



Londonderry Conservation Commission
Tuesday, December 14, 2010
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1 Present: Deb Lievens, Gene Harrington, Mike Considine, Ken Henault, Ben LaBrecque, Mike Speltz, and
2 Mark Oswald

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

6
7 Tarrytown easement- This easement, which covers approximately 3.2 acres of the south/southwest
8 portion of map and lot 6-31, has been signed by the Town Council (see November 23, 2010 minutes) and
9 can now be recorded at the Registry of Deeds. To cover the cost of recording fees and associated postage,
10 **M. Speltz made a motion to expend from the line item budget an amount not to exceed \$200 for the**
11 **recordation of the Tarrytown Real Estate Holdings easement on map and lot 6-31. K. Henault seconded.**
12 **The motion was approved, 7-0-0.**

13
14 Potential easement acquisition- D. Lievens reported that McManus and Nault Appraisal Company, Inc.
15 should be providing a report in early January for a potential conservation easement discussed during the
16 August 24 non-public session (see October 12, 2010 minutes). M. Speltz walked the property recently and
17 reported it was worthy of protection.

18
19 National Grid- National Grid (a/k/a New England Power Company) is reportedly selling their distribution
20 business in New Hampshire to another utility company. The land they own in Londonderry on map and lot
21 8-17 has been of interest to the LCC for several years as a possible connection between the Musquash and
22 land conserved on lot 5-12 in 2006 (the George property). Attempts to secure at least a trail easement
23 across some portion of the 56-acre property did not progress past the discussion phase with National Grid,
24 so it is hoped that the new ownership will bring new opportunities.

25
26 Monitoring- The next five topics pertain to monitoring efforts of the LCC:

27
28 Field files- **D. Lievens entertained a motion to authorize the Chair to expend an amount not to**
29 **exceed \$21.30 from the line item budget for the cost of 25 project jackets to be used for fieldwork**
30 **associated with monitoring efforts. G. Harrington so moved. K. Henault seconded. The motion was**
31 **approved, 7-0-0.**

32 DES mitigation properties- The NH Department of Environmental Services sent a letter to the LCC
33 explaining that they have instituted a new monitoring system for land acquired for mitigation in association
34 with Dredge and Fill permits. They have requested that the Town annually monitor 38.9 acres off
35 Alexander Road, 25 acres near Independence Drive, and 16.6 acres near Rockingham Road. It was unclear
36 what parcels are actually being referred to (with the exception of the Independence Drive piece, which was
37 assumed to be the Kamco easement), so D. Lievens will contact DES for clarification.

38 Sunnycrest and Moose Hill monitoring reports- The Natural Resources Conservation Service
39 informed the LCC that monitoring reports for Phase I of the Sunnycrest easements are missing from their
40 records for the years 2003-2004 and 2007-2009. They also do not have reports for Phase I and III of the
41 Moose Hill easements from 2000-2003 and 2009. D. Lievens explained to NRCS that the LCC did not
42 receive notification from the U.S. Department of Agriculture until late 2004 that they were responsible for
43 those duties. Requests for any reports prior to that, she informed them, should be directed to the Town



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44 Planners. Since 2004, monitoring has been performed on all the easements in question and reports
45 supplied by either the LCC or the Rockingham County Conservation District with one exception. Phase I of
46 Sunnycrest was overlooked in 2009 because of an apparent miscommunication between the LCC and RCCD.
47 RCCD informed D. Lievens that they would be able to submit a report to NRCS based on their familiarity
48 with the piece and aerial photography that was taken of the area last year.

49 Plummer (8-1)- At the November 23 meeting, D. Lievens informed Commissioners about a violation
50 on the Plummer easement (map and lot 8-1) behind 5 Chandler Drive where a fire pit was arranged, fenced
51 in, and decorated with lights. Additionally, an ice rink has been constructed at the back of 3 Chandler
52 Drive, although it needs to be verified whether it actually infringes on the easement. She contacted the
53 son-in-law of the owner of 8-1 who manages the property and subsequently investigated the issues. The
54 owners will be hiring Eric Mitchell & Associates, who have performed survey work associated with that
55 easement in the past, to mark and blaze the boundary. They will also be asking the owners of 5 Chandler
56 Drive to remove the items within the bounds of the easement and will do the same with the owners of 3
57 Chandler Drive if the survey work shows their ice rink is infringing as well.

