



Londonderry Conservation Commission

Tuesday, September 8, 2009

Minutes

Page 1 of 4

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

3
4 Call to order; 7:33 P.M.

5
6 D. Lievens appointed M. Speltz to vote for Gene Harrington.

7
8 Estey- In preparation for the closing on the purchase of the Estey easement, it was determined that
9 creating recordable Mylar copies of the area to be excluded from the easement (i.e. several acres
10 around Tom's house and outbuildings) would be beneficial. D. Lievens ordered the Mylars since there
11 were funds remaining from the amount the LCC had vote to expend in April on the survey of the
12 excluded area.

13 The closing date has been set for September 22 at 8:00 AM. After speaking with Tom Estey
14 the afternoon of this meeting, D. Lievens said it is unclear whether all of the Esteys have read and
15 signed the baseline study. M. Speltz suggested sending one full copy along with a copy of the
16 summary itself and a cover letter stating that the summary needs to be signed by all parties and
17 returned. He stated that it seemed there was agreement amongst attorneys on both sides regarding the
18 Purchase and Sale Agreement as well as the easement. A signed copy of the LCC's letter authorizing
19 Harold and Tom to perform the forest management plan required by the terms of the easement was
20 faxed and mailed to the Town Attorney's office. D. Lievens verified with the paralegal working on the
21 closing that they are in receipt of the letter, although the Town Attorney is still including on his list of
22 items to resolve. She will follow up to verify they do have the letter.

23
24 K. Henault arrived.

25
26 Mack- D. Lievens reported that should any applications ahead of them be withdrawn, the LCC is now
27 first in line to receive Farm and Ranchland Protection Program grant funds. Failing that, the LCC
28 could try for the next round of funding without having to resubmit an application, although it is not
29 clear how far in the future that will be.

30 She also updated the LCC that the Town Council has decided a second vote on their part to
31 approve the Mack transaction will not be necessary. They did, however, express an interest in creating
32 more "transparency" to the open space acquisition process, including holding some of the discussions
33 in an open forum and on TV. D. Lievens noted that landowners will not want to discuss their financial
34 situations in anything but a nonpublic session to ensure their personal privacy. Actual decisions are
35 always finalized in public session and could be televised. She suggested the LCC form a
36 subcommittee to explain how and why negotiations are handled and make clear that confidential
37 meetings are for the protection of the landowner as well as the Town. K. Henault added that the public
38 has two opportunities to learn specifics and/or provide input at the two separate public hearings held
39 for each transaction. P. Nickerson noted a key misconception is that the LCC has the authority to
40 expend any funds when they are merely an advisory committee making recommendations to the Town
41 Council who will ultimately decide dispersal of any funds. M. Speltz suggested creating a document
42 for the Town website and local press that describes the process in laymen's terms. The consensus was
43 to do so and D. Lievens asked M. Speltz to undertake that project. He stated he would try to have it
44 ready in time for budget season.

45



Londonderry Conservation Commission

Tuesday, September 8, 2009

Minutes

Page 2 of 4

46 CIP- M. Speltz attended the Capital Improvement Plan meeting on August 27 and gave a PowerPoint
47 presentation on behalf of the LCC to provide the overall picture and benefits associated with long term
48 funding of open space. Afterwards, the Committee deliberated without public input on the scoring of
49 the various presentations, during which the LCC's scoring was revised. M. Speltz was therefore not
50 allowed to make any further comments on the subject. The result was the placement for Open Space
51 Protection in FY14-16 at \$1 million each year, whereas the LCC's request had been for \$2 million in
52 FY11 (including \$1 million in matching grant funds) and \$1 million each year after. Assuming that
53 funding did resume in FY14, it will have been eight years since any Town funds were bonded for open
54 space.

55 The Planning Board meets September 9 to discuss the recommendations of the CIP Committee.
56 M. Speltz is prepared to provide any input he can but is doubtful that much time will be allotted to any
57 group since it is a workshop and not a public session. He would at least like to remind the Planning
58 Board that the monies applied for by the LCC would not affect taxpayers until late in FY11 by which
59 time the economic situation may have changed for the better. The worst-case scenario at this point
60 would be for the LCC to re-present their argument during next year's CIP process.

61
62 Land Use Change Tax- In view of the above discussion regarding the funding of open space, D.
63 Lievens noted that a petition article is purportedly in the works to change the distribution of the Land
64 Use Change Tax funds, which the LCC currently receives. With the limited resources currently
65 available in the Open Space Fund and the aforementioned outlook of the CIP, the LCC's only financial
66 source would be from the LUCT. She therefore stressed the importance of communicating that fact to
67 the public. M. Speltz noted that over the past three years, the numbers of those voting against open
68 space bonds has stayed the same, which implies that those in favor of open space need to be proactive
69 in making sure they are better represented at Town Meeting.

