

Present: Deb Lievens; Gene Harrington; Mike Considine; Ben LaBrecque; Marge Badois; Mike Speltz, alternate; and Kellie Walsh, alternate

D. Lievens called the meeting to order at 7:30 PM. She appointed K. Walsh to vote for Truda Bloom. M. Speltz arrived at 7:40 PM during the following presentation. D. Lievens appointed him to vote for Paul Nickerson.

<u>Outdoor Recreation Guide update</u>- Town GIS Manager/Comprehensive Planner John Vogl presented to the Commission the website component of the Town's forthcoming Outdoor Recreation Guide. The site will inform the public about recreational opportunities, along with other particulars associated with 12 main conservation lands in Londonderry. The intent is to inform the public as to "what they can do and where".

J. Vogl described the website as map driven and explained it will be available through the Town's main website. The landing page will identify the 12 areas, both on a map of Londonderry and via slides of the sites across the bottom of the page. Once a site is selected, the user can then view a brief description and have the opportunity to use a "read more" link that will take them to the individual webpage given to each of the 12 sites. Those individual webpages feature revolving photos of the site, an overview, permitted and prohibited uses, a link to a downloadable map for directions, a downloadable map of any trails on the property, and a variety of factoids so the user can gain insight beforehand about cultural and historical aspects, points of interest, natural resources, etc. Individual pages will feature links at the bottom to bring the user to another property or back to the landing page. They will also provide links to other sites when possible for additional information, e.g. to the State Fish and Game website from the Musquash page to learn more about New England Cottontail Habitat Restoration.

A link on the landing page will also take the viewer to an overall matrix to view 20 separate recreational/educational/cultural opportunities and whether they are allowed on a given site. The user can also access the individual pages from this table. The 12 conservation areas featured on the site are: Adams Pond, the Apple Way, Ingersoll-Bockes, Kendall Pond, Merrill Farm, Moose Hill Orchards, the Musquash, Nelson LAFA Fields, the Rail Trail, Scobie Pond, Sunnycrest Farm, Town Center Trails, the Town Forest, and West Road Fields/Continental Park.

- J. Vogl said the website was well received by the Town Council following a recent brief update presentation. He asked that Commissioners forward comments or any other input to him and it was decided to set a deadline of October 1 so the site can be live by October 3. M. Badois made a motion for Commissioners to review the Recreational Guide website within one week so that the site can be launched shortly thereafter. B. LaBrecque seconded. The motion was approved, 7-0-0.
- J. Vogl noted that the final draft of the plan portion of the Recreation Guide will be available in approximately two weeks and a formal presentation to the Commission can take place at their October 28 meeting.

<u>The Grand Estates at Londonderry</u>- Engineer George Chadwick of Bedford Design Consultants returned with an update on this proposed site plan of a 110-unit 55+ rental housing project on map 7, lots 132-



8, 9, and 13 through 20 (see August 26, 2014 minutes). In response to comments made at that first meeting, G. Chadwick noted that: 1) erosion control measures have been relocated to the toe of the slope; 2) Conservation Overlay District (COD) buffer signs have been added to the buffer of the larger wetland along Route 102; 3) impact to the COD buffer has been reduced nearly 25% (from 7,545 square feet previously to 5,690 sf on the current plan); and 4) the Wetland Scientist associated with the project has verified that the smaller wetland on the site is actually higher functioning than the larger "ditch" wetland that runs parallel to Route 102. Stormwater runoff will therefore be directed toward the larger wetland after leaving the detention ponds. D. Lievens thanked G. Chadwick for the responses and for making the effort to reduce the COD buffer impact.

A brief discussion ensued about the fact that the discontinuance of Golen Drive is a component of this project. Golen Drive is one point of potential access to a site previously reviewed as possible conservation land. The discontinuance would leave Rte. 102 as the only access to the lot, and doing so could mean impacting Black Brook, which runs through the lot, with the crossing of an access way to the rest of the property. The discontinuance is a function of the Town Council, however G. Harrington questioned whether the Commission's recommendation of approval for the CUP could also indicate their approval of a discontinuance that could lead to possible intrusion of Black Brook. Following further discussion, G. Harrington made a motion to recommend approval of the CUP for the Grand Estates at Londonderry site plan to the Planning Board, subject to the Town Council discontinuing Golen Drive. M. Considine seconded. The motion was approved, 7-0-0.

