



Londonderry Conservation Commission
Tuesday, May 14, 2013
Minutes

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

3

4 D. Lievens called the meeting to order at 7:35 PM.

5

6 **Invoice for public hearing- D. Lievens entertain a motion to authorize the Chair to expend an amount**
7 **not to exceed \$56.00 from the line item budget for the cost of advertising a public hearing scheduled**
8 **for March 26, 2013 in the Londonderry Times. P. Nickerson so moved. G. Harrington seconded. The**
9 **motion was approved, 7-0-0.**

10

11 **Blanding's Turtles in the Musquash-** D. Lievens reported that NH Fish and Game (F+G) have begun
12 monitoring Blanding's Turtle activity in the Musquash Conservation Area as they did in the spring of
13 2012.

14

15 **New England Cottontail-** D. Lievens presented photos (see Attachments #1, 2, and 3) taken on May 4
16 showing some of the results of the timber cut in a selected area of the Musquash related to Phase I of
17 the NE Cottontail Rabbit Habit Development (see April 9 and 23, 2013 minutes).

18

19 **Londonderry Trailways; Letter of Support-** Londonderry Trailways recently requested a letter of support
20 from the Conservation Commission to include in their submission for a trail grant application. D.
21 Lievens read the suggested language to Commissioners. M. Speltz commented that instead of stating
22 that the trail provides access to conservation land in town, the letter should explain that the trail in
23 question "improves" access to those conservation lands. There were no other comments or
24 corrections. **M. Speltz made a motion to authorize the Chair to send a letter of support as presented**
25 **and with the change as stated to Londonderry Trailways. T. Bloom seconded. The motion was**
26 **approved, 7-0-0.**

27

28 **Purple Loosestrife-** As in past years, interns of the New England Wildflower Society (NEWFS) will be
29 donating their time to help in the ongoing effort to remove this invasive species from the wetland in the
30 flax field on Pillsbury Road. This will tentatively take place on July 12. D. Lievens also asked
31 Commissioners to consider donating their time to continue the effort on July 13. M. Badois offered to
32 ask fellow Master Gardeners if they would be willing to join the effort. The Commission has routinely
33 voted in recent years to provide NEWFS interns with a stipend to cover their gas costs. **G. Harrington**
34 **made a motion to donate an amount not to exceed \$50 from the line item budget to the NE**
35 **Wildflower Society in order to support purple loosestrife removal at the flax field. M. Badois**
36 **seconded. The motion was approved, 7-0-0.** D. Lievens said she would confirm the aforementioned
37 dates at a later meeting.

38



Londonderry Conservation Commission
Tuesday, May 14, 2013
Minutes

39 Adams Pond- Recent concerns about the draining of Adams Pond because of a dam determined to be in
40 failure by the State has led some residents to question if the Conservation Commission should or would
41 be involved by the virtue of the fact that the land is under a conservation easement. D. Lievens stated
42 that the Town Attorney is reviewing the easement deeds to make a determination and a subsequent
43 recommendation to the Commission regarding any responsibility based on the terms of the easement.

44
45 Target shooting in the Musquash- M. Considine reviewed a draft PowerPoint presentation he assembled
46 to illustrate the numerous incidents of target shooting that have taken place in the Musquash (see
47 Attachment #4). His research has shown that no State law will prevent target shooting in a given area
48 without restricting hunting as well, something that is allowed at appropriate times in the Musquash. NH
49 F+G explained that they have the authority to grant Administrative Rules regarding hunting in specific
50 areas, something they did in the Kendall Pond Conservation Area where duck hunting is no longer
51 allowed due to the proximity to residences. F+G game cannot, however, grant an Administrative Rule
52 regarding firearms unless the situation pertains to hunting specifically, therefore they could not similarly
53 regulate target shooting. M. Considine said the Acting Town Manager has advised him to consult with
54 the Town Attorney. He expressed his hope in finding another agency that can enact some kind of
55 administrative rule. Since no Town law regarding firearms can supersede State law, another
56 alternative may be to enact State legislation. M. Speltz stated as he has before that since Town
57 officials have been made aware of the problem, the Town could arguably be liable if a shooting incident
58 occurs as a result of target shooting activity in the Musquash.

59
60 April 23, 2013 minutes- **T. Bloom made a motion to approve the minutes of the April 23, 2013 public**
61 **session as written. G. Harrington seconded. The motion was approved, 4-0-3 with M. Considine, P.**
62 **Nickerson, and B. LaBrecque abstaining as they had not attended the meeting.**

63
64 DRCs- 1. NeighborWorks Subdivision Plan; Map 12 Lot 59-3

65 Comments: No comments.

66
67 2. NeighborWorks - Whittemore Estates Site Plan Amendment; Map 12 Lot 59-3

68 Comments: Landscape Plan; Check re pre-emergent herbicide (may not be what they
69 mean to do). We have concerns about placement of drainage structures in the buffer.
70 There is nothing on the plan about the extent of the wetland and buffer impacts.

71
72 3. NeighborWorks Site Plan (Londonderry Townhomes) Map 12 Lot 59-4 & 64

73 Comments: Please check the landscape plan legend: Hatching patterns may have been
74 reversed for wet mix and lawn mix.

75
76 Joint Negotiating Committee (JNC)- M. Speltz reported that he has provided Town staff with a proposed
77 conservation easement for a property currently be considered for protection by the JNC.



Londonderry Conservation Commission
Tuesday, May 14, 2013
Minutes

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

G. Harrington made a motion to go into Non-Public Session per RSA 91-A:3 for the purpose of discussing possible land acquisitions as well as the potential release of portions of non-public minutes regarding possible land acquisitions. M. Considine seconded.

