



Londonderry Conservation Commission

Tuesday, May 12, 2009

Minutes

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1 **Present: Deb Lievens, Gene Harrington, Mike Considine, Ken Henault, Truda Bloom, Mark**
2 **Oswald, George Herrmann and Mike Speltz**

3
4 **Also present: Brian Farmer, Town Council Liaison**

5
6 Call to order; 7:30 P.M.

7
8 D. Lievens appointed M. Speltz to vote for Ben LaBrecque

9
10 Red Fern Circle flooding- D. Lievens reported that with the Town Manager's approval, the trapper hired
11 by the owners of 5 Red Fern Circle has trapped four beavers (leaving three yearlings) in the Musquash
12 Conservation Area. He then pulled their dam apart manually, allowing the water to drain away from the
13 aforementioned residence. Once permission is obtained from the State, he will install a beaver baffler
14 that will help deter the beavers from increasing the size of the complex again.

15
16 Public hearing- The Londonderry Conservation Commission entered into a public hearing at 7:35 PM
17 regarding the purchase of conservation easements on map and lots 9-49 and 10-15, owned by Moose Hill
18 Orchards. The public hearing was closed at 8:10 and **the LCC voted unanimously to recommend to**
19 **the Town Council that the Town proceed with the purchase and sale agreement regarding a**
20 **conservation easement on map and lots 9-49 and 10-15.** (See separate Public Hearing minutes).

21
22 Mack appraisal- **D. Lievens entertained a motion to authorize the Chair to expend an amount not to**
23 **exceed \$3,500 from the Open Space Protection Fund for the cost of the updated appraisals on map**
24 **and lot 9-49 and 10-15 as required by the Farm and Ranchland Protection Program grant**
25 **application. G. Harrington so moved. K. Henault seconded. The motion was approved, 5-0-1 with**
26 **M. Speltz abstaining.**

27
28 Manchester Airport master plan- The Manchester Boston Regional Airport is looking for a representative
29 from the LCC to participate in the updating of their master plan. Meetings will take place approximately
30 three to four times over a 14 month period. D. Lievens and T. Bloom both volunteered to represent the
31 LCC.

32
33 Route 28 and Page Road D+F- The LCC reviewed this Dredge and Fill application submitted by the
34 Town for road improvements scheduled for the intersection of Route 28 and Page Road. Sixteen wetland
35 impacts will occur along the edges of the intersection when turning lanes are added to correct the failed
36 intersection (see April 14 minutes). D. Lievens had written a letter of intervention to the Wetlands
37 Bureau after the April 14 meeting because there were not enough Commissioners present to vote on the
38 matter. Upon this review, **G. Harrington made a motion to authorize the Secretary to write a letter**
39 **to the Wetlands Bureau stating that the LCC recommends approval of the D+F application as**
40 **presented. M. Speltz seconded. The motion was approved, 6-0-0.**

41
42 Pettengill Road D+F (2)- A second D+F application was also presented at the April 14 meeting on behalf
43 of the Town for a proposed sewer interceptor on Pettengill Road. Of the 17,150 sf of wetlands impact,
44 only 30 sf will be permanent according to the written description of the project. The LCC noted,
45 however, that the wetlands impact area tables on the associated plans showed just the reverse amounts,
46 indicating that 17,120 sf would be *permanent* impact. It was believed to be a typographical error.



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47 **M. Speltz made a motion that upon clarification by the Secretary with the Public Works**
48 **Department that the permanent wetlands impacts will only total 30 sf, the Secretary is authorized**
49 **to write a letter to the Wetlands Bureau that the LCC approves of the D+F application but that if**
50 **the permanent impacts total 17,120, the LCC would have to reconsider their comments and the**
51 **Secretary is authorized to write a letter of intervention. T. Bloom seconded. The motion was**
52 **approved, 6-0-0.**

53
54 I-93 expansion- D. Lievens presented the LCC with update site plans regarding wetland impacts for the
55 widening of I-93.

56
57 Estey- Chris Kane has completed the baseline study of the Estey properties (3-100, 3-161 and 3-161-2).
58 He has identified old equipment and various items that need to be removed by the Esteys per the Purchase
59 and Sale agreement prior to the closing. M. Speltz heard recently from Tom Estey that their attorney
60 would be forwarding comments on the P&S and easement draft but he has yet to receive them.

61
62 Reed easement- M. Speltz reviewed this draft of a conservation easement deed submitted by Joe
63 Maynard of Benchmark Engineering regarding the Reed subdivision. He will contact J. Maynard with the
64 following changes:

- 65 1. Page two, section 1.A.; the words “through the auspices of the Grantee” should be
66 removed.
67 2. Page two, section 1.B; the words “farm and/or forest land” should be removed.
68 3. Page two, section 1.B; the date referring to the Master Plan should be changed to 2004.
69 4. Under “Purposes,” an item should be added that the easement would provide habitat
70 connectivity between the Higgins easement to the southeast and the Indian Brook Floodplain to
71 the north and west.
72 5. Page 4, section 2.J; the entire subsection should be removed.

73 He will also verify that the property description now identifies the actual monuments installed and
74 that a correction has been made to a portion of the description he felt was erroneous.

