



Londonderry Conservation Commission

Tuesday, December 8, 2009

Minutes

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1 **Present: Deb Lievens, Gene Harrington, Mike Considine, Paul Nickerson, Truda Bloom, Ben**
2 **LaBrecque, Mark Oswald (late), and M. Speltz (late)**

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

5
6 Monitoring- As part of the annual monitoring of the Moose Hill Orchard conservation easements, D.
7 Lievens and P. Nickerson recently walked Phase III, i.e. 6-97 south, but discovered afterwards that
8 they had not covered the area completely. G. Harrington pointed out that an additional lot to the south,
9 6-83-2, is considered part of that same phase. P. Nickerson will finish walking the rest of 6-97 as well
10 as 6-83-2 and complete the monitoring reports.

11
12 M. Speltz arrived at 7:38 P.M. D. Lievens appointed him to vote for Ken Henault.

13
14 Aquatic Resource Mitigation Fund- The LCC was awarded \$20,000 in grant money from the State's
15 Aquatic Resource Mitigation Fund to develop a restoration plan for long-term improvements to the
16 wetland on map and lot 6-113. The Department of Environmental Services made the grant contingent
17 upon the LCC placing an "extra layer of protection" on the property and has agreed that a deed
18 restriction would suffice. M. Speltz has received the DES model language for their executory interest
19 which he will use to draft the restriction.

20 D. Lievens met with Lori Summer of DES on December 3 and received approval of the Gove
21 Environmental Service restoration proposal that the LCC voted to accept in November. Although
22 Gove's plan would cost only \$13,000, D. Lievens said the LCC should still request the entire \$20,000,
23 allowing for a \$2,000 contingency component while the remaining \$5,000 could be used to start the
24 restoration itself. D. Lievens said the LCC should still request the entire \$20,000 given that Gove
25 suggested a \$2,000 contingency plan and the remaining \$5,000 could be used to start the restoration
26 itself.

27
28 An official contract needs to be signed with Gove and M. Speltz suggested using language that
29 the agreement is contingent upon the LCC being in receipt of the grant funds.

30
31 Mack- D. Lievens provided another update on the work being done to fulfill the requirements of the
32 Farm and Ranchland Protection Program grant to be used towards the purchase of a conservation
33 easement on map and lot 10-15.

34 At the November 24 meeting, a discussion ensued over a quote obtained to complete a Phase I
35 environmental assessment, resulting in the question as to whether the Natural Resources Conservation
36 Service would require a certified professional or would allow the LCC to use their own resources. D.
37 Lievens has since learned that the Phase I assessment is actually the responsibility of NRCS.

38 Scott Dickman of SED Valuation was contacted for an estimate on the requisite updated
39 appraisal. He responded with a proposal of \$4,500-\$5,500 with delivery on or before May 14, 2010.
40 His letter states in part, "The intended use of the appraisal is to assist in establishing a basis for the
41 acquisition of the development rights resulting from the placement of a conservation easement on the
42 property. The value of the easement will be derived from an appraisal of the property at its highest and
43 best use before the easement, followed by an appraisal of the rights and interests remaining in the
44 property following the conveyance of the proposed easement on a portion of the property. The
45 property will be valued as of the date of inspection and will comprise a self contained appraisal
46 format."



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47 M. Speltz explained to S. Dickman that Andy Mack would reserve the right to subdivide off
48 one house lot as well as build a second house on the remaining larger parcel. In the event A. Mack
49 exercises his withdrawal right(s), the subdivided lot and/or the area to be included around the second
50 house would no longer be part of the easement. A. Mack will need to supply details of his intentions
51 to ensure they do not conflict with the purposes of the easement. D. Lievens explained that not only
52 does S. Dickman have specific experience with the necessary self-contained appraisal format; his
53 estimate is far below the quote of \$8,500 received from Don Spring who did the original appraisal but
54 was not as familiar with that kind of assessment.

55 **M. Speltz made a motion to authorize the Chair to expend an amount not to exceed \$5,500**
56 **from the Open Space Protection Fund for a contract with SED Valuation to appraise the Mack**
57 **parcel, i.e. 10-15. G. Harrington seconded. The motion was approved, 7-0-0.**
58

59 Londonderry Trailways- D. Lievens attended the most recent Londonderry Trailways meeting. Part of
60 their plan to promote interest in their organization is to develop a logo, place additional signage on the
61 various town trail kiosks and update their website. They would like the latter to include a map of the
62 Bockes Forest. D. Lievens asked M. Speltz to forward her his electronic copy of that map.
63

64 LCC webpage- After discussing Londonderry Trailways' desire to improve their webpage, D. Lievens
65 expressed her interest in doing the same with the LCC page on the Town's website. Commissioners
66 then examined their site briefly and noted the first change will need to be erroneous heading
67 "Conservation Committee." M. Considine suggested that Ken Henault would probably be the best
68 resource on the Commission to redesign the site, add information, maps, pictures, etc.
69

70 Annual report- D. Lievens had distributed electronic copies of her draft submission for the Town's
71 annual report to the rest of the Commission. M. Speltz provided his written modifications which the
72 Commissioners reviewed. D. Lievens will take all input and submit the revised version to the Town
73 Manager's office.
74

75 Town Council meetings- M. Speltz suggested that the LCC become proactive in providing regular
76 informational updates to the Town Council and thereby the public as well. Whereas Council liaisons
77 were formerly charged with attending Board and Commission meetings and reporting to the Council, a
78 change in policy requires they only be present if invited or if they so choose.

