



Londonderry Conservation Commission

Tuesday, October 28, 2008

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Present: Deb Lievens, Gene Harrington, Mike Considine, Ken Henault, Paul Nickerson, and Mark Oswald

Also present: Brian Farmer, Town Council Liaison

Call to order; 7:35 P.M.

D. Lievens appointed M. Oswald to vote for the empty seat.

Membership- D. Lievens informed fellow Commissioners that Stephen Fassi has resigned from the LCC for personal reasons.

Page Road driveway D+F- At the October 14th meeting, Aaron Wechsler of Aspen Environmental Engineering presented a proposed a five lot subdivision created from existing lots 17-30 and 17-30-1 on Page Road. A wetland crossing would create 1,376 square feet of impact on the border between proposed lots 30-3 and 30-4 for their respective driveways. The LCC had suggested that in the interest of lessening the intrusion, a shared driveway be used. A. Wechsler had argued that doing so would detrimentally affect the value of those lots. Regardless, the LCC had voted to recommend to the Wetlands Bureau that “while the LCC realizes the proposed impact is minimal, they note that the impact could be further reduced by a shared driveway crossing or eliminating the crossing completely by reconfiguring proposed lots 17-30-3 and 17-30-4 into one lot.”

Joe Wichert of Sublime Engineering joined A. Wechsler at this meeting to address the LCC’s concerns. If a shared driveway was installed, he stated, there would be no significant decrease in the amount of wetlands disturbance. He estimated that the total could be reduced from 1,376 sf to 926 sf but added that he would subsequently seek an increase in the width of a shared driveway from 12 to 18 feet, meaning the net savings would be closer to 300 sf instead of 450. G. Harrington reiterated that any lessening of impact on a wetland is beneficial.

J. Wichert went on to explain that in an earlier design, the lot line location between 30-3 and 30-4 would have produced a greater disturbance, meaning the current configuration was actually conceived in an effort to protect the wetland. A. Wechsler added that the intrusion would not create significant environmental injury because of the low functions and values of that particular wetland, combined with the lack of noteworthy species or features. Effects on wildlife, in his opinion, would be essentially the same whether the area in question was 926 or 1,376 sf.

With regard to the economic argument put forth again on behalf of the property owners, M. Oswald pointed out that any return on an investment, land or otherwise, is never guaranteed. Regardless, he continued, financial matters cannot be a priority for the LCC to consider. If there was a loss in value suffered with a shared driveway, he stated, it would undoubtedly be preferable to the LCC’s alternate suggestion of combining the two lots into one.

D. Lievens asked LCC members for their consensus regarding their previous recommendation to the Wetlands Bureau. **P. Nickerson made a motion to submit a letter to the Bureau with the language approved at the October 14th meeting, i.e. “to suggest to the Wetlands Bureau that while the LCC realizes the proposed impact is minimal, they note that the impact could be further reduced by a shared driveway crossing or eliminating the crossing completely by reconfiguring proposed lots 17-30-3 and 17-30-4 into one lot.” G. Harrington seconded. The motion was approved, 5-0-1 (M. Considine abstained as he had not attended the October 14th meeting).**



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Although the official 20 day deadline has passed for the LCC to make their comments, A. Wechsler was confident that the LCC's letter will still be added to their file at the Department of Environmental Services since their application will probably not be reviewed in the immediate future.

SB 381- Under the new law created this year by NH Senate bill 381, conservation commissions in NH are allowed to expend funds via a land trust or another "qualified organization" to either purchase land in their own towns or in other towns without having to retain any executory interest in the property. All NH conservation commissions would need a warrant article passed in their towns after January, 2009 to adopt the provisions of RSA 36-A:4-a, I(b). If passed, a conservation commission would still need approval from their governing body (i.e. the Town Council), to expend funds on projects *outside of their town* but would no longer need such permission for land purchased *within their municipal boundaries*.

A dialogue that began at the last meeting was continued to this meeting, in part to have the LCC's Town Council Liaison present. He conveyed his and another Town Council member's reluctance regarding the potential to spend Londonderry Open Space funds on endeavors outside of town. Such a scenario is not currently addressed in the Town's Master Plan and D. Lievens noted that the Town is only able to spend conservation funds on missions outlined in that document. In any event, she added, with the amount of open space declining overall in and around Londonderry, the potential for that situation becomes less and less likely over time. G. Harrington made the point that protection across town lines is still in the interest of all residents since natural resources cross over those same boundaries. LCC members reiterated their desire to work on adding specific language to a Town Meeting warrant article that would spell out specific conditions and leave the ultimate decision to expend funds with the Town Council.

