



Londonderry Conservation Commission
Tuesday, February 8, 2011
Minutes
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1 Present: Deb Lievens, Mike Considine, Paul Nickerson, Truda Bloom, Ben LaBrecque, George Herrmann,
2 Mark Oswald (late), Mike Speltz, and Ken Henault

3
4 D. Lievens called the meeting to order at 7:35 PM. She appointed M. Speltz to vote for Gene Harrington.

5
6 Flooding issue, Verani & Evans properties- Larry Keniston of the NH Department of Transportation Rail and
7 Transit Bureau sent an email to the LCC regarding a failed culvert under the abandoned Manchester-
8 Lawrence railroad (see January 25 minutes). The culvert is reportedly causing perpetual flooding on
9 property owned by the Evans family because of work done by the Veranis on lot 16-5. No Dredge and Fill
10 permit was found on file in the Town Offices, nor is there any evidence according to the site plan that the
11 wetlands were impacted. D. Lievens conveyed this information to L. Keniston. M. Speltz added that he
12 spoke with L. Keniston on February 7 and was told a site visit would make it obvious where fill was pushed
13 into the former flood storage area (what was wetland at the time). There was consensus that once the
14 ground is clear of snow, a site visit with a GPS device could help locate where the fill for the parking lot
15 ends. That can then be compared with some other known points on the site plan.

16
17 FRPP grant- A. Mack Sr. recently declined to pursue a conservation easement with the Town on map and lot
18 9-49 using the Farm and Ranchland Protection Program grant money that was awarded to the Town in
19 2010 for a possible easement on lot 10-15. The Natural Resource Conservation Service informed M. Speltz
20 that the funds could be transferred to another property, provided it would meet the soil type qualifications.
21 M. Speltz spoke with the owner of a property discussed at prior non-public sessions who is considering the
22 offer. An appraisal would need to be done in the very near future to meet the March 31 deadline by which
23 time the funds need to be expended. M. Speltz has therefore already left word with an appraiser that he
24 knows to be "very responsive." **M. Speltz made a motion to authorize the Chair to expend an amount not**
25 **to exceed \$4,000 from the Open Space Fund for an appraisal of the property discussed at the January 25,**
26 **2011 meeting. G. Herrmann seconded. The motion was approved, 7-0-0.** (See also "FRPP grant,
27 (continued)," beginning on line 138).

28
29 M. Oswald arrived at approximately 7:45 PM.

30
31 Horsetrail Brook- B. LaBrecque has been investigating tree cutting on map and lot 14-35 that may be taking
32 place within the 150-foot buffer from the centerline of Horsetrail Brook, a buffer that is required by the
33 Conservation Overlay zoning ordinance (see January 11, 2011 minutes). He and another abutter both filed
34 complaints with the Department of Environmental Services about the possible violation. A copy of a
35 resulting letter sent to the owner by DES was forwarded to the Conservation Commission. According to
36 that correspondence, DES has added the case to their field investigation list and has requested a reply from
37 the owners, Tana Properties, within 20 days of the date of the letter (January 28, 2011).

38
39 Trash & littering- B. LaBrecque recently attended a meeting of the Solid Waste Advisory Subcommittee
40 that has been charged with devising a plan to address littering in town. Along with trash along the sides of
41 the road, the subcommittee is also focusing on larger trash items (appliances, tires, etc.) being dumped at
42 various locations, including the Musquash Conservation Area and other protected lands. He asked if
43 Commissioners knew of any surrounding towns that have developed a plan to deal with those issues. M.