79 The last update to the Open Space Plan was in 2006, since which time the makeup of Council
80 has changed significantly. Although the information has been available on the Town website, M.
81 Speltz noted that it is of little use if people do not know to look for it. To inform those unfamiliar with
82 the LCC's various plans, ongoing responsibilities, special projects, etc., M. Speltz proposed that LCC
83 members take turns presenting different items to the Council with some sort of regularity (e.g.
84 quarterly).
85

86 November 24, 2009 minutes- D. Lievens clarified that her description of the pesticides used on lot 10-
87 15 (see line 81) as not being 'the heavier kind' meant that "only the more currently approved
88 herbicides/pesticides would have been used."

89 **G. Harrington made a motion to approve the minutes of the November 24, 2009 public**
90 **session as amended. M. Speltz seconded. The motion was approved, 4-0-3 with P. Nickerson, T.**
91 **Bloom and B. LaBrecque abstaining as they had not attended the meeting.**
92



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93 Boy Scout trail project D+F- At their last meeting, the LCC reviewed a Notification of Trail
94 Development Activities Having Minimum Wetland Impacts from DES regarding a path at the
95 intersection of King Charles Drive, King Phillip Drive and the LAFA fields on 9-55A. A Londonderry
96 Boy Scout is making improvements to the crossing there to prevent further wetland impacts. DES
97 issued a second notice, this time explaining to the Scout that they had further questions before he could
98 begin.

99
100 Alteration of Terrain permit- DES has approved the Manchester-Boston Regional Airport's Alteration
101 of Terrain permit regarding their drainage improvements for deicing fluid collection (see October 27
102 minutes). The LCC noted the importance of this approval that results in keeping deicing fluids from
103 entering the Little Cohas Brook.

104
105 Manchester-Boston Regional Airport master plan- D. Lievens attended the of these meetings that will
106 update the Airport's master plan. She reported that the meeting was largely informational to educate
107 the advisory committee.

108
109 Nevins expansion Alteration of Terrain Permit- DES sent notice to PD Associates regarding their
110 Nevins expansion project approved in 2007. The Alteration of Terrain Permit issued did not explicitly
111 include both separate "Nevins" and "Nevins Expansion" projects although they believe that was the
112 likely intention. Both will now be clearly included under the permit which is also being amended to
113 include a 5-year extension.

114
115 COD buffer ordinance and pre-existing structures- Two separate projects recently brought before the
116 LCC raised the issue of pre-existing structures on lots where the Conservation Overlay District buffer
117 is activated by a subdivision (see November 24 minutes, "Paul lot line adjustment" and "Falcon Road
118 subdivision"). According to the Zoning Officer, pre-existing structures and uses are allowed under
119 Section 2.6.3.6 of the COD ordinance, whereas the LCC asserted that the grandfathered status of
120 everything pertaining to such a lot ceases when the land is subdivided.

121 M. Speltz reported that in formulating his rationale to explain the LCC's point to the Zoning
122 Officer, he believed he discovered a possible explanation for the conflicting interpretations. Section
123 2.6.3.6 states:

124
125 "2.6.3.6 Pre-Existing Residential Structures, Uses, and Lots
126 2.6.3.6.1 Notwithstanding other provisions of this section, the
127 **construction** of additions and extensions to one and two family
128 dwellings and **accessory residential uses** shall be permitted within
129 the CO District..." (emphasis added).

130
131 This language, M. Speltz asserted, is ambiguous because it is unclear whether "accessory residential
132 uses" is intended to be included in the list of those things "constructed" or whether it is separate (i.e.
133 should there be a comma after the word "dwellings"?). If it is indeed separate and the Zoning Officer
134 interprets something like the maintenance of a lawn to be an "accessory residential use," that may
135 explain the difference. He still plans to meet with the Zoning Officer to discuss it.

136
137 Aquifer Protection ordinance- M. Speltz advised that the LCC consider once more drafting an Aquifer
138 Protection ordinance as they have discussed in the past. Other towns in the region have implemented



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139 their own and could be used as a guide. D. Lievens noted that updated aquifer maps can now be
140 obtained through NH Granit.

141

142 Town Forest- M. Oswald and D. Lievens met with a State licensed pesticide professional in the Town
143 Forest (6-97-1) to discuss the removal of the invasive bittersweet species. He will put together a
144 proposal but estimated the first round (aimed at removing what is most destructive) will take
145 approximately two days. He would utilize a 100-foot wide grid with two assistants to cut, pull, or
146 spray the vine base with pesticide.

147 On a related matter, Town Forester Charlie Moreno has marked the trees to be taken down in
148 the selective cut approved by both the Heritage Commission and the LCC. He has yet to put the work
149 out to bid and M. Oswald has tried contacting him again to have that done as soon as possible so the
150 cut can occur during the winter months.

151 The pesticide specialist mentioned that his work would be more effective if some of the brush
152 and fallen trees were removed, especially after the damage done in the December 2008 ice storm. The
153 LCC decided they would not want to remove all such natural material, knowing the benefits to the
154 forest ecology and wildlife habitat. They decided to examine the forest after the selective cut and then
155 enlist the help of the Boy Scouts to remove what would aid the pesticide specialist, whose work would
156 probably begin in the summer of 2010.

157

158 **G. Harrington made a motion to adjourn the meeting at 8:38 PM. M. Speltz seconded. The**
159 **motion was approved, 7-0-0.**

160

161 Respectfully submitted,

162

163

164 Jaye Trottier

165 Secretary