



Londonderry Conservation Commission
Tuesday, January 22, 2013
Minutes

1 Present: Deb Lievens; Gene Harrington; Paul Nickerson; Ben LaBrecque; Marge Badois; and
2 Mike Speltz

3

4 Deb Lievens called the meeting to order at 7:35 PM.

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6 Liberty Utilities, D+F & CUP, Map 7, Lot 34-1- G. Harrington reported that he and M. Badois had
7 performed a site visit to address the Minimum Expedited Dredge and Fill (D+F) filed by Liberty
8 Utilities for map 7, lot 34-1 (see January 8, 2013 minutes). He confirmed that the application
9 matched nearly exactly what was found on the site, but had several comments and a question
10 for Matt Routhier of Northpoint Engineering who was present. The question pertained to
11 future use of existing dug well observed in the location of the future northwestern parking
12 area. M. Routhier said he believed it had been used for irrigation and that Liberty Utilities
13 may want to use it in the same fashion. If so, he said it would be brought up to grade. If
14 not, it will be filled with stone. Comments included two requests regarding the pond, its
15 20-foot naturally vegetated buffer, and landscaping. G. Harrington asked that when
16 maintaining the mowed area, grass clippings not be placed in the wetland or vegetated buffer.
17 He also requested that the pond buffer itself be extended from the existing Rhododendrons
18 through the ditch and to the eastern edge of the property, including the area between the
19 pond and the Rte. 102 right of way (see DRC comments). He also suggested that the
20 vegetated area be mowed once annually in the fall to clear the brush that will inevitably grow
21 there unchecked. M. Routhier indicated he would comply with those requests. **G.**
22 **Harrington made a motion to sign the Minimum Expedited D+F. M. Badois seconded. The**
23 **motion was approved, 5-0-0.**

24 A conversation about the application to the property of the Conservation Overlay
25 District (COD) buffer continued from the January 8 meeting. The Commission had asked M.
26 Routhier to measure the existing pond to verify whether it was over half an acre. M. Routhier
27 reported that the pond measured .58 acres. Despite the determination from the Town
28 Building Inspector/Zoning Administrator that the COD buffer would not apply to this lot
29 because the applicant is using the site plan approved in 1992, consensus amongst
30 Commissioners was that not only would the size of the pond make the COD applicable, but the
31 changes proposed by the applicant are significant enough to view the submission as a new and
32 separate site plan. They requested that the applicant submit a Conditional Use Permit (CUP)
33 application, noting that the Commission would more than likely support it. D. Lievens said
34 she would discuss the issue with the Building Inspector to convey the Commission's rationale.

35

36 [M. Speltz arrived during the following discussion at approximately 8:05 PM].

37

38 Dog Park Task Force- Dottier Grover and Cindy Eaton of the Dog Park Task Force were present
39 to obtain the Commission's feedback on the concept of using a portion of the Kendall Pond



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40 Road Conservation Area (KPCA) for a Town dog park. D. Grover explained that she had been
41 informed by Londonderry Trailways President Bob Saur that such a park might act as a
42 deterrent to the various illegal activities taking place on that site. Seven other Town owned
43 parcels have already been reviewed by, however none were found to meet the Task Force's
44 criteria. Approximately an acre of land would be needed, half of which would be fenced in
45 and covered with a surface such as bluestone to allow the dogs to exercise and socialize.
46 None of the land would be clear cut. D. Grover noted that the Task Force expects no funding
47 from the Town for the project or its future maintenance. The Town Council would have final
48 approval on any dog park built in Londonderry.

49 D. Lievens asked for comments from the Commission. P. Nickerson stated that since
50 the property was purchased in part with Federal funds, the Commission would need to
51 determine if any associated use restrictions would prevent construction there of a dog park.
52 When G. Harrington asked if any design standards exist for dog parks, D. Grover replied that
53 the Task Force has found no standards per se but have researched other dog parks in New
54 Hampshire. Because of the poorly drained, sandy soils on that site, G. Harrington suggested
55 contacting the Soil Conservation Service for their input on the impact of animal density,
56 particular with regard to that soil type. D. Lievens confirmed with D. Grover that visitors to
57 the dog park would be required to remove their pet's waste and that bags would even be
58 provided on site. P. Nickerson asked what kind of fence would be used and was told a chain
59 link fence that would surround the aforementioned half acre would be dug into the soil to
60 prevent animals digging out. He also posed the question of liability should any incident
61 involving the dog park result in a lawsuit against the Town. D. Grover said the legal issues are
62 not entirely clear at this point, but would be resolved before any project is pursued. M. Speltz
63 said that in order to give an opinion, he would need to know if any Best Management Practices
64 (BMPs) for dog parks have been put in place by an independent, nationally recognized
65 organization and if so, what those BMPs are.

