



Londonderry Conservation Commission  
Tuesday, November 10, 2009  
Minutes  
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1 **Present: Deb Lievens, Mike Considine, Paul Nickerson, Truda Bloom, Ben LaBrecque and M.**  
2 **Speltz**

3  
4 Call to order; 7:32 P.M.

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

7  
8 Moose Hill Orchard pond bank stabilization- Andy Mack, Sr., President of Moose Hill Orchards, Inc.,  
9 was joined by Bill Parker of Parker Garden Design LLC to present a plan to stabilize the pond on map  
10 and lot 6-21-4. Although the bank is relatively stable as it exists today, large stones will be taken from  
11 the same lot, positioned along the existing shore shelf and then filled in behind with topsoil. Further  
12 stabilization will result from the lawn area being reseeded and topped with stabilization fabric for the  
13 coming winter. A fence would eventually be placed in between the lawn and the gravel parking area  
14 for safety (see attached plan).

15 B. Parker spoke with Lori Summers of the Department of Environmental Services to ask  
16 whether an actual Dredge and Fill permit would be required since the pond/wetland itself would not be  
17 disturbed. Her response was none would be needed but suggested the project come before the LCC.  
18 M. Speltz noted that landscaping such as this is a permitted use in wetland buffers under the Town  
19 ordinance.

20 **P. Nickerson made a motion that the LCC support the project as presented and agree**  
21 **with the conclusion of DES that a D+F permit is not required for this project. T. Bloom**  
22 **seconded. The motion was approved, 6-0-0.**

23 P. Nickerson inquired as to the timetable of the project. B. Parker replied that they could begin  
24 as soon as next week and could then be finished in another two weeks after that.

25  
26 Mack- The Town was recently awarded grant funding through the Farm and Ranchland Protection  
27 Program to be used towards the purchase of a conservation easement on map and lot 10-15. Since  
28 owner A. Mack was present for the above discussion, the LCC took the opportunity to review the  
29 requisite easement process.

30 D. Lievens explained that she has emailed Town Counsel to initiate a title search and will seek  
31 confirmation of that request. M. Speltz suggested contacting Envirosense to perform the hazardous  
32 materials inspection and asked D. Lievens to verify with the Rockingham County Conservation  
33 District that they will execute the baseline study. Both need to be done prior to snow cover.

34 It was explained that it is prudent to manage these matters prior to the federal "self contained  
35 appraisal report" as that must be done as close to the closing as possible. Don Spring, who produced  
36 the original appraisals, told D. Lievens he was not as familiar with that specific kind of evaluation and  
37 as a result, gave an estimate of \$8,500 to complete the work. M. Speltz gave D. Lievens contact  
38 information for Scott Dickman of SED Valuation in Concord and suggested asking RCCD for  
39 recommendations of appraisers familiar with that specific federal review.

40 Rather than trying to fit the NRCS easement to the LCC's standards, M. Speltz suggested the  
41 reverse would expedite the process at the federal level. The language will ultimately need to be agreed  
42 upon by NRCS, A. Mack, RCCD and the LCC.

43  
44 Falcon Road subdivision- In discussing this subdivision through the Design Review Committee  
45 process and the subsequent request for a Conditional Use Permit, the LCC had requested a shed on  
46 proposed lot 1-71-22 be removed since it is not an approved use under the Conservation Overlay



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47 District ordinance. Project engineer Tim Winings explained at the October 13 meeting that the shed  
48 actually belongs to the northerly abutter and an easement is in place to allow its existence as long as he  
49 does not make any adverse possession claims. Once he no longer owns 1-71-1, the easement  
50 dissolves. The LCC had stated they would support a variance request to allow the structure to remain.

51 Since that time, the Zoning Officer has provided his interpretation of the ordinance that a  
52 variance is not necessary because a preexisting structure would be an allowed use. Unable to  
53 coordinate a discussion on the topic before the posting deadline of the ZBA agenda, the request was  
54 scheduled and it will be the determination of the Zoning Board as to whether a variance is warranted.  
55 M. Speltz noted the conflict between the Planning Board's regulation that a subdivision causes the loss  
56 of grandfathering status and Section 2.6.3.6 of the COD ordinance that permits structures and buildable  
57 lots which were in existence prior to adoption of said section.

58 The LCC still expressed concern as to whether the shed would actually be removed after the  
59 title passes on lot 71-1 due to the potential for the existing owner to overlook the obligation and the  
60 next owner not being made expressly aware of it. After further discussion, **M. Speltz made a motion**  
61 **that the LCC take the position that there is no incursion on the Conservation Overlay District**  
62 **buffer on proposed lot 1-71-22 except for the existence of the abutter's shed and that they**  
63 **support the temporary easement that has been granted to delay removal of the shed until the title**  
64 **of the abutting lot passes, but that they recommend to the Zoning Board of Adjustment that**  
65 **should variance request be granted, a condition be imposed that some means be made to ensure**  
66 **the shed is removed in a timely manner. P. Nickerson seconded. The motion was approved,**  
67 **6-0-0.**

68 With respect to the existing structures on the southwest corner of parcel 1-71-4, T. Winings  
69 verified with the LCC that the wetland involved was not named, meaning the previously discussed  
70 100-foot buffer would not apply. The point is therefore made moot since the structures lie outside the  
71 now 50-foot buffer.

