



Londonderry Conservation Commission
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Present: Deb Lievens; Gene Harrington; Paul Nickerson; George Herrmann and Ken Henault (late)

Call to order

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

Emergency authorizations- D. Lievens provided copies of the emergency Dredge and Fill reports for work done following spring flooding on Industrial Drive, Adams Road and Coteville Road. G. Harrington reviewed the reports, specifically to determine if any work was performed that the LCC might want to comment on for future purposes. After reviewing the documents, he had no comments.

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 representatives from TFMoran for a second time to have them explain why their invoice for the work done was \$66,700.00, over \$30,000.00 more than their final quote. The original estimate of \$30,000.00 was increased to \$36,200.00 following a meeting with Town staff in November of 2005 on the specific work to be done.

Last minute work done on the boundary line between the properties of the George family and National Grid was again explained to be the reason for much of the increase, particularly since it was a complex issue. D. Lievens noted that in spite of the extra cost, having that issue resolved and documented would be very advantageous for any future dealings with National Grid.

John Trottier, Assistant Public Works Director, D. Lievens, Mike Karras and Deb Brewster (TFMoran) met to discuss the invoice. J. Trottier assisted D. Lievens in trying to resolve questions regarding the breakdown of the invoice. He reiterated to her that he and Town Planner Tim Thompson had walked TFMoran through the Town's requirements for the subdivision and the original quotes would have been based on that. TFMoran recognizes that they may have misunderstood what would be required when they gave their quote but insists that the invoice properly reflects the work done, particularly on the easements. There were also some questions regarding the number of hours for which the Town was billed but J. Trottier told D. Lievens there was really no way to dispute their veracity. As D. Lievens explained to LCC members, the debate essentially reached an impasse and the legal cost to argue the issue would probably only add to the expense of the project.

TFMoran had agreed to reduce the total to \$65,000.00 at their last meeting in August and the George family has already paid their half. In light of all of this, D. Lievens suggested that the LCC settle the bill well. The LCC expressed their dissatisfaction with the entire matter but eventually agreed with D. Lievens' assessment. **G. Harrington made a motion to authorize the Chair to expend an amount not to exceed \$32,500.00 from the Open Space Protection Fund for the LCC's half of the TFMoran invoice for subdivision work done as part of the Town's acquisition of the George property. P. Nickerson seconded. The motion was approved, 4-0-0.**

D. Lievens also reported that the Town Public Works Director was reluctant to authorize the funds for the Town to remove tires from the property. The LCC asked that D. Lievens speak with him again since the property now belongs to the Town and removing a likely breeding ground for infectious mosquitoes would avert a potential health risk.

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. At the previous



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meeting, the LCC had requested she inquire further about the bill before paying it, considering the amount involved and the fact that no specifics were ever provided by the RCCD, either verbally or in writing.

D. Lievens provided copies to LCC members of the RCCD's "Policy for Conservation Stewardship Fund," which outlined their reasoning for the expense. D. Lievens sought the Town Manager's opinion and he concurred that the money could come out of the OSPF. Seeing as the LCC was billed using the old rate of \$75.00 per acre, (which changed recently to \$100 per acre), and since it is a one time cost for the RCCD to monitor the easement ad infinitum, it was decided it was a worthwhile investment. **P. Nickerson made a motion to authorize the Chair to expend an amount from the OSPF not to exceed \$4,850.00 to pay the RCCD to establish a stewardship fund for monitoring and management of the two Merrill properties. G. Herrmann seconded. The motion was approved, 4-0-0.**

Voting (Town Council liaison)- The LCC discussed requesting that the Town Council appoint M. Oswald, the LCC's liaison, to alternate voting member status. This would aid the LCC in situations where a quorum is lacking and the liaison is present. D. Lievens contacted Town Manager Dave Caron for his insight and opinion. He replied that each town has the ability to make their own decision as to whether a Town Council liaison can be appointed as a voting member but that there is no historical record of the LCC ever making such a decision. His opinion was that the liaison could be appointed as an alternate by the Town Council. **G. Harrington made a motion to recommend to the Town Council appoint the LCC's liaison as an alternate member to the LCC. G. Herrmann seconded. The motion was approved, 4-0-0.** D. Lievens will add a request that if such an appointment is made that the term last through the end of 2007.

August 22, 2006 minutes- **G. Herrmann made a motion to approve the minutes of the August 22, 2006 public session as written. P. Nickerson seconded. The motion was approved 4-0-0.**

G. Herrmann made a motion to approve the minutes of the first August 22, 2006 nonpublic session as written. P. Nickerson seconded. The motion was approved 4-0-0.

K. Henault arrived.

D. Lievens recused herself from the vote on the second set of nonpublic minutes and appointed G. Harrington to act as Chair. **G. Harrington entertained a motion to approve the minutes of the second August 22, 2006 nonpublic session as written. G. Herrmann so moved. P. Nickerson seconded. The motion was approved, 3-0-1. (K. Henault abstained as he had not attended the meeting).**

D. Lievens resumed the position of Chair.

Kamco easement- The New Hampshire Department of Environmental Services sent a letter to the LCC regarding a recent routine inspection of the Kamco easement at 19 Industrial Drive during which Kamco was found to be out of compliance with State regulations regarding signage required by the wetlands permit. It is required that signs indicating the location and restrictions of the easement be placed every 150 feet along its borders prior to any construction. They asked that Kamco correct this situation and also remove some tires and steel fencing debris that had been left on the easement.



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Flax field- D. Lievens reported again on the tremendous amount of purple loosestrife that has grown this year in the flax field on Pillsbury Road and the four recent attempts for she and volunteers to remove it. As their efforts have resulted in only removing of about 20% of the invasive plants, D. Lievens offered the alternative of hiring members of the Student Conservation Association of Bear Brook. This would ensure that the efforts would come from people with knowledge of exactly what to remove and who can therefore do the work faster than a layperson (i.e. a boy scout). The cost, however, would be \$7,000.00 for six to eight people to work for two weeks. D. Lievens then looked into applying for a grant but in order to have the grant request approved, she has to be able to identify who will be doing the work and the SCA would not be able to give a definite answer right away.

Other than asking fellow Wildflower Society members to volunteer, another alternative would be to buy more beetles that have been introduced previously and will feed on the purple loosestrife. Complications arise, however, because the beetles do not reproduce well in the presence of standing water nor in a field that is mowed as this one is because they initially require the purple loosestrife in order to establish a successful colony. Ironically, the mowing is required to prevent undergrowth from being as invasive as the loosestrife itself. D. Lievens felt that there is one area near the pond where the beetle population could flourish in the two to three years required to build their population. It was decided to budget for the purchase of additional beetles but D. Lievens will still seek the Town Manager's opinion of expending money for the SCA members.

The issue of the proposed sidewalk on Pillsbury Road and its potential impact on the flax field's delicate hydrology and unique habitat was also revisited. Seven different wetland impacts totaling 2,800 sf would all be adjacent to the roadway in the section between Moose Hill Kindergarten and Wilshire Drive due to grading, curbing and extension of the guardrail. Concern had been raised by the LCC about the treatment swale being placed so far into the wetland buffer. M. Leach replied at the July 11th presentation that the intention of the swale's position was to prevent the removal of two apple trees and to minimize the amount of water flowing through the orchard.

It was suggested at the July 11th presentation that the swale could be moved upslope with the removal of the two apple trees, although M. Leach cautioned that doing so would increase the potential for erosion. G. Harrington replied that it would be preferable if the erosion were further away from the edge of wet. Since that time, D. Lievens has learned from M. Leach that T. Thompson stated the removal of the swale from the buffer was not required under zoning regulations. She then asked Director of Economic Development Andre Garron for his opinion but he argued that removing the trees to move the swale would be in conflict with the Scenic Bypass grant money used to preserve Apple Way of which Pillsbury Road is a part. D. Lievens argued that the removal of the apple trees was justifiable because doing so would protect a natural resource. She has forwarded minutes of the July 11th meeting to A. Garron to be sure that the Planning Department is aware of the LCC's concerns. She also noted that the LCC's comments regarding the project had not been forwarded to Town staff by the Volmer engineering staff.

Page Road culvert D+F- D. Lievens updated the LCC on this project (see January 24th and April 25th minutes) by saying the State was requiring the installation of a box culvert.

Londonderry Trailways- The LCC had agreed in 2004 to expend \$500.00 towards work done by Londonderry Trailways in the Musquash, specifically for the new gate installed on Alexander Road. They had never actually voted on the expenditure, however, so D. Lievens entertained a motion to fulfill their pledge. **G. Harrington made a motion to authorize the Chair to expend an amount not to**



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exceed \$500.00 from the line item budget to Londonderry Trailways in order to honor the LCC's 2004 commitment. K. Henault seconded. The motion was approved, 5-0-0.

