



Londonderry Conservation Commission

Tuesday, July 8, 2008

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Present: Deb Lievens, Mike Considine, Ken Henault, Paul Nickerson, Truda Bloom, Stephen Fassi, Mike Speltz, Mark Oswald and George Herrmann

Call to order; 7:30 P.M.

D. Lievens appointed M. Oswald to vote for Gene Harrington.

Trees cut in Musquash- D. Lievens spoke with the Town Code Enforcement Officer regarding M. Considine's confirmation that at least 17 trees were cut by a logger within the Musquash Conservation Area while working at a Red Fern Circle residence. D. Lievens verified with M. Considine that the stumps of the felled trees were at least 10 inches in diameter. He stated that most were certainly well in excess of that size, meaning a significant amount of board feet was removed for which the Town will need to be compensated. Since legal action is being brought against the logger by an abutting resident who also lost trees, the Code Enforcement Officer advised that joining that suit should be the LCC's first course of action.

Eagle Scout project (B. Cardwell)- Brandon Cardwell of Londonderry Boy Scout Troop 109 presented his proposed Eagle Scout project to build a forty foot bridge between two of the soccer fields on West Road. A footpath currently exists and crosses a wetland perpendicularly between fields one and seven. The LCC agreed that a bridge would certainly benefit the wetland beyond simply providing better and safer access for residents and maintenance crews between the fields.

Two distinct bridge designs are proposed, one that would not impact the wetland but would prove more cost prohibitive than a bridge that would cause a disturbance to the wetland because of the associated footings. While the LCC stated they would support the project, they informed Brandon that he would want to contact the State Department of Environmental Services since they would most likely have some requirement, perhaps even a Dredge and Fill permit, to address the wetland impact.

Once the State's requirements are fulfilled, the Town would require a Conditional Use Permit requesting that an access way be permitted in the Conservation Overlay District. M. Oswald and M. Considine volunteered to meet with Brandon on July 12th to perform a site walk of the area. **K. Henault made a motion that the record reflect that the LCC supports B. Cardwell's bridge proposal. P. Nickerson seconded. The motion was approved, 7-0-0.**

Cooper property (a/k/a Beaver Brook Estates)- D. Lievens updated the LCC on the continued clean up of map and lot 11-11 which the Town recently purchased for conservation purposes. Former owner Mark Cooper has not only removed the fill per the Purchase and Sale agreement but has hydro-seeded the ground and created a small gravel parking area large enough to accommodate at least two cars. The removal of any trash items remains to be done, although it needs to be confirmed first that they are actually within the bounds of that parcel.

Ingersoll; stone wall- A resident of south Londonderry contacted D. Lievens to report that a stone wall on the Ingersoll property seems to be 'disappearing.' She stated that a span as large as 50 feet has been removed and that other sections seem to have been affected as well. D. Lievens asked the resident to report the issue to the police and said she would inform the LCC. In addition to alerting the owners, The Society for the Protection of New Hampshire Forests, the LCC felt that local publicity would help to create awareness which in turn could discourage further disturbance and general misuse of the property. D. Lievens offered to contact the LCC's Town Council Liaison to call more attention to the issue since the Town holds a large easement on the land. T. Bloom volunteered to take pictures to document the situation.



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Coca Cola addition- D. Lievens reported that DES may still require a D+F application for the 21,758 square feet of impact to the man made wetland that this addition would cause rather than just the 528 sf that TF Moran knew for certain would necessitate a D+F permit (see June 24th minutes). An updated plan the LCC requested for the Conditional Use Permit has yet to be submitted (see DRC comment below).

DRC- 1. Coca Cola addition, site plan, 15-98-

Comments: The plan seems to be incomplete because it does not show the drainage as discussed at our June 24th meeting.

