



Londonderry Conservation Commission

Tuesday, May 25, 2010

Minutes

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1 **Present: Deb Lievens, Gene Harrington, Mike Considine, Ken Henault, Paul Nickerson, Truda**  
2 **Bloom, Ben LaBrecque, Mark Oswald and Mike Speltz (late)**

3  
4 D. Lievens called the meeting to order at 7:30.

5  
6 Lorden property (16-38)- Eric Chinburg and Jared Trayer of Chinburg Builders were joined Wetland  
7 Scientist Mark West, engineer John Ring and Project Manager Dave Losey to present a conceptual  
8 conservation subdivision plan on map and lot 16-38. M. West explained that along with flagging and  
9 surveying the wetlands for the past month, presentations have been made to Frank Richardson of the  
10 Department of Environmental Services, Mark Kern of the Environmental Protection Agency, Paul  
11 Howard of the Army Corps of Engineers and NH Fish and Game Wildlife Biologist Mike Marchand  
12 (a/k/a "The Turtle Guy"). He will consult with them again after receiving comment from the LCC. The  
13 goal at this point is to receive the most input possible from all groups concerned in order to identify any  
14 potential issues now before moving beyond the conceptual stage. The overall objective is to create a  
15 development of affordable homes that maximizes the conservation of an area with substantial natural  
16 resources, while avoiding any conflicts with Town regulations that would require variances or waivers.  
17 Currently, the main obstacle is to rezone the half of the property currently Industrial-II to Agricultural-  
18 Residential, something for which the Planning Board has shown preliminary support.

19 M. West reviewed the most recent plan showing 134 half-acre lots on the 237+/- piece of land that  
20 would be serviced by Town water and sewer. Part of the negotiation to direct those services onto the site  
21 with western abutter Waste Management (16-60-3) includes deeding a six acre piece over to them (see  
22 attached plan). That part of 16-38 also abuts approximately 28 acres of land currently protected under  
23 conservation easement (the northeast portion of 16-81). To provide some history of the site, M. West  
24 identified where the industrial park to the southeast "plowed into the wetlands" when it was built,  
25 stopping when they ran into the larger wetland located on those aforementioned areas. He also pointed  
26 out a swale associated with development on the north side of Old Derry Road, which was actually built  
27 within a high value wetland on the northeast corner of the Lorden property. Large vernal pools, clusters  
28 of smaller vernal pools, open areas, high ridges, utility lines and the numerous drainage patterns of the  
29 wetlands were identified. An earlier plan had included 159 lots and approximately 12,000 square feet of  
30 wetland impact for a road crossing, but requests from the EPA and Corps of Engineers for more  
31 connectivity of wet areas and wildlife habitat resulted in this revision with 25 fewer lots.

32  
33 M. Speltz arrived during this first part of the presentation.

34  
35 M. West then presented a slide show, most of which depicted the 500 to 700-foot wide  
36 conservation swaths designed to establish connectivity. Pictures of the 32 and 89-acre areas included:

- 37 1. Possible areas of minor restoration;
- 38 2. A variety of wetlands (e.g. scrub/shrub, forested, etc.);
- 39 3. Numerous vernal pools;
- 40 4. A stream with a proposed 250-foot buffer
- 41 5. Wildlife habitat (including Blanding's turtles, beavers, moose, bullfrogs and Great Blue
- 42 Heron); and
- 43 6. Uplands that feature mature forests of oak, hickory, beech and pine managed over
- 44 time by the Lorden's timber cutting business.

45 Whereas the new conservation subdivision ordinance requires a development to include a minimum of  
46 40% open space, this plan reflects 50% open space and meets the subsequent requirement that 75% of the  
47 open areas be contiguous.