Roll call vote: Aye, Deb Lievens; Aye, Mike Considine; Aye, Paul Nickerson; Mike Speltz, present; Aye, Ben LaBrecque; Aye, Marge Badois; Aye, Gene Harrington; and Aye, Truda Bloom.

[D. Lievens left the non-public session at 8:45 PM in order for Commissioners to discuss the potential release of portions of non-public minutes associated with non-public sessions from which she had recused herself and which she did not attend. **G. Harrington appointed M. Speltz to vote for D. Lievens for the remainder of the meeting**].

T. Bloom made a motion to go out of Non-Public Session. P. Nickerson seconded. The motion was approved, 7-0-0.

T. Bloom made a motion to seal the minutes of the Non-Public Session indefinitely. P. Nickerson seconded. The motion was approved, 7-0-0.

M. Speltz made a motion to release the previously redacted portions of the non-public minutes as discussed in the non-public session. T. Bloom seconded. The motion was approved, 7-0-0.

P. Nickerson made a motion to authorize the Chair to expend an amount not to exceed \$6,000 from the Open Space Fund to fund the two appraisals associated with two properties being considered for conservation by the Joint Negotiating Committee. M. Speltz seconded. The motion was approved, 7-0-0.

M. Considine made motion to adjourn the meeting. T. Bloom seconded. The motion was approved, 7-0-0.

The meeting adjourned at approximately 9:55 PM.

Respectfully submitted,

Jaye Trottier
Secretary







DRAFT

Londonderry's Musquash
Conservation Area
Target Shooting

May 14, 2013

DRAFT

Objectives

- Provide a safe environment within the Musquash for recreational activities: hiking, biking, geocaching, cross country skiing, snowshoeing, etc.
 - Stop the indiscriminate and unsafe target shooting occurring within the Musquash.
- Preserve hunting within the Musquash – consistent with NH Fish and Game regulations.
- Find the target shooters a safe place to shoot.
 - Subsequent discussion with Londonderry Fish and Game indicates that the cost of joining a gun club is very affordable.

Target Shooting Status

- This discussion is regarding target shooting - not hunting.
- Many individuals are now using the Musquash for target shooting.
 - Several years ago there were very few target shooters.
 - Now its common for multiple target shooters to be scattered throughout the Musquash.
- Most target shooters believe they are shooting in a “safe” manner but have no idea where the trails are located.
- Target shooting typical involves rifles and pistols but some individuals are shooting semi automatic rifles.
- The make shift target ranges are littered with electronics, beer cans, aerosol cans, paper targets, etc. etc.
- There currently isn't a safe place to target shoot in the Musquash.

DRAFT

NH Fire Arms Laws (RSAs)

- Reviewed the RSAs: 159, 635, 644, ... and had several discussions with NH Fish & Game Law Officers.
- NH firearms/hunting laws managed by the NH Fish & Game
 - They cannot be superseded by local ordinance.
- NH laws define the various hunting seasons and restricts the type of firearms in southern NH including Rockingham County.
- NH law does not restrict target shooting beyond the laws intended for hunting. You cannot discharge a firearm in a congested area (300 feet from an occupied dwelling).
- LPD responded to a number of complaints regarding shooting in the Musquash but the shooters were 300 feet from the nearest home.
 - But only 150 feet from the Landing Trail.

DRAFT

First Hand Examples

1. Shooting a 22 rifle into the Blue Trailer (aluminum) with the Betty Mack Trail (and me) 150 directly behind the trailer.
2. Shooting rifles, pistols from the power lines into a ~ 10% grade hill with the Landing Trail running on top of the hill (300 feet).
3. Shooting 22 rifles into a ~ 10 % grade hill with the Deer Trail running on top of the hill (800 feet) .
4. Hip shooting AR-15 (semi automatic rifles) rifle from the power lines into a ~ 10% grade hill with the Landing Trail running on top of the hill.
5. The Landing Kiosk, trees and beer bottles were shot-up on the Landing Trail with a shot gun.
6. Shooting a 22 rifle on the top of the Deer Trail down hill back towards the other side of the Deer Trail.
7. Shooting rifles, pistols from the power lines into a very shallow hill with Red Fern and Pine Hollow in the distance.
8. Many more examples including the sand pit near Faucher Road.

DRAFT

Bullet Casings from Sites 2 & 7

| Site | Type | Aummunition | Bullet Mass (grams) | Velocity (ft/s) |
|------|------------|-------------|---------------------|-----------------|
| 2 | Rifle | 223 | 4.5 | 2750 to 3750 |
| 2 | Rifle | 7.62 x 54R | 11 | 2600 |
| 2 | Rifle | 35 R | 14 | 2000 |
| 2 | Pistol/Rev | 357 MAG | 10 | 1400 |
| 2 | Pistol/Rev | 40 S&W | 11 | 1200 |
| 2 | Shot Gun | | | |
| | | | | |
| 7 | Rifle | 556 x 45 mm | 4 | 940 |
| 7 | Rifle | 22 | | |
| 7 | Pistol/Rev | 45 Auto | 12 | 1200 |
| 7 | Pistol/Rev | 9mm | 7.5 | 1300 |

DRAFT

Pictures from Sites 2 & 7



Landing Trail is on the top of the hill (300 feet)



