



Londonderry Conservation Commission
Tuesday, April 8, 2008
Minutes
Page 1 of 4

Present: Deb Lievens; Gene Harrington; Mike Considine; Ken Henault; Truda Bloom; Paul Nickerson; Mike Speltz and Brian Farmer, Town Council Liaison

Call to order; 7:35 P.M.

D. Lievens appointed M. Speltz to vote for Steve Fassi.

Public hearing- The Londonderry Conservation Commission entered into a public hearing according to RSA 91:A-2 at 7:37 PM regarding the purchase of map and lot 11-21 for conservation purposes. The public hearing was closed at 7:46 and the LCC voted unanimously to recommend to the Town Council that the Town proceed with the fee purchase of map and lot 11-21 from Elizabeth Sales for conservation purposes at a cost of \$6,500 plus associated closing costs from the Open Space Protection Fund. (See separate minutes of the “April 8, 2008 Public Hearing”).

Conservation Subdivision ordinance- Town Planner Tim Thompson presented the most recent draft of this proposed replacement for the Planned Residential Development section of the zoning ordinance. The LCC had commented on a prior draft in early 2006 which led to a subcommittee of LCC and Planning Board members which, in turn, resulted in this latest version.

While this type of subdivision would be an allowed use in the AR-I zone, it would only be required for subdivisions that include construction of a new roadway on parcels greater than 20 acres that are located within 100 feet to conserved land. The intent, among other things, is to provide more open space, preserve the rural character of the town and prevent impact on natural resources and wildlife by forgoing subdivisions of conventional size and arrangement for those that “better fit the topography and natural attributes of the site” (Section 3.3.1). T. Thompson is hoping that incentives and density bonuses will make this option attractive to those subdividing lots with even less than 20 acres. An up to date map identifying parcels already conserved for open space will be made available to guide those developers considering this type of project. When M. Speltz asked about reaction to the drafts outside of Town Hall, T. Thompson said a previous adaptation received positive feedback from engineering firms, especially when compared to the current PRD ordinance.

Aside from language concerning road standards, which may actually be moved to the subdivision regulations, T. Thompson stated that the wording is all but finalized. One of the more significant challenges, he noted, came with the new DES requirements for lot sizing which eventually led to four options that address lots with and without community water and/or sewer.

M. Considine asked how “open space” would be defined. Section 3.3.6 states that it would be the part of the subdivision “that has been set aside for permanent protection,” and would allow for “activities...restricted in perpetuity through the use of a legal instrument approved by the Planning Board”. Forms of management would range from conveyance of a deed to the Town to establishing some sort of land trust such as a homeowner’s association. Further definition of open space is then detailed under Section 3.3.6 with standards, permitted uses and prohibited uses.

M. Speltz voiced his concern for what he perceived would be a large degree of interpretation allowed by the wording of the Yield Plan Method over what a reasonable subdivision would be (Section 3.3.3.2.2). T. Thompson replied that based on current case law, the Planning Department felt confident with the wording. Similarly, the respective criterion regarding bonuses for agricultural qualities (Section 3.3.4.3) and the number of bedrooms (Section 3.3.4.5) seemed as though they could make allowances that



Londonderry Conservation Commission

Tuesday, April 8, 2008

Minutes

Page 2 of 4

would not necessarily be in the spirit of the ordinance. Rather than using the total number of bedrooms, for example, he recommended that the total square footage of a house would be more accurate.

Another potential hazard M. Speltz noted was that because density bonuses are offered in so many sections throughout the ordinance and at the same time are capped at a 20% maximum, promotion of positive aspects such as agricultural qualities may suffer because the incentive would effectively be nonexistent. Instead, he suggested using an alternative such as a per acre bonus. For example, an acre of prime agricultural soils could be considered as four acres towards meeting the open space requirement, an acre of local soils could be worth two acres towards the requirement, etc.

M. Speltz's final request was that the terms, "total parcel" and "total area" be carefully specified as they appear several times in the document and were not intended to be used interchangeably.

D. Lievens confirmed with T. Thompson that developers would be encouraged to make the designated open space contiguous with surrounding conservation land. T. Thompson agreed that such connectivity is particularly important for wildlife movement.

Flexible Industrial district- T. Thompson also updated the LCC on this proposed creation of a new zoning district in area of Pettengill Road project that would implement the vision of the 2003 Design Charette. An initial public hearing prompted a meeting with surrounding property owners to address their concerns. The result was a scaling back of the open space requirements that once mirrored the aforesaid Conservation Subdivision in the interest of preserving the creative nature of the zone. For example, there will no longer be any limitation on the amount of impervious surface for a given project. At the same time, T. Thompson is confident that other incentives built into the ordinance will offset the fewer open space prerequisites.

Shoreline Protection Act- G. Harrington asked T. Thompson if the recent inclusion of Beaver Brook, Little Cohas Brook and 27 acres of Black Brook into the Shoreline Protection Act had influenced any projects in the Planning or Building Departments. The proposed expansion at South School bordering Beaver Brook was a particular concern. T. Thompson said his department is aware of it and will contact the Building Inspector and Code Enforcement Officer to make sure they know as well. D. Lievens noted that the changes have not yet been made permanent.

Albird Estates D+F- Lynn Zabrowski of Keach Nordstrom presented an updated Standard Dredge and Fill application regarding the proposed seven lot subdivision on map and lot 16-58 (28 Auburn Road). The original proposal made in 2003 for this 9.35 acre parcel featured a cul de sac entering from Auburn Road roughly half way along the road frontage. While it did meet the criteria for a State D+F permit, it did not meet the Planning Board regulations because the grade at that point in the road would not provide adequate stopping sight distance. Timing issues with the amended plan has forced the applicant to reapply to the State despite their previous approval.

