



Londonderry Conservation Commission
Tuesday, April 9, 2013
Minutes

1 Present: Deb Lievens; Gene Harrington; Mike Considine; Truda Bloom; Marge Badois; and Mike
2 Speltz

3

4 D. Lievens called the meeting to order at 7:30 PM. She appointed M. Speltz to vote for Paul
5 Nickerson.

6

7 Target shooting in the Musquash- Town Councilor Tom Dolan was present to discuss the
8 ongoing situation of unregulated target shooting in the Musquash Conservation Area,
9 something the Commission has discussed on several occasions (see January 8 and 22, 2013 and
10 March 12 and 26, 2013 minutes). M. Considine clarified first that the Commission is not
11 opposed to hunting in the Musquash, nor to target shooting in general. Their concern lies
12 instead with target shooting taking place in the Musquash in an unsafe manner. He stated
13 that in the 15 years he has been visiting the Musquash regularly, target shooters have only
14 begun using the area in the past year and that the number of incidents during that time has
15 increased. Not all of the target shooters he encounters, he said, are aware of the potential
16 hazards, given the extensive trail system and the number of recreational visitors, nor are they
17 always discouraged from continuing once they find out. He offered to perform a site walk
18 with Town Councilors to assess the various areas where target shooting has occurred, including
19 a spot near the Hickory Hill trailhead where that trail crosses over a shallow hill which has been
20 used for target practice. In another instance, he stated that shooters were using an AR-15
21 semi-automatic rifle. Other than the State law which prohibits shooting within 300 feet of a
22 residential dwelling, no other regulations are in place. To prevent injury to the public, the
23 goal is to find a safe place for target shooters to use within the Musquash. Because
24 Londonderry Fish and Game (F&G) owns abutting lot 8-13, Mike C. suggesting partnering with
25 the club to allow residents to shoot there. One of the reasons the Musquash is used, he
26 explained, is because there is no expense like that associated with a shooting range. This
27 solution, however, would still leave target shooting by non-residents unregulated in the
28 Musquash. Since State law supersedes any Town ordinance, he recommended that the
29 Commission work with the State, starting with NH F&G to research what can and cannot be
30 done. M. Speltz stated that some of the research should include finding out if other towns
31 have encountered a similar situation and what, if anything, they have done about the safety
32 issues. While it was acknowledged that there are many who observe safe and responsible
33 target shooting, M. Speltz stated that the "clear and present danger" to the public posed by
34 others should create a sense of urgency to act on the issue.

35 D. Lievens read an email into the record from a resident which stated his preference for
36 a solution that will benefit all those who use the Musquash for a variety of recreation uses, but
37 does not punish those who practice safe, responsible target shooting. She entertained any
38 other public comment from those present. Martin Srugis, 17 Wimbledon Drive, confirmed
39 that the only regulation currently in place is that no shooting can take place within 300 feet



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40 from a house. He stated his surprise that there are no other restrictions in place, given the
41 aforementioned close proximity to trails.

42 T. Dolan stated his foremost recommendation would be to research the numerous State
43 laws that have accumulated over time regarding firearms, perhaps with the assistance of the
44 Town Attorney, particularly to ensure that any local law created is not found later on to be
45 unenforceable. He encouraged the Commission to confer first with NH F&G as M. Considine
46 had suggested, and even invite representatives to attend a Commission meeting. D. Lievens
47 also offered to contact the NH Association of Conservation Commissions for their feedback.
48 Only after performing that research, he said, can an informed recommendation be brought
49 before the Town Council for their consideration. Part of the Council's deliberation would be
50 to hold a public hearing. If needed, the local State delegation could be approached about
51 creating effective State legislation.

52
53 New England Cottontail- D. Lievens reported that Phase I of the NE Cottontail Rabbit Habit
54 Development, i.e. the timber cut in a selected area of the Musquash, is scheduled to begin on
55 April 16. M. Considine performed a site walk with Town Forester Charlie Moreno to confirm
56 the measures planned to limit impact to trails. He stated that the Ravine and White Trails will
57 be closed on weekdays starting April 15 once C. Moreno obtains the necessary permissions
58 from the Town Council. D. Lievens noted that no more than two weeks should be needed to
59 close the trails (weather permitting) and M. Considine added that they will be kept clear of
60 debris for weekend use by visitors. The timing of the cut was designed in part to prevent
61 negative impacts on bird nesting season. D. Lievens added that performing the clear cut in
62 the spring will more quickly alleviate the visual change to the area. Education about the
63 purpose of the cut, particularly to explain the transformation of the surroundings to visitors,
64 was offered in the form of signage by Londonderry Trailways President Bob Saur in the fall of
65 2012. D. Lievens pointed out that the Commission had already voted to expend an amount
66 not to exceed \$50 from the line item budget to reimburse B. Saur for the cost of the signs. M.
67 Speltz suggested that a site walk be offered to the public and lead by NH F&G Field Biologist
68 Heidi Holman after the cut is done to explain its role in protection of the endangered Cottontail
69 species. D. Lievens has made arrangements with the Union Leader to feature a story on the
70 project in an upcoming issue and suggested the idea as well to the Londonderry Times reporter
71 in attendance.