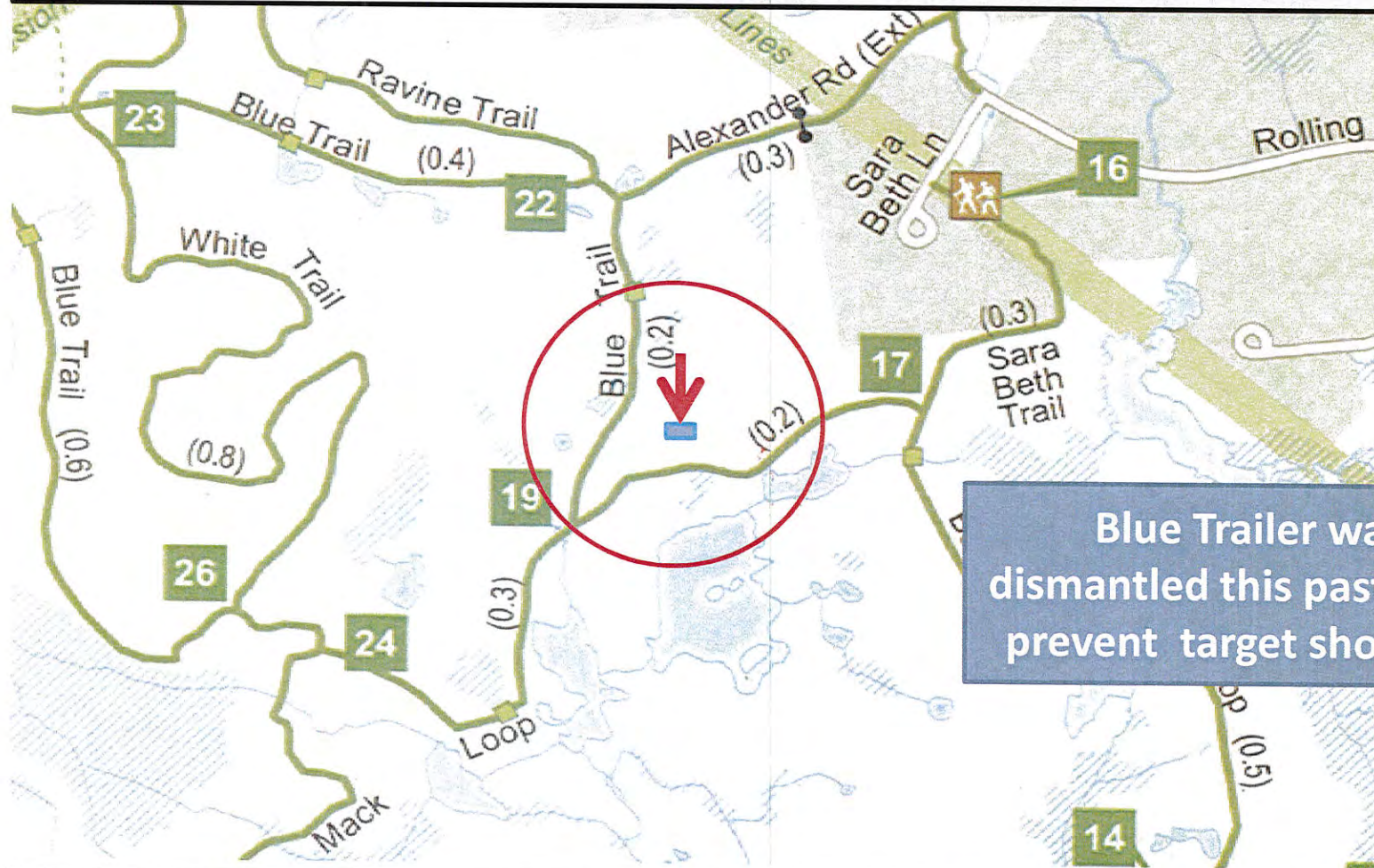
Beer can targets



Red Fern is over the horizon (850 feet)

DRAFT

1. Shooting a 22 rifle into the Blue Trailer (aluminum) with the Betty Mack Trail (and me) 150 feet directly behind the trailer.