Possible land acquisition- A recent appraisal for a potential land acquisition has been completed and the invoice is now due. The LCC had previously voted to expend an amount not to exceed \$3,000 for their half of the appraisal. D. Lievens entertained a motion to expend an amount not to exceed \$6,000 to pay for the entire appraisal since the property owner will be reimbursing the LCC for half. **P. Nickerson made a motion to authorize the Chair to expend an amount not to exceed \$6,000 from the Open Space Protection Fund for the cost of an appraisal done regarding a property discussed in non-public session, with the understanding that the LCC will be reimbursed for half of the invoice by the owner of said property. T. Bloom seconded. The motion was approved, 7-0-0.**

Musquash trail blazes- In discussing the research of cellar holes in the Musquash Conservation Area, G. Herrmann mentioned that part of a trail in the Musquash veers onto private property. While most of the trail is fairly obvious to follow, he described a fork where one direction will guide people off of the trail altogether and further onto that abutting land. The use of perhaps as few as two blazes would clarify the issue and it was decided to simply ask the property owner if he would be amenable to the blazes.

Comcast waiver request- Comcast recently requested a waiver from the Town requirement to post markers every 50 feet along the CO District boundary. Their justification for the relief in an email to the Town Planner was that the addition they sought was for an “unoccupied telecommunication building” and that “the limit of the site work [would be] approximately 500 feet from the CO district boundary”. LCC members were forwarded the email to make them aware of the issue. In view of the fact that the request was not egregious or excessive, rather than wait for the LCC to meet again, D. Lievens informed the Town Planner that the LCC would not object to the waiver. M. Speltz asked if a condition could be added so that the LCC did not object as long as the wood line remains the same. D. Lievens said she would follow up with the Planning Department.

CIP- As in previous years, M. Speltz will fill out the submission form on behalf of the LCC for the Town’s Capital Improvement Plan, requesting a placeholder of \$1 million for the ongoing protection of open space. Mindful of the CIP Committee’s focus on specific projects, the LCC decided they would need to go into non-public session to discuss the specifics of a potential land acquisition for which an appraisal was recently done. **K. Henault made a motion that the LCC develop the 2008 CIP proposal for \$1 million with the same project description and narrative justification as the 2007 submission as modified by the discussion to be had in the July 8th non-public session. T. Bloom seconded. The motion was approved, 7-0-0. (Note; see continuation of the CIP discussion below and the subsequent *amendment to this motion*)**

Sales property- D. Lievens informed the LCC that the transaction for the acquisition of this property by the Town was now complete.



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Granite Ridge easement- The LCC has received their copy of this recorded easement.

M. Oswald made a motion to go into Non-Public Session for the purpose of discussing possible land acquisition per RSA 91-A:3. K. Henault seconded.

Roll call vote: Aye, Mark Oswald; Aye, Ken Henault; Aye, Truda Bloom; Aye, Stephen Fassi; Aye, Mike Considine; George Herrmann present; Aye, Paul Nickerson; Mike Speltz present; Aye, Deb Lievens

M. Oswald made a motion to go out of Non-Public Session. K. Henault seconded. The motion was approved, 7-0-0.

M. Oswald made a motion to seal the minutes of the Non-Public Session indefinitely. K. Henault seconded. The motion was approved, 7-0-0.

CIP (continued)- Following further discussion while in non-public session, **K. Henault made a motion to amend the original motion** (see above) **to state that the LCC develop the 2008 CIP proposal for the value of the appraisal of the property as discussed in non-public session with the same project description and narrative justification as the 2007 submission. M. Oswald seconded. The motion to amend the original motion was approved, 7-0-0.**

M. Oswald then made the motion that the LCC develop the 2008 CIP proposal for the value of the appraisal of the property discussed in non-public session with the same project description and narrative justification as the 2007 submission. K. Henault seconded. The motion was approved, 7-0-0.

June 24, 2008 minutes- **T. Bloom made a motion to approve the minutes of the June 24, 2008 meeting as written. K. Henault seconded. The motion was approved, 6-0-1** (Mark Oswald abstained as he had not attended the meeting).

M. Oswald made a motion to adjourn the meeting. K. Henault seconded. The motion was approved, 7-0-0.

The meeting adjourned at 9:25 PM.

Respectfully submitted,

Jaye Trottier
Secretary