



Londonderry Conservation Commission  
Tuesday, April 14, 2009  
Minutes  
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1 **Present: Deb Lievens, Mike Considine, Ken Henault, Paul Nickerson, Ben LaBrecque and Mark**  
2 **Oswald**

3  
4 Call to order; 7:30 P.M.

5  
6 D. Lievens appointed M. Oswald to vote for Gene Harrington.

7  
8 **P. Nickerson made a motion to go into Non-Public Session per RSA 91-A:3 for the purpose of**  
9 **discussing possible land acquisition as well as discussing the potential release of portions of non-**  
10 **public minutes regarding possible land acquisitions. K. Henault seconded.**

11  
12 **Roll call vote: Aye, Deb Lievens; Aye, Paul Nickerson; Aye, Ben LaBrecque; Aye, Mike**  
13 **Considine; Aye, Ken Henault; Aye, Mark Oswald.**

14  
15 **M. Oswald made a motion to go out of Non-Public Session. P. Nickerson seconded. The motion**  
16 **was approved, 6-0-0.**

17  
18 **M. Oswald made a motion to seal the minutes of the Non-Public Session indefinitely. P.**  
19 **Nickerson seconded. The motion was approved, 6-0-0.**

20  
21 **D. Lievens entertained a motion to authorize the Chair to expend an amount not to exceed \$2,000**  
22 **from the Open Space Protection Fund for preparation of the Farm and Ranch Lands Protection**  
23 **Program grant application by the Rockingham County Conservation District regarding the**  
24 **purchase of conservation easements on map and lot 9-49 and map and lot 10-15 (a/k/a the two**  
25 **Mack parcels). M. Oswald so moved. P. Nickerson seconded. The motion was approved, 6-0-0.**

26  
27 **M. Oswald made a motion that the LCC move forward with the purchase of conservation**  
28 **easements on map and lot 9-49 and map and lot 10-15, contingent upon confirmation of grant**  
29 **approval from the Farm and Ranch Lands Protection Program, with a public hearing to follow.**  
30 **P. Nickerson seconded. The motion was approved, 6-0-0.**

31  
32 **P. Nickerson made a motion to unseal the non-public minutes of the Londonderry Conservation**  
33 **Commission designated as “Section I” (i.e. those at which D. Lievens *was* in attendance) from**  
34 **August 27, 2002 to January 27, 2009, except those parts redacted because they involve personal**  
35 **information, negotiation methods and/or potential or ongoing transaction. M. Considine**  
36 **seconded. The motion was approved, 5-0-1 (B. LaBrecque abstained as he had not attended the**  
37 **forementioned meetings).**

38  
39 **P. Nickerson made a motion to unseal the non-public minutes of the Londonderry Conservation**  
40 **Commission designated as “Section II” (i.e. those at which D. Lievens *was not* in attendance)**  
41 **from August 27, 2002 to January 27, 2009, except for those parts redacted because they involve**  
42 **personal information, negotiation methods and/or potential or ongoing transactions. M.**  
43 **Considine seconded. The motion was approved, 4-0-2 (B. LaBrecque and D. Lievens abstained**  
44 **as they had not attended the aforementioned meetings).**

45



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46 Estey easement- The LCC reviewed two estimates provided by local land surveyors for the cost of  
47 monumenting the boundary line of the area to be excluded from the conservation easement on one of  
48 the Estey lots (3-161). Estimates previously reviewed did not reflect the cost of using granite markers,  
49 which the LCC had declared a preference for at their March 24<sup>th</sup> meeting because of their durability in  
50 defining a permanent easement. The updated estimates were within \$250 of each other. In weighing  
51 the pros and cons of each, it remained unclear if one of the two would be lower since the survey does  
52 not have to be recorded. The consensus was to authorize the Chair to clarify this issue and after doing  
53 so, make the decision as to which surveyor to employ based on the specifics discussed. **K. Henault**  
54 **made a motion to authorize the Chair to expend an amount not to exceed \$2,700 from the Open**  
55 **Space Protection Fund for the cost of a survey to monument the excluded area of the Estey**  
56 **easement. B. LaBrecque seconded. The motion was approved, 6-0-0.**

57 D. Lievens also reported that Chris Kane has continued performing his baseline study for the  
58 three parcels that comprise the easement (3-100, 3-161 and 3-161-2). He will attempt to complete his  
59 fieldwork with the help of Tom Estey in order to clarify the “back boundary”. In the meantime, he has  
60 discovered the existence of wood frogs in the southwest corner of the easement while various dumps of  
61 “inert and nonhazardous” materials exist in other areas. Another dump, however, lies “on the rise  
62 south of the big barn” and consists of a crushed car and a collection of wood trash. He suggested the  
63 LCC investigate it when the aforementioned surveyors are determining that exact boundary line of the  
64 excluded area to confirm whether it lies within the easement since it would then need to be removed.  
65 Once the boundary lines are set, he can finish his study. D. Lievens and P. Nickerson will coordinate  
66 with at least one of the Esteys and the surveyor to meet on site and review the situation. After looking  
67 at an aerial view of the area, the LCC thought the trash pile might not even be an issue because if the  
68 barn C. Kane is referring to is the one next to T. Estey’s house, the trash pile would be well within the  
69 excluded area.

