



Londonderry Conservation Commission
Tuesday, November 8, 2011
Minutes
Page 1 of 8

1 Present: Deb Lievens, Gene Harrington, Paul Nickerson, Ben LaBrecque, Truda Bloom, and Mike
2 Speltz

3
4 Also present: Ann Chiampa, resident

5
6 D. Lievens called the meeting to order at 7:30 PM. She appointed M. Speltz to vote for Mike
7 Considine

8
9 Town Forest trail- Bob Saur of Londonderry Trailways presented a conceptual drawing of a trail
10 linking the Town Common to the Orchard Overlook vista by way of the Town Forest (see
11 attached). Since the LCC are stewards of the Town Forest, B. Saur was seeking any input,
12 suggestions, or objections from Commissioners. There were no objections. D. Lievens
13 mentioned to B. Saur that at the November 7 Town Council Meeting, Old Home Days Chair
14 Kathy Wagner asked if the Town could pay for the stumping, loaming, and seeding of the area
15 that was cleared last year to create more space for Old Home Days. B. Saur said he would also
16 be meeting with the Old Home Days Committee as well as the Heritage Committee to gain their
17 input. T. Bloom suggested that if the proposal comes to fruition, a memorandum of agreement
18 should be drawn up between all parties involved with an attached plan.

19
20 Monitoring- P. Nickerson reported that he, T. Bloom, and D. Lievens walked all of the Moose
21 Hill Orchard easements on November 7. Not only were there no issues with the properties, he
22 remarked that they are very well maintained. He will write up the monitoring report and send
23 it to the Natural Resources Conservation Service.

24 D. Lievens asked for volunteers to monitor the Plummer easement on map and lot 8-1.

25
26 Memorandum of Agreement- The Town Council recently approved Resolution 2011-16, a
27 Memorandum of Agreement (MOA) between the Council and the LCC regarding conservation
28 land acquisitions. The LCC, however, had not yet voted on their final approval. M. Speltz
29 reviewed the version approved by the Council against the last draft reviewed by the LCC and
30 reported that there were no inconsistencies. **M. Speltz made a motion to authorize the Chair
31 to sign the Memorandum of Agreement with the Town Council regarding the Joint
32 Negotiating Committee. B. LaBrecque seconded. The motion was approved, 6-0-0.** D.
33 Lievens added that LCC member Mark Oswald is in contact with a resident who has real estate
34 appraisal experience, something that is required for one of the positions on the committee.
35 Two representatives from the LCC will need to be selected as well.

36
37



Londonderry Conservation Commission
Tuesday, November 8, 2011
Minutes
Page 2 of 8

38 Records- D. Lievens has learned that some old records, including minutes, were discovered at
39 the home of former LCC member and Chair Dan Hicks. She will ask that the records be
40 delivered to Town Hall so that they may be reviewed by Commissioners.

41
42 NHACC meeting- **D. Lievens entertained a motion to reimburse Commissioners who attended**
43 **the annual meeting of the NH Association of Conservation Commissions the \$45 entrance fee.**
44 **P. Nickerson so moved, G. Harrington seconded. The motion was approved, 5-0-1 with D.**
45 **Lievens abstaining as she had attended the meeting.**

46 D. Lievens reported that she voted on behalf of the LCC regarding the two proposed
47 amendments to the NHACC bylaws (see October 25, 2011 minutes). She also attended
48 presentations about topics such as public relations, political influence, and lawmaking. The
49 latter made her aware of four concepts that may be introduced as legislation. Although there
50 are no details at this point, she said they concern the authority of Conservation Commissions,
51 the control of land received or acquired by a conservation commission, the acquisition of land
52 for conservation purposes, and the assessment of the Land Use Change Tax (LUCT) and the use
53 of LUCT revenues. Lastly, D. Lievens attended a presentation on the Shoreland Protection Act,
54 which reviewed how the program has been weakened by, among other things, personal
55 property rights issues. Individual communities are now introducing their own layers of
56 protection.

57
58 Land Use Change Tax- At the November 7 Town Council meeting, resident Jay Hooley made a
59 presentation about adjusting the LUCT and said he will be putting together a citizen's petition.
60 He proposed that the first \$100,000 collected through the tax be given to the LCC, with
61 anything further being split between the LCC and the general fund, although D. Lievens was
62 unsure of the exact percentages.