75 **D. Lievens entertained a motion to authorize M. Speltz to finalize the easement and property**
76 **description language with J. Maynard and subsequently give J. Maynard permission to move**
77 **forward with the project. G. Harrington so moved. K. Henault seconded. The motion was**
78 **approved, 6-0-0.**

79
80 Hazard trees, Adams Road- Owners at 101 and 103 Adams Road had inquired about taking down
81 hazardous trees that stand on conservation land in a right of way running between their two lots (map and
82 lot 6-33-13). G. Harrington and B. LaBrecque investigated the situation and reported that only one of the
83 two trees in question appeared to be endangering one of the houses but did not think it would be an issue
84 for both to be brought down. One of the owners stated that with the Town’s permission, he may call an
85 arborist to take down those trees rather than having a logger perform the work.

86 The resident also inquired as to the possibility of having a logger cross through the right of way in
87 order to take down more trees at the back end of his own property without having to cross over his
88 leachfield and risk damaging it. G. Harrington reported there are several small hardwood trees the logger
89 may have to remove to traverse the tricky topography but still thinks he can most likely avoid them. **D.**
90 **Lievens entertained a motion to authorize G. Harrington to contact the owner to proceed with the**
91 **project. M. Speltz so moved. K. Henault seconded. The motion was approved, 6-0-0.**

92



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93 Aquatic Resource Mitigation Fund- This DES fund for wetland restoration has accumulated
94 approximately \$600,000 for towns within the Merrimack River watershed. Although Londonderry must
95 apply to DES for the roughly \$150,000 associated with wetland impacts in town, two projects in
96 particular have been discussed by the LCC. The first choice is map and lot 13-20, owned by Reed Clark
97 and his five children. D. Lievens contacted one of the daughters who showed some interest but has not
98 returned her latest call. It was decided that if the funds were used to restore that particular wetland, the
99 owners would need to approve of the Town using some of the money to buy a conservation easement on
100 the land. The second choice would be the named wetland on map and lot 6-113 which is Town owned
101 property. Both choices are on DES' list of top 30 sites in the Merrimack River valley. Grant applications
102 are due June 5 and it was decided that the Rockingham County Conservation District could be hired to
103 complete the application. A review by a wetlands scientist is a requirement but this expense would be
104 included in the cost of hiring RCCD since they have their own on staff. M. Speltz will contact R. Clark's
105 daughter again and M. Oswald will assist him in pursuing the grant.

106 **M. Speltz made a motion that the LCC investigate the possibility of submitting an ARM**
107 **grant on either of the aforementioned parcels, the first choice being 13-20, the second choice being**
108 **6-113, without the use of any town funding for the wetlands restoration. G. Harrington seconded.**
109 **The motion was approved, 6-0-0.**

110
111 M. Oswald left the meeting.

112
113 Non-public minutes- At the April 14 meeting, the LCC reviewed their non-public minutes to determine
114 what information no longer warranted its non-public status. As an addition to what was previously
115 released, **M. Speltz made a motion to release the portion of the March 11, 2008 non-public minutes**
116 **relating to the Sales property with the exception that the second paragraph remain redacted. K.**
117 **Henault seconded. The motion was approved, 6-0-0.**

118
119 Ingersoll cleanup- M. Speltz presented Commissioners with photos of a recent trash cleanup of the
120 Bockes-Ingersoll forest sponsored by The Society for the Protection of NH Forests in conjunction with a
121 geo-caching group that uses the area. The "Cache In-Trash Out" event filled half of a large dumpster
122 provided by the Town as well as several pickup truckloads. Among other refuse, a paint ball course was
123 removed as well as a rusted car.

124
125 Fire in the Musquash- D. Lievens reported on a recent fire that burned in the Musquash Conservation
126 Area in an area behind the landing, stretching from "a small portion of the Yellow Trail to the rest of the
127 landing access down towards the outlook." She stated it did not cover 20 acres as had been reported
128 elsewhere, nor was the fire intense enough to char the hardwood trees. The road leading in, however, has
129 been torn up and needs to be repaired before it is made worse by people going around the damage. M.
130 Considine volunteered to assess the situation and ask the Assistant Director of Public Works to join him
131 to get his input on how best to clean up the area.

132
133 April 14, 2009 minutes- **M. Considine made a motion to approve the minutes of the April 14, 2009**
134 **public session as written. K. Henault seconded. The motion was approved, 3-0-4** (G. Harrington, T.
135 Bloom, M. Speltz and G. Herrmann abstained as they had not attended the meeting).

136 **M. Considine made a motion to approve the minutes of the April 14, 2009 non-public session**
137 **as written. K. Henault seconded. The motion was approved, 3-0-4** (G. Harrington, T. Bloom, M.
138 Speltz and G. Herrmann abstained as they had not attended the meeting).



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140 April 28, 2009 minutes- **G. Harrington made a motion to approve the minutes of the April 14, 2009**
141 **public session as written. D. Lievens seconded. The motion was approved, 2-0-5** (M. Considine, K.
142 Henault, T. Bloom, M. Speltz and G. Herrmann abstained as they had not attended the meeting).

143

144 Workforce housing- M. Speltz stated that the Planning Board is holding a public hearing regarding a
145 proposed Workforce Housing ordinance on May 13. He encouraged other Commissioners to attend and
146 said he would be speaking in favor of it.

147

148 **The meeting adjourned at 9:20 PM.**

149

150 Respectfully submitted,

151

152

153 Jaye Trottier

154 Secretary