D. Lievens offered to work with B. Farmer and Commissioner Mike Speltz to draft the wording and present it to the rest of the LCC at an upcoming meeting.

M. Oswald temporarily left the meeting.

Trapping on Town owned land- A resident of Hudson recently asked the Town Manager if he could be allowed to "trap fisher cats" on map and lot 5-12 which is Town owned land. The Town Manager forwarded the request to the LCC for their input. Without more specifics about the person's exact intentions and methods, P. Nickerson felt it would be difficult to make any recommendation. Even with that information supplied, he stated his reluctance to support any trapping considering the close proximity to residences and family pets. D. Lievens will reply to the Town Manager that the LCC did not feel they were able to advocate any approval.

M. Oswald returned to the meeting.

DRC- Evans subdivision, 16-9-4.

Comments: Correction on page one; typo error, i.e. change "16-19-4" to "16-9-4." Otherwise, no comments.

"Stewardship of Conservation Easements"- D. Lievens made Commissioners aware of this workshop taking place on November 19th at the Rye Public Library.

SNHPC meeting- As an alternate member of the Southern New Hampshire Planning Commission, D. Lievens relayed information she acquired pertaining to road salt management and its effect on water quality in the Beaver Brook watershed. She noted that there are no plans to change current salt allocation for the region, despite the ever growing amount of impervious surface added with ongoing development. Because the LCC



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continually attempts to reduce the amount of both parking and salt use in the projects that come before them, she made a point to inform members that apparently nearly half of the salt currently used is solely for parking lots. With the emergent opportunity to use new pervious surface technology, the LCC discussed the potential to convince developers to utilize the more environmentally friendly variations.

October 14, 2008 minutes- **G. Harrington made a motion to approve the minutes of the October 14, 2008 meeting as written. P. Nickerson seconded. The motion was approved, 5-0-1 (M. Considine abstained as he had not attended the meeting).**

Reed subdivision, Pillsbury Road- Joseph Maynard of Benchmark Engineering presented a conceptual plan of a three lot subdivision on map and lot 9-63 at the September 23rd meeting:

“After surveying and evaluating the property, it was determined that when the Conservation Overlay District is triggered by the subdivision, Indian Brook and its associated wetlands would require a 100 foot buffer which would cover the majority of the lot. Not only would a portion of the existing home impinge on that buffer but the amount of buildable area on the two western lots would be insufficient to support both a leachfield and new construction. J. Maynard asked if the LCC would support a plan that would preserve approximately three acres of the southwestern portion under a permanent conservation easement in exchange for a reduction in that 100 foot buffer to 50 feet to provide more buildable area. Doing so would impact the wetlands connected with Indian Brook but would ensure the 100 foot buffer to the brook itself” (pg 1).

It was discussed at that meeting that the LCC might consider supporting the owner’s request for a variance from the Zoning Board to reduce the COD buffer to provide a larger building envelope. Since that time, J. Maynard has worked with the applicant to reduce buffer intrusion by revising the plan to a two lot subdivision. As discussed previously, a roughly 2 acre section around Indian Brook would be permanently conserved. D. Lievens expressed the LCC’s preference to place a deed restriction on that piece rather than accepting an easement from the owners. This would avoid adding more monitoring duties to the Town’s already challenging stewardship schedule.

J. Maynard confirmed that the 100 foot COD buffer along the brook will be clearly marked as a no cut zone, as will the reduced 50 foot buffer if it is granted by the ZBA. Using present buffer demarcation policy, however, the view from the new house would be obstructed by a post with a COD sign attached every fifty feet due to the current lack of trees at the buffer line. In view of that, he asked if the LCC would be amenable to a variation on the manner of COD boundary delineation. D. Lievens will investigate other options, such as using a granite monument placed every 75 feet instead.

After verifying that the buffer reduction would only occur around the proposed and existing house lots as presented and that no D+F permit will be needed for a crossing because a driveway is already existing, **P. Nickerson made a motion that the LCC recommend to the ZBA acceptance of the variance request for the buffer modification as proposed, contingent upon a deed restriction being placed on approximately two acres surrounding Indian Brook as shown on the applicant’s plan dated July 18, 2008. K. Henault seconded. The motion was approved, 6-0-0.**

The meeting adjourned at 8:50 PM.

Respectfully submitted,



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Jaye Trottier
Secretary