58 Letters to property owners- Prior to the meeting, D. Lievens and M. Speltz reviewed draft letters
59 prepared by staff regarding the two site walks M. Speltz did recently on the Hannaford and Jake Road
60 easements (see November 23, 2010 minutes). It was decided that they would be sent to those respective
61 owners and can be used as templates for further letters to be sent regarding any issues discovered during
62 monitoring efforts.

63
64 Aquatic Resource Mitigation Fund- Gove Environmental Services has been working on wetlands delineation
65 on map and lot 6-113 as the initial phase of the wetlands restoration project taking place there. The Town
66 was awarded grant funds from the DES Aquatic Resource Mitigation Fund in 2009 and the project received
67 approval from the Governor's Council earlier this year. Gove Environmental submitted an invoice of
68 \$2,300+ for the work done so far as part of their request to receive incremental payments. DES would
69 prefer to pay Gove in a lump sum after their work is completed. The original quote from Gove for the
70 entire scope of their work was \$6,000. The consensus of the LCC was that since Gove's work may not be
71 concluded until spring of 2011, they should not have to wait until then to receive payment. M. Speltz
72 suggested asking the Town Finance Director if Gove can be paid through the Town's General Fund, which
73 would then be reimbursed by DES. In the event that is not possible, **K. Henault made a motion to**
74 **authorize the Chair to make installment payments to Gove Environmental Services, Inc. from the**
75 **Conservation Fund up to an amount not to exceed \$6,000 for work done on map and lot 6-113 involving**
76 **wetlands restoration associated with the Aquatic Resource Mitigation Fund grant, to be reimbursed to**
77 **the Conservation Fund by the Department of Environmental Services. G. Harrington seconded. The**
78 **motion was approved, 7-0-0.**

79
80 Conservation Boundary Markers/Code Enforcement- It was recently brought to the attention of Town staff
81 that the contact number identified on the Town's Conservation Boundary Markers is not connected to a
82 current staff position. Extension 125 was previously that of the Code Enforcement Officer, however, that
83 position was vacated at the end of FY 08/09. The extension was then reassigned to a temporary intern
84 position in the Planning Department which is now also vacant. The consensus was to ask the appropriate
85 channels to have extension 125 rerouted to the Building Department since code enforcement is now the
86 responsibility of the Building Inspectors.



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88 Open Space Fund- At the December 13, 2010 Town Council/Budget Committee workshop, resident Tom
89 Freda asked the Council if money could be moved from the Open Space Fund to the General Fund in order
90 to defray some of the cost cutting measures proposed for the FY 10/11 budget. M. Oswald relayed the
91 Town Manager's response to the LCC that monies appropriated by the voters at Town Meeting cannot
92 legally be redirected to another purpose without some further action taken at another Town Meeting. He
93 would confer with Town Counsel to obtain a definitive answer. G. Harrington believed that under State
94 RSA, once any money is placed into any Conservation fund, be it bond money or monies collected from the
95 Land Use Change Tax, it cannot be used for anything other than conservation purposes, even by the
96 Conservation Commission. M. Speltz added that those sources are comingled into the O.S. Fund, making it
97 more complicated if an attempt was made to rescind an original Town Meeting vote for a specific bond or
98 portion of the LUCT. D. Lievens also noted the intent of the Land Use Change Tax was to offset the effects
99 of development.

100

101 Trail work/Musquash trails- M. Considine reviewed the amount of work done in the Musquash regarding
102 new and rerouted trails. He reported that the Boy Scout sponsored by Londonderry Trailways who has
103 been installing posts at every intersection as part of a new directional system is over half way through his
104 work. The updated maps should be ready in the next month or two to affix on sheet metal and mounted
105 on each post. M. Speltz asked M. Considine to consider preparing a report of all accomplishments in the
106 Musquash to present to the Town Council and/or on the local access channel with M. Oswald. When M.
107 Considine inquired about the possibility of extending trails from the Musquash onto other conservation
108 land to the north not owned or protected by the Town, D. Lievens encouraged him to investigate the
109 possibility with those owners. After further discussion of conservation land even further north in
110 Londonderry, D. Lievens asked that a subcommittee of the LCC be formed to pursue the efforts.

111

112 Musquash map- Copies of the updated Musquash map (noted above) should be available for Musquash
113 Field Day on February 12, 2011. M. Considine said that the reverse side of the map will feature trails on
114 Moose Hill Orchard easements and School property.