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48 E. Chinburg supplied an overview of the roughly 900 sf footprint energy efficient, affordable  
49 single-family homes he intends to build on narrow lots with approximately 85 feet of road frontage.  
50 Since the homes would typically be located on the front of the lots, the rear areas would remain open  
51 where they adjoin conserved areas. A discussion ensued about placing 50-foot no-cut zones along the  
52 backside of the lots. Other means of protection would not be available since the main wetland is not large  
53 enough to require a Conservation Overlay District buffer, nor is the anticipated amount of wetland  
54 impacts significant enough to necessitate mitigation by State standards. Town staff additionally advised  
55 that a variance to reduce the lots below the required half-acre size could be difficult to obtain. M. Speltz  
56 agreed that undue hardship might be hard to establish, but that a case could be made for the other points  
57 of law associated with a variance request. He added that such an appeal need not apply to all 134 lots but  
58 just to the more ecologically sensitive areas. Since granting a variance would better support enforcement  
59 capabilities and their efficiency in contrast to a no-cut zone, M. Speltz suggested the LCC could support  
60 such an application if brought before the Zoning Board. When E. Chinburg meets again with staff on  
61 May 27, he will revisit the possibility.

62 Aside from some potentially minor impacts related to a few driveways, the only wetland intrusion  
63 presently identified would occur at a road crossing and total 4,000 sf. A 100-foot vegetated buffer is  
64 planned (though not required) across the length of Old Derry Road. Detention ponds will need to be  
65 located somewhere within that vicinity, however, as it is the low point for the two internal road  
66 connections. Disturbance around roadways and impacts of swales will be minimized by the proposed  
67 closed drainage system. When M. Speltz inquired about restoration for those places in need, E. Chinburg  
68 stated his general philosophy is to try and repair smaller areas during construction wherever it is cost-  
69 effective to do so. P. Nickerson asked if the new owners would continue logging as the Lorden family did  
70 but E. Chinburg replied they would not.

71 D. Lievens inquired what would be done to protect turtles crossing the open section of road  
72 between units 54 and 55 where the two open spaces are separated. Both E. Chinburg and M. West  
73 expressed dissatisfaction over the effectiveness of box culverts commonly used for wildlife crossings.  
74 Instead, M. West suggested signage and/or speed bumps be placed along that 350-foot stretch and added  
75 that turtles will traverse the area only during certain times of the year. E. Chinburg explained that traffic  
76 should be limited along that particular segment since it will remain undeveloped and most owners would  
77 logically not use it to enter or leave the development. If it were not for Town engineering requirements, J.  
78 Ring noted, that connection would not even exist.

79 M. Speltz inquired as to the sustainability of the area's hydrography over the next 50 to 100 years.  
80 M. West replied that the drainage around vernal pools would need to be thought out in particular to avoid  
81 changing the very sensitive hydrology but that the protection of the uplands around those pools and the  
82 overall conservation plan will help retain the hydrography. J. Ring added that drainage will be designed  
83 to maintain the natural water flow and that pre and post development stormwater runoff rates will be  
84 matched as closely as possible. M. West said the intent is to "mimic the watershed." M. Speltz noted that  
85 the smaller homes and their driveways being closer to the street will help to minimize impervious surface.

86 D. Lievens remarked that this conceptual plan is a great improvement over the initial version she  
87 had seen several months ago. Given the fact that the LCC had tried over the years to find a means of  
88 conserving some if not all of that land, she said it was gratifying to see that development was taking place  
89 under the form of a conservation subdivision. P. Nickerson had attended the presentation to DES and the  
90 EPA and commented that the developer had made significant changes in response to their input. M.  
91 Speltz said he was impressed with the aspiration to stay within town ordinances as much as possible. If  
92 the aforementioned protection on the back of the lots were to be added and careful attention paid to the  
93 management of stormwater during the engineering phase, he believed the LCC would be able to support  
94 the project. The consensus of the other Commissioners was the same.



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95 DES, the EPA and NH Fish & Game will be consulted again in anticipation of applying for  
96 wetland permits and E. Chinburg et al. will return with the results within the next month.

97  
98 M. Oswald left the meeting.

99  
100 Aquatic Resource Mitigation Fund- M. Speltz reported that staff issues in the State Attorney General's  
101 office have temporarily delayed the presentation of the Town's ARM grant to the Governor's Council. D.  
102 Lievens asked if this would affect the Town by narrowing the time window for completion of the project.  
103 M. Speltz did not feel that would be the case and noted that the Town has documented its ability to meet  
104 its obligations in a timely fashion.

105  
106 Mack- D. Lievens and M. Speltz both received word that the appraiser will begin his work on map and  
107 lot 10-15 very shortly. Likewise, M. Speltz said that finalization of the deed language with The Natural  
108 Resources Conservation Service should occur soon.