72  
73 Paul lot line adjustment- This proposed lot line adjustment between map and lot 11-89 and 89-1 was  
74 also discussed with T. Winings at the October 13 meeting. The same concern arose regarding  
75 structures existing in a buffer triggered by a subdivision. It will again be up to the Zoning Board at  
76 this point as to whether a variance is necessary, although the LCC agreed that their position has not  
77 changed that a subdivision would cause the loss of any grandfather status. The motion approved on  
78 October 13 would therefore still stand, i.e. that the LCC would support a variance request to allow the  
79 owners "to continue to use the land northwest of the existing tree line as shown on the plan presented"  
80 with the condition that "the Zoning Board restrict the portion to be added to map and lot 11-89 to be  
81 restricted to natural land cover."

82  
83 Aquatic Resource Mitigation Fund- The LCC was awarded \$20,000 in grant money from the State's  
84 Aquatic Resource Mitigation Fund to develop a restoration plan for long-term improvements to the  
85 wetland on map and lot 6-113. At the October 13 meeting, bids from Gove Environmental and  
86 RCCD were reviewed and D. Lievens explained that details of the third quote she received from  
87 Vanasse Hangen and Brustlin had not been forthcoming despite several attempts to obtain them.

88 Since then, D. Lievens has learned that VHB's vetting process for proposals has become more  
9 complex which explains their lack of response. The consensus was to forgo that quote. After  
90 reviewing the Gove and RCCD bids again (at \$13,000 and \$17,090 respectively), **M. Speltz made a**  
91 **motion to contract with Gove Environmental Services to perform the work spelled out in their**  
92 **letter of October 15. P. Nickerson seconded. The motion was approved, 6-0-0.**



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93 M. Speltz also offered to contact Lori Summer at DES to see if a notice of grant award with  
94 conservation restrictions would suffice instead of a more costly easement deed.  
95

96 Boy Scout trail project D+F- The LCC received a Notification of Trail Development Activities  
97 Having Minimum Wetland Impacts from DES regarding a path at the intersection of King Charles  
98 Drive, King Phillip Drive and the Town own fields on map and lot 9-55A. A Londonderry Boy Scout  
99 is making improvements to the crossing there to prevent further wetland impacts.  
100

101 Musquash/town trails- M. Considine provided a wrap up of the Trails Day that took place in the  
102 Musquash Conservation Area on October 31. Three plank bridges were installed over historically wet  
103 areas of different trails and a fourth is in place, waiting to be secured. Two spots more significantly  
104 impacted by water were rerouted altogether as had been planned. Everything previously cleared on the  
105 Overlook has been removed. Finally, the new White Trail including the extension to Faucher Road has  
106 been completed. Boy Scout M. Saur has erected his kiosk there and will be installing additional  
107 signage shortly. M. Speltz recommended publicizing the new trail and its recreational opportunities.  
108 M. Considine said Londonderry Trailways was going to discuss that at their next meeting. D. Lievens  
109 thanked M. Considine for his efforts.  
110

111 Tanager Landing trail- M. Considine provided confirmation that a trail has been established across the  
112 Town owned lot on Tanager Landing (5-10-40). It leads over to the power lines and connects with an  
113 older trail which eventually leads up into the Musquash.  
114

115 DRC- Higgins lot line adjustment, 9-85 & 85-1;

116 Comments: Be sure to note the removal of the culvert per J. Maynard's presentation to the LCC  
117 in the minutes of our March 24, 2009 meeting, i.e. "A portion of the existing driveway between the  
118 Higgins residence on 9-85-1 and the house on 9-85 will be discontinued and allowed to naturalize so  
119 that the new driveway connecting to the Town right of way on Winding Pond Road will not be a thru  
120 street to Pillsbury Road" (lines 37-39).  
121