63
64 Sunnycrest Phase I- D. Lievens reported that the baseline for this easement has been prepared.
65 Once the Rockingham County Conservation District is ready, the assignment of this easement to
66 RCCD can be completed. **D. Lievens entertain a motion to authorize the Chair to expend an**
67 **amount not to exceed \$549 from the Open Space Protection Fund payable to RCCD for the**
68 **baseline study of the Phase I Sunnycrest easement. G. Harrington so moved. P. Nickerson**
69 **seconded. The motion was approved, 6-0-0.**

70
71 Native plants- In addition to the LCC's attempts to remove and prevent the introduction of
72 invasive plant species in town, D. Lievens suggested that the LCC also encourage developers
73 and the public to use native plants to better support the local ecosystem. M. Speltz stated that



Londonderry Conservation Commission
Tuesday, November 8, 2011
Minutes
Page 3 of 8

74 the list of native plants in the site plan and subdivision regulations gives the LCC the statutory
75 authority to enforce their use.

76

77 Merrill easement- D. Lievens read a letter from Charlotte and Everett Merrill stating they are
78 withdrawing their offer to sell a conservation easement to the Town on map and lot 17-10. The
79 letter went on to say that the owners are still “firmly committed to the preservation of this
80 property through [a] conservation easement,” but are not able to complete the project at this
81 time.

82

83 D. Lievens stepped down as Chair and turned the meeting over to Vice Chair G. Harrington. She
84 recused herself as a Commissioner from the following discussion regarding Woodmont
85 Commons.

86

87 DRC- Woodmont Commons PUD Master Plan, Map 10 Lots 15, 23, 29C-2A, 29C-2B, 41, 41-1,
88 41-2, 42, 45, 46, 47, 48, 50, 52, 54-1, 57, 58, 59, and 62.

89

90 Comments:

91

92 1. Section 2.8.8.2.4 (p. 7); “The Applicant intends to dedicate publicly
93 accessible open space to a municipal or non-profit entity.” Please specify
94 what kind of non-profit this would be, i.e. is it an owner’s association, a land
95 trust, or an entity created for that sole purpose? If the open space is
96 dedicated to the Town, please address stewardship and how it would be
97 funded.

98

99 2. Either in the Master Plan itself or in the TND sheets, please provide a
100 summary of acreages by type. “Open space” is identified on the map but the
101 specific uses are not provided. A table could serve to outline whether a given
102 open space is natural vegetation, lawns, recreational field, gardens, etc. (See
103 also comment no. 8). *

104

105 3. Section 2.8.8.2.5 (p. 7); “Preservation of natural vegetation and other
106 important natural features.” A key natural feature of the land in question is
107 its prime agricultural soils, but they are not addressed. How does the plan
108 meet the PUD goal of preserving important natural features, specifically the
109 prime agricultural soils?

110



Londonderry Conservation Commission
Tuesday, November 8, 2011
Minutes
Page 4 of 8

- 111 4. Section 2.8.8.2.6 (p. 7); "Preservation of important cultural resources."
112 Based on what is presented in this section, more historical research is
113 needed to uncover the important cultural resources. The orchards
114 themselves are a significant cultural resource to Londonderry and should be
115 recognized as such.
- 116
- 117 5. Section 2.8.8.2.7 (pp. 7-8); "Development of active or passive recreational
118 areas" does not address trails as recreational use.
- 119
- 120 6. Section 2.8.9.2.5 (p. 11); "Proposed total number of dwelling units and
121 overall residential density." The density of 2.1 units/acre is far beyond what
122 is permitted by the Town regulations. Conservation subdivisions, elderly
123 housing, and workforce housing all provide rewards to developers to cluster
124 housing but this plan asks for 2.1 units/acre without offering any open space
125 in return.*
- 126
- 127 7. Section 2.8.9.2.8 (p. 11); "Proposed general estimates of location and
128 number of spaces for each parking area." This section should include the
129 area of impervious surface contemplated in order to make a reasonable
130 comparison to the current land conditions and the ability to properly
131 discharge runoff and recharge the groundwater.
- 132
- 133 8. Section 2.8.9.2.10 (p. 12); "Proposed Open Space areas." This specifies
134 some forms of open space but we would still like to know the acreage in each
135 of those categories.*
- 136
- 137 9. Section 2.8.9.2.11 (p. 12); "Natural and cultural resources proposed to be
138 preserved." More research needs to be done to uncover the cultural
139 resources.
- 140
- 141 10. Page 37, number 9 states that "No animals, livestock or poultry of any
142 kind shall be raise, bred or kept on any Lot." However, agriculture is allowed
143 in most zones according to the chart on pp. 49-50 and on page 66 is defined
144 as "including the raising of livestock." Please clarify this discrepancy.
- 145
- 146 11. Page 37, number 12 prohibits the storing on any lot trucks hauling a
147 weight capacity exceeding three quarters (3/4) of a ton unless housed