109  
110 I-93 improvements- The LCC received a CD of the Supplementary Environmental Impact Statement for  
111 I-93 improvements. D. Lievens made it available to Commissioners.

112  
113 NH Tree Farm Program- D. Lievens provided information on the NH Tree Farm Program's "Landowner  
114 Education Series."

115  
116 Musquash Trails- M. Considine stated that the April 17 Trail Day was successful in rerouting the  
117 Hickory Hill trail out of various wet areas and connecting it to the power lines near the Litchfield border.  
118 If New England Power Company (a/k/a National Grid) someday allows access through their property, this  
119 trail can be further connected to the 139 acres of conserved land on lot 5-12.

120  
121 Musquash Field Day- Donations received at this year's Musquash Field Day yielded \$50 beyond the costs  
122 associated with the event. M. Considine suggested these funds could be put towards his recent purchase  
123 of nearly \$100 worth of rakes and paint for more trail work to be performed with Londonderry Trailways.  
124 He said he would make his \$50 a contribution to Trailways.

125 **K. Henault made a motion to apply the \$50 of donations received at Musquash Field Day to**  
126 **items used for trail work. G. Harrington seconded. The motion was approved, 7-0-0.**

127  
128 SPNHF annual meeting- The annual meeting of the Society for the Protection of New Hampshire Forests  
129 will be held at Camp Carpenter in Manchester on the Saturday after Labor Day. M. Speltz explained that  
130 the meeting itself takes place in the evening and traditionally, the day is used for trips to various  
131 conservation areas with which SPNHF has been involved. This year Londonderry has been chosen as one  
132 of the "road trip" destinations as an example of how SPNHF works with towns and other conservation  
133 groups to achieve their objectives. He asked for input from Commissioners and suggested the LCC co-  
134 sponsor the event. A member could then volunteer their assistance as an informational guide.

135  
136 DRC- Wire Belt site plan, 28-31-30:

137 Comments:

138 Purposes on plan do not explain changes in drainage structure, therefore we cannot  
139 comment. Printing issues? Notes missing?

140



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141 May 11, 2010 minutes- The following addition was suggested by M. Speltz in order to have the minutes  
142 fully reflect the input offered by the LCC to those who were seeking the use of Open Space funds to  
143 purchase four lots on Brookview Drive that are repeatedly flooded:

144 (Lines 42-46 of the amended minutes): "M. Speltz also identified three ways in which the  
145 LCC might be able to assist the Brookview residents: 1) Purchasing the land, but not the structures,  
146 affected by the flooding (although he cautioned the flooding will have decreased its value); 2) Providing  
147 "match" value, based on the Estey project, to meet agency match funding requirements; and 3) As a  
148 resource for identifying related conservation funding grant opportunities."

149 **T. Bloom made a motion to approve the minutes of the April 13, 2010 public session as**  
150 **amended. P. Nickerson seconded. The motion was approved, 5-0-2 with M. Considine and K.**  
151 **Henault abstaining as they had not attended the meeting.**  
152

153 Open Space survey- When the Town Council recently announced their goals for the year, they included  
154 charging a committee to review and reassess the 2006 Open Space Taskforce report. M. Speltz presented  
155 the LCC with a draft of an Open Space Taskforce "Committee Charge" he had offered to create on behalf  
156 of the Council. His focus was on determining the wants and needs of residents in order to address the  
157 Council's main concern of future costs associated with the Open Space Plan. Not only is the work of  
158 taskforce an opportunity to educate the public on the values of open space, he stated it is also a chance to  
159 gain their input on the sites in town most important to them. He will next ask Town Council Liaison Tom  
160 Dolan for his opinions. If he approves, M. Speltz will ask that it be scheduled on an upcoming Town  
161 Council agenda.

162 M. Speltz also sought advisement from the Director of Conservation Planning at the Society for  
163 the Protection of New Hampshire Forests. His response was fourfold (the last three of which pertain to  
164 "the town's needs for natural services" under the document's "Scope of Work"):

- 165 1) Consider land beyond the town's boundaries in order to connect to abutting  
166 open space of other towns;  
167 2) Instead of identifying "outdoor recreation," include "remote recreation  
168 experience," meaning open space activity beyond those that are solely sports  
169 related (although M. Speltz felt places such as ball fields should still be included  
170 as they involve pervious surfaces);  
171 3) Add "connectivity" to the need for "animal habitat" (something on which  
172 the Director has information he has offered to share with M. Speltz); and  
173 4) Specify "drinking water supply" under "water quality," which M. Speltz noted  
174 is especially important in a town like Londonderry that lacks significant aquifers.

