



Londonderry Conservation Commission
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Present: Deb Lievens; Gene Harrington; Mike Speltz; Mike Considine; Ken Henault; Paul Nickerson; Truda Bloom; George Herrmann; Stephen Fassi and Mark Oswald, Town Council Liaison and voting alternate

Call to order; 7:35 P.M.

Action Blvd sewer pump station; CUP- Mike Leach of Stantec Consulting Services represented the Public Works Department along with Town Environmental Engineer Doris Beatty regarding a Conditional Use Permit on map 10, lot 51. Because of the need to build a new sewer pump station there, construction of a new facility and an associated maintenance access way would disturb 10,900 square feet of the Conservation Overlay District. Less than 2% of that total will be a permanent impact while the remaining area will be reestablished afterwards.

Several alternatives were suggested to limit or remove the encroachment. Moving the proposed building to the westernmost corner of the lot is impossible since the existing building must stay on-line until it can be switched over to the new system. In view of that, it was asked if the installation of the paved walkway separating the existing building from the proposed one could be postponed until after the existing structure is razed. This would allow the new building to be constructed outside of the buffer while the current one while it is still in use, although the need for access during construction would not make this feasible. Using gravel instead of pavement would not work either because the access way will be used regularly, requiring it be paved for plowing purposes. Another option would be to reduce the size of the building or reshape it. D. Beatty countered that it could not be reduced any further nor reconfigured without affecting its performance.

Under the zoning ordinance, the pipe itself would be allowed by a CUP, as would the pavement since it could be considered an access way for service vehicles. The building, however, while fitting the definition of the allowed "accessory structure," will also contain some degree of petroleum products and potentially hazardous materials which are expressly prohibited. M. Leach posed the possibility of only storing hazardous materials within the portion of the building outside of the buffer, but it was felt that would highly impractical to monitor. In view of the lack of alternatives and the relatively minor permanent impact, M. Speltz stated that the LCC could recommend approval of a variance to the Zoning Board of Adjustment for the storage of said materials. Following further discussion, **M. Speltz made a motion to recommend approval of the CUP to the Planning Board, subject to the applicant obtaining relief from the Zoning Board of Adjustment from the requirement that hazardous materials may not be stored in an accessory structure located within the COD, and with the request that the Planning Board consider requiring an internal containment system in the event of a spill. G. Harrington seconded. The motion was approved, 7-0-0.**

Town Forest- The Rockingham County Forester submitted a report of his findings and opinions regarding the cutting of some trees in the Town Forest on Mammoth Road (see minutes of September 11th and 25th). Town Forester Charlie Moreno agreed with the assessment that while the Fire Department was hoping to gain experience in emergency tree removal from the project, using inexperienced personnel poses a safety issue and risks lowering the value of "merchantable



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trees". Once the larger trees are felled, they could perhaps trim the branches while supervised to acquire the experience.

Since the forest has not been thinned in quite some years and the cut would also provide more space on the abutting Town Common, it was decided to ask C. Moreno to perform an inspection and flag the appropriate trees. Firemen could then assist a licensed logger in a limited capacity. C. Moreno feels the proceeds from the sale of that timber would most likely cover the other associated costs. M. Oswald added that the Fire Department has budgeted funds for the cost of training.

M. Oswald will approach the Recreation Commission and Town Council for their approval and D. Lievens will contact C. Moreno.

Non-public minutes- A policy regarding the release of information from the LCC's minutes of non-public sessions was proposed as follows:

"The Londonderry Conservation Commission will perform an annual review of the minutes of non-public sessions to determine whether circumstances still warrant that they retain their non-public status. Once a consensus is reached by a quorum of Conservation Commissioners, non-public minutes will be unsealed and made available to the public, excluding that information which 1) contains negotiating or analytical methods used by the Conservation Commission when discussing potential land acquisition, 2) contains information regarding potential or ongoing transactions or for any other reasons permitted by RSA 91-A:3."

K. Henault made a motion to approve the aforementioned wording of the Conservation Commission's policy regarding minutes of non-public sessions. P. Nickerson seconded. The motion was approved, 7-0-0.

