



Londonderry Conservation Commission
Tuesday, July 28, 2009
Minutes
Page 1 of 3

1 **Present: Deb Lievens, Gene Harrington, Mike Considine, Ken Henault, Paul Nickerson, Truda**
2 **Bloom, Ben LaBrecque, Mark Oswald and Mike Speltz**

3
4 Call to order; 7:33 P.M.
5

6 Public hearing- The Londonderry Conservation Commission entered into a public hearing at 7:34 PM
7 regarding the amendment of the recommendation adopted on December 9, 2008, to accept 36 acres of
8 land (map 8, lot 22) from Elliot Health Systems to be changed to accepting the assignment of a right to
9 purchase along with funds equal to the purchase price and to purchase said parcel subject to
10 conservation restrictions. The public hearing was closed at 7:40 and **the LCC voted 7-0-0 to**
11 **recommend to the Town Council that the Town proceed with accepting the assignment of a right**
12 **to purchase 36 acres of land (map 8, lot 22) along with funds equal to the purchase price and to**
13 **purchase said parcel subject to conservation restrictions.** (see separate Public Hearing minutes).
14

15 Aquatic Resource Mitigation Fund- The Rockingham County Conservation District submitted an
16 application on behalf of the Town to obtain funding from the State's Aquatic Resource Mitigation
17 program to restore wetlands on map and lot 6-113 (see May 26, 2009 minutes). The Department of
18 Environmental Services has performed their site visit and D. Lievens reported the LCC should learn by
19 mid August if the grant application was accepted.
20

21 Mack- D. Lievens announced that the Town has not been awarded funds from the first round of the
22 Farm and Ranchland Protection Program grants. The LCC has three choices at this point: have the
23 Natural Resources Conservation Service retain the application as is, have it retained with the
24 understanding that changes and/or additional information are forthcoming, or withdraw it. After
25 speaking with an officer from the NRCS, M. Speltz passed along suggestions to Tracey Degan at the
26 Rockingham Country Conservation District who prepared the application on behalf of the LCC.
27 Adding more information regarding the natural resources associated with the property, including such
28 things as wildlife habitat, should help increase Londonderry's chances, based on the formula used by
29 NRCS to weigh various categories.

30 D. Lievens asked if any supplemental costs will be incurred from RCCD to have their staff
31 revisit the application. M. Speltz did not believe that would be the case but in the interest of meeting
32 the next deadline date of August 7, **G. Harrington made a motion to authorize the Chair to expend**
33 **an amount not to exceed \$500 from the Open Space Fund to RCCD for any further costs**
34 **associated with preparation of the FRPP grant application. P. Nickerson seconded. The motion**
35 **was approved, 7-0-0.**
36

37 Estey- M. Speltz provided an update on the 74-acre conservation easement the Town is purchasing
38 from the Estey family. A title commitment is now in place that identifies two outstanding mortgages.
39 The Esteys have assured M. Speltz that they have indeed been paid. Documentation to that effect will
40 be forthcoming.

41 H. Estey and his brother Bill are also planning to enter into a separate land exchange
42 agreement. B. Estey's attorney has asked that the Purchase and Sale agreement with the Town be
43 amended simply to reflect the fact that the closing of the exchange will occur simultaneously with the
44 closing on the easement. Once that is done, the P&S can be signed and when the mortgage issues are
45 settled, the closing can take place, hopefully within the next month.



Londonderry Conservation Commission
Tuesday, July 28, 2009
Minutes
Page 2 of 3

46 One of the use limitations listed in the easement states that forestry activities performed on the
47 property shall be done “in accordance with a written forest management plan consistent with this
48 easement, prepared by a licensed professional forester, or by other qualified person approved in
49 advance and in writing by the Grantee.” M. Speltz drafted a letter on behalf of the LCC confirming
50 their prior discussion with H. Estey that he would be certified by the LCC as a “qualified person.” M.
51 Speltz noted that not only has H. Estey had a lifelong association with wood lot management, he is
52 obviously more familiar with this land than any other candidate and has a vested interest in employing
53 best management practices. H. Estey’s son, Tom, has asked to be authorized as well. M. Speltz said
54 the draft has been amended to instruct that if Harold is incapacitated, Tom may act in his place. He
55 suggested this would also be acceptable because Tom has spent his entire life working closely with his
56 father on that land.

57 P. Nickerson inquired about oversight concerning a forest management plan and K. Henault
58 asked whether the Town would have the right to reject a plan. M. Speltz explained that the LCC
59 would have the right to ask for a copy of the plan and to ensure it is followed. They can only object to
60 those things that specifically do not meet the criteria of the easement.