175 M. Speltz will consider incorporating some of these suggestions. The consensus of the LCC was  
176 for M. Speltz to proceed and then confer with the Town Council liaison.

177 To maintain a high level of representation from volunteer members of the taskforce, he suggested  
178 having the meeting schedule in place before soliciting assistance. He also proposed coordinating  
179 subcommittees around the core membership that would focus on specific resources (e.g. water, recreation,  
180 scenery) so those members would only have to attend meetings pertaining to their specialty. Finding  
181 expertise amongst residents and/or those in state agencies would be very beneficial.  
182

183 **P. Nickerson made a motion to go into Non-Public Session per RSA 91-A:3 for the purpose of**  
184 **discussing the potential release of portions of non-public minutes regarding possible land**  
185 **acquisitions. K. Henault seconded.**  
186



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187 **Roll call vote: Aye, Gene Harrington; Aye, Mike Considine; Aye, Paul Nickerson; Aye, Truda**  
188 **Bloom; Aye, Ken Henault; Aye, Ben LaBrecque; Aye, Deb Lievens; Mike Speltz present.**

189  
190 **P. Nickerson made a motion to go out of Non-Public Session. G. Harrington seconded. The motion**  
191 **was approved, 7-0-0.**

192  
193 **G. Harrington made a motion to seal the minutes of the Non-Public Session indefinitely. T. Bloom**  
194 **seconded. The motion was approved, 7-0-0.**

195  
196 **G. Harrington made a motion to approve the corrections to the minutes of the non-public session of**  
197 **June 9, 2009 as was presented during this non-public session. T. Bloom seconded. The motion was**  
198 **approved, 7-0-0.**

199  
200 **D. Lievens entertained a motion to unseal the non-public minutes of the Londonderry Conservation**  
201 **Commission for the years 2002, 2003, 2005 (January 11, February 22, June 14, July 12 and**  
202 **November 22 only) and 2009 (excluding April 14), except for those parts redacted because they**  
203 **involve personal information, negotiation methods and/or potential or ongoing transaction. G.**  
204 **Harrington so moved. K. Henault seconded. The motion was approved, 7-0-0.**

205  
206 Non-public minutes- The LCC will continue the annual review of its non-public minutes at the June 8  
207 meeting with the evaluation of years 2004, the remainder of 2005, 2006-2008 and the remainder of 2009,  
208 time permitting.

209  
210 American Chestnut- At the April 13 meeting, P. Nickerson relayed an offer from a friend to present a  
211 slide show on the rebirth of the American Chestnut tree. G. Harrington asked if that offer was still  
212 available. P. Nickerson replied his recollection was that the LCC wanted to determine first whether there  
213 would be public interest beyond them and if so, where the event could be held. Since that meeting, the  
214 topic has not been revisited and P. Nickerson did not attend the April 27 meeting. D. Lievens suggested  
215 waiting until the fall and in the meantime will look into the availability of the Moose Hill Council  
216 Chambers or other venues.