72 Intent to cut forms will need to be signed by the Town Council. The Commission can
73 also submit a written recommendation to the Council to waive the timber tax since the income
74 from the logging to the Town would only be decreased by the tax. That income, along with
75 assistance from NH F&G who initiated the project, will be used to maintain the habitat for the
76 Cottontails. **G. Harrington made a motion to authorize the Chair to submit a written
77 recommendation to the Town Council that the timber tax related to the timber cut in the
78 Musquash for the NE Cottontail Rabbit Habit Development be waived. T. Bloom seconded.**



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79 **The motion was approved, 6-0-0.**

80 Commissioners then reviewed the contract between the Town and C. Moreno. M.
81 Speltz noted that the aforementioned waiver of the timber tax would cause a revision to that
82 section of the contract. He also asked D. Lievens to investigate whether there is an actual
83 dollar amount for the liability insurance mentioned in the contract, and to include all
84 information related to the bid process performed by C. Moreno. While the funds to pay C.
85 Moreno are coming from the Conservation Fund (not to be confused with the Open Space
86 Fund), T. Dolan suggested that the Commission verify the exact process for that expenditure
87 with the Town Finance Director to avoid any delays. He also advised asking the Town
88 Attorney to review the contract and authorizing the Chair to make minor edits thereafter if
89 necessary in order to expedite the process. **G. Harrington made a motion to authorize the
90 Chair to sign the contract for Phase I of the NE Cottontail Rabbit Habit Development on
91 behalf of the Commission, pending approval by the Town Attorney, and to authorize the
92 Chair to make any incidental changes as a result of the Town Attorney's review. M.
93 Considine seconded. The motion was approved, 6-0-0.**

94

95 Musquash Trail Days- M. Considine announced that a series of trail days in the Musquash will
96 take place on April 13 and 20, May 11, and June 1 and 22. Those taking part will meet at the
97 Hickory Hill trailhead at 8 AM on those dates.

98

99 Parking in the Musquash- T. Dolan asked if there have been any complaints from residents near
100 the various Musquash trailheads about a lack of parking at those locations. While M.
101 Considine said additional parking is needed, he replied that he had not heard about any
102 complaints from residents. Site visits with the Town Engineer have shown that adding to the
103 parking areas at Hickory Hill Road, Faucher Road and Tanager Way is not feasible at this time.
104 Instead, he said, notices have been posted at the Hickory Hill entrance, since it is the best
105 known, to encourage visitors to make use of the other trailheads.

106

107 Open Space Task Force report- Martin Srugis, 17 Wimbledon Drive, inquired about
108 implementation of the 32 recommendations that resulted from Open Space Task Force report
109 which was approved by the Town Council in 2012. M. Speltz clarified that the Town Council
110 *accepted* the report but did not specifically approve it. The recommendations, he explained,
111 included assignments to appropriate entities, e.g. Town Boards and Commissions. D. Lievens
112 and M. Speltz commented that the Conservation Commission has initiated the development of
113 a trail guide and stewardship plan for Town owned lands as well as creation of the Joint
114 Negotiating Committee to address future land transactions. While the OSTF report did not
115 suggest a more detailed implementation plan or formation of an implementation committee,
116 M. Speltz said that the agencies assigned to those tasks are free to act on them at any time.
117 He added that the Town's recently adopted 2012 Master Plan recommends implementation of



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118 the 2011 OSTF report.

119

120 March 26, 2013 minutes- M. Considine made a motion to approve the minutes of the March
121 26, 2013 public session as written. M. Speltz seconded. The motion was approved, 4-0-2
122 with G. Harrington and T. Bloom abstaining as they had not attended the meeting.

123

124 DRC- 7 and 9 Baldwin Road Lot Merger, 7-4-50 and 51;

125 Comments: No comments on the lot merger, but leave the restriction in place on 7-4-51
126 as a protective buffer to the stream.

127

128 **M. Speltz made motion to adjourn the meeting. T. Bloom seconded. The motion was**
129 **approved, 6-0-0.**

130

131 The meeting adjourned at approximately 8:50 PM.

132

133 Respectfully submitted,

134

135

136

137 Jaye Trottier

138 Secretary