



Londonderry Conservation Commission
Tuesday, July 28, 2009
PUBLIC HEARING
Minutes
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1 **Present: Deb Lievens, Gene Harrington, Mike Considine, Ken Henault, Paul Nickerson, Truda**
2 **Bloom, Ben LaBrecque, Mark Oswald and Mike Speltz**
3

4 D. Lievens entertained a motion to enter into a public hearing regarding the amendment of the
5 recommendation adopted on December 9, 2008, to accept 36 acres of land (map 8, lot 22) from Elliot
6 Health Systems to be changed to accepting the assignment of a right to purchase along with funds equal to
7 the purchase price and to purchase said parcel subject to conservation restrictions. K. Henault so moved.
8 G. Harrington seconded. The motion was approved, 7-0-0.
9

10 M. Speltz summarized that upon recommendation by the LCC, the Town Council accepted this
11 conveyance of land at the beginning of 2009 from Elliot Health Systems who contracted to purchase map
12 and lot 8-22 as mitigation for wetland impacts associated with Elliot's proposed building on map and lot
13 6-31. Since that time, Elliot Health Systems recommended that they instead assign their Purchase and
14 Sale agreement to the Town along with the necessary funds so the Town could purchase the land directly
15 from Colby-Litchfield LLC. This would simplify the process by eliminating an additional transaction as
16 well as establish a tracking of the purchase via a Town account. He noted that the Elliot has made an
17 effort to obtain this valued open space on behalf of the Town when they could have simply paid into the
18 State's general mitigation fund. This could have been done at a lower amount and would mean
19 Londonderry might never see any of the benefit.

20 The total purchase price is \$75,000. D. Lievens asked if that included legal fees for the closing.
21 M. Speltz said the only fee that has not been accounted for is the recording fee for the warranty deed,
22 which the Town would typically pay regardless. D. Lievens will ensure that the Town Accountant will
23 deposit the funds from Elliot into the Open Space Protection Fund. G. Harrington asked about the status
24 regarding the conservation restrictions which were a condition of the transaction. M. Speltz replied that
25 Elliot has coordinated with the Department of Environmental Services and the LCC to integrate those
26 easement restrictions into the current deed. DES would be responsible for enforcing the restrictions.

27 D. Lievens asked for comments or questions the public. She asked that the minutes reflect that no
28 public input was taken as no members of the public attended this public hearing which was properly
29 advertised according to RSA 36-A:5 and RSA 675:7.

30 D. Lievens entertained a motion to close the public hearing. **G. Harrington made a motion to**
31 **close the public hearing at 7:40 PM. P. Nickerson seconded. The motion was approved, 7-0-0.**

32 **D. Lievens entertained a motion to recommend to the Town Council that the Town proceed**
33 **with accepting the assignment of a right to purchase 36 acres of land (map 8, lot 22) along with**
34 **funds equal to the purchase price and to purchase said parcel subject to conservation restrictions.**
35 **K. Henault so moved. G. Harrington seconded. The motion was approved 7-0-0.**
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37 Respectfully submitted,
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41 Jaye A. Trottier
42 Secretary