



Londonderry Conservation Commission

Tuesday, July 14, 2009

Minutes

Page 1 of 4

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

3  
4 **Also present: Brian Farmer, Town Council Liaison and Andy Mack, Sr.**

5  
6 Call to order; 7:33 P.M.

7  
8 D. Lievens appointed M. Oswald to vote for Ken Henault. She announced that M. Considine would be  
9 late and appointed M. Speltz to vote for him until he arrived. M. Considine arrived during the public  
10 hearing (see next item).

11  
12 Public hearing- The Londonderry Conservation Commission entered into a public hearing at 7:35 PM  
13 regarding the amendment of the Moose Hill easement project to be limited to the purchase of a  
14 conservation easement on parcel 10-15 (44 Pillsbury Road) owned by Moose Hill Orchards, contingent  
15 upon receipt of a federal Farm and Ranch Lands Protection Program grant. The public hearing was  
16 closed at 7:58 and **the LCC voted 6-0-1 (with D. Lievens abstaining) to recommend to the Town**  
17 **Council that the Town proceed with the acquisition of development rights on parcel 10-15 as**  
18 **outlined in the public hearing** (see separate Public Hearing minutes).

19  
20 Purple Loosestrife- D. Lievens reported that the first of two efforts scheduled for the removal of  
21 purple loosestrife in the Flax Field off Pillsbury Road was successful in cutting back on the invasive  
22 plant in the center section of the field. The hope, she said, is at least to slow the spread of loosestrife in  
23 that particular area because of the rare plants growing in that wetland (i.e. those on the State's  
24 endangered and threatened lists). A considerable amount remains and the advice of the New England  
25 Wildflower Society is to utilize the Galerucella beetles which exclusively eat loosestrife.

26 At the June 23 meeting, the LCC had voted to expend an amount not to exceed \$210 to  
27 purchase Galerucella beetles, including shipping and handling charges. D. Lievens has since learned  
28 that because of the necessary overnight shipping from New Jersey, the amount voted on will not  
29 suffice. **M. Speltz made a motion to authorize the Chair to expend an amount not to exceed \$100**  
30 **from the line item budget to defray the cost associated with the shipping and handling of the**  
31 **Galerucella beetles. G. Harrington seconded. The motion was approved, 7-0-0.**

32  
33 M. Oswald left the meeting. D. Lievens appointed M. Speltz to vote for K. Henault.

34  
35 CIP- The LCC reviewed the Capital Improvement Plan Worksheet and Submission Form prepared by  
36 M. Speltz requesting a placeholder of \$1 million for the ongoing protection of open space (see  
37 attached). He explained that this application is very similar to past submissions and stresses the need  
38 to preserve remaining open space from the ongoing threat of development. Obtaining \$1 million in  
39 Town funding would provide the opportunity to pursue matching federal grant funds for farmland  
40 protection. Although there is no specific project on the table at this time to use as a goal, one could  
41 still be added to the proposal if it were to arise between now and the finalization of the warrant for  
42 Town Meeting in March. M. Speltz noted that the LCC's consistent request of \$1 million per year  
43 over the course of the open space plan is in line with the overall intent of the CIP Committee itself,  
44 namely to avoid a spike in funds needed for capital improvements between the Town and School  
45 budgets combined.



Londonderry Conservation Commission

Tuesday, July 14, 2009

Minutes

Page 2 of 4

46 **G. Harrington made a motion to approve and submit the proposed Capital Improvement**  
47 **Worksheet and Submission Form. M. Considine seconded. The motion was approved, 7-0-0.**  
48

49 June 23, 2009 minutes- The following amendments were suggested to the June 23, 2009 minutes:

- 50 1. Line 25; removal of the words “a completely,” substituted with “an” (D. Lievens)
- 51 2. Line 33; addition of the words “as presented” after the words “approval of the CUP” (D.  
52 Lievens)
- 53 3. Line 97; correction of the word “preformed” to “performed” (G. Harrington)
- 54 4. Line 100; removal of the word “not” (G. Harrington)
- 55 5. Line 100-101; removal of the sentence “The consensus was that no mitigation would be  
56 required,” substituted with the sentence “The consensus was that there should not be a  
57 problem altering the wetland but that mitigation may be required (G. Harrington)
- 58 6. Lines 107 and 108; correction of the name “Matt” to “Russell” (two occasions) (M.  
59 Considine)

60 **G. Harrington made a motion to accept the suggested amendments. P. Nickerson**  
61 **seconded. The motion was approved, 6-0-1 (T. Bloom abstained as she had not attended the**  
62 **meeting).**

63 **P. Nickerson made a motion to accept the minutes of the June 23, 2009 public session as**  
64 **amended. B. LaBrecque seconded. The motion was approved, 6-0-1 with T. Bloom abstaining.**  
65

66 SB 381- Under the new law created this year by NH Senate bill 381, conservation commissions in NH  
67 are allowed to expend funds via a land trust or another “qualified organization” to either purchase land  
68 in their own towns or in other towns without having to retain any executory interest in the property.  
69 Each individual commission would need the town to adopt the provisions of RSA 36-A:4-a, I(b). If  
70 passed, a conservation commission would still need approval from the governing body to expend funds  
71 on projects *outside of their town*, but would no longer need such permission to contribute funds to  
72 qualified organizations for projects *within their municipal boundaries*. The Town Attorney has  
73 advised that, in Londonderry, the Town Council has the authority to adopt the provisions of RSA 36-  
74 A:4-A, I(b).

75 The LCC has discussed this topic several times since the fall of 2008, mainly in pursuit of a  
76 way to modify the language to ensure that the Town Council would always retain the final approval of  
77 any land transaction. The Town’s Attorney has stated that the language of the RSA cannot be  
78 changed. M. Speltz had previously suggested adding language to the LCC’s procedures or developing  
79 a letter of agreement with the Council. Since B. Farmer was present, he was asked for his input. He  
80 agreed the Council would want to maintain ultimate approval on any land acquisition and encouraged  
81 M. Speltz to ask Town Counsel about the legality of creating such an agreement.  
82

83 Cemeteries- Trustee of the Trust Fund Bob Saur asked to be heard regarding the long-range need for  
84 cemetery space. If the LCC is presented with smaller parcels of land (5 acres or less) that they feel do  
85 not fit the Open Space Plan objectives, he requested that they contact the Trustees to see if it would  
86 fulfill their needs. M. Speltz suggested the further possibility of combining forces (including funding)  
87 in a situation where, for example, the LCC can obtain a 20-acre piece and several acres could be  
88 subdivided out for cemetery purposes.  
89

90 Colby-Litchfield- The process for accepting the Colby-Litchfield lot (8-22) as mitigation for the Elliot  
91 Health Systems project on map and lot 6-31 has changed. Although already accepted by the Town



Londonderry Conservation Commission

Tuesday, July 14, 2009

Minutes

Page 3 of 4

92 Council as a gift of land, the more appropriate and less complicated procedure will be for the LCC to  
93 accept the actual monies into the Conservation Fund from Elliot Health Systems and then expend that  
94 amount to purchase the property from Colby Litchfield LLC. Elliot Health Systems will effectively be  
95 assigning their right to make the purchase to the Town. D. Lievens asked if Elliot would also be  
96 paying for the associated closing costs. M. Speltz recommended having the Town Attorney amend the  
97 closing statement to reflect that.

98 A public hearing will be required to initiate the process. **D. Lievens entertained a motion**  
99 **that the LCC hold a public hearing on Tuesday, July 28, 2009 at 7:30 PM in the Sunnycrest**  
100 **Conference Room at the Town Offices regarding the amendment of the recommendation**  
101 **adopted on December 9, 2008, to accept 36 acres of land (map 8, lot 22) from Elliot Health**  
102 **Systems to be changed to accepting the assignment of a right to purchase along with funds equal**  
103 **to the purchase price and to purchase said parcel subject to conservation restrictions. G.**  
104 **Harrington so moved. M. Speltz seconded. The motion was approved, 7-0-0.**  
105

106 Mosquito control sites- G. Harrington asked B. Farmer if the company contracted to spray for  
107 mosquitoes in Londonderry could offer a map of the sites they investigate so it could be added to the  
108 LCC's natural resource inventory. B. Farmer suggested contacting the Town's GIS Coordinator as he  
109 believed a map of the monitoring locations had been previously generated.  
110

111 Air monitoring station- The Department of Environmental Services has obtained permission to place  
112 an air monitoring station on the land occupied by the Moose Hill Kindergarten. D. Lievens expressed  
113 concern over information she heard that it might be placed in the Flax Field wetland. Alec O'Meara,  
114 present to cover the meeting for the Union Leader, said the area staked out for the project is next to the  
115 parking lot, opposite the Flax Field.  
116

117 B. Farmer left the meeting.  
118

119 Non-public minutes- D. Lievens reported that a request has been made to release the non-public  
120 minutes of the May 26, 2009 and June 9, 2009 meetings. After reviewing them, the Town Attorney  
121 gave his opinion that based on the specific information contained in those two sets of minutes, portions  
122 could be made public record if the LCC chose to do so.

