



Londonderry Conservation Commission
Tuesday, August 26, 2008
Minutes
Page 1 of 3

Present: Deb Lievens, Mike Considine, Paul Nickerson and Mike Speltz

Call to order; 7:40 P.M.

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

MacGregor cut CUP- Jennifer McCourt of McCourt Engineering Associates returned with the formal application for a Conditional Use Permit associated with an elderly housing project on map and lot 12-120 (see August 8, 2006 and August 12, 2008 minutes). A Dredge and Fill permit was previously approved by the LCC for 5,914 square feet of impact, at which time a preliminary discussion about the CUP occurred. Conservation Overlay District buffer impacts would total 13,974 sf with 11,683 sf of that being permanent.

To reduce this impact, the LCC commented at the last meeting that they would support the two waiver requests the applicant will seek through the Planning Board, one to allow 2:1 slopes and the other to reduce the width of the internal road from 28 feet wide as required by the Town Engineer to 24 feet wide. J. McCourt noted that the 5x3 box culvert to be used under the wetland crossing will still be sturdy enough to prevent deterioration of a 24 foot wide road and therefore should allay any concerns the Fire Department would have about supporting emergency vehicles.

Following some discussion, it was also decided that despite the unlikelihood that any further development would take place to the east of the development because of the lack of access onto Hardy Road, the LCC would formally request that the land there remain untouched.

M. Speltz made a motion to recommend approval of the CUP to the Planning Board with the additional conditions that there be no further development east of the units shown on the plan and that the Planning Board strongly consider reducing the width of the road serving the townhouse units to minimize impact on the wetland and wetland buffer. M. Considine seconded. The motion was approved, 4-0-0.

Pittore Bros. Paving- While reviewing an After the Fact D+F application for the Pittore's property on map and lot 13-99 (see August 12, 2008 minutes), the LCC noted to the applicant's engineer that a variance from the zoning ordinance would most likely be required for parking to be placed in the COD buffer since it could not be addressed through a Conditional Use Permit.

In response to that comment, the applicant submitted area variance requests to the Zoning Board of Adjustment to be heard at their September 17th meeting. Copies were provided for Commissioners at this meeting to review the request and the five variance criteria the applicant must address per State statute. Two of the five arguments to be made are that the appeal is not contrary to either the spirit of the ordinance or the public interest. M. Speltz stated that the proposed use of the pavement in the buffer would be directly inconsistent with the intent of the COD ordinance to preserve the quality of wetlands, ponds and streams. That, in turn, contradicts the public interest by potentially compromising vital natural resources.

Elliot Health Systems- To compensate for a lack of on site mitigation related to the construction of the next phase of the Elliot Health Systems on map and lot 6-31, CLD Consulting Engineers had met with the LCC previously about the possible purchase of other property in Londonderry. One possibility had presented itself which the LCC encouraged the Elliot to pursue since it is high on the Open Space Task Force's list of lands to be protected. Map and lot 8-22, referred to as the "Colby-Litchfield piece," abuts the Musquash and features prime upland areas on its 36 acres. D. Lievens stated that the acquisition is now indeed underway and that the final step is approval from the Department of Environmental Services.



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Tuesday, August 26, 2008

Minutes

Page 2 of 3

Monitoring; Ingersoll easement- D. Lievens told LCC members that the Rockingham County Conservation District quoted her an estimate of \$600 to perform the annual monitoring of the Town's easement on the Ingersoll property. **P. Nickerson made a motion to hire the RCCD to perform the annual monitoring of the Ingersoll easement. M. Considine seconded. The motion was approved, 4-0-0.**

Monitoring; all Town easements- P. Nickerson will be reviewing the list of the Town's conservation easements and coordinating what monitoring tasks needs to be completed, e.g. Mack's, Plummer and various smaller easements.

Membership- D. Lievens reminded P. Nickerson and M. Considine that their terms as Commissioners were ending this December 31st and if interested in serving again, they would simply need to submit a written request to the Town Council. Ken Henault and Mark Oswald will also be reminded that their terms expire then as well.

Alteration of Terrain permit, 14-38- A letter was recently sent by the LCC to the Alternation of Terrain Division of DES regarding an application submitted by the owners of map and lot 14-38 to disturb approximately 400,000 square feet of land. Concerned with the preservation of the water quality of Horsetrail Brook that runs across the lot, the letter noted the LCC's belief that a 150 foot buffer had been imposed on Horsetrail Brook by the Army Corps of Engineers as part of the mitigation for the proposed Airport access road. D. Lievens reported that DES has since informed her that they would not be able to consider this buffer when assessing the application. They had advised the LCC, however, that their concerns could be directed through the Town's own permitting procedure for excavation. D. Lievens is currently awaiting verification from the Town Planner as to whether any permit was obtained or even required.

PSNH D+F- Public Service of New Hampshire received a Minimum Impact D+F permit in 2007 for 262 sf of permanent wetland impacts and 400 sf of temporary disturbance associated with the installation of new utility poles and guy wires within their easement in Londonderry. LCC members performed site walks of the area last August to confirm the information of the application and had recommended approval to DES. D. Lievens reported that PSNH has now submitted an additional "After the Fact" application to DES for an additional four square feet of impact that had not originally been anticipated.

Local Government Center seminar- D. Lievens informed members of a Local Government Center workshop entitled "Land Use Clerk Works: Conservation Commissions," to be held September 20th in Concord regarding the Right to Know Law, conservation easements and working effectively with DES.

CIP- M. Speltz attended the recent Capital Improvement Plan meeting to represent the LCC and the Open Space Plan. The CIP Committee voted to approve a \$2 million placeholder for the Open Space Protection Program in 2010 and \$1 million in both 2014 and 2015. He noted it had been very helpful to have Andy Mack's permission to make known the potential purchase of land he owns on map and lots 9-49 and/or 10-15 because it presented a specific example of the kind of open space the program can provide the residents of Londonderry.

- DRC (2)-
1. Reeds Ferry Small Buildings, site plan 2-34-3
No comments
 2. Seekins subdivision, 12-11
No comments



Londonderry Conservation Commission
Tuesday, August 26, 2008
Minutes
Page 3 of 3

August 12, 2008 minutes- **P. Nickerson made a motion to approve the minutes of the August 12, 2008 meeting as written. M. Speltz seconded. The motion was approved, 3-0-1** (M. Considine abstained as he had not attended the meeting).

The meeting adjourned at 9:05 PM.

Respectfully submitted,

Jaye Trottier
Secretary