The cul de sac is now proposed to enter along the northern border of the lot where an abandoned wood road exists. Currently an 18 inch culvert crosses the wetland under that road, so when it is replaced with a 21 inch culvert, the new wetland impact will essentially be replacing an existing disturbance and adding a small increase. What was originally to be roughly 1,900 square feet of additional wetland disturbance will now be 1,050 sf where a crossing has existed for years.

M. Speltz asked whether storm water treatment requirements include rooftop runoff and if so, how it is estimated. L. Zabrowski explained that it is based on the footprint size that the developer is planning on using, which in this case would be approximately 2,000 sf. He then asked if the cul de sac could enter



Londonderry Conservation Commission

Tuesday, April 8, 2008

Minutes

Page 3 of 4

from the southern end of the lot, outside the wetland altogether. Because of the proximity to the intersection of Auburn and Wilson Roads, sight distance issues would preclude that. If the wetland cannot be avoided, M. Speltz stated, then this option of using the existing crossing is a significant improvement over the original plan.

M. Considine offered to perform a site walk this coming weekend to confirm the information in the D+F application. M. Speltz stated that he has seen the property on several occasions and being so familiar with it, is confident that the point of least intrusion on the wetland has been chosen. **G. Harrington made a motion that if M. Considine is satisfied with his findings after his site walk, that the Chair be authorized to send a letter to the State recommending approval of the D+F application. K. Henault seconded. The motion was approved, 7-0-0.**

Beaver Brook Estates- **D. Lievens entertained a motion to expend \$400 from the Open Space Protection Fund to Attorney Bill Mason to pay for the title search associated with the recent acquisition of map and lot 11-11. K. Henault so moved. P. Nickerson seconded. The motion was approved, 7-0-0.**

Conservation Commission Institute meeting- The Southern New Hampshire Planning Commission is hosting a Conservation Commission Institute meeting on April 17th entitled "Seeking a Better Conservation Future for the Region". Volunteers from the region's Conservation Commissions are invited to share their current projects and funding sources as well as discuss the formation of a Natural Resource Advisory Committee for resource protection in the entire region. P. Nickerson will try to attend.

Energy Task Force- D. Lievens attended the first Londonderry Energy Task Force meeting and remarked about the number of people in attendance and the school children who gave an impressive presentation.

Town Forest- Since the early fall of 2007, the LCC has discussed the possibility of clearing a section of the Town Forest in order to provide needed space for the abutting Town Common. After numerous site walks and input from the County and Town Foresters, the LCC decided as stewards of the Town Forest that a light thinning would be in order for the forest's overall health. Town Forester Charlie Moreno submitted a formal proposal which estimated that the income made from the lumber harvested will more than pay for the small clearing/stumping to be done for the Common.

Some misconceptions have arisen in town regarding this project and have involved the Heritage Commission who are stewards of the Town Common. Because of this, another site walk has been scheduled for April 10th at 6 P.M. M. Speltz suggested flagging the corners of the estimated 20 x 60+/- area to be cut in order to give those who attend an accurate reflection of the LCC's plan.

CIP/Open Space- New Town Council Liaison Brian Farmer presented the LCC with one of the Council's proposed goals for the year. Although the plan still needs to be made official, the Council is hoping to work with the LCC to create "a strategic plan to augment the Open Space Task Force Report for future land purchases." An open space bond is not scheduled to be part of the Capital Improvement Plan until 2011 but potential conservation projects keep arising and funds are very limited. A subcommittee may be initiated so Council members can work with LCC members to advocate inclusion of an Open Space Bond in this year's Capital Improvement Plan. Considering the competition for funds has intensified in town while at the same time the threat of development is ongoing, D. Lievens stated that the idea was very appealing. B. Farmer added that the CIP committee is only an advisory body, so in the event that they do



Londonderry Conservation Commission

Tuesday, April 8, 2008

Minutes

Page 4 of 4

not include a bond before the 2011 plan, the Council can override that decision and include it themselves. The LCC thanked B. Farmer for his input.

March 25, 2008 minutes- **T. Bloom made a motion to approve the minutes of the March 25, 2008 public session as written. M. Considine seconded. The motion was approved 6-0-1 (P. Nickerson abstained as he had not attended the meeting).**

K. Henault made a motion to approve the minutes of the March 25, 2008 non-public session as written. G. Harrington seconded. The motion was approved 6-0-1 with the same abstention noted above.

K. Henault made a motion to go into Non-public Session for the purpose of discussing possible land acquisitions per RSA 91-A:3. G. Harrington seconded.

Roll call vote: Aye, Truda Bloom; Aye, Ken Henault; Aye, Mike Speltz; Aye, Paul Nickerson; Aye, Mike Considine; Aye, Gene Harrington; Aye, Deb Lievens and Brian Farmer present.

K. Henault made a motion to go out of Non-public Session. G. Harrington seconded. The motion was approved, 7-0-0.

K. Henault made a motion to seal the minutes of the Non-public Session indefinitely. G. Harrington seconded. The motion was approved, 7-0-0.

DRC- 1. Staples drive-thru, minor site plan, 7-119
No comments.

Herbicide spraying- New England Power Company, a/k/a National Grid has informed the Town that per their policy, they will be spraying with herbicides on their various properties in Londonderry.

The meeting adjourned at 10:00 PM.

Respectfully submitted,

Jaye Trottier
Secretary