



Londonderry Conservation Commission
Tuesday, July 12, 2011
Minutes
Page 1 of 4

1 Present: Deb Lievens, Gene Harrington, Mike Considine, Ben LaBrecque, George Herrmann, and M.
2 Speltz

3
4 D. Lievens called the meeting to order at 7:30 PM. M. Speltz arrived during the following presentation
5 and D. Lievens appointed him to vote for Truda Bloom.

6
7 Shoppes at Londonderry, 15-51 & 59- Brad Mezquita of Appledore Engineering was joined by Luke
8 Hurley of Gove Environmental Engineering to present this project located between Rockingham Road
9 and Vista Ridge condominiums. Three larger tenants (18,000 square feet each) would occupy the
10 northern end of the site while a strip mall with several smaller tenants would stand on the southern
11 end.

12 When Vista Ridge was built, part of this area was used as a detention pond, something that the
13 NH Department of Environmental Services says can be continued with this project. The existing
14 treatment swales will be paved over, however, the outlets on the site will be utilized so that the
15 drainage will mimic what it is today. Two storm water wetlands will be added to discharge into the
16 existing wetland, one to the north and the other towards the south, with a rain garden in between for
17 groundwater recharge. L. Hurley explained that two points of wetland impact will occur, one due to
18 the pads and parking associated with the northern buildings (4,625 sf) and the other on the south side
19 where the secondary access will cross the wetland (5,365 sf). That total is just under the 10,000 sf
20 level at which DES requires mitigation. L. Hurley noted that the original total was nearly 14,000 sf but
21 that headwalls and a reduction in the amount of grading lowered that total. M. Speltz asked that the
22 design be adjusted to balance between the wetlands being created and impact on the existing buffer
23 and wetland, i.e. that there is no net loss between the two.

24 Buffer impacts will total 55,000 sf, although much of that will be temporary. When the
25 Conditional Use Permit is applied for, the exact amounts that are temporary and permanent will be
26 made specific. G. Harrington asked if the three larger buildings could be reduced to avoid one of the
27 permanent impacts, but B. Mezquita said larger box stores would not be interested in anything smaller,
28 adding that they have already been reduced from 20,000 sf each. M. Speltz pointed out that one of
29 the criteria of the CUP permit is that the justification for wetlands impact cannot be based solely on
30 financial advantage. D. Lievens asked if residents at Vista Ridge would be able to safely cross Vista
31 Ridge Drive to access the development. B. Mezquita noted the sidewalk system and the fact that a
32 crossing is planned over Vista Ridge Drive.

33 Concern was expressed for areas where treatment is occurring inside the buffer as opposed to
34 being treated before and then being conveyed through the buffer, which is preferred for adequate
35 treatment. There was also some discussion about DES maintenance requirements of the wetland
36 berms and whether woody vegetation would be allowed there. D. Lievens asked that snow storage be
37 identified on the plans.



Londonderry Conservation Commission
Tuesday, July 12, 2011
Minutes
Page 2 of 4

38 B. Mezquita and L. Hurley will return with the Dredge and Fill application at the July 26 meeting.
39 (See DRC comments below)

40

41 DRC- Shoppes at Londonderry, 15-51 & 59-

42 Comments: Please mark snow storage.

43 Concern about monoculture of day lilies in rain garden. We encourage a variety of
44 plants.

45 Check to be sure pear tree is a sturdy variety.

46 Regarding buffer impact: we are concerned with using the buffer to create
47 treatment structures.

48

49

50 Merrimack River Wildlife Heritage Trail- New Hampshire Fish and Game previously contacted the LCC
51 about including information about the Musquash Conservation Area on their website. It would be part
52 of a wildlife viewing project that seeks to create “a series of linked sites in the Merrimack watershed
53 that tell a story of human and historical uses to create an understanding and appreciation of wildlife in
54 their habitats.” The requested information was sent and D. Lievens reported that “wildlife viewing
55 area” signs provided by Fish & Game will be made available to post at the various entrances to the
56 Musquash.

57

58 ARM grant- The Department of Environmental Services had requested that an “extra layer of
59 protection” be placed on map and lot 6-113 as part of the Aquatic Resource Mitigation Fund
60 restoration done on that wetland. This would be in the form of an easement deed or deed restriction,
61 to which DES would hold executory interest. M. Speltz believed that the Town Council might have
62 already approved of this layer of protection when they accepted the grant. He will research the issue
63 and report back to the LCC.

64 D. Lievens reported that 4,000 Galerucella beetles have been distributed in the areas of the
65 wetland where the invasive species purple loosestrife exists. The other invasive plant, Phragmites, will
66 need to be removed by a professional with a special aquatic license. The Director of the Rockingham
67 County Conservation District is apparently trying to obtain such a license, so D. Lievens will ask for a
68 quote on the cost of Phragmites removal. She has learned of another company that can perform the
69 removal and will ask for a quote from them as well.

70

71 Purple Loosestrife- D. Lievens reported that the Galerucella beetles released here several years ago
72 have established enough of a colony that they have made a significant impact on destroying the purple
73 loosestrife in the Flax Field off Pillsbury Road.