70  
71 Reed subdivision, Pillsbury Road- At the March 24<sup>th</sup> meeting, Joseph Maynard of Benchmark  
72 Engineering presented an updated subdivision plan for map and lot 9-63. Part of his conversation with  
73 the LCC was to seek their recommendation to the Planning Board of a waiver to use ground level  
74 monumentation of some of the Conservation Overlay District buffer. The LCC had voted in favor of  
75 using pins with caps in place of the posts with attached placards required by the zoning ordinance to  
76 mark the buffer around both the proposed and existing houses. Since a deviation from the spacing  
77 requirements set in the ordinance was not discussed, the minutes erroneously reflected that the pins  
78 must be set at 50 foot intervals. The plan as reviewed by the LCC, however, identified a greater  
79 distance between the pins as had been originally discussed in October 2008. Since the minutes stated  
80 otherwise, the Planning Board would most likely not approve the distances noted on the plan. To  
81 clarify the LCC’s intent, **P. Nickerson made a motion that the LCC support the placement of the**  
82 **pins with caps to represent the COD boundary per the plan presented at the March 24, 2009**  
83 **meeting. K. Henault seconded. The motion was approved, 6-0-0.**

84  
85 Essex Drive pool variance- The LCC reviewed a plan submitted to the Zoning Board of Adjustment in  
86 association with a request to be heard April 15<sup>th</sup> for a variance to allow an inground pool within the  
87 rear building setback at 6 Essex Court. Included on the plan are two proposed placements for the pool,  
88 one of which would infringe partially on the COD buffer and the other completely within the buffer.  
89 The consensus was for the Chair to write a letter to the ZBA stating that the applicant has not  
90 approached the LCC with these proposed locations and after seeing the plan, the LCC could not ever  
91 recommend approval of the request.



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93 Merrill easement- The NH Department of Environmental Services had been coordinating with the  
94 LCC, RCCD and the Merrill family to place an air monitoring station on map and lot 17-6 where a  
95 conservation easement exists (See October 14, November 25 and December 9, 2008 minutes). D.  
96 Lievens reported that the Merrills were unable to reach an agreement with DES and that the project has  
97 therefore been abandoned for that location.

98

99 Plummer easement- D. Lievens and P. Nickerson will coordinate a date in the very near future to  
100 perform the annual monitoring of the conservation easement on map and lot 8-1.

101

102 Red Fern Circle flooding- M. Considine visited 5 Red Fern Circle to investigate flooding reported by  
103 the property owners supposedly related to beavers damming in the Musquash Conservation Area. He  
104 reported that there is, indeed, a substantial dam complex stretching from the end of Red Fern Circle  
105 easterly to the tree line and that the water level is very high in the area. It was decided that D. Lievens  
106 would contact the owners to give them contact information for a professional trapper as well as that of  
107 NH Fish and Game who could possibly advise them on various alternatives and the correct procedure  
108 for manually deconstructing the dam.

109

110 March 24, 2009 minutes- Earlier at this meeting (see page 2), the LCC clarified the issue involving the  
111 "Reed subdivision" topic on page one of the March 24<sup>th</sup> minutes regarding the distance between pins  
112 used to mark the COD buffer. It was decided to add a notation to the March 24<sup>th</sup> minutes to consult the  
113 same topic in April 14<sup>th</sup> minutes for this clarification. **P. Nickerson made a motion to approve the**  
114 **minutes of the March 24, 2009 public hearing as amended. K. Henault seconded. The motion**  
115 **was approved, 6-0-0.**

116

117 DRC- 1) Jake Rd lot line adjustment, 6-15-3 and 6-15-4.

118

No comments

119

120 2) McDonald's site plan (storage addition), 7-119-1 and 7-119-2

121

No comments

122

123 NH Audubon Society event- P. Nickerson announced that the NH Audubon Society will be hosting a  
124 224<sup>th</sup> birthday party for John James Audubon on April 26<sup>th</sup> from 1-4 pm at the Audubon McLane  
125 Center in Concord. He invited LCC members and asked that they pass along the invitation to others.

126

127 Musquash signage/trails- M. Considine followed up his report from the March 24<sup>th</sup> meeting, stating  
128 he has completed blazing of the Blue Trail in the Musquash and will soon blaze the Orange Trail. He  
129 will then schedule a trail workday to perform other tasks needed for general trail maintenance.

130

131 **The meeting adjourned at 8:55 PM.**

132

133 Respectfully submitted,

134

135

136 Jaye Trottier

137 Secretary