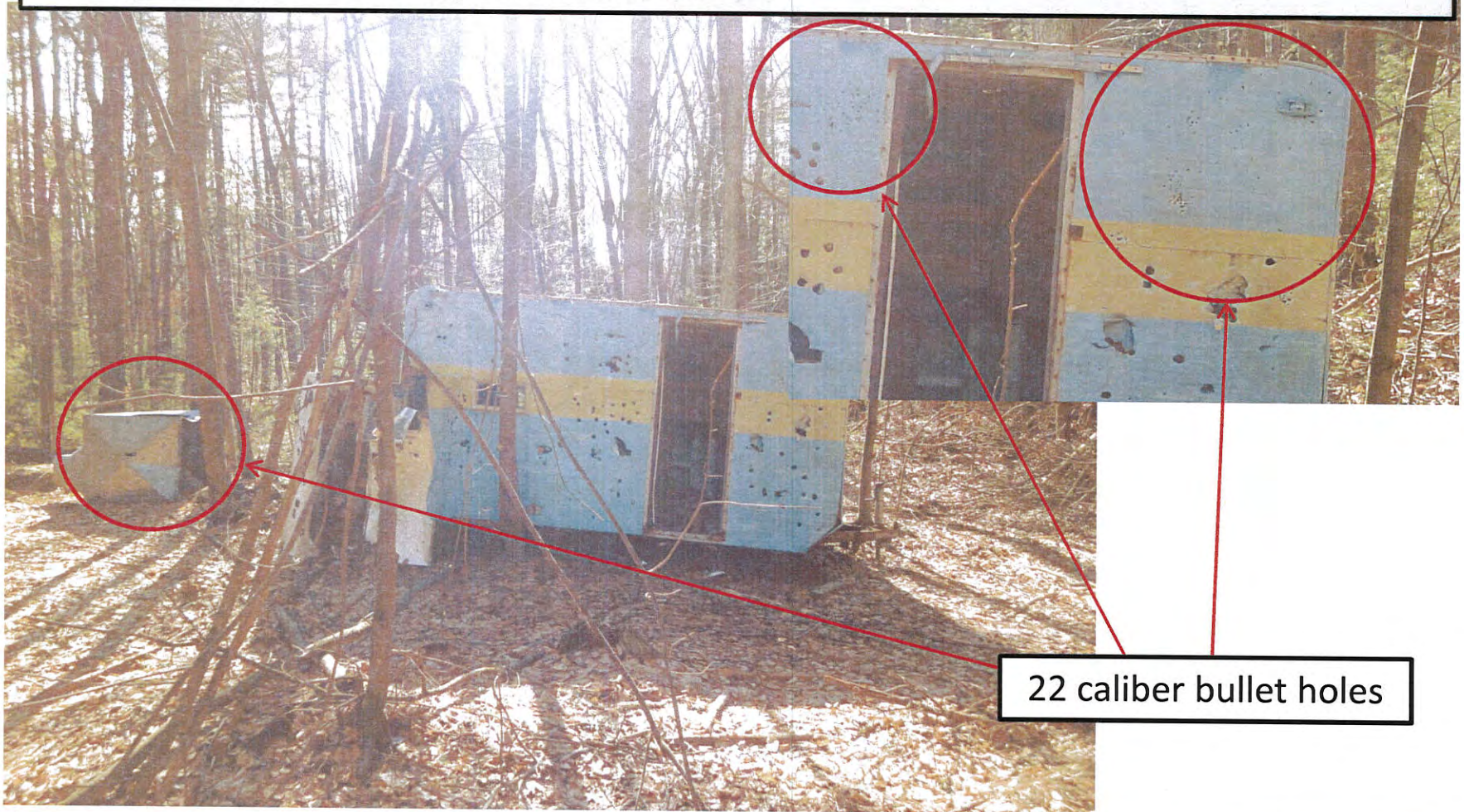


Blue Trailer was dismantled this past fall to prevent target shooting.

Red arrow indicates approximate direction of shots. Bullets traveled through the Blue Trailer and into the trees behind the trailer.

DRAFT

1. Shooting a 22 rifle into the Blue Trailer (aluminum) with the Betty Mack Trail (and me) 150 directly behind the trailer.



Looking from the general location of the target shooter. Betty Mack Loop Trail runs directly (approximately 200 feet) behind the "Blue Trailer".

DRAFT

1. Shooting a 22 rifle into the Blue Trailer (aluminum) with the Betty Mack Trail (and me) 150 directly behind the trailer.



Looking from the Betty Mack Loop Trail at the back of the “Blue Trailer” and towards the direction of the target shooter.

DRAFT

1. Shooting a 22 rifle into the Blue Trailer (aluminum) with the Betty Mack Trail (and me) 150 directly behind the trailer.

Bullet impacts on trees directly behind the trailer and in the general direction of the Betty Mack Loop Trail.



Looking from the general location of the target shooter. Betty Mack Loop Trail runs directly (approximately 200 feet) behind the "Blue Trailer".

DRAFT

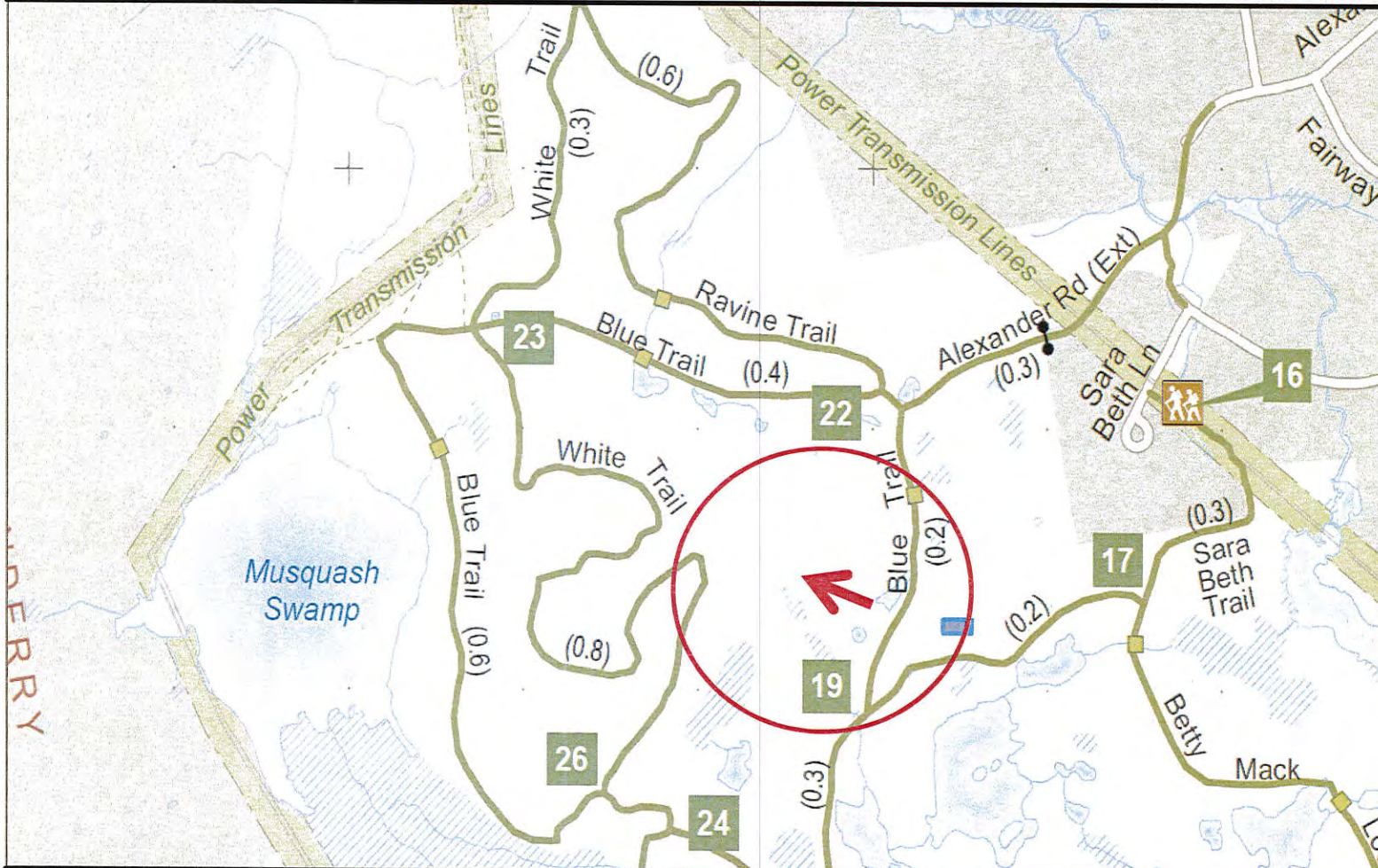
2. Shooting rifles (223, 7.62 x 54R, etc.) from the power lines into a ~ 10% grade hill with the Landing Trail running on top of the hill (300 feet).
- 2a. Shooting rifles from the power lines into targets posted to trees.