Londonderry Conservation Commission
Tuesday, November 8, 2011
Minutes
Page 5 of 8

- 148 completely within an appropriate structure. Most pickup trucks built today
149 would exceed that.
- 150
- 151 12. Page 36, number 4 prohibits outside clotheslines, which seems to
152 contradict the environmentally friendly and energy efficient goals of the
153 project.
- 154
- 155 13. Page 42 states that "...the Project needs to be independent from existing
156 and otherwise applicable land use regulations...Section 2.8.8.2 of the PUD
157 ordinance...justifies departures from standards and guidelines otherwise
158 applicable in Londonderry [and in] instances of conflicts between the Project
159 Master Plan and any other Town standard, Ordinance regulation or
160 guidelines, the Project Master Plan shall control." The Project is, in fact, not
161 independent from applicable land use regulations because anything not
162 specified in the Master Plan becomes subject to site plan, subdivision and/or
163 zoning regulations. This needs to be clarified.
- 164
- 165 14. Page 43; the General Provisions state that the "Floodplain Development
166 Ordinance...shall not apply to the Project instead, State and Federal
167 regulations shall apply." The Floodplain Development Ordinance was written
168 in response to a requirement by the Federal Government to enable residents
169 to apply for flood insurance. If the Project is exempt from that, does that not
170 negate it from applying to the rest of the town? It also states that the
171 provisions of the Town's Conservation Overlay District shall not apply, yet it
172 would, in fact, continue to apply except in specific instances when it is
173 superseded by the Master Plan.
- 174
- 175 15. Page 44; Regarding the methodology to be used to determine whether
176 the Project is Revenue Positive. The methodology seems to compare one-
177 time start up costs with continuing costs. It needs to be clarified how those
178 costs will be recalculated to make them comparable. Some of the costs the
179 applicant is claiming as their own to be used to offset costs to the Town may
180 not be legitimate. Also, because this project is phased over 20-30 years,
181 points in time need to be defined where the calculation will be made (e.g. if
182 commercial development takes place the first few years, followed by years of
183 residential development, there will be a significant difference).
- 184



Londonderry Conservation Commission
Tuesday, November 8, 2011
Minutes
Page 6 of 8

- 185 16. Page 45; "Lighting" does not address limiting lighting that spills over into
186 abutters of the project. Is there/could there be an energy efficiency
187 provision?
188
- 189 17. Page 61; "On-site snow storage will not generally be required..." Please
190 address how road salt is to be kept out of the drainage ways. We would like
191 to reserve the right to address this issue again once it is realized exactly how
192 the lack of requirement is impacting water quality.
193
- 194 18. Page 71; "Revenue Positive" should include not only a cumulative
195 demonstration *but also a time-phased demonstration* that the Project is
196 generating positive financial impacts.
197
- 198 19. TND 1; The pond referred to under the "pond note" is over 30 acres in
199 size. Anything over ten acres falls under the State Shoreland Protection Act,
200 which would require a 250-foot setback around the perimeter.
201
- 202 20. Are there any preliminary calculations on stormwater or drainage for the
203 east side of the project, considering the extensive amount of impervious
204 surface to be used there? The existing topography appears to be very
205 different from the flatter area proposed; what will happen with the material
206 to be removed?*
- 207
- 208 21. The Conservation Commission provides input to the Department of
209 Environmental Services and the Wetlands Bureau specifically regarding
210 wetland impacts in town. We would therefore need to meet with the
211 applicant to address at least some preliminary issues regarding wetlands on
212 the site.
213
- 214 22. Most of the project depends on what happens to exit 4A. It needs to be
215 stated up front that the plan does not include exit 4A west.*
216
- 217 23. Regarding the phasing of the project, the boundary of phase one in TND
218 7 is drawn differently than W-2-1 and W-2-1-GL are on TND 12. This makes
219 the maxima associated with phase one unknown. In addition, only phase one
220 is addressed. A Master Plan needs to be more specific about the phasing.



