



Londonderry Conservation Commission
Tuesday, August 11, 2009
Minutes
Page 1 of 3

1 **Present: Deb Lievens, Gene Harrington, Ken Henault, Paul Nickerson and Ben LaBrecque**

2
3 Call to order; 7:31 P.M.

4
5 DRC (1)- 1) Falcon Road subdivision, 1-71-4

6 Comments:

7 We need a scheduled removal of silt fence.

8 We recommend restoration with native plants of any disturbance to the buffer.

9 We request removal of the shed from the buffer as it is not an approved usage.

10 The buffer should be marked with Town signage per ordinance.

11 Please note: No wetlands scientist stamp.

12
13 PSNH- Scobie Pond substation- An application was submitted to the Department of Environmental
14 Services by Public Service of New Hampshire for an Alteration of Terrain permit regarding expansion
15 of their substation on map and lot 13-111. The LCC discussed this application at their July 28
16 meeting, acknowledging their review of PSNH's proposal in May and subsequent recommendation of
17 approval for a Dredge and Fill permit. After that meeting, D. Lievens wrote to DES at the request of
18 PSNH's project engineer to express that the LCC had no issues with the proposal. D. Lievens
19 followed up that DES has approved the Alternation of Terrain Permit.

20
21 Mill Pond subdivision- At their July 28 meeting, the LCC reviewed an application for an Alteration of
22 Terrain permit submitted by Brook Hollow Corporation to disturb approximately 1,078,931 square feet
23 of earth to complete their 121-lot subdivision on map and lot 18-13. As several details were unclear to
24 the Commissioners, the consensus was to ask the DES for an extension on the deadline for comments
25 and invite the developers to the August 11 meeting.

26 D. Lievens has since received an email from the Project Manager at CLD Consulting Engineers
27 who explained a distinction made by DES for areas of work that have been "substantially completed"
28 which will be grandfathered under the "old Alteration of Terrain rules." Of the four locations in the
29 original design where storm water exited the development, two detention ponds on the southern
30 portion of the property were installed and work properly. They are therefore considered grandfathered.
31 The remaining points are treatment swales on the northerly and westerly sides of the lot where not
32 enough improvements have occurred to justify application of the former Alteration of Terrain
33 guidelines. These swales have consequently been redesigned to comply with current DES rules.

34 D. Lievens explained that since much of the project is grandfathered, it would be moot for the
35 LCC to speak further with the developers.

36
37 NH Tree Farm Field Day- This event will take place September 19 at the Blake Family Tree Farm in
38 Newport, NH.

39
40 Buying easement land- D. Lievens and G. Harrington were approached by a business owner asking for
41 input about the idea of purchasing part of a conservation easement on land abutting their property in
42 order to expand their building. Each gave their distinct opinions, neither of which was in favor of the
43 idea. Among their comments were that the specific intent of a conservation easement is to prevent any
44 development from taking place on that land. If a change is to be made, it should be for a much more
45 significant reason that to expand a building. P. Nickerson added that allowing such a purchase would
46 set a dangerous precedent. G. Harrington proposed an alternate scenario to the owner whereby they



Londonderry Conservation Commission
Tuesday, August 11, 2009
Minutes
Page 2 of 3

47 purchase the abutting lot to eliminate the current structure setback requirements and increase the
48 building envelope. D. Lievens stated that the owners may still look for additional input from the State
49 Attorney General but did not believe the issued would be pursued much further.

50
51 Mack- D. Lievens reported that because only four of the five Town Council members attended their
52 August 3 meeting, they have postponed the decision regarding whether to vote a second time on the
53 purchase of a conservation easement on map and lot 10-15. Assuming all five councilors are present at
54 their August 17 meeting, the topic will be revisited then. Mike Speltz is hoping to attend and D.
55 Lievens asked if at least one other LCC member could be present.

56
57 Aquatic Resource Mitigation Fund- D. Lievens received a message from Lori Summer of DES stating
58 that she had "good news." Although not able to reach her in person, D. Lievens said she assumed the
59 news was that Londonderry has been awarded grant money from the Aquatic Resource Mitigation
60 Fund to restore wetlands on map and lot 6-113.

61
62 Chase Road complaints- In the last quarter of 2008, the LCC became aware of complaints claiming
63 that the owner of 58 Chase Road had caused possible hydrology issues by filling a portion of Beaver
64 Brook. DES was also informed and subsequently notified the owner, Rene Belanger, that they would
65 perform a site inspection. D. Lievens reported that DES recently sent a letter to Mr. Belanger,
66 itemizing the "deficiencies" found on the lot and confirming that no permits related to wetlands,
67 shoreland or alteration of terrain have been issued by their office. He is required to hire a "qualified
68 environmental consultant" by August 17 and then submit applications for Shoreland, Alteration of
69 Terrain and after-the-fact Dredge and Fill permits by September 14. If he fails to do so, DES indicated
70 they would pursue further action.

71
72 August 25, 2009 meeting- As there were no appointments scheduled for this meeting, **G. Harrington**
73 **made a motion to cancel the August 25, 2009 meeting. K. Henault seconded. The motion was**
74 **approved, 5-0-0.**

75
76 July 28, 2009 minutes- The following amendments were suggested to the minutes of the public
77 session of the July 28, 2009 meeting:

- 78 1. Line 100; add the words "containing references to projects that have not been completed" to
79 the end of the sentence (D. Lievens).
80 2. Line 101; before the word "policy" replace "their" with "the" and afterward, replace "to do
81 so" with "for release" (D. Lievens).

82 **G. Harrington made a motion to approve the minutes of the July 28, 2009 public session**
83 **as corrected. B. LaBrecque seconded. The motion was approved, 5-0-0.**

84 The following amendments were suggested to the minutes of the public hearing of July 28,
85 2009 (re Colby-Litchfield):

- 86 1. Line 11; amend "who purchased" to "who contracted to purchase" (M. Speltz).
87 2. Line 23; change "Conservation Fund" to "Open Space Protection Fund" (D. Lievens).

88 **G. Harrington made a motion to approve the minutes of the July 28, 2009 public hearing**
89 **as corrected. P. Nickerson seconded. The motion was approved, 5-0-0.**

90
91 **K. Henault made a motion to adjourn the meeting at 8:00 PM. G. Harrington seconded. The**
92 **motion was approved, 5-0-0.**



Londonderry Conservation Commission
Tuesday, August 11, 2009
Minutes
Page 3 of 3

93
94 Respectfully submitted,
95
96
97 Jaye Trottier
98 Secretary