All American Assisted Living Facility- Engineer George Chadwick of Bedford Design Consultants presented a site plan for a 58-unit (112-bed) assisted living facility on Map 7 Lots 132-1, 2, 10, 11, and 12. There will be no impacts to wetlands on the site and G. Chadwick noted that those wetlands are not large enough to trigger the Conservation Overlay District (COD) wetland buffer. He reviewed the proposed closed drainage system, which is designed to collect, treat and release stormwater runoff into the wetlands. He also noted there will be no invasive species used in the landscaping plan. When asked about future management of the plan, he stated that the management company associated with the facility will maintain the site. When identifying proposed areas for snow storage, G. Chadwick was asked to relocate the storage area at the north end of the site as it was shown to be partially within the detention pond. Other than discussing future maintenance of detention ponds, there were no significant concerns or questions.

<u>DRC; 1) All American Assisted Living Facility site plan—Map 7, Lots 132-1, 2, 10, 11, and 12</u>- Comments: Be sure snow storage is not in the detention pond at the north end of the site. Please note; The Commission's considerations are based on the assumption that the Town Council approves the discontinuation of Golen Drive.

<u>62 Adams Road subdivision</u>- Joseph Maynard of Benchmark Engineering was present to represent the owner of Map 6 Lot 113-1, Jack Szemplinski, who first presented this proposed lot line adjustment to the Commission on August 26 (see August 26 minutes). The plan also includes Lots 6-90 and 6-90-1. At that time, there was a difference of interpretation regarding whether the Conservation Overlay



District (COD) wetland buffer ordinance would apply to the site; J. Szemplinski said it would not because the properties are existing lots of record, while the Commission explained that since the lot line adjustment is considered a subdivision, any grandfather status regarding the COD buffer would cease to exist. Because the proposed access, a shared driveway, would cross an area that would be included in the COD buffer, a Conditional Use Permit (CUP) would be required from the Planning Board. The Commission had directed J. Szemplinski to seek a determination from the Town Zoning Administrator about whether the COD buffer would be enacted by the subdivision. He was told by the Zoning Administrator that the subdivision would trigger the existence of the buffer and it was also communicated to him that a variance would be required from the Zoning Board of Adjustment (ZBA) because Lot 113-1 would not have frontage on a Class V or better road. When applying for the variance, J. Szemplinski also requested a variance seeking relief from the COD buffer.

If the variance is not approved, J. Maynard said a CUP would be sought for 6,000 square feet of existing disturbance (i.e. the driveway). He explained that if the driveway were relocated to avoid the buffer, it would result in additional environmental impact because of the need to excavate into steeper terrain and disturb established vegetation. M. Speltz noted that it is preferable to the Commission that an infringement be perpendicular to the buffer and not parallel as this would be. J. Maynard said that, again, moving the driveway would pose even more detrimental grading issues. J. Maynard asked if the CUP could be voted on at this meeting so that if the variance is not granted, there would be no delay in submitting the CUP request to the Planning Board. G. Harrington noted that a vote by the Commission could unduly influence the ZBA and it was noted that the Commission would most likely choose to submit an opinion on the variance to the Zoning Board. G. Harrington made a motion to table the discussion of approval of the CUP request to the next regular meeting because of the pending variance request. M. Considine seconded. The motion was approved, 7-0-0.

Request for baiting permit- The Commission considered a request by Jon Potter to recommend approval to the Town Manager of a NH Fish & Game permit to bait deer on 5 Morningside Drive (Map 3 Lot 19-88), which is Town owned de-facto conservation property. J. Potter stated his intentions to follow all regulations with regard to deer hunting in NH, including posting a 3" x 6" sign where the bait is placed to inform the public as well as remaining at least 300 feet from any occupied dwellings. He noted that the proposed approximate location in the southwest corner of the lot is a significant distance from the surrounding homes. He has also spoken with abutting landowners to make them aware of the situation. Following some general discussion about bow hunting and the current overpopulation of deer, M. Badois made a motion to approve the bait request as presented for Map 3 Lot 19-88. G. Harrington seconded. The motion was approved, 7-0-0.

M. Badois also pointed out that after a similar request to bait deer in the Musquash was sanctioned by the Commission in 2013, Commissioners agreed that a deer baiting policy was in order, however creation of that policy has not yet taken place.

<u>PSNH</u>; Amended <u>CUP request</u>- At their August 26 meeting, the Commission recommended approval to the Planning Board of a Conditional Use Permit (CUP) requested by Public Service of New Hampshire (PSNH) for Conservation Overlay District (COD) wetland buffer impacts associated with



the construction of a new 6.2 mile 115kV transmission line (see May 27 and August 26, 2014 minutes). The recommendation was based on the impacts totals presented; 109,211 square feet of temporary intrusion and 716 sf of permanent impact. The Planning Board ultimately approved the permit. Since that time, PSNH has made a request to amend the CUP to allow an additional 476 sf of temporary impact and 20 sf of permanent impact to the 100 ft. buffer associated with Shields Brook in order to construct a Duct Bank system at their Scobie Pond Substation (see Attachments #1, #2 and #3). A cover letter provided (Attachment #1) noted that "the temporary excavation trench will be backfilled with structural fill and re-seeded and mulched to stabilize." G. Harrington made a motion to recommend approval of PSNH's amended Conditional Use Permit. M. Considine seconded. The motion was approved, 7-0-0.