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Londonderry Conservation Commission
Tuesday, July 12, 2011
Minutes
Page 3 of 4

75 Easements- D. Lievens had suggested creating a cable show including herself, Mike Speltz and an
76 attorney or other professional who specializes in conservation easements to explain the basic ideas
77 behind this conservation tool. M. Speltz contacted two attorneys at Ransmeier and Spellman to see if
78 they would share his expertise on such a show. One of the attorneys, Tom Maslin, was not available at
79 the time and M. Speltz will follow up with both to see if either is interested.
80

81 Debt service- At the June 28 meeting, the LCC reviewed a letter from the Town Council that asked the
82 LCC to “assume responsibility for a portion of its debt service in the amount of \$50,000.” The
83 consensus of the LCC was to seek a written opinion from Town Counsel about the legality of the issue
84 before responding. Town Counsel responded that the LCC could vote to expend money from the Open
85 Space Protection Fund towards the debt service per RSA 36-A:5,I.

86 M. Speltz argued against expending the funds, noting that the Commission has already been
87 asked to cut 5% from its operating budget and has done so. No other department, he said, has been
88 asked to pay towards a debt service (e.g. the Fire Department, the Town Manager's office, etc.). Most
89 importantly to him, if the money was voted by taxpayers at Town Meeting to float a bond that would
90 be used to purchase open space, then the voters should have the opportunity to vote again as to
91 spending it in this specific fashion. D. Lievens added that the Open Space Protection Fund is a capital
92 fund, not an operating budget. G. Herrmann stated he believed that using the money to pay the
93 principal and interest on bonds is in keeping with expending the funds as they were intended.

94 G. Harrington suggested giving 5% of the Land Use Change Tax acquired in this past fiscal year
95 (FY11), or roughly \$3,400, to be used specifically to pay the principal and interest on Open Space
96 bonds. He noted that bond monies have been spent and what is currently in the Open Space
97 Protection Fund are LUCT monies. D. Lievens added that the amount collected to date (\$1.1 million)
98 has taken since 2006 to accumulate. Even LUCT funds that will be realized when Woodmont Commons
99 is developed will take years to accrue. G. Harrington stated that not only does the fund have the
100 potential to fluctuate greatly from year to year, it is also a declining fund since no more land is being
101 put into Current Use. M. Speltz added that the Open Space Task Force has recommended in its final
102 report that each year, an amount to be determined be taken from the LUCT funds each year (funded
103 preferentially) to offset the costs associated with the stewardship of conservation land in town.

104 Following further discussion, **G. Herrmann made a motion to expend an amount not to exceed**
105 **\$50,000 from the Open Space Protection Fund to pay debt service on Open Space bonds for FY13 as**
106 **well as authorize expending an amount not to exceed 5% of the Land Use Change Tax collected in**
107 **FY13 to be used to pay a part of the open space debt service in FY14. M. Considine seconded.**

108 **M. Speltz made a motion to amend G. Herrmann’s motion, adding that it be made subject to**
109 **approval at Town Meeting in March, 2012. G. Harrington seconded. The motion failed, 2-4-0.**

110 **D. Lievens called for a vote on the original motion. The motion was approved, 4-2-0.**
111



Londonderry Conservation Commission
Tuesday, July 12, 2011
Minutes
Page 4 of 4

112 CIP- Submissions for the Capital Improvement Plan are due July 22. **M. Speltz made a motion to**
113 **submit a CIP request that follows the bond funding outlined of the draft Open Space Task Force**
114 **report, which calls for a bond in FY14. G. Harrington seconded. The motion was approved, 6-0-0.**
115

116 June 28, 2011 minutes- **G. Herrmann made a motion to approve the minutes of the June 28, 2011**
117 **public session as written. G. Harrington seconded. The motion was approved, 6-0-0.**
118

119 Thibeault wetland complaint- DES recently provided the LCC with a copy of a letter sent to Ernie
120 Thibeault, owner of map 17, lot 19, about possible wetland violations on that property (see May 24,
121 2011 minutes). A complaint filed with DES alleges that jurisdictional wetlands have been filled without
122 proper authorization from the State. D. Lievens relayed that a follow up letter from DES states that E.
123 Thibeault is in compliance and that "no violations have occurred within the jurisdictional area."
124

125 **G. Harrington made a motion to go into Non-Public Session per RSA 91-A:3 for the purpose of**
126 **discussing possible land acquisition per RSA 91-A:3. G. Herrmann seconded.**
127

128 **Roll call vote: Aye, George Herrmann, Aye, Gene Harrington; Aye, Ben LaBrecque; Aye, Mike**
129 **Considine; Aye, Mike Speltz; Aye, Deb Lievens**
130

131 **G. Harrington made a motion to go out of Non-Public Session. G. Herrmann seconded. The motion**
132 **was approved, 6-0-0.**
133

134 **G. Harrington made a motion to seal the minutes of the Non-Public Session indefinitely. G.**
135 **Herrmann seconded. The motion was approved, 6-0-0.**
136

137 **G. Harrington made a motion to adjourn the meeting. G. Herrmann seconded. The motion was**
138 **approved, 6-0-0. The meeting adjourned at 9:53.**
139

140 Respectfully submitted,
141

142
143
144 Jaye Trottier
145 Secretary