Londonderry Conservation Commission
Tuesday, November 8, 2011
Minutes
Page 7 of 8

221 The maxims need to include how much open space will be included in each.
222 It needs to be determined how much open space is planned for each phase.

223
224 (* These comments recognize the fact that these initial plans are subject to
225 change.)
226

227 A. Chiampa noted that most of the open space identified east of I-93 is unusable as it primarily
228 wetlands. She asked that the LCC urge the developer to include more open space on the west
229 side of I-93 to offset the amount of impervious area proposed. Otherwise, she said, it defeats
230 the purpose of having a “walkable community.” It is also unclear whether the “40%” of open
231 space described in the Master Plan includes the unusable area on the east side and/or
232 individual residential backyards as opposed to larger open areas such as parks.

233
234 D. Lievens assumed the role of Chair again once the Woodmont Commons discussion was over.
235

236 **October 25, 2011 minutes- G. Harrington made a motion to approve the minutes of the**
237 **October 25, 2011 public session as written. P. Nickerson seconded. The motion was**
238 **approved, 5-0-1 with T. Bloom abstaining as she had not attended the meeting.**

239 T. Bloom noted that her name should be removed from the list of those attending the
240 non-public session and B. LaBrecque’s should be added. **G. Harrington made a motion to**
241 **approve the minutes of the October 25, 2011 non-public session as amended. P. Nickerson**
242 **seconded. The motion was approved, 5-0-1 with T. Bloom abstaining as she had not attended**
243 **the meeting.**

244
245 **P. Nickerson made a motion to go into Non-Public Session per RSA 91-A:3 for the purpose of**
246 **discussing the potential release of portions of non-public minutes regarding possible land**
247 **acquisitions. G. Harrington seconded.**

248
249 **Roll call vote: Aye, Paul Nickerson; Aye, Mike Speltz; Aye, Truda Bloom; Aye, Ben LaBrecque;**
250 **Aye, Gene Harrington; and Aye, Deb Lievens.**

251
252 [D. Lievens left the non-public session at 10:20 PM in order to allow Commissioners to discuss
253 the potential release of portions of non-public minutes from which she had recused herself
254 from the discussion and removed herself from the meeting room and thus was not in
255 attendance].

256



Londonderry Conservation Commission
Tuesday, November 8, 2011
Minutes
Page 8 of 8

257 **T. Bloom made a motion to go out of Non-Public Session. P. Nickerson seconded. The motion**
258 **was approved, 5-0-0.**

259
260 **T. Bloom made a motion to seal the minutes of the Non-Public Session indefinitely. P.**
261 **Nickerson seconded. The motion was approved, 5-0-0.**

262
263 **M. Speltz made a motion to release the previously redacted portions of the non-public**
264 **minutes as discussed in the non-public session. T. Bloom seconded. The motion was**
265 **approved, 5-0-0.**

266
267 **P. Nickerson made a motion to cancel the November 22, 2011 meeting in honor of**
268 **Thanksgiving. T. Bloom seconded. The motion was approved, 5-0-0.**

269
270 **T. Bloom made a motion to adjourn the meeting. M. Speltz seconded. The motion was**
271 **approved, 5-0-0.**

272
273 The meeting adjourned at 10:30 PM.

274
275 Respectfully submitted,

276
277
278
279 Jaye Trottier
280 Secretary

General Concept of Town Common to Mack's North Orchard Loop Woodlands Trail

- ◆ Linking Town Common to Town Forest and scenic Orchard Overlook vista.
- ◆ Concept of for a 4-5' wide woodlands trail with boardwalk or bridges as needed for wet areas.