Once the \$500.00 is added to the remaining money from the grant Trailways had obtained, a total of \$1,075.00 will be left for other projects in the Musquash. D. Lievens felt the purchase of additional bollards would be the most prudent use of the funds. Three sets of bollards will cost roughly \$913.00.00. She suggested waiting until Mike Considine is available to attend a meeting to discuss their placement since he has mapped out locations where he feels bollards would be most effective.

Coca Cola D+F (conceptual)- Chris Rice from TFMoran previously presented a conceptual for a proposed 30,000 sf addition to the Coca Cola warehouse on lot 15-98 (Symmes Drive). The filling of some 17,000 square feet of the jurisdictional wetland in the area of the proposed addition requires a D+F permit. The actual D+F application was not ready at the August 22nd meeting, although the LCC had voted to recommend approval to the Planning Board based on their examination of the plan at that time. After reviewing the D+F application, the LCC agreed to let the vote for recommendation stand.

G. Harrington noted that the Little Cohas Brook now had the necessary 100 foot buffer rather than the 50 foot buffer that had formerly been on the plan. The payment in lieu of land mitigation is still anticipated and should be approximately \$40,000.00. It is still unknown whether or not a pending law will be passed before this plan is approved allowing the State receive that payment instead of the Town.

DRC-

1) Coca Cola addition site plan, 15-98

Comments: No landscape plan. We would like to review planned plantings.

Airport D+F- Notification has been received that the Airport has applied for a D+F in order to install a pipeline that will take Airplane Deicing Fluids (ADF's) and presumably other runway runoff directly into the Merrimack River. The intent is to bypass and thereby improve the water quality of the Little Cohas Brook which has been "impaired" through years of acting as a quasi-holding pond for such waste material before it could enter the Merrimack. A D+F is required because the pipeline will cross an unnamed tributary of the Little Cohas and associated wetland areas. While the LCC questions exactly what kind of effluent is involved and what its effect will be on the Merrimack, the Airport is not obligated to seek approval from the Town per the municipal agreement passed by the Town Council several years ago. The application merely states that alternatives were investigated and deemed "unfeasible" and insists that the waste water will not be harmful to aquatic life. G. Harrington noted that the plan does show a detention pond, although its details were unclear from the plan.

K. Henault suggested conferring with the Merrimack River Watershed Association to perhaps support any objection they have mounted, particularly since the Merrimack River is not specifically within the LCC's purview. D. Lievens will call them. P. Nickerson offered to contact the U. S. Fish and Wildlife Service. Although the ten days has passed in which to comment to DES, it was decided to send remarks nonetheless, especially since an intervention can still be requested.

G. Harrington made a motion to authorize the Chair to consult with the Merrimack River Watershed Association and then write a letter to the Wetlands Bureau combining the MVWA's comments with the LCC's specific concerns regarding the kinds of effluence involved and its impact on aquatic life. G. Herrmann seconded. The motion was approved, 5-0-0.



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

Roll call vote: Aye, Gene Harrington; Aye, George Herrmann; Aye, Ken Henault; Aye, Paul Nickerson; Aye, Deb Lievens.

G. Harrington made a motion to go out of Non Public Session. P. Nickerson seconded. The motion was approved, 5-0-0.

G. Harrington made a motion to seal the minutes of the Non Public Session indefinitely. P. Nickerson seconded. The motion was approved, 5-0-0.

G. Harrington made a motion to authorize the Chair to expend an amount not to exceed \$3,000.00 from the Open Space Protection Fund to engage an appraiser and pay for half the appraisal of a potential land acquisition as discussed in nonpublic session. P. Nickerson seconded. The motion was approved, 5-0-0.

Monitoring/budget- D. Lievens said that since she would be submitting the LCC's 2007/2008 budget for review, she will include funds to hire someone to monitor Ingersoll, Moose Hill and Sunnycrest easements that require yearly inspections and to perform some trail maintenance.

NHACC- G. Harrington reminded members that the annual meeting of the New Hampshire Association of Conservation Commissions will be held on Saturday, November 4th.

Respectfully submitted,

Jaye Trottier
Secretary