66 D. Lievens asked for comments from the public. Tom Kirchner, 7 Forest Street, stated
67 his opposition to a dog park, based on increased traffic, parking, and activity in the area.
68 Doug Noyes, 106 South Road, expressed his concern for noise as well as animal waste filtering
69 into the water supply, noting that his well is 144 feet from the KPCA. Richard Mackey, 87
70 South Road, voiced the same concern about contamination of the large aquifer in that area.
71 Bryan Larson of 104 South Road conveyed his ongoing support for land conservation in town,
72 provided the land is conserved, not used for a public dog park. Building a dog park on any
73 conservation land, he said, contradicts the intent of land preservation and the use of public
74 funds to purchase it. He added that the proposed use would negatively impact the variety of
75 wildlife he has observed on the property. Nearby dog parks in Derry and Hudson, he noted,
76 are available for use by Londonderry residents. Several of the property owners present said a
77 prime reason for purchasing their homes was because of the close proximity to land that would
78 not be developed. Denise Noyes, 106 South Road, pointed out that based on Task Force



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79 meeting minutes, hunting and inadequate parking were cited as reasons why other sites were
80 no longer being considered, yet those two issues also apply to the KPCA. She suggested that
81 the illegal activity and waste issues will only increase with the introduction of a dog park. She
82 added that neither the Conservation Commission nor Londonderry Trailways have done
83 anything to assist the neighbors with those issues. D. Lievens explained that the Commission
84 is made up of volunteers and have no legal authority to directly aid in the situation, while M.
85 Speltz clarified that the Commission did request the assistance of the Police Department who
86 have increased patrols there and installed cameras in the parking area. D. Grover said one
87 goal of the Task Force is to prevent less responsible owners from taking advantage of and
88 negatively impacting the facility by restricting access through some sort of membership key
89 card.

90 D. Lievens polled Commissioners on their preference to research the potential for a dog
91 park at the KPCA. G. Harrington abstained, saying he was not able to state an actual
92 preference either way for this site, but noted he would rather see such a park in the northern
93 end of town, perhaps on Town owned land near the airport. M. Badois said she was leaning
94 against the idea of using the KPCA and suggested instead that the Task Force obtain a
95 corporate partner or sponsor in the airport area that could provide space on their land. M.
96 Speltz abstained, explaining that he did not have sufficient information about dog parks,
97 particularly BMPs, to make an informed decision. P. Nickerson expressed his objection to the
98 idea, noting the effects it would have on wildlife in the area and the natural resources on which
99 they depend. B. LaBrecque also abstained, but noted that if a proposal from the Task Force
100 complied with any land use restrictions in place on that property while not posing a threat to
101 the environment, the Task Force has a right to present it to the Town Council and the
102 neighbors have the right to speak against it. D. Lievens said she was leaning against the idea
103 because of potential biological issues and other impacts to the land.

104 D. Lievens said she would place the topic on the February 12 Commission agenda at 8
105 PM, at which time the Task Force can present any findings related to BMPs as described by M.
106 Speltz and the Commission can report on any land use limitations found in the deed to the
107 property.

108
109 Target practice in the Musquash- Based on the latest discussion of this issue at the January 8
110 meeting, G. Harrington suggested the possibility of the Police Department requiring a permit
111 for target shooting in the Musquash just as the Fire Department does for outside fire permits.
112 It would not only make police aware of anticipated target shooting activity and those involved,
113 but could restrict target shooting during such events as Musquash Field Day. Such an idea
114 would have to be presented not only to the Police Department but to the State legislature as
115 well. D. Lievens said she would contact the Executive Director of the New Hampshire
116 Association of Conservation Commissions for her input. It was decided to ask Town Councilors
117 to visit the Musquash as Commissioner Mike Considine had suggested to inspect at least the



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118 areas that have been used regularly for target practice.

119

120 National Grid (trail easement) – Michael Knott of Liberty Utilities confirmed via email after the
121 January 8 meeting that map 8, lot 17 is still owned by National Grid. He also provided the
122 information for the appropriate contact (see January 8 minutes). M. Speltz said he reread the
123 email to see if the Commission’s request for a trail easement on 8-17 was already conveyed to
124 National Grid or still needed to be.

125

126 Musquash Field Day- D. Lievens said M. Considine continues to coordinate this event scheduled
127 for February 16, 2013 and that Eastern Mountain Sports will be providing free snowshoe
128 rentals. Any outstanding issues can be addressed at the February 12 meeting. Flyers were
129 distributed to Commissioners to post in various locations, both within and outside of
130 Londonderry. P. Nickerson asked that an electronic copy be emailed to Commissioners so
131 they can choose to disseminate the information that was as well. M. Speltz said he will be
132 unable to attend.

133

134 Joint Negotiating Committee- M. Speltz reported that he and fellow Committee member P.
135 Nickerson met with Town staff in December to discuss two potential land acquisitions. No
136 other members were able to attend. The results were to initiate an appraisal on one of the
137 properties and to accept an offer on the other, both subject to consensus from At-Large
138 member Matt Neuman who is contributing his real estate expertise. M. Speltz added that he
139 has requested an update from staff.

140

141 Outdoor Recreation Guide- M. Speltz stated that comments on this document from School
142 District Business Administrator Peter Curro and Facilities Director Chuck Zappala should be
143 forthcoming, possibly by the end of January.

144

145 American Chestnut presentation- P. Nickerson, B. LaBrecque, and G. Harrington said they
146 would be attending this event at 7 PM on January 31 at the Leach Library. D. Lievens said she
147 hopes to attend as well, and that she sent out invitations to local conservation commissions.

148

149 January 8, 2013 minutes- Prior to the meeting, M. Considine clarified via email his actions as
150 described in the January 8 minutes under the topic of “Target practice in the Musquash.” It was
151 decided to change the sentence on page 2, line 71-72 from “The Town Council discussed the
152 issue in 2012, including during a meeting when M. Considine made a presentation, although no
153 decision has been made to date” to “The Town Council discussed the issue in 2012 and at one
154 point, M. Considine provided Town Manager Dave Caron with a copy of a presentation he
155 wanted to share with the Council, however no decision has been made to date.”

156

G. Harrington made a motion to approve the minutes of the January 8, 2013 public



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157 **session as amended. M. Speltz seconded. The motion was approved, 3-0-3 with D.**
158 **Lievens, P. Nickerson, and B. LaBrecque abstaining as they had not attended the meeting.**
159

160 Airport Master Plan Update- A copy of this report was recently received. D. Lievens said she
161 would be reviewing it and encouraged other Commissioners to read it as well.
162

163 DRCs- 1. Liberty Utilities Site Plan Amendment (to Blue Seal Feed 1993 site plan), 7-34-1;

164 Comments:

165 a. Note: Remember to extend the pond buffer from the Rhododendrons through
166 the ditch to the eastern edge of the property, including the area between the
167 pond and the Rte. 102 right of way. The buffer on the landscape plan should
168 reflect the no-disturbance area on the erosion control plan.

169 b. Re landscape management: Do not place lawn clippings in the wetlands or the
170 buffer.

171 c. Where is the snow storage?
172

173 2. Ms. Darlene's early Learning Center Site Plan, 6-47-1;

174 Comments: No comment.
175

176 3. Hampshire Ventures, Inc. (LBI) Two-Lot Duplex Subdivision, 3-185;

177 Comments: Please include a construction buffer when houses are built; leave
178 enough area outside of the buffer to operate machinery.
179

180 **G. Harrington made motion to adjourn the meeting. B. LaBrecque seconded. The motion**
181 **was approved, 6-0-0.**
182

183 The meeting adjourned at approximately 9:45 PM.
184

185 Respectfully submitted,
186

187
188 Jaye Trottier
189 Secretary