



Londonderry Conservation Commission
Tuesday, August 22, 2006
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Present: Deb Lievens; Gene Harrington; Mike Speltz; Mike Considine; Paul Nickerson; George Herrmann (late) and Mark Oswald, Town Council Liaison

Call to order

Londonderry Church of the Nazarene- Jason Hill of Holden Engineering presented an updated proposal for this church on lot 3-135 which had been before the LCC in February, 2005 and has been on hold for over a year. While the building is being expanded from 10,000 square feet to 15,200 sf and associated parking and detention pond have been increased to Town standards, the wetlands impact (2,215 sf) and Conservation Overlay District buffer infringement (approximately 3,800 sf) have not increased since the previous presentation. (The wetlands impact has already been approved by the Department of Environmental Services). J. Hill reviewed the drainage flow and explained that excess storage of runoff has been included in the form of a flood mitigation pond. He reiterated that the location of the wetland crossing for the driveway was chosen as the least injurious alternative to minimize overall impacts to the site, as is the use of 2:1 slopes for grading. Phase I of construction will involve site work, followed by three phases for the building itself.

Since the Town is currently examining revisions to their parking ordinance which may result in reduced requirements, D. Lievens asked if the applicant would consider a decrease in parking if this becomes a reality before the second phase of the building takes place. She also repeated her request that snow storage not be placed adjacent to the wetland. J. Hill said he could convey both to his client.

Although the Conditional Use Permit application has already been submitted to the Town, the LCC never actually received a copy at that time. J. Hill provided one and following some discussion, **M. Speltz made a motion to recommend approval of the CUP application for this plan as presented to the Planning Board. P. Nickerson seconded. The motion was approved, 5-0-0.**

D. Lievens will write a letter to the Planning Board, requesting the plan be resubmitted to the LCC for review if any changes occur, particularly in the amount of parking due to possible changes in the ordinance.

Coca Cola D+F (conceptual)- Chris Rice from TFMoran presented this conceptual of a proposed 30,000 sf addition to the Coca Cola warehouse on lot 15-98 (Symmes Drive). The jurisdictional wetland in the area of the proposed addition does not require the 50 foot COD buffer because it is under a half acre and was manmade via previous roof drain tie-ins that increased the existing swale. Regardless, the D+F permit is still required by DES for the 17,000 sf of wetlands fill involved.

DES will also require mitigation and Coca Cola's first choice was to provide an easement on approximately ten acres of wet/upland toward the front of the lot. M. Speltz noted that the area is already afforded protection under State statute. C. Rice replied that there are still three or so buildable acres there which Coca Cola could utilize at some point, although they have no current plans to do so. As no other on-site mitigation would be available, a payment in lieu of land mitigation was discussed. Under State guidelines, C. Rice estimated the figure could be in the area of \$40,000.00. The State is currently reviewing whether or not they will collect such payments in the future rather than individual towns. It was decided to request the donation be made to the Town of Londonderry in the event that this payment might precede any such change in the State law. **G. Harrington made a motion to authorize the Chair to recommend approval of the formal D+F application when received and request that mitigation be made by donation to the Town of Londonderry in lieu of land. M. Considine seconded. The motion was approved, 5-0-0.**



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D. Lievens noted that for future purposes of future projects, the perennial stream identified on the plan should have a 100 foot buffer as it is a named stream (Little Cohas Brook).

George Herrmann arrived and D. Lievens appointed him to vote for the empty seat.

July 25, 2006 minutes-

M. Speltz made a motion to approve the minutes of the July 25, 2006 public session as written. P. Nickerson seconded. The motion was approved 4-0-2. (G. Harrington and G. Herrmann abstained as they had not attended the meeting).

P. Nickerson made a motion to approve the minutes of the July 25, 2006 nonpublic session as written. M. Speltz seconded. The motion was approved 4-0-2. (G. Harrington and G. Herrmann abstained as they had not attended the meeting).

August 8, 2006 minutes-

M. Speltz made a motion to approve the minutes of the August 8, 2006 public session as written. M. Considine seconded. The motion was approved 3-0-3. (G. Harrington, G. Herrmann and P. Nickerson abstained as they had not attended the meeting).

M. Speltz made a motion to approve the minutes of the first August 8, 2006 nonpublic session as written. M. Considine seconded. The motion was approved 3-0-3. (G. Harrington, G. Herrmann and P. Nickerson abstained as they had not attended the meeting).