Conservation easement, 6-31- D. Lievens asked M. Speltz if he recalled reviewing an easement deed for map and lot 6-31. Rather than being a viewshed easement as she thought it was intended to be, a conservation easement for 3.21 acres has been drawn up and is awaiting the Town Manager's signature. M. Speltz said he would review this current document and the associated plan and will then contact Town Counsel regarding the concept of a viewshed easement.

Musquash parking at Hickory Hill entrance- At the August 28th meeting, the LCC had asked Public Service of New Hampshire about the possibility of creating a parking area on their easement at the end of Hickory Hill Road. This would help eliminate on street parking that has become commonplace there for people accessing the Musquash Conservation Area. D. Lievens spoke with PSNH again and they are requesting that the LCC first submit a plan of exactly what they would intend to do. The LCC would first need to consult the Town Engineer, after which a grant would need to be sought. M. Considine stated he would be willing to take on the grant project.



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September 25, 2007 minutes- After correcting a typographical error on page three, **M. Speltz made a motion to approve the minutes of the September 25, 2007 public session as amended. K. Henault seconded. The motion was approved 5-0-2** (M. Considine and P. Nickerson abstained as they had not attended the meeting).

G. Harrington made a motion to approve the minutes of the first of two September 25, 2007 non-public sessions as written. M. Speltz seconded. The motion was approved 5-0-2 (M. Considine and P. Nickerson abstained as they had not attended the meeting).

K. Henault mad a motion to approve the minutes of the second of two September 25, 2007 non-public sessions as written. T. Bloom seconded. The motion was approved, 4-0-3 (D. Lievens, M. Considine and P. Nickerson abstained as they had not attended the meeting).

September 11, 1007 minutes- The minutes of the first of two non-public sessions held on September 11th had been approved as written on September 25th. D. Lievens suggested at this meeting that a minor revision be made to more accurately reflect the described timeline of events. The other LCC members agreed. **G. Harrington made a motion to amend and approve the minutes of the first of two non-public sessions of September 11, 2007. K. Henault seconded. The motion was approved 5-0-2** (M. Considine and P. Nickerson abstained as they had not attended the meeting).

Monitoring- D. Lievens reported that the annual easement monitoring has been completed for the Sunnycrest property. Reports still need to be submitted for the Plummer, Ingersoll and Moose Hill easements. P. Nickerson offered to join D. Lievens on a walk of the Plummer easement while M. Speltz, G. Herrmann and K. Henault said they would attempt to go as well. Two thousand dollars has been appropriated in the LCC's budget to hire an outside source to review the other two easements.

P. Nickerson was appointed earlier in the year to head a subcommittee on monitoring of all conservation easements in Londonderry. D. Lievens offered to meet with him in the near future to review the entire list as well as the requirements set forth in the Land Trust Alliance Standards adopted by the LCC.

DRC (1)-

1. Nutfield Publishing site plan, 12-68
Comments: Snow storage not marked.

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

Roll call vote: Aye, Mike Speltz; Aye, Mike Considine; Aye, Gene Harrington; Aye, Ken Henault; Aye, P. Nickerson; Aye, Truda Bloom; Aye, Deb Lievens.

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



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

K. Henault made a motion to authorize the Chair to enter into an agreement to expend up to \$3,000.00 for half the cost of opinion of value letter regarding the appraisals of properties discussed in non-public session, pending receipt of a letter from the property owner committing to half of said appraisal. T. Bloom seconded. The motion was approved, 7-0-0.

M. Speltz made a motion to release and redact additional* material from the non public minutes designated as “Section I” (i.e. those at which D. Lievens *was* in attendance) from August 27, 2002 to July 10, 2007, as discussed at this meeting’s non-public session, K. Henault seconded. The motion was approved, 7-0-0. (Note: no additional material was either released or redacted from the non public minutes designated as “Section II” [i.e. those at which D. Lievens *was not* in attendance] from August 27, 2002 to July 10, 2007).

(*In addition to the material the LCC voted to release at the second non public session of the September 11, 2007).

M. Speltz made a motion to adjourn the meeting. M. Considine seconded. The motion was approved, 7-0-0.

The meeting adjourned at 10:22 PM.

Respectfully submitted,

Jaye Trottier
Secretary