



Londonderry Conservation Commission
Tuesday, September 24, 2013
Minutes

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

3
4 Also present: Andrew Campbell, volunteer

5
6 D. Lievens called the meeting to order at 7:30 PM.

7
8 Town Forest (Invasive Species)- D. Lievens said there was no update on this topic.

9
10 Invasive plant species (Phragmites)- D. Lievens reported the invasive species specialist hired
11 to remove the Phragmites from map and lot 6-113 has received his wetlands permit from the
12 State and will begin his work on September 26.

13
14 (M. Badois arrived at 7:35)

15
16 Monitoring- T. Bloom reviewed the results to date of her coordination of monitoring efforts
17 regarding Town conservation easements. Most of the discussion centered on the 26
18 easements that were part of the Carousel Estates development (map 5, lot 31), which D.
19 Lievens explained were mandated by the State Wetlands Bureau as mitigation for wetland
20 impacts associated with that development. The easements were then granted to the Town, a
21 process which M. Speltz noted did not require the grantee's signature at the time that
22 subdivision was built. The way the easements are configured, they contain portions of the
23 individual privately owned house lots throughout the subdivision and the responsibility for
24 their monitoring has never been made clear by the Wetlands Bureau. D. Lievens said she
25 visited the area several years ago with a member of the Wetlands Bureau staff, who indicated
26 the Bureau was still uncertain about responsibility for those easements. She offered to follow
27 up with the Bureau again. M. Speltz offered to research the deeds of the individual lots and
28 suggested contacting the owners to discern their awareness of the easements on their
29 properties and educate them about associated restrictions and maintenance if need be.

30 P. Nickerson volunteered to head the annual monitoring efforts of the Moose Hill
31 Orchard easements and the Plummer easement. He will send an email to Commissioners
32 once he has coordinated various dates in the event others are available to assist him.

33
34 Tanager Way trail- M. Considine requested permission to purchase 24 signs for the Tanager
35 Way trail in the Musquash Conservation Area at a cost of under \$400. He explained they
36 have a flexible aluminum design that can be wrapped around a tree and then attached with
37 screws or nails to hinder vandalism. The signs will instruct visitors that no motorized wheeled
38 vehicles are allowed in the Musquash. **P. Nickerson made a motion to authorize the chair
39 to expend an amount not to exceed \$400 from the line item budget for the purchase of 24**



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40 **trail signs. T. Bloom seconded the motion. The motion was approved, 8-0-0.**

41

42 Target shooting in the Musquash- M. Considine stated that he met with new Town Manager
43 Kevin Smith as well as former Town Manager, Police Chief Bill Hart about this ongoing issue.
44 He performed a site walk with K. Smith to review the impacts and potential danger. He also
45 conveyed the suggestion of the State Department of Resources and Economic Development
46 that a Town ordinance be created to prevent target shooting within the Musquash. K. Smith
47 said he would be speaking with the Town Attorney on the matter. M. Considine said he
48 would follow up with K. Smith.

49

50 Musquash Trail Days- M. Considine announced that on October 5, a trail day will take place in
51 the Musquash for both regular maintenance as well as the creation of a new trail which he said
52 would connect the blue and white trails, following along the border of the Londonderry Fish &
53 Game club to the west. Having already mapped the trail with a GPS unit, he has sent that
54 information to the Town's GIS Manager who will update the Musquash trail map. Depending
55 on what is completed on October 5, one or two additional trail days may be scheduled.

56

57 Tree stands in the Musquash- The Town Manager has received a request from a resident that
58 the Town adopt an ordinance regarding the use of tree stands in the Musquash during hunting
59 season. A draft permit was submitted by the resident which, among other things, would limit
60 placement of the stands from being within 100 feet of any trail and 300 feet from an occupied
61 dwelling. The permit would not only serve as a written request for permission, but could
62 require stands be removed by the end of the year, and establish guidelines about responsibility
63 for damage caused by the blinds as well as consequences for violations. Commissioners
64 discussed whether creation of a permit would only create awareness and thereby encourage
65 the use of such structures and create a need for enforcement resources. It was suggested
66 that until an issue is presented by an increase in their use, the Commission could instead post
67 notices both at the trailheads as well as on the tree stands themselves notifying the user that
68 they need to remove the stand or it will be removed by the Town. Commissioners agreed
69 that the need to request permission to place a tree stand on property owned by another,
70 whether it is private or public, is still important. Any posting could therefore include a
71 statement that consent from the Commission must be requested first through Town staff. D.
72 Lievens offered to speak with the Town Manager about the topic.

73

74 Kendall Pond Conservation Area- Residents Richard Matckie II of 87 Kendall Pond Road and
75 Doug Noyes of 106 South Road were present to express their concerns over ongoing illegal
76 activity taking place at Kendall Pond Conservation Area (KPCA; map 4 lot 56). Rather than
77 opening up the parking area as the Commission and Londonderry Trailways have done in the
78 hopes that it would remove visual cover, the two suggested creating a strip of parking along



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79 the road that would allow cars to only park heading in. They also recommended posting signs
80 identifying that the area is closed from “dusk to dawn,” as other towns have done in some of
81 their public areas. It was noted that such signs could provide a tool for enforcement by the
82 Londonderry police. D. Noyes stated that a police officer told him that people apparently
83 living in their cars in the parking area were considered campers and therefore the police would
84 not be able to take action. D. Lievens said she would verify with the Police Chief that police
85 are aware of the Commission’s camping policy at KPCA, which includes written permission and
86 is not intended to extend to transients living in the parking lot. M. Speltz suggested she also
87 discuss more frequent patrols of the site and propose to the Chief that a member of the force
88 be assigned as a quasi-ranger for public lands. M. Considine offered to visit the site over the
89 weekend to examine parking reconfiguration options and determine whether the Town’s
90 Department of Public Works could assist in that endeavor.

91

92 NHACC annual meeting- G. Harrington reminded Commissioners of the annual meeting of the
93 New Hampshire Association of Conservation Commissions on November 2 and stated the
94 agenda is now available online. **G. Harrington made a motion that the Conservation
95 Commission reimburse any Commissioners and the Associate Planner out of the line item
96 budget if they choose to attend the NHACC annual meeting on November 2, 2013. P.
97 Nickerson seconded the motion. The motion was approved, 8-0-0.**

98

99 Possible land acquisition- An invoice in the amount of \$3,600 was received by Staff for an
100 appraisal performed at the request of the Joint Negotiating Committee for potential
101 acquisition of a conservation easement in town. **G. Harrington made a motion to authorize
102 the Chair to expend an amount not to exceed \$3,600 from the Open Space Protection Fund
103 to pay the invoice for the appraisal of the potential conservation easement acquisition. P.
104 Nickerson seconded the motion. The motion was approved, 8-0-0.** M. Speltz stated that
105 the Joint Negotiating Committee is in the process of scheduling a meeting to review the
106 appraisal and make a recommendation to the Conservation Commission.

107

108 Hicks acquisition- At their September 23 meeting, the Town Council voted to approve the
109 purchase of 199 High Range Road, map 6 lot 2-1, for conservation purposes. **G. Harrington
110 made a motion to authorize the Chair to expend an amount not to exceed \$60,000 from the
111 Open Space Protection Fund for the acquisition of 119 High Range Road, map 6 lot 2-1. T.
112 Bloom seconded the motion. The motion was approved, 8-0-0.** D. Lievens noted that
113 payment of the ensuing title search will require an additional vote.

114

115 Nevins public walking trails- Residents of the Nevins development (map 7 lot 122) requested
116 removal of the public walking trails that were to be constructed within their development per
117 the site plan signed by the Planning Board. After receiving approval from the Planning



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118 Board earlier in the year to amend the site plan and remove the trails from it, the residents
119 went before the Town Council on September 23 seeking approval of a Quitclaim Deed to
120 release public interest in the trail. The Planning Board also recommended to the Town Council
121 that the developer reimburse the Town the amount of the cost to construct the trail which
122 can then be put towards trails in other areas of town. The developer determined
123 construction of the trail would total \$19,200. The Council opted to continue the discussion
124 to October 7 meeting to further consider the amount due from the developer. Although
125 time limitations on public input did not allow him to provide his input to the Town Council, M.
126 Speltz said he would suggest to them at the next meeting that the Town's property interest in
127 the trail easement is greater than that of just the cost of creating a trail on the public trail
128 easement since it is part of an overall Town conservation easement. The easement was
129 created by a special Town vote to purchase the development rights of map and lot 7-118 for
130 \$2.9 million. The value of the Town's property interest should therefore be well in excess of
131 \$19,200. He advised hiring an independent third party appraiser to determine that value.
132 He asked fellow Commissioners to attend the meeting with him.

133

134 DRC- Mill Pond Subdivision Amendment (140 Old Derry Road) Map 18 Lots 13-97 & 99 15-6;
135 The Commission had no comments on the subdivision amendment plan.

136

137 September 10, 2013 minutes- T. Bloom made a motion to approve the minutes of the
138 September 10, 2013 public session as written. G. Harrington seconded. The motion was
139 approved, 7-0-1 with M. Considine abstaining as he had not attended the meeting.

140 G. Harrington made a motion to approve the minutes of the September 10, 2013
141 non-public session as written. T. Bloom seconded. The motion was approved, 7-0-1 with
142 M. Considine abstaining as he had not attended the meeting.

143

144 **G. Harrington made motion to adjourn the meeting. T. Bloom seconded. The motion was**
145 **approved, 8-0-0.**

146

147 The meeting adjourned at approximately 9:15 PM.

148

149 Respectfully submitted,

150

151

152

153 Jaye Trottier

154 Associate Planner