61 G. Harrington suggested adding to the letter that if neither Harold nor Tom no longer own the
62 land, their certification cease at that point. M. Speltz added the following language: “This certification
63 expires in the event neither Thomas nor Harold Estey retain title to the easement property.” **G.
64 Harrington made a motion to accept the letter of certification for Harold and Tom Estey as
65 amended. K. Henault seconded. The motion was approved, 7-0-0.**

66
67 Moose Hill easement (a/k/a Flax Field easement)- Questions regarding the history and current
68 ownership of the deed to the Moose Hill easement on Pillsbury Road have been ongoing since 2007.
69 M. Speltz reported that the Town Attorney has provided him with a “cleanup deed” that he will
70 forward to Andy Mack and his business manager for their approval.

71
72 Purple Loosestrife- D. Lievens reported that after three successful days of removing purple loosestrife
73 from the Flax Field off Pillsbury Road, a significant amount of the invasive species has been
74 eliminated. One thousand Galerucella beetles that exclusively eat loosestrife have been ordered and D.
75 Lievens hopes to be able to distribute them to less accessible areas sometime in August.

76
77 PSNH- Scobie Pond substation- An application has been submitted to DES by Public Service of New
78 Hampshire for an Alteration of Terrain permit regarding expansion of their substation on map and lot
79 13-111. The LCC reviewed this proposal in May and had recommended approval of the Dredge and
80 Fill permit to the Planning Board (see May 26 minutes). D. Lievens was asked by the engineer if the
81 LCC would send a letter to Alteration of Terrain Program to relay that the LCC had no issues with the
82 project. There was no objection made by any Commissioners for her to do so.

83
84 Mill Pond subdivision- Brook Hollow Corporation has also applied for an Alteration of Terrain permit
85 to disturb approximately 1,078,931 square feet of earth to complete their 121-lot subdivision on map
86 and lot 18-13. This subdivision was originally approved by the Planning Board in 1999. D. Lievens
87 noted that their State wetlands permit expired in 2003. M. Speltz offered to contact the Town Planner
88 for his input, particularly with regard as to whether the subdivision approval is still valid. The
89 consensus was to ask DES for an extension on the deadline for comments and invite the developers to
90 the August 11 meeting.

91



Londonderry Conservation Commission

Tuesday, July 28, 2009

Minutes

Page 3 of 3

92 M. Oswald left the meeting.

93

94 Pettengill Road- A third Alternation of Terrain permit was applied for by the Town regarding work
95 being done on Pettengill Road. The LCC reviewed the associated Dredge and Fill application in April
96 and recommended approval of it in May. The deadline for comments was the same day as this
97 meeting, although the LCC had no additional input to offer.

98

99 Non-public minutes- D. Lievens provided a follow up to the LCC's decision made at their July 14
100 meeting not to release a set of non public minutes containing references to projects that have not been
101 completed. She stated that the policy for release is valid and that no changes or additions to the
102 guidelines are necessary. She reiterated that it was the LCC's decision not to release the minutes based
103 on specific criteria in their policy and that the required annual review of all non-public minutes will
104 take place again in January, 2010.

105

106 July 14, 2009 minutes- The following amendments were suggested to the minutes of the public
107 session of the July 14, 2009 meeting:

108

1. Lines 25, 27 & 31; change spelling from "Garucella" to "Galerucella" (D. Lievens)

109

2. Lines 69-70; replace "a warrant article passed in their towns" with "the town" (M. Speltz)

110

3. Line 71; remove "in Londonderry's case, the Town Council," (J. Trottier, based on item
no. 5 below)

111

4. Line 72-73; replace "for land purchased" with "to contribute funds to qualified
organizations for projects" (M. Speltz)

112

5. Line 73-75; add sentence "The Town Attorney has advised that, in Londonderry, the Town
Council has the authority to adopt the provisions of RSA 36-A:4-A, I(b)."

115

116

**G. Harrington made a motion to approve the minutes of the July 14, 2009 public session
as corrected. P. Nickerson seconded. The motion was approved, 6-0-1 with K. Henault
abstaining as she had not attended the meeting.**

117

118

119

**G. Harrington made a motion to approve the minutes of the July 14, 2009 public hearing
as written. T. Bloom seconded. The motion was approved, 6-0-1 with K. Henault abstaining.**

120

121

**G. Harrington made a motion to approve the minutes of the July 14, 2009 non-public
session as written. P. Nickerson seconded. The motion was approved 6-0-1 with K. Henault
abstaining.**

122

123

124

125

**G. Harrington made a motion to adjourn the meeting at 8:20 PM. T. Bloom seconded. The
motion was approved, 7-0-0.**

126

127

128

Respectfully submitted,

129

130

131

Jaye Trottier

132

Secretary