115

116 November 23, 2010 minutes- The following corrections were suggested for the minutes of the November
117 23, 2010- public session:

118

119 1. Lines 25-27; Replace "D. Lievens contacted the property manager of 8-1, Doug Johnson, so that
120 he can speak to the owners of 5 Chandler and have the materials removed" with "D. Lievens
121 contacted the son-in-law of the owner of 8-1, Doug Johnson, who manages the property, so that he
122 can speak to the owners of 5 Chandler and have the materials removed." (D. Lievens)

123

124 2. Lines 46-47: Add the following in red: "The following excerpts from LCC minutes outline the
125 **most recent developments in the ongoing** history of the tree-cutting project in the Town Forest
126 which began in 2007." (D. Lievens)

125

126 3. Line 93; Add the following in red: "M. Oswald **reported to the chair that he** will contact Heritage
127 Commission Chair Art Rugg in the very near future to discuss the issue." (D. Lievens)

127

128 4. Lines 113-116; Replace "While the CIP Committee and Planning Board have not approved a
129 higher priority for Open Space, residents have not been able to show their preference since the
Town Council has not approved an O. S. bond being placed on the Town warrant for



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130 the past several years,” to “Because the CIP Committee and Planning Board have not approved a
131 higher priority for Open Space, the Town Council has not approved an O. S. bond being placed on
132 the Town warrant for the past several years. Thus, residents have not been able to show their
133 preference.” (M. Speltz)

134 **M. Speltz made a motion to approve the minutes of the November 27, 2010 public session as**
135 **corrected. G. Harrington seconded. The motion was approved, 5-0-2 with M. Considine and M. Oswald**
136 **abstaining as they had not attended the meeting.**

137
138 New England Cottontail habitat- M. Speltz stated he had attended a meeting on this subject which has been
139 brought before the LCC in the past, as recently as September 14 of this year. He reported that the Wildlife
140 Program at the UNH Cooperative Extension is making headway in their efforts to reestablish a viable
141 population of this species. One of the only four known habitat locations in the State is at the Stonyfield
142 Farm facility on Burton Drive. A winter feeding program is planned for all four locations, perhaps beginning
143 this winter, and will be run by State Fish and Game. A steady food source would be provided within the
144 dense, shrubby vegetation the rabbits depend on for survival so that they may avoid exposure to predators.
145 The intent is to give the rabbits several years of this protection within their habitat to increase their
146 numbers to a more stable population.

147
148 Town Forest/Town Common- At the November 23, 2010 meeting, the LCC discussed the request of the
149 Heritage Commission to restore the area within the Town Forest that was recently cut to provide a picnic
150 area for the Town Common. What had been specified as the location for the “picnic area” in the
151 Certificate of Approval issued to the LCC by the Heritage Commission in May 2008 was not what was
152 agreed upon when M. Oswald performed the final site walk with John Dahlfred of the Heritage Commission
153 in August of this year. J. Dahlfred passed away shortly afterwards but had not conveyed in writing to the
154 Heritage Commission what was decided during that site walk. Both M. Oswald and M. Speltz have spoken
155 with Art Rugg, Chairman of the Heritage Commission, and have come to the understanding that there was
156 an unfortunate lack of communication and formal amendment to the documents involved. M. Oswald will
157 go before the Heritage Commission at their January 27 meeting to discuss the issue and determine what, if
158 any remedies, they would like to pursue.

159
160 December 28 meeting- The December 28, 2010 meeting has been cancelled. In the event that any issues
161 arise requiring immediate attention before the next meeting on January 11, 2011, G. Harrington offered to
162 be available to attend to them. M. Considine volunteered to assist him. **M. Speltz made a motion to**
163 **authorize G. Harrington, along with M. Considine, to attend to issues requiring immediate attention**
164 **before the January 11, 2011 meeting on behalf of the LCC. M. Considine seconded. The motion was**
165 **approved, 7-0-0.** If any Dredge and Fill applications need attention before that time, G. Harrington has the
166 authority to write a letter of intervention to DES as Vice Chair of the LCC.

167
168 Membership- Mark Oswald previously informed D. Lievens that he would be stepping down as an LCC
169 alternate at the end of the year when his term expired. He has since learned that his term does not expire
170 until December 31, 2011, and will remain for at least the near future.

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172 G. Harrington made a motion to adjourn the meeting. K. Henault seconded. The motion was approved, 7-
173 0-0 and the meeting adjourned at approximately 8:45 PM.

174

175 Respectfully submitted,

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177

178

179 Jaye Trottier

180 Secretary