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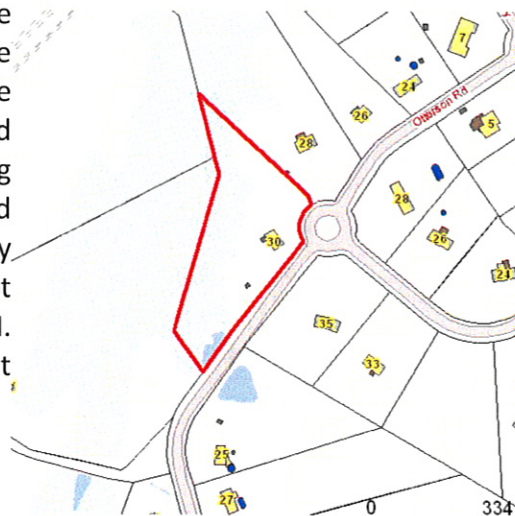
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44 Speltz thought that Concord may have developed one and M. Oswald suggested contacting Portsmouth.
45 The subcommittee is also hoping to enlist the help of the LCC, Londonderry Trailways, and others to
46 collaborate and clean up the affected areas. The LCC suggested a town wide trash amnesty day since some
47 dumping is due to avoidance of the fees associated with the Drop-Off Center. An amnesty day could
48 perhaps be tied into one of the annual Hazardous Waste Days so that people can deposit all of their trash
49 and waste items at one time.

51 Otterson Road wetland- In addition to requesting input from the
52 LCC about the aforementioned subcommittee on littering, The
53 Chair of the Solid Waste Advisory Committee asked B. LaBrecque
54 for insight from the LCC about an ongoing issue with the wetland
55 west of Otterson Road. G. Herrmann explained that a hydroseeding
56 company regularly fills their water tanks using the wetland and
57 pond shown here. According to the State, as long as the company
58 is parked on the road when removing the water, they are not
59 violating any laws or ordinances with regard to the wetland. M.
60 Speltz noted, however, that if they block traffic, however, that
61 would create an issue of safety for the police to address.



65 Purple Loosestrife- The annual effort to remove this invasive species from the wetland in the flax field on
66 Pillsbury Road will take place again in July. As in past years, interns of the New England Wildflower Society
67 will be donating their time to help local volunteers. D. Lievens asked if the LCC would be willing to provide
68 a stipend for their service to cover their gas costs as they have done in previous years. **G. Herrmann made
69 a motion to donate \$50 from the line item budget towards the NE Wildflower Society in order to support
70 purple loosestrife removal at the flax field. P. Nickerson seconded. The motion was approved, 7-0-0.**

71 Galerucella beetles, which feed exclusively on loosestrife, have been used in the last few years as to
72 combat its growth, especially because of the rare plants discovered in that location. Beetles will also be
73 released where purple loosestrife has also been found in the Musquash at the end of the Faucher Road
74 bridge and on map and lot 6-113 where a wetland restoration project is taking place through the Aquatic
75 Resource Mitigation Fund program. D. Lievens said that because no mowing takes place in either location,
76 the beetles should be even more effective than in the flax field because their eggs will have a much better
77 chance of survival. She also reported that the cost of 1,000 adult beetles has risen from \$200 to \$250 and
78 has confirmed that the Department of Agriculture will allow the LCC to continue to use their permit to
79 purchase the beetles until May 2013.

81 Merrill easement (17-10)- A public hearing will be held at the February 22 LCC meeting regarding the
82 acquisition of a conservation easement, substantially in the form of the existing easement on map and lot
83 17-6, on 20+/- acres of lot 17-10 in the amount of \$219,000. K. Merrill submitted a draft easement deed to
84 the LCC using the deed language of the easement on lot 17-6 with some minor revisions. The LCC did not
85 have any concerns with the proposed changes. M. Speltz and D. Lievens will locate an electronic version of
86 the deed for 17-6 so it can simply be amended and can then be forwarded to the Town Attorney.



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88 Aquatic Resource Mitigation Fund- Gove Environmental Services has submitted another invoice in the
89 amount of \$440.00 for work being performed in conjunction with the wetland restoration project on map
90 and lot 6-113. Per the agreement with the Town Financial Director (see January 11, 2011 minutes), Gove
91 will be paid through the Town's General Fund, which will later be reimbursed by DES.

