



Londonderry Conservation Commission

Tuesday, November 24, 2009

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1 **Present: Deb Lievens, Gene Harrington, Mike Considine, Ken Henault and M. Speltz**

2
3 Call to order; 7:30 P.M.

4
5 D. Lievens appointed M. Speltz to vote for Truda Bloom.

6
7 Paul lot line adjustment- As explained at the October 13 meeting, the objective of this lot line
8 adjustment is to shrink 11-89-1 from 3.3 acres down to 1.39 acres (i.e. the minimum lot size) and add
9 that acreage to lot 11-89. This would preserve the woods and a cemetery site south of the existing
10 house on 11-89-1. Once the Conservation Overlay District Buffer is triggered by the subdivision, the
11 100-foot buffer edge would run through the middle of those woods. Project engineer Tim Winings had
12 therefore asked the LCC to support a waiver from the Planning Board that would give him relief from
13 having to place conservation boundary markers in the middle of an area already intended for
14 preservation. The consensus of the LCC was that a waiver in that particular situation could be
15 supported but no formal vote was ever taken (see below).

16 At the same meeting, the LCC had discussed their understanding of the Conservation Overlay
17 District ordinance that once the COD buffer is applied, the grandfathered status of anything pertaining
18 to that lot ceases to exist. Not only could the existing yard to the west of the driveway and the smaller
19 strip on the eastern side no longer be maintained as turf, a variance would be needed to allow the
20 existing garage and paved driveway to remain within the buffer. The LCC's suggestion was that a 50-
21 foot reduction in the buffer would eliminate the need to try to enforce against such ambiguities as the
22 continued maintenance of the lawn areas. Considering the conservation minded goal of the owner, the
23 consensus was to support a variance request that would allow the applicant to "continue to use the land
24 northwest of the existing tree line as shown on the plan presented," provided the ZBA agree to restrict
25 "the portion to be added to map and lot 11-89 to...natural land cover."

26 M. Speltz reported that at their November 18 hearing, the ZBA concluded that a variance was
27 not needed. The Board accepted the Zoning Officer's interpretation that preexisting structures and
28 uses are allowed under Section 2.6.3.6 of the COD ordinance:

29
30 "2.6.3.6 Pre-Existing Residential Structures, Uses, and Lots 2.6.3.6.1
31 notwithstanding other provisions of this section, the construction of
32 additions and extensions to one and two family dwellings and accessory
33 residential uses shall be permitted within the CO District provided that:
34 2.6.3.6.1.1 The dwelling or residential use lawfully existed prior
35 to the adoption of this Section by the Town Council;
36 2.6.3.6.1.2 The proposed construction conforms to all other
37 applicable ordinances and regulations of the Town of Londonderry;
38 2.6.3.6.1.3 The dwelling or use continues in its present use.
39 2.6.3.6.2 Buildable residential lots, existing at the time of passage of
40 Section 2.6.3 by the Town council, shall be exempt from Section 2.6.3."
41

42 It was decided that a discussion between the Zoning Officer and the LCC would be warranted
43 to clarify the issues of subdivisions and pre-existing structures/uses in the CO District. M. Speltz
44 offered to contact the Zoning Officer.

45 Because the ZBA did not grant a reduction of the buffer, the initial discussion regarding the
46 waiver of the COD signage would now need to be clarified with regard to proposed lot 89-1. **M.**



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47 **Speltz made a motion that the LCC support the request to not require Conservation Overlay**
48 **District signage on lot 11-89 but that signage would still be required for proposed lot 89-1 as**
49 **shown on the plan. G. Harrington seconded. The motion was approved, 5-0-0.**
50

51 Falcon Road subdivision- In light of the ZBA's decision at their November 18 hearing regarding the
52 Paul subdivision (see above), the variance request made by the owner of proposed lot 1-71-22 to allow
53 a pre-existing shed to remain in the COD buffer was likewise made moot. The ZBA again agreed with
54 the Zoning Officer's interpretation that existing structures are allowed in the newly activated buffer and
55 therefore no variance would be needed.

56
57 Musquash bridges; reimbursement- **D. Lievens entertained a motion to reimburse M. Considine an**
58 **amount not to exceed \$210 from the line item budget for the LCC's share of bridge building**
59 **materials purchased for the Musquash Conservation Area.** (Londonderry Trailways will
60 reimburse him the remaining \$218.57). **G. Harrington so moved. K. Henault seconded. The**
61 **motion was approved, 5-0-0.**
62

63 Musquash kiosk- It was noticed at the recent Musquash Trail Day in October that the kiosk at the
64 Hickory Hill Road entrance is in need of repair. Resident Bob Saur offered to restore it and estimated
65 a cost of roughly \$40-50. Doing so would extend the life of the kiosk perhaps another ten years. **D.**
66 **Lievens entertained a motion to reimburse Bob Saur an amount not to exceed \$50 to fix the kiosk**
67 **at the Hickory Hill Road entrance to the Musquash. G. Harrington so moved. M. Speltz**
68 **seconded. The motion was approved, 5-0-0.**
69

70 Monitoring- The LCC recently discussed possibilities regarding the monitoring of easements that are
71 not reviewed on an annual basis. Depending on the availability of funds in the second half of the 09/10
72 fiscal year, D. Lievens stated that Chris Kane could be available to do a "stewardship visit." These
73 visits would not be as in-depth as those done on easements purchased with federal grant funds but
74 would reveal the existence of any issues or violations that need to be rectified.