123 **G. Harrington made a motion to go into Non-Public Session for the purpose of discussing**  
124 **non-public minutes related to possible land acquisition per RSA 91-A:3. B. LaBrecque seconded.**  
125

126 **Roll call vote: Aye, Truda Bloom; Aye, Paul Nickerson; Aye, Mike Speltz; Aye, Mike Considine;**  
127 **Aye, Gene Harrington; Aye, Ben LaBrecque; Aye, Deb Lievens.**  
128

129 **G. Harrington made a motion to go out of Non-Public Session. P. Nickerson seconded. The**  
130 **motion was approved, 7-0-0.**  
131

132 **G. Harrington made a motion to seal the minutes of the Non-Public Session indefinitely. P.**  
133 **Nickerson seconded. The motion was approved, 7-0-0.**  
134

135 **T. Bloom made a motion for the purposes of discussion to release redacted minutes of the May**  
136 **26, 2009 and June 9, 2009 non-public sessions. G. Harrington seconded for the purposes of**  
137 **discussion. G. Harrington stated that none of the issues discussed at either the May 26, 2009 non-**



Londonderry Conservation Commission

Tuesday, July 14, 2009

Minutes

Page 4 of 4

138 public session or the June 9, 2009 non-public session have been completed and therefore they should  
139 not be released because the Conservation Commission's policy regarding the release of non-public  
140 minutes states that such minutes will not be released if they contain information regarding potential or  
141 ongoing transactions (see attached policy). **D. Lievens called for a vote on T. Bloom's motion. The**  
142 **motion to release the non-public minutes of May 26, 2009 and June 9, 2009 was denied, 0-7-0.**  
143

144 **G. Harrington made a motion to adjourn the meeting at 9:15 PM. T. Bloom seconded. The**  
145 **motion was approved, 7-0-0.**

146  
147 Respectfully submitted,

148  
149  
150 Jaye Trottier  
151 Secretary





**Londonderry Capital Improvement Plan  
Capital Project Worksheet & Submission Form**



<b>Department:</b> Conservation Commission	<b>Department Priority:</b> _1_ of _1_ projects
<b>Type of Project:</b> (check one)	<b>Primary Effect of Project is to:</b> <input type="checkbox"/> Replace or repair existing facilities or equipment <input type="checkbox"/> Improve quality of existing facilities or equipment <input checked="" type="checkbox"/> Expand capacity of existing service level/facility <input type="checkbox"/> Provide new facility or service capacity
<b>Service Area of Project:</b> (check one)	<input type="checkbox"/> Region <input checked="" type="checkbox"/> Town-wide <input type="checkbox"/> School District <input type="checkbox"/> Neighborhood <input type="checkbox"/> Town Center <input type="checkbox"/> Street <input type="checkbox"/> Other Area
<b>Project Description:</b> This project implements the Master Plan direction to protect open space. The capital funds requested will be used to acquire conservations easements or fee simple ownership of open space lands identified in the 2006 Londonderry Open Space plan. Near term objective is the protection of specific parcels that are key to the town's natural resource-based economic sector and most competitive for significant grant funding. The Commission recommends a \$1,000,000 project in FY11, followed by a level \$1,000,000 per year effort over the remaining four plan years.	
<b>Rationale for Project:</b> (check those that apply, elaborate below)	<input type="checkbox"/> Urgent Need <input type="checkbox"/> Removes imminent threat to public health or safety <input type="checkbox"/> Alleviates substandard conditions or deficiencies <input type="checkbox"/> Responds to federal or state requirement to implement <input checked="" type="checkbox"/> Improves the quality of existing services <input checked="" type="checkbox"/> Provides added capacity to serve growth <input checked="" type="checkbox"/> Reduces long term operating costs <input checked="" type="checkbox"/> Provides incentive to economic development <input checked="" type="checkbox"/> Eligible for matching funds available for a limited time
<b>Narrative Justification:</b> In order to maintain sufficient open spaces to serve the town's need for clean water, outdoor recreation, local food and fiber production, a scenic environment and other natural services, the town must resume its steady pace of open space protection, or see most remaining open space in town developed. Some of the highest ranked parcels in the Open Space Plan are now dedicated to agriculture. The commitment of \$1,000,000 in FY11 will give the Town the ability to provide match for an additional \$1,000,000 in federal Farmland Protection grant funding to respond to opportunities to conserve the town's remaining unprotected farmland, as such opportunities arise. Beyond this, opportunities to continue implementing the open space plan would be pursued and funded by the out-year funding. As the I-93 expansion and the airport access road near completion, the demand for additional residential development will make open space protection much more costly; therefore, the time to further open space protection is in the near term.	

<b>Cost Estimate:</b> (Itemize as Necessary)	<b>Capital Costs</b> Dollar Amount (In current \$)	<b>Impact on Operating &amp; Maint. Costs or Personnel Needs</b>  <input type="checkbox"/> Add Personnel <input type="checkbox"/> Increased O&M Costs <input type="checkbox"/> Reduce Personnel <input type="checkbox"/> Decreased O&M Costs  Dollar Cost of Impacts if known: + \$ <u>Negligible</u> Annually (-) \$_____ Annually
	\$_____ Planning/Feasibility Analysis	
	\$_____ Architecture & Engineering Fees	
	\$ <u>2,000,000</u> Real Estate aquisition	
	\$_____ Site preparation	
	\$_____ Construction	
	\$_____ Furnishings & equipment	
	\$_____ Vehicles & capital equipment	
	\$_____	
	\$_____	
<b>\$<u>2,000,000</u> Total Project Cost (FY11)</b>		

**Source of Funding:**

Grant From: <u>USDA NRCS</u>	\$ <u>1,000,000</u>	(50% match)
Loan From: _____	\$_____	(show type)
Donation/Bequest/private	\$_____	
User Fees & Charges	\$_____	
Capital Reserve Withdrawal	\$_____	
Impact Fee Account	\$_____	
Current Revenue	\$_____	
General Obligation Bond	\$ <u>1,000,000</u>	
Revenue Bond	\$_____	
Special Assessment	\$_____	
_____	\$_____	
_____	\$_____	
<b>Total Project Cost:</b>	<b>\$<u>2,000,000</u></b>	<b>(FY11)</b>

**Form Prepared By:**

Signature: \_\_\_\_\_

Title: Vice Chair

Dept./Agency: Conservation Commission

Date Prepared: July 14, 2009



Londonderry Capital Improvement Plan  
Capital Project Scoring Sheet



Department:	Project Name:
-------------	---------------

Evaluation Criteria

Point Score

• Addresses an emergency or public safety need	5 4 <u>3</u> 2 1 0
• Addresses a deficiency in service or facility	5 4 <u>3</u> 2 1 0
• Provides capacity needed to serve existing population or future growth	5 <u>4</u> 3 2 1 0
• Results in long-term cost savings	<u>5</u> 4 3 2 1 0
• Supports job development/increased tax base	5 <u>4</u> 3 2 1 0
• Furthers the goals of the 2004 Master Plan	<u>5</u> 4 3 2 1 0
• Leverages the non-property tax revenues	5 4 <u>3</u> 2 1 0
• Matching funds available for a limited time	5 <u>4</u> 3 2 1 0

Total Project Score: 31 of a possible 40 points

Rationale:

1. Enhances drinking water quality, reduces the severity of flooding and eases traffic congestion.
2. Provides public access to outdoor recreational lands in areas not now well served.
3. Maintains or improves upon current protected open space of .10 acres/resident as town population increases from 24,590 (2007 data from SNHPC) toward a goal of .23 acres/resident for 33,400 residents by 2025 (data from SNHPC).
4. Protected land prevents higher demand for town services
5. Makes Londonderry a desirable business location by promoting a livable community for location decision-makers seeking to live near their work. Despite demanding development standards, Londonderry continues to attract commerce and industry, due to its location and high quality of life. Open space is key to Londonderry's marketing effort.
6. Fulfills the mandate to expand the open space network.
7. Increases timber tax payments.
8. Grant makers require matching money to be in place at the time of a grant application, if the application is to be competitive. Match opportunities change year to year.



**Town of Londonderry**  
**Londonderry Conservation Commission**  
268B Mammoth Road Londonderry, NH 03053

**LONDONDERRY CONSERVATION COMMISSION**  
**POLICY REGARDING MINUTES OF NON PUBLIC SESSIONS**

The Londonderry Conservation Commission will perform an annual review of the minutes of non-public sessions to determine whether circumstances still warrant that they retain their non-public status.

Once a consensus is reached by a quorum of Conservation Commissioners, non-public minutes will be unsealed and made available to the public, excluding that information which 1) contains negotiating or analytical methods used by the Conservation Commission when discussing potential land acquisition, 2) contains information regarding potential or ongoing transactions or for any other reasons permitted by RSA 91-A:3.