92

93 Town Forest/Town Common- At the November 23, 2010 meeting, the LCC discussed the request of the
94 Heritage Commission to restore the area within the Town Forest that was recently cut to provide a picnic
95 area for the Town Common. What had been specified as the location for the "picnic area" in the
96 Certificate of Approval issued by the Heritage Commission in May 2008 was not what was agreed upon
97 when M. Oswald performed the final site walk with John Dahlfred of the Heritage Commission in August of
98 this year. J. Dahlfred passed away shortly afterwards but had apparently not conveyed in writing to the
99 Heritage Commission what was decided during that site walk.

00

01 M. Oswald, M. Speltz, and D. Lievens have all spoken with Art Rugg, Chairman of the Heritage
02 Commission, and came to the understanding that there was an unfortunate lack of communication and
03 formal amendment to the documents involved. After attending the January 27 Heritage Commission
04 meeting, however, M. Oswald reported that this is not the consensus of the entire Commission, adding that
05 there are additional concerns over removal of some of the stonewall. He noted that after the Certificate of
06 Approval was issued in 2008, a site walk was done with members of the LCC, the Heritage Commission, and
07 the Town Council, which was recorded by staff of the Local Access Center. The video confirms that the
08 consensus was to clear the same area where the cut occurred in the fall of 2010. It was decided to invite
09 Heritage Commission members to the March 8, 2011 meeting.

10

11 Musquash Field Day (February 12)- M. Considine reported that flyers have posted in town for this event,
12 posters have been set up at the various kiosks, and the new map has been affixed to the main kiosk. He
13 provided copies of the map created using GPS data by GIS Manager John Vogl for the LCC's approval.
14 Commissioners were very pleased with the results. The press has been notified, including the Union Leader
15 who was going to publish an article about the event. Eastern Mountain Sports will be providing 12 to 18
16 pair of snowshoes.

17

18 Monitoring- P. Nickerson stated that all the 2010 Moose Hill Orchard easement reports have been filed
19 appropriately. D. Lievens added that the Natural Resources Conservation Service informed her that they
20 received them.

21

22 DRC-Londonderry Freezer Warehouse- Expansion #2; site plan, 15-124 & 22:

23

Comments: Landscape Plan; Euonymus (fortunei) is not LEGAL in NH. REPLACE.

24

25 January 25, 2011 minutes- **G. Herrmann made a motion to approve the minutes of the January 25, 2011**
26 **public session as written. T. Bloom seconded. The motion was approved, 6-0-1 with P. Nickerson**
27 **abstaining as he had not attended the meeting.**

28

G. Herrmann noted a cut-and-paste error in the minutes of the January 25 non-public session
regarding the list of members present. **G. Herrmann made a motion to approve the minutes of the**



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29 **January 25, 2011 non-public session as amended. M. Speltz seconded. The motion was approved, 6-0-1**
30 **with the same abstention noted above.**

31
32 **FRPP grant (continued)**- A motion was made earlier in the meeting regarding the authorization to spend
33 funds on an appraisal of a property discussed at the January 25, 2011 non-public session (see "FRPP grant,"
34 beginning on line 17). It was realized after that motion was approved that the property had not been
35 discussed in that particular non-public session. It was decided to go into a non-public session to discuss the
36 specifics and then reaffirm the earlier motion if consensus was reached to do so.

37
38 **M. Speltz made a motion to go into Non-Public Session per RSA 91-A:3 for the purpose of discussing**
39 **possible land acquisition per RSA 91-A:3. T. Bloom seconded.**

40
41 **Roll call vote: Aye, Ben LaBrecque; Aye, Truda Bloom; Aye, Paul Nickerson; Aye, George Herrmann; Aye,**
42 **Mike Considine; Ken Henault present; Aye, Mike Speltz; Aye, Deb Lievens; and Mark Oswald present.**

43
44 **G. Herrmann made a motion to go out of Non-Public Session. P. Nickerson seconded. The motion was**
45 **approved, 7-0-0.**

46
47 **G. Herrmann made a motion to seal the minutes of the Non-Public Session indefinitely. P. Nickerson**
48 **seconded. The motion was approved, 7-0-0.**

49
50 **M. Speltz made a motion to confirm the earlier vote to authorize an appraisal on the parcel discussed in**
51 **the non-public session. T. Bloom seconded. The motion was approved, 7-0-0.**

52
53 G. Herrmann made a motion to adjourn the meeting. P. Nickerson seconded. The motion was
54 approved, 7-0-0 and the meeting adjourned at approximately 8:45 PM.

55
56 Respectfully submitted,

57
58
59
60 Jaye Trottier
61 Secretary



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 28, 2011

Tana Properties
Attn: Peter Nash
40 Temple Street
Nashua, NH 03063

Attn: John O'Neil
Hudson Sand & Gravel, Inc.
71 Mooar Hill Road
Hollis NH 03049

RE: Wetlands Bureau Complaint File #2011-00260, Near End Cul De Sac/ Woodside Drive, Londonderry, Tax Map/Lot #14 / 38

Dear Sirs:

The Department of Environmental Services (DES) has received a complaint of possible violations on the above referenced property. The complaint alleges that you, or your agent, have filled wetlands and installed a stream crossing in Horse Tail Brook without a permit or proper authorization from DES. This letter is to notify you of this complaint, and to provide you with an opportunity to respond.

If work has been done in jurisdiction without a permit, you are requested to voluntarily refrain from carrying out any additional work in jurisdiction, except for siltation and erosion control installation requested, until review of your property has been done.

Pursuant to RSA 482-A, a wetlands permit is required to be obtained from DES, and posted on site, in order to excavate, remove, dredge, fill, or construct any structure in or on any bank, flat, marsh, bog, or swamp, in and adjacent to waters of the state. We find no record of a wetlands permit being issued under your name for the work described above, but realize that a permit may have been obtained under another name, by a corporate identity, or that the complainant may have mistaken the identity of the person doing the work.

If there is a violation, DES has the authority to take enforcement action against any person who conducts work within its jurisdiction without a wetlands permit. Enforcement action may include restoration or imposition of an administrative fine.

This case has been added to our scheduled inspection list. This file has been tentatively assigned to me, and I may contact you prior to the field investigation. You may also review the DES Wetlands Program website at: www.des.nh.gov and select "Wetlands" from the "A to Z list" on

Please respond to this notice of complaint by providing your comments in writing to the aforementioned file number within 20 days of the date of this letter. Please provide a copy of any permits, plans, or other information that you may have.

If you have any questions please feel free to contact me at (603) 271-4056 or by e-mail at emily.lucas@des.nh.gov.

Sincerely,

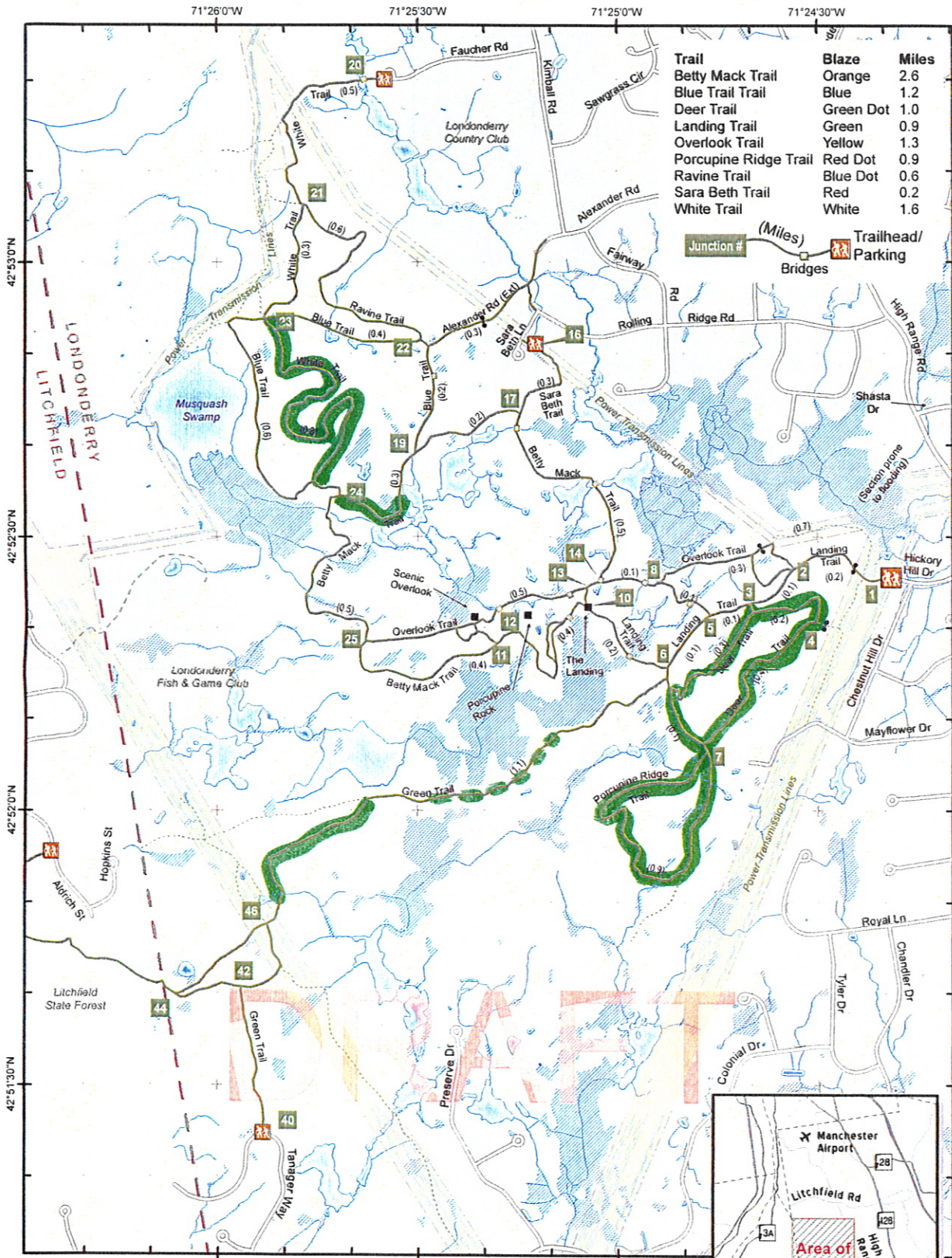


Emily P. Lucas
Compliance Specialist
NHDES Land Resources
Management

cc: Londonderry Conservation Commission
Londonderry Selectmen's Office



Musquash Conservation Area Londonderry, NH



Trail	Blaze	Miles
Betty Mack Trail	Orange	2.6
Blue Trail Trail	Blue	1.2
Deer Trail	Green Dot	1.0
Landing Trail	Green	0.9
Overlook Trail	Yellow	1.3
Porcupine Ridge Trail	Red Dot	0.9
Ravine Trail	Blue Dot	0.6
Sara Beth Trail	Red	0.2
White Trail	White	1.6



No motorized-wheeled vehicles are allowed in the Musquash Conservation Area per town ordinance. Hunting is allowed during hunting season. Wear bright orange to make yourself visible during this time. This trail map is provided as a reference and is not warranted to be accurate. Trails are current as of Fall, 2010 although conditions are subject to change due to trail work and forces of nature. Use trails at your own risk.

This map was produced by the Londonderry Community Development Department. Funding was obtained by Londonderry Trailways through a grant from the NHDRED, Bureau of Trails.