Shooters were notified that the Landing Trail runs directly on top of the hill. They indicated they were aware of the trail and that they were shooting in a responsible manner.

DRAFT

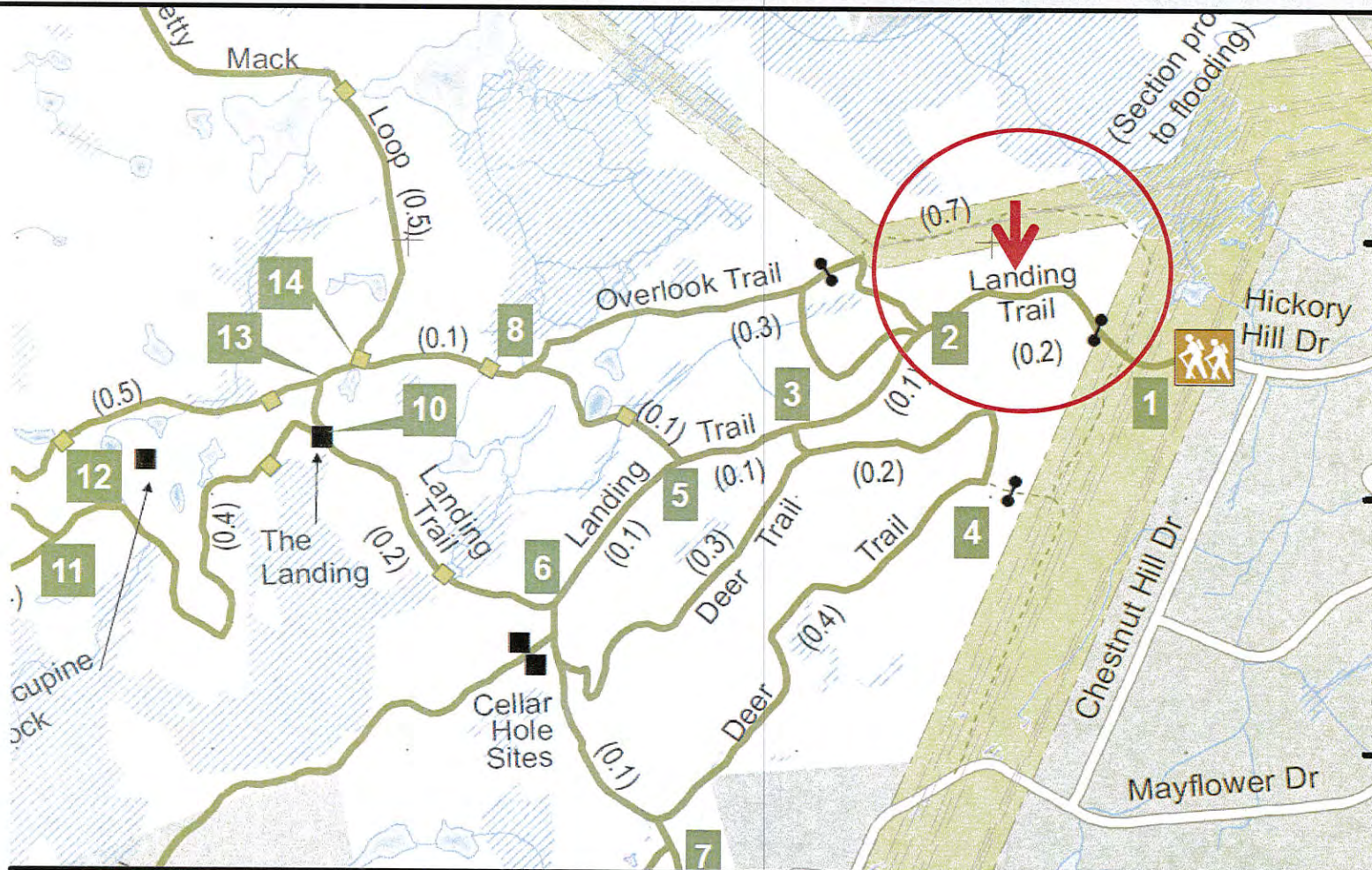
3. Shooting 22 rifles into a ~ 10 % grade hill with the White Trail running on top of the hill (800 feet) .



Shooters were notified that the Landing trail runs directly on top of the hill they were shooting into. They indicated they were aware of the trail and that they were shooting in a responsible manner.