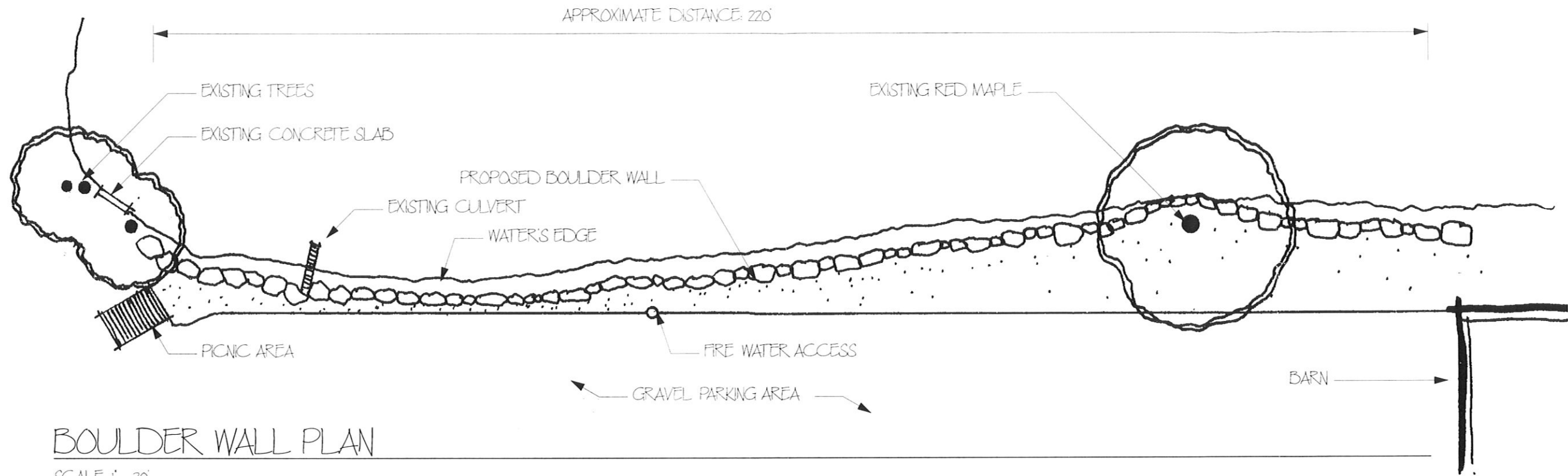
122 October 13, 2009 minutes-

123 **T. Bloom made a motion to approve the minutes of the October 27, 2009 public session as**  
124 **written. B. LaBrecque seconded. The motion was approved, 5-0-1 with M. Speltz abstaining as**  
125 **he had not attended the meeting.**  
126

127 **M. Considine made a motion to adjourn the meeting at 9:02 PM. P. Nickerson seconded. The**  
128 **motion was approved, 6-0-0.**  
129

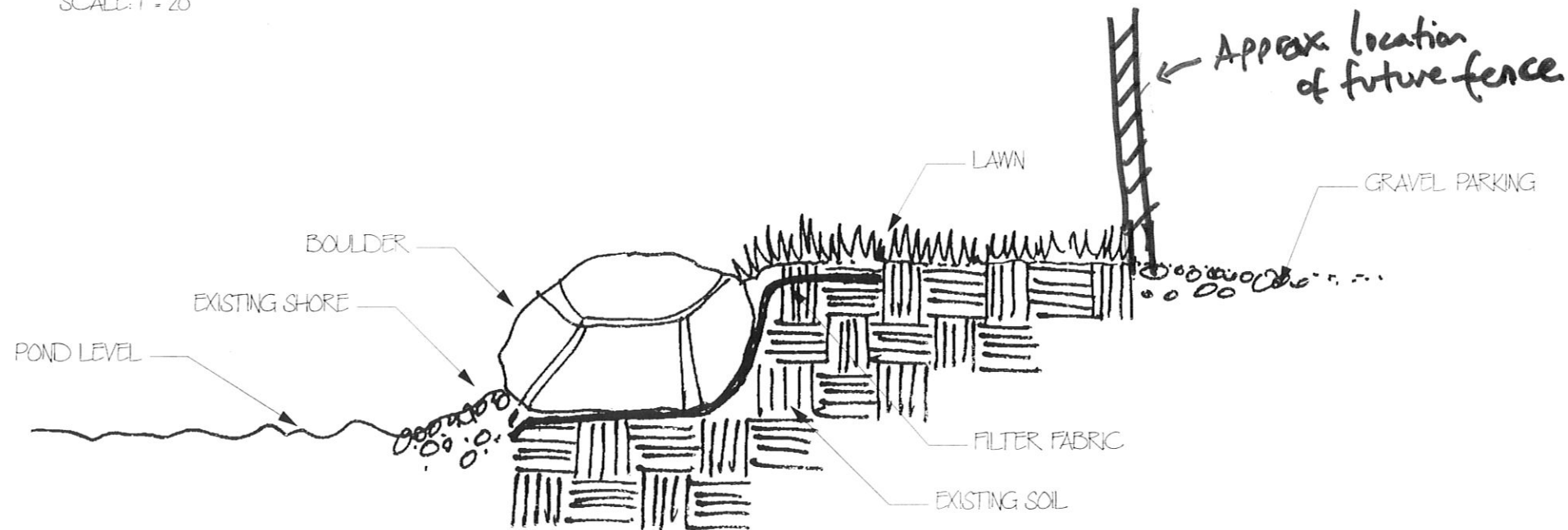
130 Respectfully submitted,  
131

132  
133 Jaye Trottier  
134 Secretary



**BOULDER WALL PLAN**

SCALE: 1" = 20'



**BOULDER WALL ELEVATION**

SCALE: 1/2" = 1-0'

**MACK'S APPLES**

LONDONDERRY, NH  
 DATE: NOVEMBER 9, 2009  
 PREPARED BY:

**PARKER**  
 garden design LLC