70
71 TOL D+F- The Town recently submitted a Dredge and Fill application for replacement of a roadway
72 culvert on South Road. D. Lievens explained that the LCC already recommended approval of this to
73 the Department of Environmental Services who subsequently issued the permit in 2001, although the
74 Town was not able to fund the project before the permit lapsed. D. Lievens said that in view of their
75 prior approval and because no changes in the plan have occurred, she wrote to the Wetlands Board
76 reiterating the LCC's recommendation.

77
78 Musquash- M. Considine provided an update on Musquash trails. With the updates made to the
79 Londonderry Trailways website, he has received numerous offers from volunteers that have resulted in
80 a list of projects that are hoped to be completed by October. Londonderry Trailways will meet next
81 week to finalize a date for a 'trails day,' which will be either September 16 or the 23.

82 The new White Trail that starts from the end of 'Old' Alexander (i.e. the road stub between
83 map and lots 11-51 and 11-52) and loops back around has been completed except for the extension
84 leading to the cul de sac on Faucher Road. M. Speltz pointed out that the White Trail will help to
85 connect to the Granite Ridge easements further north and into the recently acquired Sales parcel (11-
86 21). This could be continued even further into the Cooper property (11-11) if the LCC can come to an
87 agreement with the homeowner's association of the West Yellowstone/Teton development about
88 putting a trail through their common land (11-20-98 and 99).

89
90 Aquatic Resource Mitigation Fund- D. Lievens received word that although the LCC was awarded
91 some grant monies from this DES fund, it will not be the entire amount for which they applied. DES



Londonderry Conservation Commission

Tuesday, September 8, 2009

Minutes

Page 3 of 4

92 would provide \$20,000 to the “investigation and preparation of a restoration plan that would result in
93 long term improvements to the site.” Once that investigation is complete, the LCC can use the
94 information to reapply for further funding to implement the plan. The LCC has a year to produce a
95 proposal and reapply.

96 D. Lievens read the following from the DES letter:

97 “The opportunity for restoration and invasive species elimination includes a
98 comprehensive review of the Nesenkeag headwaters site which will include a
99 detailed survey wetland delineation and an engineered plan and specifications
100 to address impaired functions and values and water quality issues. The final
101 restoration plans are likely to address the following but are not limited to
102 restoring hydrological conditions, grading to get historical topography,
103 controlled removal of invasives and riparian planting. Although under Town
104 ownership, no additional long-term protection measures such as a conservation
105 easement are proposed and there is a level of uncertainty as to what will result
106 in the hydrological plan if the plan, in fact, increases functions at that site.”

107 Adding a layer of protection would not be difficult, D. Lievens explained, through either the
108 Rockingham Land Trust or the Rockingham County Conservation District who holds the easements on
109 the abutting Sunnycrest parcels.

110 Following further discussion, **M. Speltz made a motion to authorize the Chair to solicit bids**
111 **from wetland scientists for the scope of work as proposed by DES. K. Henault seconded. The**
112 **motion was approved, 7-0-0.**

113
114 Town Forest- Charlie Moreno informed D. Lievens that he believes now is the best time to begin
115 marking the trees to be removed in the selective cut of the Town Forest and the expansion of the Town
116 Common area. He estimated the work will cost approximately \$750, which will be recouped from the
117 sale of the timber. He is unsure if anyone will be available to do the actual cut this fall but the paint
118 used to mark the trees should last until next year. **K. Henault made a motion to authorize the Chair**
119 **to expend an amount not to exceed \$850 from the Conservation Fund to mark the trees to be cut**
120 **in the Town Forest. M. Speltz seconded. The motion was approved, 7-0-0.**

121
122 DRC’s (3)- 1) El-Azem subdivision, 13-71-75

123 No comments

124
125 2) Bosch Thermotechnology site plan, 14-44-33

126 No comments

127
128 3) Coca-Cola site plan (parking reconfiguration), 15-98

129 No comments

130
131 Exit 5- D. Lievens offered to Commissioners a CD she received entitled “I-93 Improvements Salem to
132 Manchester Draft Supplemental Environmental Impact Statement.” M. Speltz said he would review it,
133 explaining that improvements at Exit 5 have apparently impacted several acres more of wetland than
134 was anticipated although no further mitigation has been provided. He will review this CD for any new
135 information and report back to the LCC.

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Londonderry Conservation Commission

Tuesday, September 8, 2009

Minutes

Page 4 of 4

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August 11, 2009 minutes-

K. Henault made a motion to approve the minutes of the August 11, 2009 public session as written. P. Nickerson seconded. The motion was approved, 4-0-3 with M. Speltz, M. Considine and T. Bloom abstaining, as they had not attended the meeting.

P. Nickerson made a motion to adjourn the meeting at 9:00 PM. T. Bloom seconded. The motion was approved, 7-0-0.

Respectfully submitted,

Jaye Trottier
Secretary