75
76 Mack- D. Lievens updated Commissioners on the work being done to fulfill the requirements of the
77 Farm and Ranchland Protection Program grant to be used towards the purchase of a conservation
78 easement on map and lot 10-15.

79 A quote of \$4,200 has been received from Envirosense to complete a Phase I environmental
80 assessment regarding hazardous materials. In 2006, the LCC expended \$3,800 for an assessment of
81 map and lot 5-12 which had a history of some uses that were cause for concern. D. Lievens stated that
82 10-15 has only been farmed for apple and pumpkin crops over the last 20 years or so, during which
83 time only the more currently approved herbicides/pesticides would have been used. The consensus
84 was to first contact the Natural Resources Conservation Service to confirm whether a Phase I report
85 from a certified professional is required or if the LCC could perform one using their own resources. If
86 the former is necessary, D. Lievens would then try to obtain a second quote. Gove Environmental was
87 mentioned as an option or even a resource for recommendations. Because time is of the essence to
88 execute the assessment before snowfall occurs, **M. Speltz made a motion to authorize the Chair to**
89 **contract for a Phase I environmental assessment for an amount not to exceed \$4,200 from the**
90 **Open Space Fund, contingent on NRCS confirming the necessity of hiring a certified**
91 **professional. G. Harrington seconded. The motion was approved, 5-0-0.**



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92 NRCS will be performing a site visit on December 11 at 9 a.m. along with Rockingham County
93 Conservation District, Mike Cross (representing Andy Mack) and any LCC members that can attend.
94 D. Lievens said the baseline study would be performed as part of the stewardship plan.

95 M. Speltz has contacted the new Director of the RCCD who gave consent for him to draft the
96 easement using the NRCS model. The language will ultimately need to be agreed upon by NRCS, A.
97 Mack, RCCD and the LCC.

98 Despite several attempts, D. Lievens has still not received acknowledgment from Town
99 Counsel of her request to initiate a title search on the property. M. Speltz suggested asking the Town
100 Manager to follow up.

101
102 Aquatic Resource Mitigation Fund- The LCC was awarded \$20,000 in grant money from the State's
103 Aquatic Resource Mitigation Fund to develop a restoration plan for long-term improvements to the
104 wetland on map and lot 6-113. The Department of Environmental Services made the grant contingent
105 upon the LCC putting into place an "extra layer of protection" on the property. M. Speltz reported that
106 Lori Summer of DES has agreed a deed restriction would fulfill that requirement as opposed to a
107 conservation easement. He will begin drafting the restriction and will follow up at the next meeting.

108 D. Lievens said L. Summer would be meeting with her next week to review the bids received
109 from Gove Environmental and RCCD to perform the work for the restoration plan.

110
111 Access to protected Diana Rd property- D. Lievens had asked K. Henault to research the existence of
112 an access easement running east from High Range Road to conservation land (map and lot 6-84B)
113 sandwiched between Macintosh Drive and Diana Road. K. Henault reported his findings that an 800-
114 foot long right of way does indeed run along the back of the lots on the north side of Macintosh Drive
115 to the preserved area. The information will now be documented in the LCC files for future use should
116 the need occur.

117
118 Musquash Field Day- The LCC decided to set February 13 as the date for this annual event. D.
119 Lievens will inform the UNH Cooperative Extension for promotional purposes.

120
121 Musquash Trails- M. Speltz suggested that either in conjunction with Musquash Field Day or as a
122 separate event, the LCC should consider sponsoring a thru-hike along the new White Trail in the
123 Musquash, perhaps even starting from as far south as the Tanager Landing trail on 5-10-40. Doing so
124 would help exhibit the results of years of conservation efforts. Londonderry Trailways could perhaps
125 be involved as well.

126
127 November 10, 2009 minutes- G. Harrington noted a typographical error on line ten where "if relative"
128 should read "is relatively."

129 **M. Considine made a motion to approve the minutes of the November 10, 2009 public**
130 **session as written. M. Speltz seconded. The motion was approved, 3-0-2 with G. Harrington and**
131 **K. Henault abstaining as they had not attended the meeting.**

132
133 Aerial photography- M. Speltz recommended utilizing 2008 aerial photography (now available
134 through such resources as NH Granit) to compare with aerial photography done at the time of
135 individual subdivision or site plans to verify compliance regarding wetlands and buffers. A list of sites
136 would need to be prioritized but he used the T-Quip construction equipment site on 17-19 as an
137 example. G. Harrington noted that the UNH Cooperative Extension offers seminars to learn how to



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138 use free GIS software now accessible to the public. The Town's GIS Manager could possibly help as
139 well.

140

141 **G. Harrington made a motion to adjourn the meeting at 8:42 PM. M. Speltz seconded. The**
142 **motion was approved, 5-0-0.**

143

144 Respectfully submitted,

145

146

147 Jaye Trottier

148 Secretary