<u>Plummer II easement (6-102)</u>- D. Lievens relayed the contents of a letter sent by George K. Plummer, owner of Map 6 Lot 102, which has been subject to a conservation easement along with Lot 102A since 2005. G. Plummer informed the Commission that under Section 3F and 9 of the easement deed that he intends to exercise his right "to construct a small gravel parking area and place a sales stand adjacent to the existing access driveway...to facilitate the...sale this winter of the Christmas trees that [have been grown] on this parcel." The letter will be added to the easement file.

Merrill easement (17-6 & 17-32A)- D. Lievens informed Commissioners about correspondence received from Kenneth Merrill regarding Lots 6 and 32A on Map 17, which are both under conservation easement. It included a copy of a separate letter sent to the easement holder, the Rockingham County Conservation District, to inform them of a change in ownership due to the passing of two members of the family. The letter will be added to the easement file.

<u>Carousel and Tyler Estates easements</u>- (Map 5, Lots 31 and 21; see September 24, October 8, October 22, 2013, April 22, and May 27, 2014 minutes). These easements were mandated by the State Wetlands Bureau as mitigation for wetland impacts associated with the Carousel Estates and Tyler Estates developments. In-depth research has indicated that while the easements are shown on the respective subdivision plans, none of the individual property deeds specify the existence of any conservation easements, nor are any conservation easement deeds recorded for either development. In 2003, the Department of Environmental Services (DES) sent letters to the individual developers requesting that the conservation easement deeds be put in place as they were part of the subdivision approvals. Those businesses no longer exist, therefore there is no entity for DES to pursue.

DES has come to the conclusion that none of the conservation easements were ever written as there are no records with their department, the Rockingham County Registry of Deeds or the Town. They have also come to the decision that the property owners should be informed that the condition of the D+F permit is being withdrawn and that DES will not consider any conservation easement to exist on their lots. The Commission has decided, however, that one could consider an interest in land to exist since a series of conservation easements is illustrated on the approved subdivision plan, while individual property deeds note that they are "subject to easements of record" or "subject to conservation easement as shown on the plan," and the plan itself is an item on record with the Town



and Registry of Deeds.

The Commission will send letters via certified mail to the individual property owners stating that if they are interested in pursuing the intent of the easement and practicing good stewardship, the Commission would offer to perform a site visit and review the location of the easement on their specific lot as well as its goals. With 46 letters to be sent, the cost at \$6.48 each comes to \$298.08. M. Speltz made a motion that the Commission move forward with the mailing of certified return receipt letters to the property owners within Carousel Estates and Tyler Estates, and that the mailing be funded by an appropriate account in the Town budget, to include if required the Conservation Commission line item budget. G. Harrington seconded. The motion was approved, 7-0-0.

Annual NHACC meeting- This event will take place on November 1. D. Lievens noted that in past years, the Commission has refunded the cost of attendance to Commissioners who sign up online before the stated deadline (after which, attendees are charged an additional fee which the Commission has not reimbursed in the past). M. Speltz made a motion to reimburse any Commissioner the \$50 fee from the line item budget to attend the 2014 NHACC meeting if they meet the \$50 deadline as stated on the NHACC website. M. Badois seconded. The motion was approved, 6-0-1 with G. Harrington abstaining as he is a NHACC Board member.

<u>Doyle acquisition</u>- This item was included in the Town Council's September 22, 2014 agenda, however it had to be postponed on the part of the Commission due to unforeseen, unrelated circumstances. D. Lievens offered to follow up with the Town Manager as to when the item can be placed on another Council agenda, including the next available agenda for October 6.

<u>Target shooting in the Musquash</u>- M. Considine stated that the Town Council will hold their first workshop on this matter on October 7 at 7PM in the Moose Hill Council Chambers.

<u>Policies/Municipal Code</u>- This topic was postponed to a later date, but D. Lievens noted that along with the "carry in/carry out" policy for Town conservation areas that has not yet been fully discussed, the Commission also needs to revisit last year's idea to create a policy about requests to bait deer on Town conservation property.

<u>Musquash trails</u>- M. Considine reported that another successful Trail Day in the Musquash took place recently and included the rerouting of trails out of wet areas and the creation of a new trail west of the power lines on Map 5 Lot 12 (the "George property" easement).

August 26, 2014 minutes - M. Considine made a motion to approve the minutes of the August 26, 2014 <u>public session</u> as written. G. Harrington seconded the motion. The motion was approved, 6-0-1 with K. Walsh abstaining as she had not attended the meeting.