DRAFT

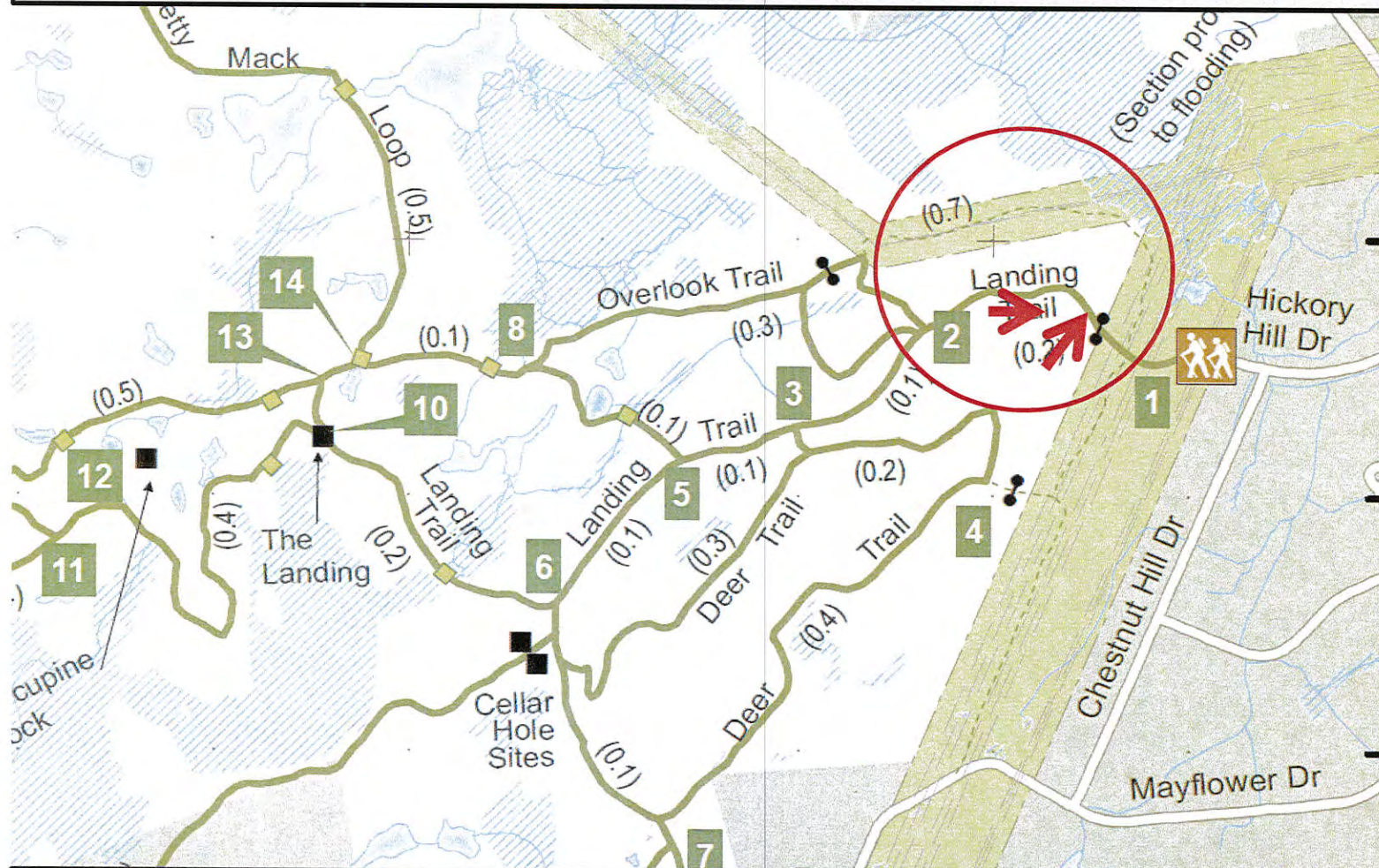
4. Hip shooting AR-15 (semi automatic rifles) rifles from the power lines into a ~ 10% grade hill with the Landing Trail running on top of the hill (150 feet).



Same shooters (2) were notified that the Landing trail runs directly on top of the hill. They indicated they were shooting in a responsible manner. Police arrived and indicated they were shooting in accordance with the law.

DRAFT

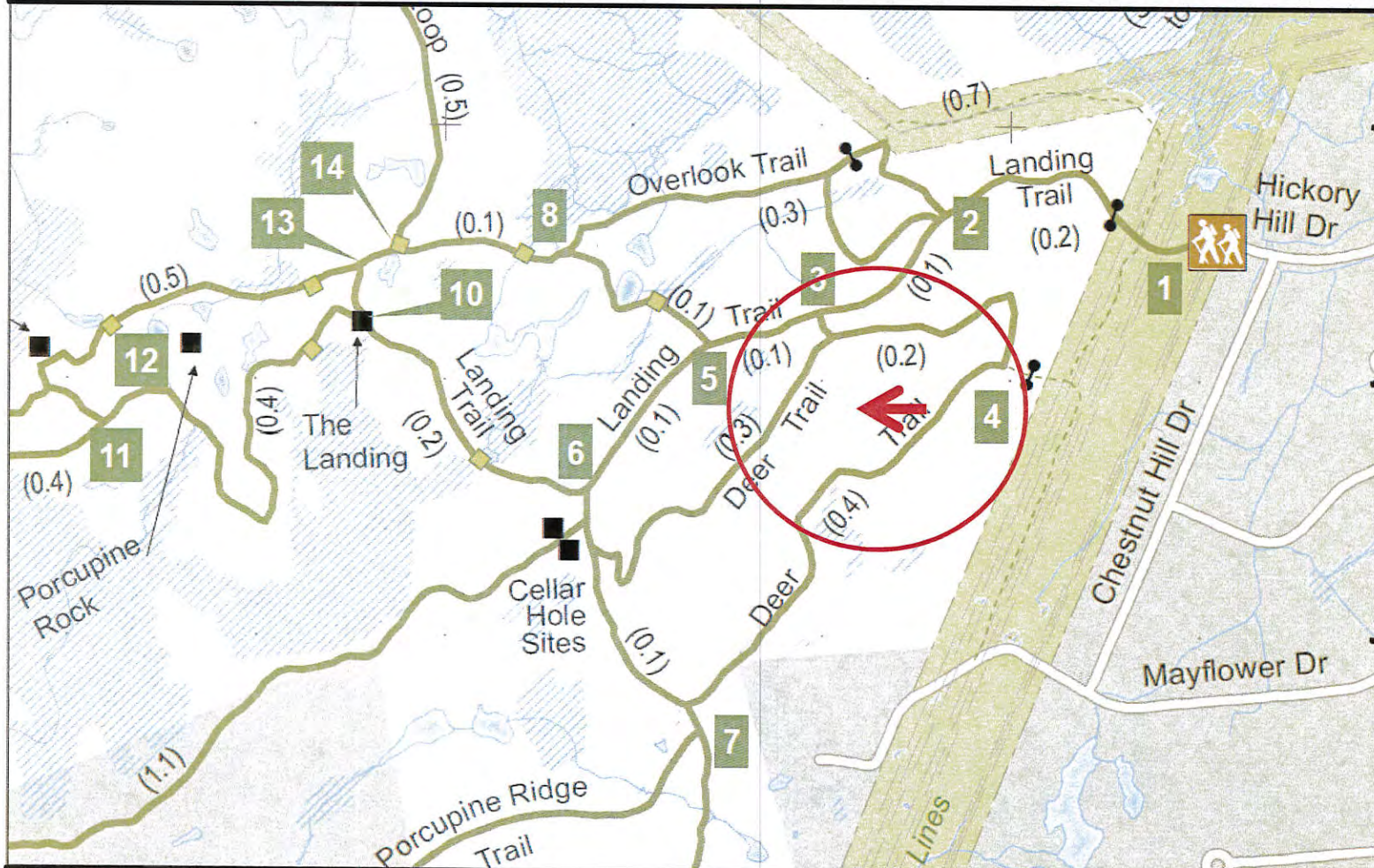
5. The Kiosk, trees and beer bottles were shot-up on the Landing Trail with a shot gun.



Beer bottles were shot-up and left behind. A small tree was shot in half.

DRAFT

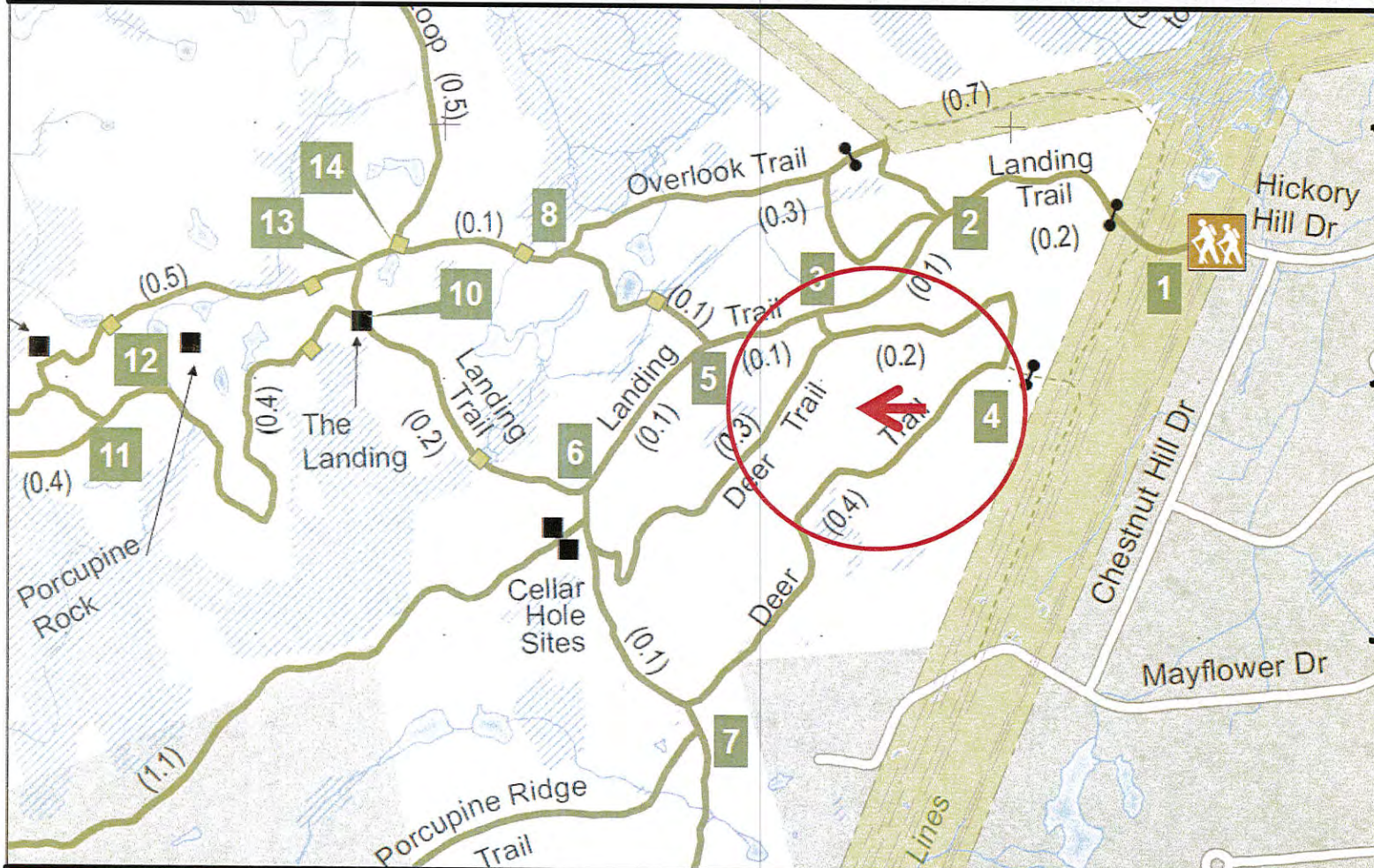
6. Shooting a 22 rifle on the top of the Deer Trail down hill back towards the other side of the Deer Trail.



Shooters passed ~ 20 cars in the parking lot (indication of the number of people in the Musquash). Shooters packed up and left when I pointed out that they were shooting down hill into the Deer Trail.

DRAFT

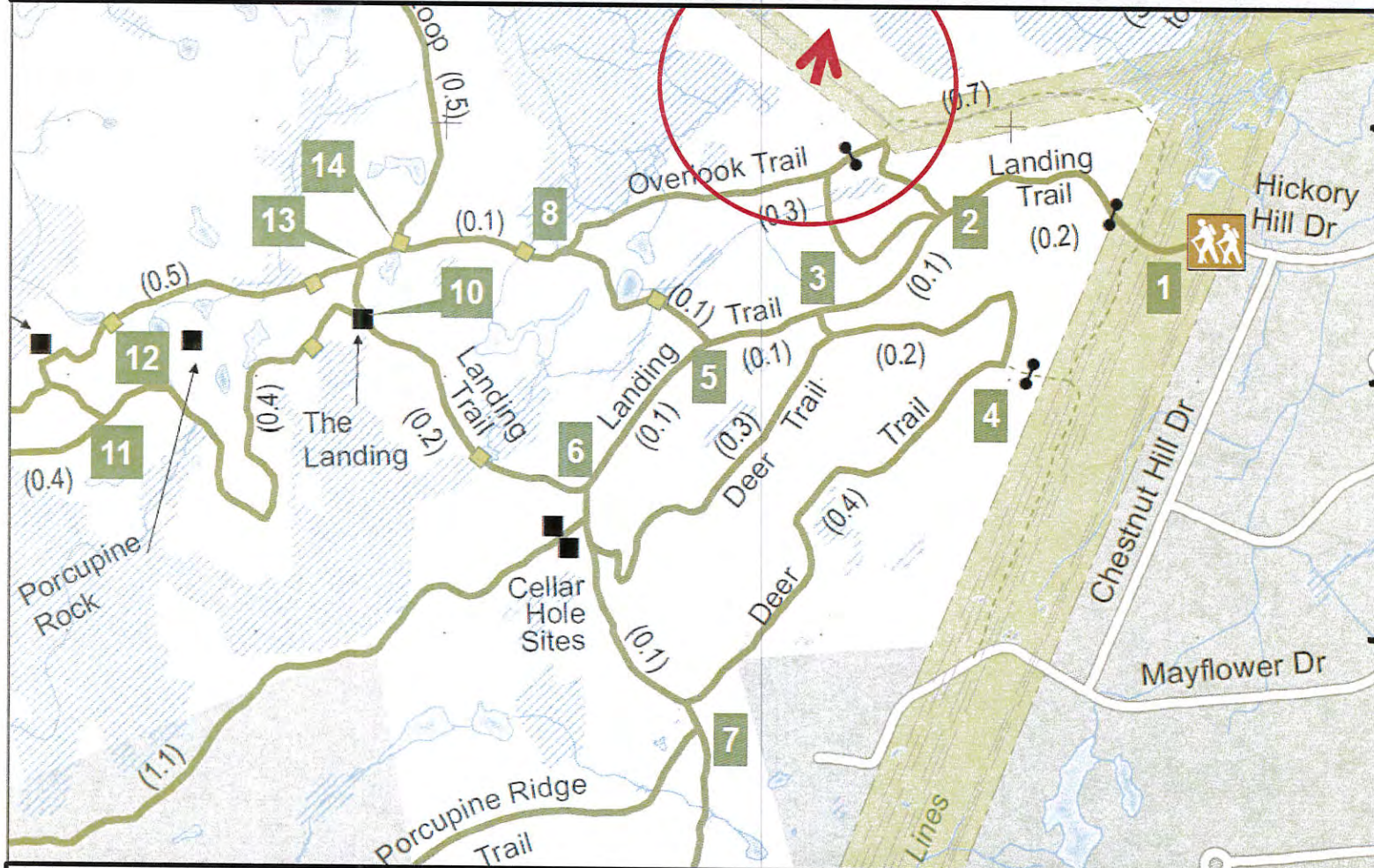
6. Shooting a 22 rifle on the top of the Deer Trail down hill back towards the other side of the Deer Trail.



Shooters passed ~ 20 cars in the parking lot (indication of the number of people in the Musquash). Shooters packed up and left when I pointed out that they were shooting down hill into the Deer Trail.

DRAFT

7. Shooting rifles, pistols from the power lines into a very shallow hill with Red Fern and Pine Hollow in the distance.



Area littered with beer cans that served as targets.

Potential Solutions

- 1. Identify several locations within the Musquash that are safe for target shooting.**
 - Probably not feasible w/o some construction and may not stop individuals from target shooting wherever they want.
- 2. Task the Town Attorney to work with the State to prohibit target shooting within the Musquash Conservation Area.**
 - Consider also banning target shooting within other Town Conservation Areas if deemed to be unsafe.
- 3. The local Fish & Game and Rod & Gun Clubs ^{offers} ~~over~~ a safe environment for target shooting.**