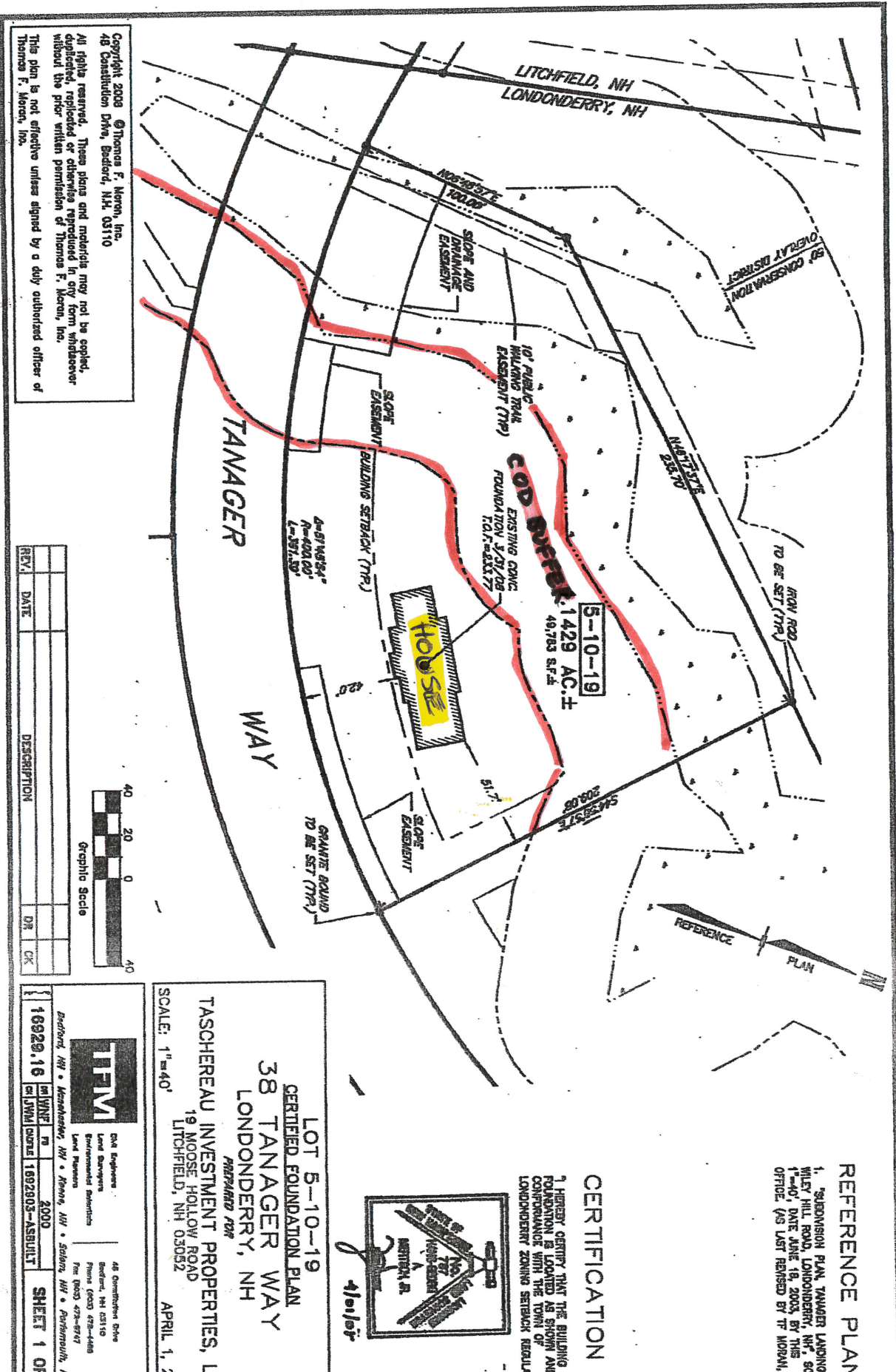
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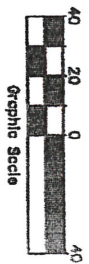
188 Jaye Trottier

189 Secretary



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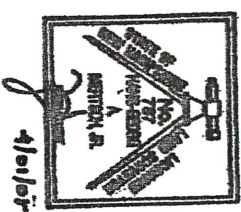
REV.	DATE	DESCRIPTION	DR	CK



TFM
 T. F. Moran, Inc.
 48 Constitution Drive
 Bedford, NH 03110
 Phone (603) 678-1488
 Fax (603) 678-8747

Project: 199 • *Moosehouse, NH • 19999, NH • 50109, NH • 50109, NH • 50109, NH*
 Land: 19999, NH • 50109, NH • 50109, NH • 50109, NH
 Environmental Districts: 19999, NH • 50109, NH • 50109, NH • 50109, NH
 2000
 169220.16
 SHEET 1 OF

LOT 5-10-19
 CERTIFIED FOUNDATION PLAN
 38 Tanager Way
 Londonderry, NH
 HAZARD ZONE
 TASCHEREAU INVESTMENT PROPERTIES, L.P.
 19 MOOSE HOLLOW ROAD
 LITCHFIELD, NH 03052
 SCALE: 1"=40'
 APRIL 1, 2

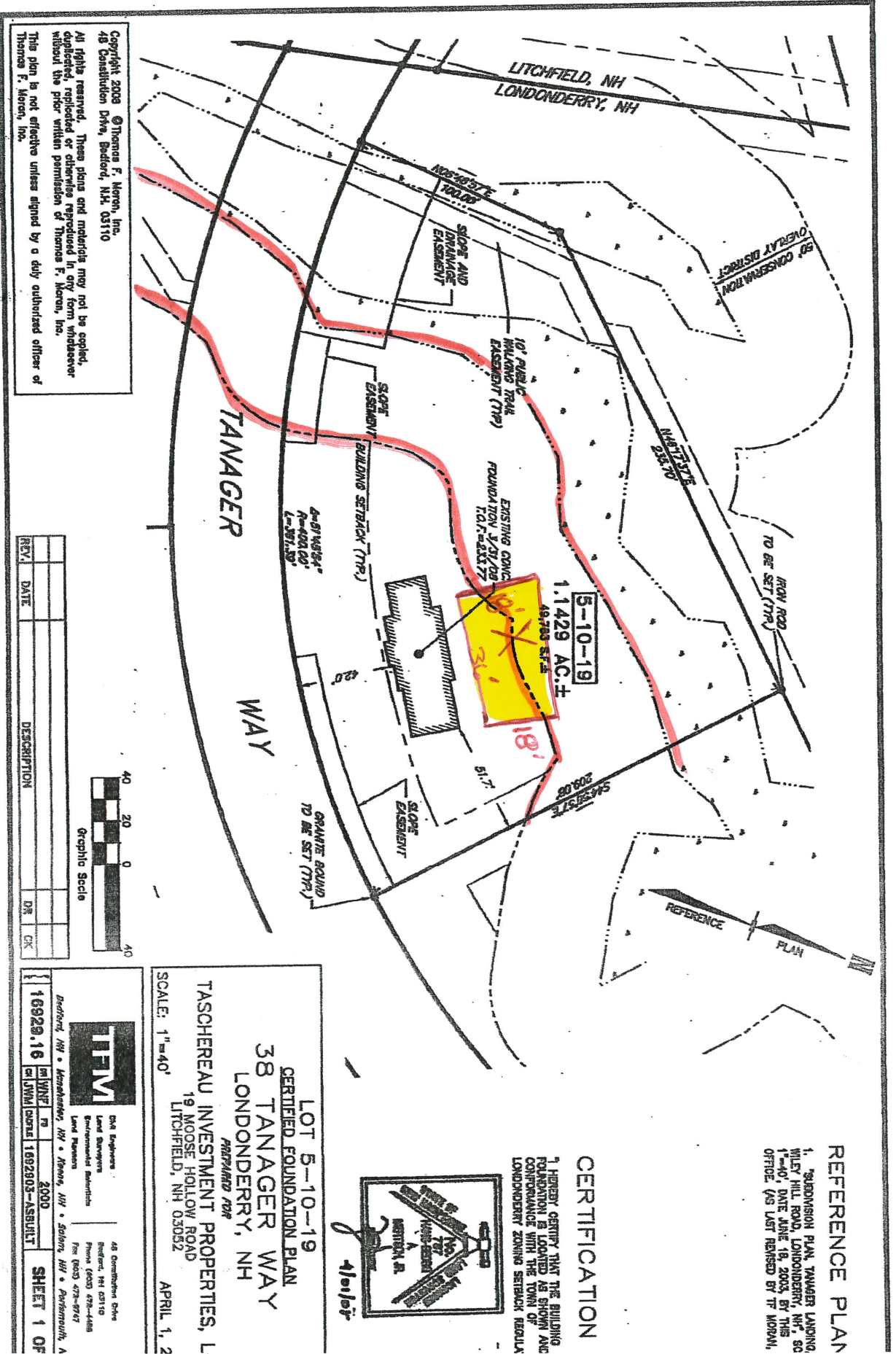


I HEREBY CERTIFY THAT THE BUILDING FOUNDATION IS LOCATED AS SHOWN AND CONFORMS WITH THE TOWN OF LONDONDERRY ZONING SEREBACK REGULATIONS.

CERTIFICATION

REFERENCE PLAN

1. "SUBDIVISION PLAN, Tanager LANDING WILEY HILL ROAD, LONDONDERRY, NH", SO 1"-40", DATE JUNE 18, 2003, BY THIS OFFICE (AS LAST REVISED BY TR. MORAN).



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REV.	DATE	DESCRIPTION	DR	CK

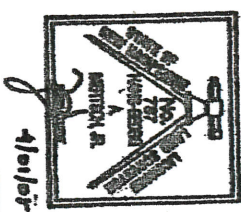
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16929.16 [M] [W] [F] [R] [S] [U] [L] [T] 2000 SHEET 1 OF

LOT 5-10-19
 CERTIFIED FOUNDATION PLAN
 38 TANAGER WAY
 LONDONDERRY, NH
 PARCELS AND TRP
 TASCHEREAU INVESTMENT PROPERTIES, L
 19 MOOSE HOLLOW ROAD
 LITCHFIELD, NH 03052
 SCALE: 1"=40'
 APRIL 1, 2



I HEREBY CERTIFY THAT THE BUILDING FOUNDATION IS LOCATED AS SHOWN AND CONFORMANCE WITH THE TOWN OF LONDONDERRY ZONING SETBACK REGULATIONS.

CERTIFICATION

REFERENCE PLAN

1. "PARCELS AND TRP" PLAN, TANAGER LANDING, WILEY HILL ROAD, LONDONDERRY, NH, SC 1-440, DATE JUNE 18, 2003, BY THIS OFFICE (AS LAST REVISED BY TF MORAN).

Conservation Commission Meeting Minutes - March 26, 2013 - Attachment #3



!! WARNING !!

Please Read!!!

There is broken glass on the main trail
approximately 200 yds from junction of Overlook
trail and the main trail - (Someone shot up the
Welcome board and was practicing shooting at beer bottles)
Please keep your dogs ~~leashed~~ leashed and stay on
main trail until you pass. An attempt was made to
clean up the glass but couldn't get it all!

Thank-you.

Town of Lor