G. Harrington made a motion to go into <u>Non-Public Session</u> per RSA 91-A:3 for the purpose of discussing possible land acquisitions. M. Badois seconded the motion.



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207 Roll call vote: Aye, G. Harrington; Aye, Mike Considine; Aye, Ben LaBrecque; Aye, Marge Badois; Aye, 208 Kellie Walsh; Aye, Mike Speltz; and Aye, Deb Lievens. 209 210 G. Harrington made a motion to go out of Non-Public Session. B. LaBrecque seconded the motion. 211 The motion was approved, 7-0-0. 212 213 G. Harrington made a motion to seal the minutes of the Non-Public Session indefinitely. B. 214 LaBrecque seconded the motion. The motion was approved, 7-0-0. 215 216 M. Speltz made a motion for the Conservation Commission to invite the interested party associated 217 with the property discussed in Non-Public session to make an offer to the Joint Negotiating 218 Committee. G. Harrington seconded. The motion was approved, 7-0-0. 219 220 G. Harrington made motion to adjourn the meeting. M. Speltz seconded. The motion was approved, 221 7-0-0. 222 223 The meeting adjourned at 9:30 PM. 224 225 Respectfully submitted, 226 227 228 Jaye Trottier 229 Associate Planner



September 22, 2014

Town of Londonderry Planning Department Town of Londonderry, New Hampshire 286 Mammoth Road Londonderry, NH 03053

RE: Conditional Use Permit Application Amendment – PSNH W144 115kV Transmission Line Project and Duct Bank

Dear Planning Department,

On behalf of Public Service of New Hampshire (PSNH), TRC Environmental is submitting the attached application for a Conditional Use Permit application amendment to account for the addition of a proposed Duct Bank as part of the PSNH W144 Project within the regulated Conservation Overlay District jurisdiction.

In addition to the originally proposed W144 115 kV transmission line, a Duct Bank system is required as part of W144 line. A Duct Bank is proposed consisting of a buried conduit extending from the east side of the Scobie Pond Substation and extending towards W144 Structure #1 where a auxiliary structure will be installed. The additional portion of the project occurs within the existing maintained right-of-way (ROW) and adjacent to Shields Brook. Shields Brook is regulated under the Conservation Overlay District (COD) as well as an associated 100-ft buffer. A temporary excavation trench required to install the buried conduit will result in approximately 476 sq. ft. of temporary impacts within the 100 foot regulated buffer as well as approximately 20 sq. ft. of permanent impacts associated with the installation of the necessary structure. The structure will remain permanent as part of the Project. The temporary excavation trench will be backfilled with structural fill and re-seeded and mulched to stabilize.

As a proposed amendment to the original CUP application submitted on August 14, 2014 for the W144 115 kV Transmission Line, the same standards and practices will apply to this proposed amendment of the Project as outlined in the original application and in the *Best Management Practices Manual for Utility Line Maintenance In and Adjacent to Wetlands and Waterbodies in New Hampshire* (Interim, 2010).

In sum, the amended CUP application (enclosed) proposes approximately 730 sq. ft. of permanent wetland buffer impacts and approximately 109,687 sq. ft. of temporary wetland buffer impacts. Please find enclosed an amended CUP application and the proposed PSNH W144 Duct Bank plans for your review. If there are any questions or comments, please don't hesitate to contact Matt Cardin at (603) 851-1921 (mcardin@trcsolutions.com).

Sincerely,

TRC Environmental

Matthew R. Cardin, NH CWS Project Wetland Scientist

Application for a Conservation Overlay District Conditional Use Permit Form A - For a Use permitted by Conditional Use Permit

Cond	ditional Use permit is as par	rt of a: Site Plan	n 🔲 Subdivision	n	
l. Ge	eneral Information:				
	A. Name of Project:				
	B. Location of Project:	(Street)	_	(Map #)	(Lot #)
	C. Applicant:				
	Name: Address:				
	Phone:				
	Fax:				
	Signature:				
II. R	Required Information:				
III. C	 □ Wetland delineation licensed land survey □ Areas on plans high □ Narrative description □ Criteria for condition Optional Information: □ Aerial Photographs □ Site Photographs 	yor. ghlighted to show a on of project and a onal use permit de	areas where condi	litional use po ermit request	permit is sought
	Conditional Use Permit				
	ress, in the provided boxing Ordinance:	es, the following	, criteria in accorda	ance with Se	ction 2.6.3 of the
1.	The proposed constru District.	uction is essentia	to the productive	use of land	not within the CO

Design and construction materials will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.
There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact upon the wetlands. Nothing in this section shall limit the applicant from exploring alternatives with abutting property owners:
Economic advantage is not the sole reason for the proposed location of the construction:
Square Footage of Wetland Impacts:
Square footage of Buffer Impacts:

