



Londonderry Conservation Commission
Tuesday, September 11, 2007
Minutes
Page 1 of 5

Present: Deb Lievens; Gene Harrington; Paul Nickerson; Truda Bloom; George Herrmann and Mark Oswald, Town Council Liaison and voting alternate (late)

Call to order; 7:30 P.M.

D. Lievens appointed G. Herrmann to vote for Mike Speltz.

Londonderry Church of the Nazarene- Jason Hill of Holden Engineering returned with a plan the LCC reviewed in August of 2006 and for which they recommended approval of a Conditional Use Permit to the Planning Board. Aside from the loss of one parking space, the movement of the leachfield by fifteen feet and the addition of two retaining walls, no other changes have been made to the plan. Town staff had requested he make the LCC aware that the retaining walls will be within two feet of the Conservation Overlay District so that he may address any of their concerns.

Designed as a protective barrier between the limits of the project and the COD buffer, the walls will stand roughly eight feet high and up to seven feet long. One will lie directly south of the southwest corner of the building while the other will arc around the westernmost end of the parking area. Once the Planning Board gives their final approval, J. Hill explained that the plan will include a construction sequence which will dictate the buffer be delineated by silt fencing before any clearing is done for the walls. It will also state that if any impact does occur, the contractor is obliged to loam and seed that area to reestablish vegetative growth. Once the walls are in place, the silt fencing will be removed and COD boundary markers will be required along the buffer's edge. Having this noted specifically on the plan would give the Town enforcement control should any encroachment take place.

M. Oswald arrived. D. Lievens appointed him to vote for Mike Considine.

J. Hill acknowledged that both walls could conceivably be moved further away from the buffer but said his goal was to meet all of the various town requirements without having to request any waivers and potentially jeopardize safety. D. Lievens asked G. Harrington if recommending another CUP would be appropriate in this situation. G. Harrington replied that since there are no plans to disturb the buffer, the only CUP that would apply would be 'after-the-fact' if the buffer is disturbed.

D. Lievens entertained a motion in order to supply Town staff with the LCC's recommendation. **G. Harrington made a motion to recommend approval to the Planning Board of the updated plan for the Londonderry Church of the Nazarene as presented since there are no plans to disturb the buffer but if there is a need to go five feet into the buffer for construction purposes, the LCC recommends a CUP be obtained. G. Herrmann seconded. The motion was approved, 6-0-0.**

Miscellaneous- D. Lievens provided information to LCC members of the following:

1. A letter from the University of New Hampshire regarding their annual senior project and a map of communities that have participated in the program from 1995 to the present.



Londonderry Conservation Commission
Tuesday, September 11, 2007
Minutes
Page 2 of 5

2. The Conservation Commission Institute seminar taking place September 20th.
3. A Global Warming conference scheduled for October 10th and 13th. D. Lievens will be attending at least one of the days.
4. Copies for each member of minutes from a 1996 LCC meeting at which administrative procedures were adopted.
5. A 1996 article on the dedication of the Current Use law.

Ravenna Plaza- Developers of this site (on lots 7-5,6,7 & 10) had agreed to notify D. Lievens when planning to remove the invasive species growing there since she is knowledgeable about proper disposal to prevent their reestablishment. Last week she observed the removal of autumn olive, bittersweet and purple loosestrife and reported that the developers were very cooperative and followed all of her instructions. They asked, however, if they could transport the plants to their site in Pelham to burn it since they preferred not to burn on a property surrounded by commercial development and Route 102. D. Lievens conferred with the Invasive Species Committee of which she is a member and they stated that as long as the transportation vehicle is properly secured and covered, it should not be an issue.

This project also involved a donation in lieu of land mitigation for wetland impacts. D. Lievens reported that with the recent closing on the property, the Open Space Fund should receive a deposit of \$56,760.00, a fee determined by the State.

Invasive species- While discussing the removal of invasive species from the Ravenna site, D. Lievens said that as other large projects develop in town, it is important to check for any such plants. If found, care must be taken to make sure they are properly removed and either burned or brought to a landfill in a secure form of transportation. G. Harrington asked if there is a written policy for removal of invasives from construction sites. Despite laws prohibiting their planting and *recommending* burning or proper placement in a landfill, D. Lievens said no such specific removal policy currently exists.

Land Acquisition Procedures- D. Lievens created a draft of land acquisition procedures the LCC employs so that the general public can better understand the process involved. She provided copies for the other members to review.

Tinkham Lane property- Resident Tom DeJesus contacted D. Lievens regarding the potential cutting of trees on his property at 4 Tinkham Lane. D. Lievens requested that another LCC member join her for a site walk since Mr. DeJesus would like to cut 20 to 30 trees along his lot line which abuts the Kendall Pond Conservation Area. P. Nickerson offered to go with her and the two set a tentative date on Monday, September 17th.

Town Forest- The Fire Department is looking for an opportunity for firemen to gain experience in emergency tree removal. M. Oswald suggested at the August 28th meeting that a 30 to 40 foot wide swath could be cut into the Town Forest since the Fire Department would not want to work on private property for liability reasons and the abutting Town Common could use the extra space. He stated that a site walk has been scheduled for September 19th at 2:00 P.M. and that he would be joined by the Town Manager. G. Herrmann offered to go as well to represent the LCC.



Londonderry Conservation Commission

Tuesday, September 11, 2007

Minutes

Page 3 of 5

Land and Water Conservation Fund- D. Lievens received a report from this group regarding a recent site visit to the Musquash Conservation Area. Approximately 545 acres of the Musquash was purchased in part with a Land and Water Conservation grant. Negative comments were that access for the disabled was limited and that no Land and Water Conservation sign was posted. A plastic sign was provided and G. Herrmann volunteered to post it on the sign at the Hickory Hill Road entrance.

NHACC dues- D. Lievens received the annual statement for the LCC's dues to the New Hampshire Association of Conservation Commissions. **G. Herrmann made a motion to authorize the Chair to expend an amount not to exceed \$825.00 from the line item budget to pay the LCC's yearly dues as a member of the NHACC. P. Nickerson seconded. The motion was approved 4-0-2** (G. Harrington and D. Lievens both abstained because of their positions within the NHACC).

DRC (1)-

1. Chester Hall subdivision, 10-40

No comments (Note: D. Lievens abstained from contributing to the consensus regarding this DRC)

Exit 4A- D. Lievens reminded LCC members that a joint meeting between Londonderry and Derry will take place at the Derry Municipal Center on September 12th regarding the I-93 Exit 4A interchange study.

Non public minutes- On August 29th, D. Lievens received a formal request under the Right to Know Law from the Manchester Union Leader unseal the non public minutes of the LCC from 2003 to July 10, 2007. Correspondent Trent Spiner stated that "While I understand the need for certain property purchases to be discussed in non-public session to protect the identity and financial information of the seller, I believe once that property has been purchased and is already public record, the discussion leading up to that purchase can also be made public."

However, at the August 28th meeting, the Commission had already discussed the creation of a policy whereby the LCC would review non public minutes after a certain time period to determine whether the circumstances still warranted they be sealed and then vote to unseal them. With the direction of Town Counsel, M. Speltz immediately reviewed all non-public minutes, beginning with the year 2002. He then forwarded two sets as follows; the first designated as "Section I," which only included those meetings at which D. Lievens *was* in attendance and which was forwarded to all LCC members, and the second designated as "Section II," which only included those meetings at which D. Lievens *was not* in attendance and which was forwarded to all members *except* D. Lievens). Both sets identified what, if any, information he believed should remain sealed for the following three reasons: 1) the information is of a personal nature regarding the property owner, 2) the information contains negotiating methods used by the Town when discussing potential land acquisition and 3) the information regards potential or



Londonderry Conservation Commission
Tuesday, September 11, 2007
Minutes
Page 4 of 5

ongoing transactions. In order to discuss M. Speltz's suggestions as well as any other member's, it was determined the LCC would need to enter into a non public session.

G. Harrington made a motion to go into Non Public Session for the purpose of discussing those non public minutes designated as "Section I" (i.e. those at which D. Lievens was in attendance) regarding possible land acquisitions per RSA 91-A:3. G. Herrmann seconded.

Roll call vote: Aye, Mark Oswald; Aye, George Herrmann; Aye, Paul Nickerson; Aye, Truda Bloom; Aye, Gene Harrington; Aye, Deb Lievens

G. Herrmann made a motion to go out of Non Public Session. P. Nickerson seconded. The motion was approved, 6-0-0.

G. Herrmann made a motion to seal the minutes of the Non Public Session indefinitely. P. Nickerson seconded. The motion was approved, 6-0-0.

G. Harrington made a motion to unseal 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, except for those parts redacted because they involve personal information, negotiation methods and/or potential or ongoing transactions. P. Nickerson seconded. The motion was approved, 6-0-0.

CIP- The question has been raised by resident Tom Freda as to whether D. Lievens' signature on the recently submitted CIP form was a conflict of interest because her spouse is part owner of one of the working orchards in town and the form states that "Given the currently challenging economics of apple production...the town must act now to preserve its two remaining unprotected apple orchards as well as its other working lands." D. Lievens stated for the record, that there was never any intent to deceive or gain any personal advantage. The question of legality has been directed from the Town Manager to Town Counsel.

August 28, 2007 minutes- **G. Harrington made a motion to approve the minutes of the August 28, 2007 public session as written. P. Nickerson seconded. The motion was approved 5-0-1 (G. Harrington abstained as he had not attended the meeting).**

D. Lievens turned the position of Chair to Vice Chair G. Harrington and left the meeting.

G. Harrington entertained a motion to go into Non Public Session for the purpose of discussing those minutes designated as "Section II" (i.e. those at which D. Lievens was not in attendance) regarding possible land acquisitions per RSA 91-A:3. G. Herrmann so moved. M. Oswald seconded.

G. Herrmann made a motion to go out of Non Public Session. M. Oswald seconded. The motion was approved, 5-0-0.



Londonderry Conservation Commission
Tuesday, September 11, 2007
Minutes
Page 5 of 5

G. Herrmann made a motion to seal the minutes of the Non Public Session indefinitely. M. Oswald seconded. The motion was approved, 5-0-0.

M. Oswald made a motion that the LCC release 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, except for those parts redacted because they involve personal information, negotiation methods and/or potential or ongoing transactions. T. Bloom seconded. The motion was approved, 5-0-0.

T. Bloom made a motion to adjourn the meeting. P. Nickerson seconded. The motion was approved, 5-0-0.

The meeting adjourned at 9:35 P.M.

Respectfully submitted,

Jaye Trottier
Secretary