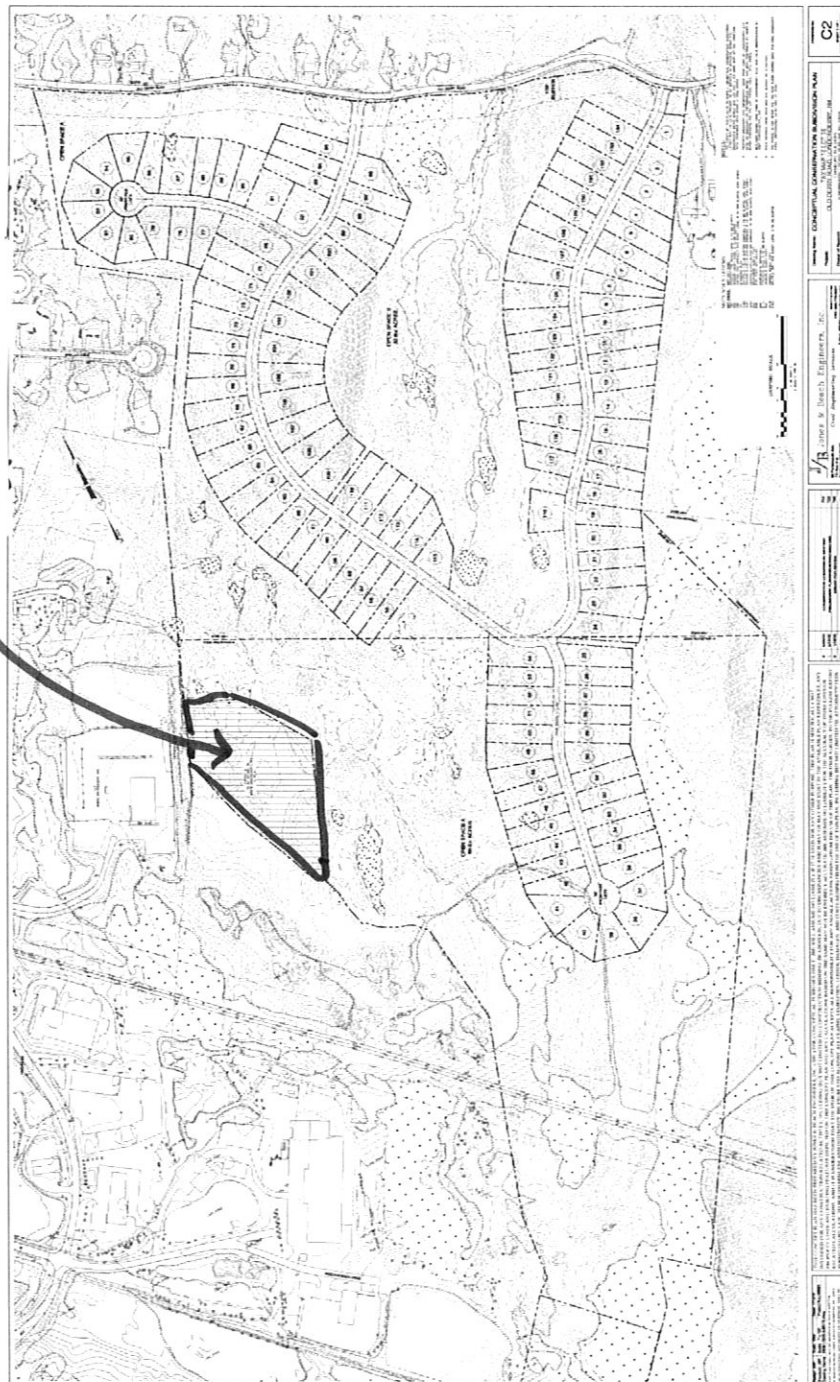
217  
218 The meeting adjourned at 9:45.

219  
220 Respectfully submitted,

221  
222  
223  
224 Jaye Trottier  
225 Secretary



Six acres  
Proposed to be  
dedeed to  
Waste Management





Culvert crossing Wetland B1





Wetland B



Pool B-1



Wetland K



Pool B-2



Pool B3



Pool F



Blandings turtle in Pool F



Upland buffer near F





Pool G



Swamp white oak in Pool G



Wetland I north



Crossing at Wetland I north



Pool T2



Wetland crossing in Wetland T



Wetland pool south of T-3



Stream in Wetland T





Pool M



Blandings turtle in Pool N



Pool Q



Pool P



Pool U1



Pool U2



Vernal pool in Wetland V



Upland habitat around Wetland V





Mouth of stream in upper Wetland Z



Wetland Z



Wetland Z



Wetland Y2



Wetland Y1



Dam at Wetland X2 left and X4 right



Beaver lodge in Wetland X1



Wetland X – 3 Blandings turtles Ad / 1 Blandings turtle J?





Pink star in Wetland I south



Wetland I south



Wetland X3



Wetland X4 – front / Wetland X2 - background



Wetland X2



Fill in Wetland X2



Fill in Wetland X2



Vernal pool at Wetland Y2





Upland habitat in south end



Wetland X2 from industrial building



Treatment swale in Wetland X2