M. Speltz made a motion to approve the minutes of the second August 8, 2006 nonpublic session as written. M. Considine seconded. The motion was approved, 2-0-4. (G. Harrington, G. Herrmann, P. Nickerson and D. Lievens abstained as they had not attended the meeting).

Parrish Hills sewer CUP- Todd Connors of Sublime Civil Engineers dropped off this CUP application for 42,100 sf of buffer impact prior to the meeting. G. Harrington and K. Henault did a site walk shortly after the June 13, 2006 presentation. As stated in their cover letter, "all disturbed areas will be loamed and seeded and allowed to naturalize as permanent stabilization," following construction. After reviewing the plan and application, **G. Harrington made a motion to authorize the Chair to send a letter to the Planning Board recommending approval of the CUP application for the Parrish Hills sewer project with the comment that construction be placed on the uphill side of the pipe [per T. Connors' presentation on June 13, 2006]. M. Considine seconded. The motion was approved, 6-0-0.**

Voting (Town Council liaison)- The LCC discussed requesting that the Town Council appoint M. Oswald, the LCC's liaison, to full voting member status. This would aid the LCC in situations where a quorum is lacking and the liaison is present. As there were still some uncertainties concerning the details per the Town ordinance, M. Oswald offered to seek clarification from Dave Caron and will report back at the next meeting.

MacGregor cut D+F- This had been presented at the August 8, 2006 meeting but at the time, there were not enough members to vote on a recommendation of approval. After those not previously present reviewed the plan, **M. Speltz made a motion to authorize the Chair to write a letter to the Wetlands Bureau recommending approval of the D+F plan with the addition of an open box culvert to preserve the natural bottom. M. Considine seconded. The motion was approved, 6-0-0.**



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George property- The George family and the LCC had agreed to split the costs of the work done by TFMoran for the subdivision involved with this land acquisition. D. Lievens and Mike Karras met with and Deb Brewster and two other representatives from TFMoran to have them explain why their invoice for the work done was \$20,000.00 more than their last quote. The original estimate was for \$30,000.00 and was increased to \$36,200.00 following a meeting with Town staff on the specific work to be done. The invoice was submitted for \$56,000.00 and it was further explained at this meeting that the actual total would be \$66,700.00 because of another \$10,000.00+ that had been solely attributed to the George family but should have been included in this total. Some of the increase was attributed to work done just prior to the closing on the boundary line shared with National Grid. Expenses and monumentation were also cited. TFMoran agreed to reduce the total to \$65,000.00 by the conclusion of the meeting. Because the LCC still feels there are unresolved questions, D. Lievens will speak with Assistant Town Engineer John Trotter for his opinion and M. Oswald will contact D. Caron.

TFMoran was also going to charge \$50.00 for each 'no cut' conservation boundary marker needed in specific areas. It was decided instead that the George family will pay for the signs themselves and the LCC will place them at no charge.

Rockingham County Conservation District invoice- D. Lievens received an invoice for \$4,850.00 from the RCCD for stewardship fees associated with the easements on the Merrill property. According to their policy, the RCCD requires a one time cost to fund the stewardship of any easements they acquire. The majority of the bill is for the total of 54 acres involved at \$75.00 per acre. LCC members asked whether this amount was ever put in writing. D. Lievens said she was aware that there would some kind of fee involved but that there was nothing documented. It was decided to inquire further before voting to pay the bill, considering the amount involved and the fact that no specifics were ever provided by the RCCD, either verbally or in writing.

Parking survey- D. Lievens made other LCC members aware that the Planning Department is conducting a survey of parking in town as part of their process to potentially revise the current ordinance. Aside from any specific comments members may make on-line, the general consensus was to 'look beyond traditional measures' and challenge applicants to be more creative and proactive in reducing the amount of parking they need.

Monitoring- D. Lievens reported that the Rockingham Land Trust has merged with the Seacoast Land Trust, although no additional staff has been added. Karin Rubin, who had monitored several easements for the LCC in 2005, is therefore too busy to repeat her duties this year. She will complete the paperwork of the monitoring she has done in order to provide background for the next person to continue. D. Lievens is also looking into whether the RCCD may have someone the LCC can hire. (One phase of Sunnycrest, Ingersoll and Moose Hill easements will need to be done every year to fulfill Federal funding requirements).

Musquash gate/patrols- D. Lievens has learned that Chief Ryan will be adding more police patrols of the Musquash.

M. Considine created a map showing his suggestions for placement of barriers at various access points. He will send it to M. Oswald who will then forward it to the Town Engineer so as to involve Public Works in the placement of those obstructions.

M. Considine also purchased and installed a chain and lock for the new gate on Alexander Road.

G. Harrington made a motion to authorize the Chair to expend an amount not to exceed \$19.67



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from the line item budget to reimburse M. Considine for the new lock and chain he bought for the Alexander Road gate. P. Nickerson seconded. The motion was approved, 5-0-1.

Ammunition rounds on Ingersoll- M. Speltz provided shells and casings of both shotgun and high powered rifles which were collected by Forest Society staff in the area of a woods road connecting Griffin Road to Bockes Road on the Ingersoll property. Considering the threat to the safety of surrounding abutters, he asked M. Oswald if it would be possible to take the evidence and discuss the issue with the Police Department. M. Oswald will report back at a future date.

Purple loosestrife- A post construction wetland restoration monitoring report for the sewer interceptor on Winding Pond Road mentions that purple loosestrife will be removed in that area. D. Lievens asked for a volunteer to perform a site walk to investigate. M. Considine volunteered.

DRC's (2)-

1) DeCoste subdivision, 3-26-1

Comments: No comments.

2) Banbury Cross Elderly Housing plan, 15-215-1

Comments: Sheets C-2 and C-3 do not show wetland buffer so it is hard to determine how much impact there is. We need to see this to comment.

Questions about landscaping in detention pond.

Perhaps they should send a representative to the Conservation Commission.

No wetlands scientist stamp.

Snow storage appears inadequate or there are trees nearby- this will kill the trees.

G. Harrington made a motion to authorize the Chair to send the above DRC comments to the Planning Department. G. Herrmann seconded. The motion was approved, 6-0-0.

Legal issue- M. Speltz sought advice from D. Caron and Town Attorney Bart Mayer regarding protocol for the potential of the LCC to be in land purchase negotiations where an LCC member has a personal interest. B. Mayer's response was that if the owner of the property in question is willing to discuss the matter in public session, the LCC member(s) involved can recuse themselves as a commissioner, physically move to sit with the general public (i.e. away from their seat with the LCC) and attend the discussion as a private citizen. If the owner prefers to speak in nonpublic session, any commissioner with such a conflict would need to recuse themselves and physically leave the room so as to not attend the discussion in any way, including any review of the minutes. M. Speltz will try to research whether or not there is a Town policy of ethics stating as such. Such a written version could be provided to new members by the Town Clerk when they are sworn in.

G. Herrmann made a motion to go into Non Public Session for the purpose of discussing possible land acquisition per RSA 91-A:3. P. Nickerson seconded.

Roll call vote: Aye, Mike Considine; Aye, George Herrmann; Aye, Mike Speltz; Aye, Gene Harrington; Aye, Paul Nickerson; Aye, Deb Lievens, Mark Oswald present.



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M. Speltz made a motion to go out of Non Public Session. G. Harrington seconded. The motion was approved, 6-0-0.

M. Speltz made a motion to seal the minutes of the Non Public Session indefinitely. G. Harrington seconded. The motion was approved, 6-0-0.

G. Harrington made a motion to authorize the Chair to expend an amount not to exceed \$1,115.00 from the Open Space Fund to pay for half the appraisal for a potential land acquisition discussed in nonpublic session. P. Nickerson seconded. The motion was approved, 6-0-0.

G. Herrmann made a motion to go into Non Public Session for the purpose of discussing possible land acquisition under RSA 91-A:3. M. Speltz seconded. The Chair, D. Lievens, disclosed that she has a personal interest in the matter to be discussed, recused herself and did not attend said non public session. Vice Chair G. Harrington took over as Chair.

M. Oswald also left the meeting for unrelated reasons.

Roll call vote: Aye, Mike Considine; Aye, Paul Nickerson; Aye, Mike Speltz; Aye, George Herrmann; Aye, Gene Harrington.

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

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

G. Herrmann made a motion to adjourn the meeting. M. Speltz seconded. The motion was approved, 5-0-0.

Respectfully submitted,

Jaye Trottier
Secretary